

Environmental World Watch, Inc./RBC Co.
333 N. Central Ave, 828
Fillmore, California 93016

November 23, 2010

**AMENDED
NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986
(California Health and Safety Code § 25249.5 *et seq.*)
TO THE WALT DISNEY COMPANY**

First Class Mail-Proof of Service Attached

Mr. Bob Iger
President
The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521-0686

Re: Discharge To Drinking Water and Exposure to Chromium VI (Hexavalent Chromium and its compounds) 1989-2010.

Dear Mr. Iger:

Environmental World Watch, Inc/RBC Co., as well as the individuals listed in Exhibit B to this Amended Notice Letter (collectively the "Noticing Parties") serve this Amended Notice of Violation ("Amended Notice") upon THE WALT DISNEY COMPANY ("Disney" or the "Noticed Company"), pursuant to and in compliance with California Health and Safety Code ("H&S Code") § 25249.7(d) and Title 27 California Code of Regulations ("CCR") § 25903.

This Amended Notice amends the prior Notice Letter (s) dated January 10, 2007 and March 9, 2009 ("Prior Notice Letters"), as served by Environmental World Watch, Inc./RBC Co., and other parties. This Amended Notice incorporates the previous Notice Letters into this Amended Notice Letter as though set forth herein in full.

This Amended Notice satisfies a prerequisite for the Noticing Parties to commence an action against Disney to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (California H&S Code § 25249.5 *et seq.*) On information and belief, the violations addressed by this Amended Notice occur in the City of Los Angeles, the City of Burbank, Los Angeles County, and in the state of California. This Amended Notice is being served upon Disney, the California Attorney General, the district attorney of Los Angeles County, and the city attorney of the City of Los Angeles. If Disney has a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel, this Amended Notice is being addressed to, and served upon, one of those persons.

Not attached as an Exhibit to this Amended Notice is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) as it has been previously provided: A Summary." Copies of the Summary are also not required to be, and are not being, provided to the public enforcement agencies.

Proposition 65 Notice
Environmental World Watch, Inc.
RBC Co.
www.ewwlaw.us

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A description of the Noticing Parties, the Alleged Violator, and the Alleged Violations addressed by this Amended Notice follows:

- ◆ This Amended Notice is provided by Environmental World Watch, Inc./RBC CO. ("EWW/RBC"), and the individuals listed in Exhibit A to this Amended Notice, collectively (the "Noticing Parties"). EWW/RBC is based in the City of Los Angeles and is registered as a Delaware corporation with the California Secretary of State. EWW is acting in the public interest pursuant to H&S Code § 25249.7(d), and is dedicated to protecting the environment; improving human health and supporting environmentally sound practices. The individuals within the noticing parties are separately identified at Exhibit A and are persons acting on their own behalf, and are/were residents of the City of Los Angeles, City of Burbank, City of Glendale and other Cities yet unknown, but mostly within the State of California.
- ◆ The Noticed Company's name and address is:

The Walt Disney Company
500 S. Buena Vista Street
Burbank, CA 91521-0686
- ◆ The violations addressed by this Amended Notice began on or after April 1, 1989, have occurred on numerous occasions each and every day since April 1, 1989, and are ongoing and continuing.
- ◆ This Amended Notice covers both the "discharge" provision of Proposition 65, which is found at H&S Code § 25249.5, and the "warning" provision of Proposition 65, which is found at H&S Code § 25249.6.
- ◆ The names of each chemical that is listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 involved in the violations addressed by this Amended Notice are Chromium VI (Hexavalent Chromium) and its compounds, listed as a Proposition 65 carcinogens on February 27, 1987; The Listed Chemicals are listed, and have been so listed for more than twelve months, by the Governor of the State of California as being a chemical known to the State of California to cause cancer.
- ◆ The Listed Chemical was knowingly discharged or released into water or onto or into land where such chemical passed or probably will pass into a source of drinking water from Disney's facility at or around 500 S. Buena Vista St., Burbank, CA 91521-0686, in the City of Burbank, in Los Angeles County, in the State of California (the "Facility").
- ◆ The Listed Chemical was knowingly discharged or released into water from [cooling towers, boilers, ink, paint and photographic process operations] or onto or into land where such chemical passed or probably will pass into a source of drinking water from Disney's facility, from Feb 26, 1993 till the present, at or around the Facility.

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- ◆ Many more individuals have been found recently, and they are the subject of this Amended Notice. These new Noticing Parties were exposed to the Listed Chemical with the routes of their individual exposures for the violations addressed by this Notice as inhalation, dermal and/or ingestion.
- ◆ In the course of doing business, Disney knowingly and intentionally has exposed, and continues to expose, individuals to the Listed Chemical. No clear and reasonable warning is or has been provided by Disney to individuals regarding their individual exposure to the Listed Chemical or regarding the fact that the Listed Chemical is known to the State of California to be a carcinogen and/or reproductive toxicant.
- ◆ The carcinogen and reproductive toxicant subject to the discharge limitations of H&S Code § 25249.5, and subject to the warning requirements of H&S Code § 25249.6 and more specifically at Title 27 CCR §§ 25601 to 25603.3., is listed below:
 1. Chromium VI (Hexavalent Chromium - CAS #7778-50-9) and its compounds, listed as a Proposition 65 carcinogen on February 27, 1987
- ◆ The aforementioned carcinogens and reproductive toxicant is on the Governor's list (Proposition 65 Chemical List) as published at Title 27 CCR § 27001. This carcinogen is known to the State of California to cause cancer, requiring special warning labels and care in handling and use.
- ◆ The type of exposures alleged in this Amended Notice are occupational exposure (see Title 27 CCR §§ 25604 through 25604.2) and/or environmental exposure (see Title 27 CCR §§ 25605 through 25605.2) via inhalation, dermal and/or ingestion. These exposures have gone on since April 1, 1989, and are ongoing and continuing, and cause exposures by individuals to the Listed Chemical without a clear and reasonable warning to the exposed individual.
- ◆ The Noticing Parties believe and so allege that Disney tolled any applicable statute of limitations by failing at any time in the past to disclose the discharge of the Listed Chemical to any individual to whom Disney owed a warning that complied with Title 27 CCR §§ 25601 to 25603.3, inclusive.
- ◆ The location of the alleged discharge and exposures are in and around the Disney Facility, including but not limited to downwind of the Facility cooling towers, boilers, ink, paint and photographic operations. These exposures result from direct human contact via dermal, inhalation, and/or ingestion exposures with the cooling tower evaporated water droplets, the cooling tower and boiler blowdown water waste streams, and ink, paint and photographic process waters being industrial water discharges from the Burbank Facility.
- ◆ There are further exposures to particulate and dust from numerous 2nd party sites [outside the Facility] delineated herein affected by the previous and ongoing polluted discharges or disposed industrial waste water containing the Listed Chemical. These newly identified discharge or disposal areas, now contaminated by Disney and continuing daily to release or otherwise expose,

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are at the City of Los Angeles Headwork's spreading grounds [Headwork's], the City of Los Angeles Griffith Park Zoo [Zoo], and "Travel Town" areas. There is a further new contaminated area downwind of the Disney Facility and previously contaminated Headwork's at the Gene Autry Museum and adjacent parking areas of the Zoo and Museum [See Map at Exhibit B].

- ◆ There is a further likelihood and danger that individuals did and would come into contact via dermal contact and exposure, inhalation, and/or ingestion exposure to the polluted discharge water containing the Listed Chemical discharged by Disney along such previous identified "Parkside/Polliwog" disposal conduits and flow routes to the Zoo and Museum properties, or as a result of other unlawful and unpermitted discharges of the Listed Chemicals at the Buena Vista Street catch basin immediately outside the Facility, above Riverside Drive.
- ◆ There is also a likelihood and danger that individuals did and would come into contact via dermal, inhalation, and/or ingestion exposures from new sources of exposure:
 - a. Cooling tower blowdown and polluted industrial waste water containing the Listed Chemical discharged by Disney along such further discharge conduit flow routes as a result of other unlawful and unpermitted discharges from the 1993-2010 Facilities two cooling towers, where these discharges to other conduits such as sewer pipes or outfalls, including but not limited to Parkside Drain, Keystone outfall, and Riverside outfall as well as the Buena Vista Street catch basin immediately outside the Facility, above Riverside Drive.
 - b. Further these new sources of unpermitted discharges caused exposures at numerous sites outside the Facility, including but not limited to all the previous Notice Parkside/Polliwog persons and properties, but also the Headwork's, Zoo, Travel Town and adjacent Mt. Sinai and Forest Lawn Memorial Park visitors and staff. The Gene Autry Museum properties and parking areas where visitors and staff are also exposed while at the same time exposing adjacent homes of persons who reside near and downwind of these properties.
- ◆ Individuals were and still are exposed to the dirt dust, particulate and fine Listed Chemical dry sludges and micro fine particles of the same contamination that migrated directly off all the previously Noticed properties and these new Headwork's, Travel Town, Zoo, and Museum properties. Discovery and investigation is continuing.
- ◆ The Listed Chemical dusts caused by the aforementioned unpermitted contaminated water releases, that have since dried up and now are in the form of Listed Chemical residues, that did and would blow around and be attached to human clothing, shoes, hair, horses hoofs, body hair, dogs paws and body hair, etc., to such an extent that anyone or anything walking on or utilizing the trails adjacent to the Headwork's, Zoo or Museum properties and other 2nd party contaminated sites in any way was and is exposed to the Listed

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Chemical, and was and is likely to carry the Listed Chemicals' residues away from the property, causing the further direct migration of and the further and ongoing exposures alleged in this Notice.

- ◆ All these alleged exposures continue and are ongoing via transport and meteorological and human disturbances, as these exposures were and are on, and anywhere downwind of, said Polliwog, Headwork's, Zoo and Museum property and at least within 300 feet of the property lines of said properties.
- ◆ The Noticing Parties allege that employees, contractors, visitors, and other individuals who entered the Disney Facility were exposed via dermal, inhalation, and/or ingestion exposures to the Listed Chemical, and previously Noticed Listed Chemicals TCE and PCE, without the lawfully mandated clear and reasonable warning as previously alleged.
- ◆ These new exposures have gone on from 1990 till today, but now also to the all persons that worked on the improvements to the Facility during this time frame, including but not limited to, all the workers on the new Feature Animation Building, Team Disney Building and ALL of the new cooling towers erected to replace the old single pass cooling system that caused the exposures previously Noticed.

Please direct any inquiries regarding this notice or any communication for the Noticing Parties to:

Mr. Dennis Becvar c/o:
Environmental World Watch/RBC Co.
333 North Central Ave, Ste 828
Fillmore, Ca 93016

Tel.: 818 973-2200
Tel.: 310 285-3100
E-mail: eww.law@Safe-mail.net

CERTIFICATE OF MERIT
HEALTH AND SAFETY CODE SECTION 25249.7(d)

AMENDED NOTICED PARTY:

THE WALT DISNEY COMPANY

I, Dennis Becvar, on behalf of Environmental World Watch, Inc./RBC Co hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged that the party identified in the notice have violated California Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

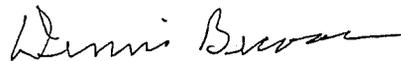
2. I am the principal scientist for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, maps, charts, private and public documents, or other data regarding the exposure to the listed chemical(s) that is the subject of this action.

4. Based upon the information obtained through those consultations, and all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for private action" means that the information provides a credible basis that all the elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 24249.7(h)(2), *i.e.*, (1) the identity of the person consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Date: November 23, 2010



Dennis Becvar
For Environmental World Watch, Inc./
RBC Co.

ATTORNEY GENERAL'S COPY

CERTIFICATE OF MERIT
HEALTH AND SAFETY CODE SECTION 25249.7(d)

AMENDED NOTICED PARTY:

THE WALT DISNEY COMPANY

NOTICE: The information provided below and materials attached hereto are protected by the Attorney Work Product Privilege and by California Law and are CONFIDENTIAL and not to be released or revealed to anyone not specifically entitled by law to possess or examine such information.

I, Dennis Becvar, am the Principal Scientist for the noticing party, Environmental World Watch, Inc./RBC Co [EWW]. I reviewed the test results of the Los Angeles Dept. of Water and Power Headwork's Spreading Grounds from Feb 2010 and those test results of EWW of these properties as well as testing results by the Regional Water Quality Control Board [RWQCB] monitoring well number MW-7 from 1992-2010, downstream of the Noticed Party land contamination plume, and related documentation thereto.

This information reveals that The Walt Disney Company discharged and exposed individuals to Chromium VI (Hexavalent Chromium) and its compounds, listed as a Proposition 65 carcinogen on February 27, 1987;), without the necessary warnings as defined at California Health & Safety Code § 25249.5 and Title 27 CCR §§ 25601 to 25603.3, inclusive.

Date: November 23, 2010



Dennis Becvar
For Environmental World Watch, Inc./RBC Co.

Attachment

EXHIBIT A – LIST OF PARTIES GIVING NOTICE

AMENDED NOTICE PARTY: THE WALT DISNEY COMPANY

NOTICING PARTIES:

- 1. Dennis Becvar**
- 2. William Dunlap**
- 3. Doris Nichols**
- 4. Jack Silver**
- 5. Rick Crawford**
- 6. Recreational Users of Headwork's Adjacent Trails.**
- 7. Does, 1-40 Million as Visitors to Griffith Park Zoo And Gene Autry Museum [1988-2010].**
- 8. Workers and Visitors to Headwork's spreading Grounds [1988-2010].**
- 9. Visitors to Forest Lawn, Mt. Sinai Memorial Park Staff and employees.**
- 10. Workers and Visitors to the Disney Facility during the construction of Team Disney Building.**
- 11. Workers and Visitors to the Facility during the major construction of the Feature Animation Building.**
- 12. Workers and Visitors to the Facility during the major construction of both cooling towers, including but not limited the personnel of Matt Construction, McCarthy Construction and Sullivan Partners.**
- 13. Equestrian users of ALL the trails in and around the Burbank Rancho/Griffith Park region, rinks and other horse stable areas; including but not limited to the Los Angeles Equestrian area and stables.**

TO BE FURTHER AMENDED AS COMPLAINANTS ARE NOTIFIED AND/OR IDENTIFIED AS EXPOSED.

EXHIBIT B – MAP OF HEADWORK’S
GRIFFITH PARK ZOO, MT. SINAI/FOREST LAWN MEMORIAL PARK
TRAVEL TOWN, AND GENE AUTRY MUSEUM AREAS

AMENDED NOTICED PARTY:

THE WALT DISNEY COMPANY

1. DISNEY FACILITY

2. HEADWORK'S

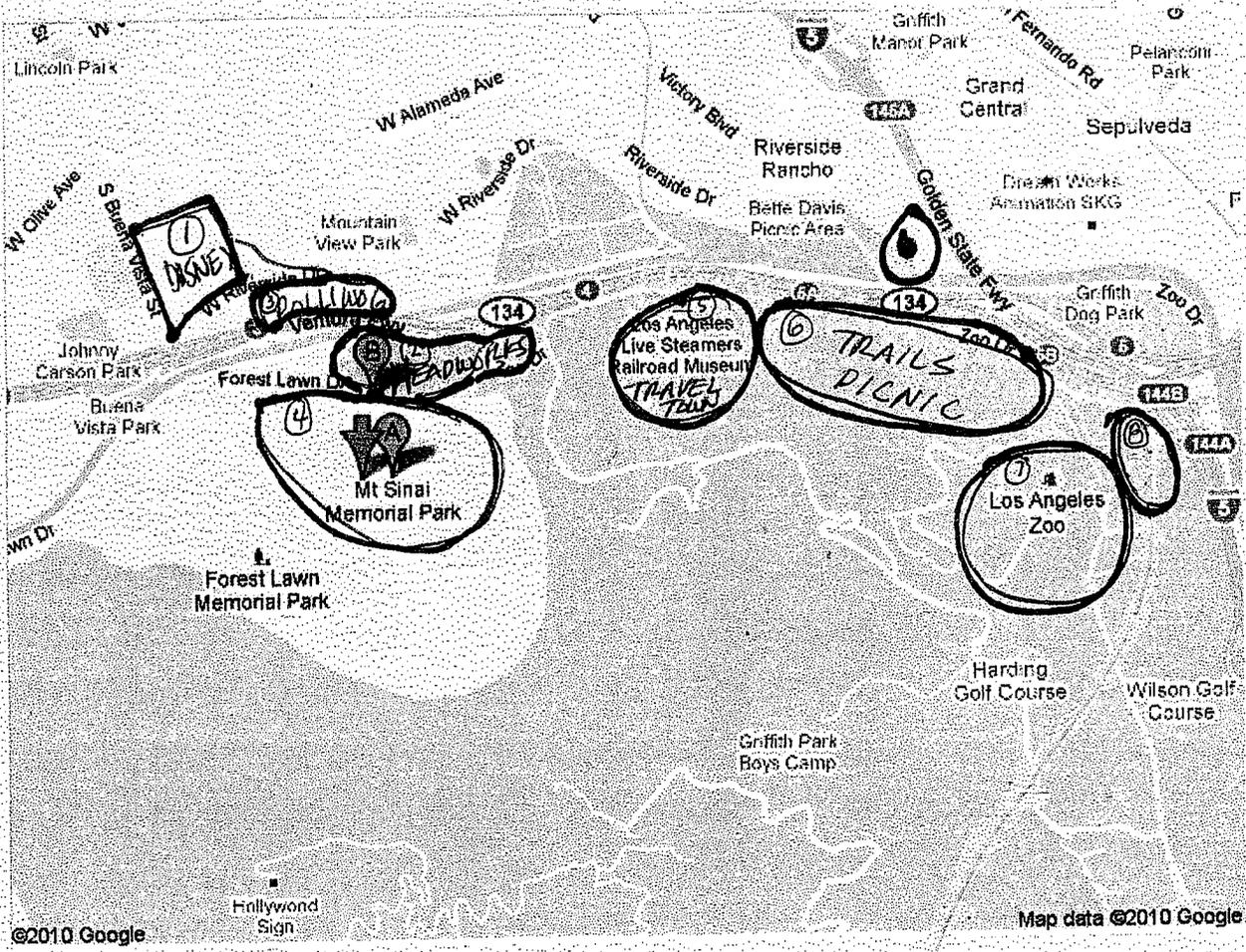
3. POLLIWOG PARK

4. Mt. Sinai/Forest Lawn Memorial Park

5. "TRAVEL TOWN"

6. Los Angeles Equestrian Center, Trails & Picnic Areas

7. GRIFFITH PARK ZOO



©2010 Google

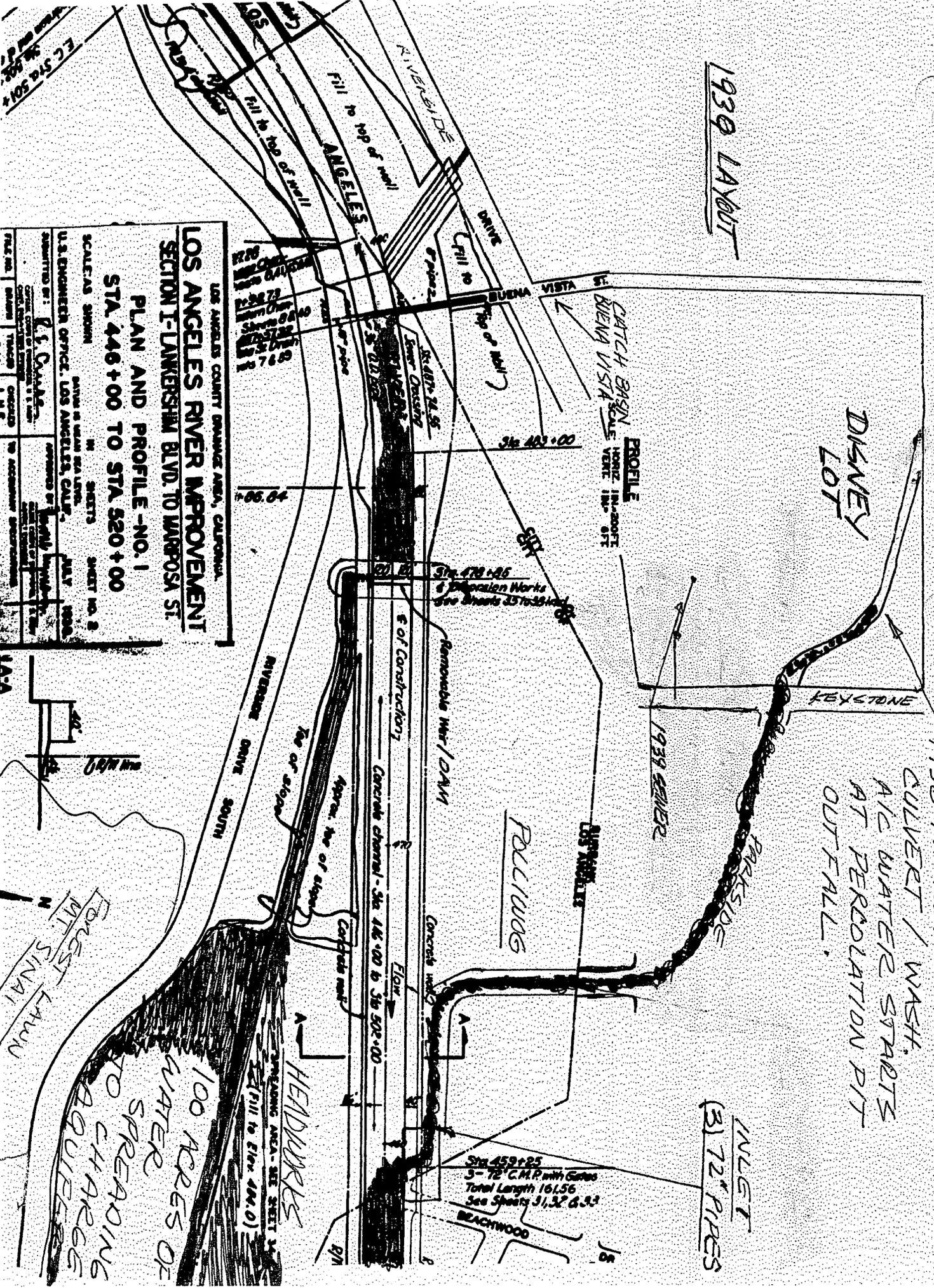
Map data ©2010 Google

1938 LAYOUT

DISNEY LOT

1938 PARKSIDE OPEN
CULVERT / WASH.
A/C WATER STAYS
AT PERCOLATION PIT
OUTFALL.

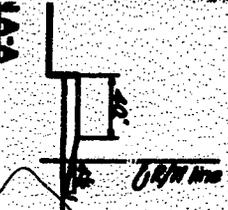
INLET
(3) 72" PIPES



LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.
LOS ANGELES RIVER IMPROVEMENT
 SECTION I-LANKERSHIM BLVD. TO WARDOSA ST.

PLAN AND PROFILE - NO. 1
 STA. 448+00 TO STA. 520+00

SCALE AS SHOWN
 U.S. ENGINEER OFFICE, LOS ANGELES, CALIF.
 SHEETS SHEET NO. 8
 MAY 1938
 SUBMITTED BY: J. I. CANNON
 CHECKED BY: J. I. CANNON
 FILE NO. DRAWING TITLE NO. 11.2



100 ACRES OF
 WATER
 SPREADING
 TO CHARGE
 TO CULVERTS
 HENDRICKS
 FILL TO ELEV. 44.0'
 FILL TO TOP OF WALL
 RIVERBANK DRIVE SOUTH
 APPROX. TOP OF SLOPE
 CONCRETE WALL
 CONCRETE CHANNELED - STA. 448+00 TO STA. 502+00
 REMOVABLE WALKWAY
 6" OF CONCRETE
 ELAV
 CONCRETE WALL
 BEACHWOOD
 PARKSIDE
 DISNEY LOT
 KEYSTONE
 1938 CENTER
 1938 LAYOUT
 (3) 72" PIPES
 INLET