

LAW OFFICES OF
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August 2, 2010

(See attached Certificate of Service)

**NOTICE OF VIOLATION OF
CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.**

Dear Public Enforcement Agencies and Chico Scrap Metal, Inc.:

This office represents the California Sportfishing Protection Alliance (“CSPA”), a California non-profit public benefit corporation with over 2,000 members. CSPA is dedicated to the preservation, protection, and defense of the environment, wildlife and natural resources of California’s waters, including Crouch Ditch, Comanche Creek, Butte Creek, Honcut Creek, North Fork Honcut Creek, Hamlin Slough, Wyman Ravine, the Feather River, the San Joaquin River, the Sacramento River, and the Sacramento-San Joaquin Delta and their tributaries.

CSPA has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code §25249.5 *et seq.* (also referred to as “Proposition 65”). This letter serves to provide you and the Violator with CSPA's notification of these violations. Pursuant to §25249.7(d) of the statute, CSPA intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public enforcement agencies commence and diligently prosecute an action against these violations. A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

The name of the violator covered by this notice is **CHICO SCRAP METAL, INC.** (hereinafter referred to as “the Violator”). These violations involve the discharge of lead and lead compounds to sources of drinking water. These Proposition 65-listed toxins have been discharged, and are likely to continue to be discharged, by the Violator from each of the three Chico Scrap Metal, Inc. facilities located at the following addresses: 878 East 20th Street in Chico, California (“Facility 1”); 766 Chico-Oroville Highway in Durham, California (“Facility 2”); and, 1855 Kusel Road in Oroville, California (“Facility 3”) (collectively, “the Violator’s Facilities”).

The Violator is discharging lead and lead compounds from the Violator’s Facilities to designated sources of drinking water in violation of Proposition 65. The Violator is allowing storm water contaminated with lead and lead compounds to discharge from Facility 1 into three City of Chico municipal storm water inlets, which then empty into Crouch Ditch, thence to Comanche Creek, thence to Butte Creek, thence

to the Sacramento River. The Violator is allowing storm water contaminated with lead and lead compounds to discharge from Facility 2 into an unnamed intermittent creek, thence to a Durham Mutual Water Company irrigation ditch, thence to Hamlin Slough, thence to Butte Creek, thence to the Sacramento River. The Violator is allowing storm water contaminated with lead and lead compounds to discharge from Facility 3 into an unnamed intermittent creek, thence to Wyman Ravine, thence to North Fork Honcut Creek, thence to Honcut Creek, thence to the Feather River.

Crouch Ditch, Comanche Creek, Butte Creek, Hamlin Slough, Wyman Ravine, North Fork Honcut Creek, Honcut Creek, the Feather River and the Sacramento River are designated as sources of drinking water in the "Water Quality Control Plan for the Sacramento River and San Joaquin River Basins," generally referred to as the "Basin Plan."

Information available to CSPA indicates that these ongoing unlawful discharges have been occurring since at least approximately 2005. As part of its public interest mission and to rectify these ongoing violations of California law, CSPA is interested in resolving these violations expeditiously, without the necessity of costly and protracted litigation. CSPA's address is 3536 Rainier Avenue, Stockton, CA 95204. The name and telephone number of the noticing individual within CSPA is Bill Jennings, Executive Director, (209) 464-5067. CSPA has retained legal counsel to represent it in this matter. Therefore, please direct all communications regarding this notice to CSPA's outside counsel in this matter:

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Erik M. Roper
Hallie Beth Albert
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Petaluma, CA 94952
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Fax. (707) 763-9227
Andrew@PackardLawOffices.com

Sincerely,



Andrew L. Packard
Attorneys for Plaintiff
California Sportfishing Protection Alliance

cc: (see attached Certificate of Service)

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct. I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 100 Petaluma Boulevard North, Suite 301, Petaluma, California 94952.

On August 2, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986: A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a U.S. Postal Service Office for delivery by Certified Mail:

Carl B. Leverenz, Agent for Service of Process
Chico Scrap Metal, Inc.
515 Wall Street
Chico, CA 95928

Mr. George Scott, Sr.
Chico Scrap Metal, Inc.
878 20th Street
Chico, CA 95928

Proposition 65 Enforcement Reporting
California Attorney General's Office
1515 Clay Street, Ste. 2000
Oakland, CA 94612

On August 2, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;** on the following parties by placing a true and correct copy thereof in a sealed envelope, and depositing it in a US Postal Service Office for delivery by First Class Mail:

The Honorable Michael L. Ramsey
Butte County District Attorney
25 County Center Drive
Oroville, CA 95965

The Honorable John R. Poyner
Colusa County District Attorney
547 Market Street, Suite 102
Colusa, CA 95932

The Honorable Robert Kochly
Contra Costa County District Attorney
900 Ward Street
Martinez, CA 94553

The Honorable Jan Scully
Sacramento County District Attorney
901 "G" Street
Sacramento, CA 95814

The Honorable David W. Paulson
Solano County District Attorney
675 Texas Street, Ste 4500
Fairfield, CA 94533

The Honorable Carl Adams
Sutter County District Attorney
446 Second Street
Yuba City, CA 95991

The Honorable Jeff W. Reisig
Yolo County District Attorney
301 2nd Street
Woodland, CA 95695

The Honorable Patrick McGrath
Yuba County District Attorney
215 Fifth Street
Marysville, CA 95901

Executed on August 2, 2010, in Petaluma, California.



Erik M. Roper
Attorneys for Plaintiff
California Sportfishing Protection Alliance