

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead from Leaded Aviation Gasoline

May 9, 2011

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health (“CEH”), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are attached hereto as Exhibit 1.
- Time Period of Violation: The violations have been occurring since at least May 9, 2008 and are continuing to this day.
- Provisions of Proposition 65: This Notice of Violation covers the “warning provision” of Proposition 65, which is found at Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds (“Lead”). Exposures to Lead occur from use of the Leaded aviation gasoline supplied by the violators listed on Exhibit 1.
- Description of Exposure: This Notice addresses environmental exposures to Lead as to all of the alleged violators listed on the attached Exhibit 1. Use of the leaded aviation gasoline supplied by the violators listed on Exhibit 1 results in human exposures to Lead. Lead is contained in the aviation gasoline that is supplied by the alleged violators and is emitted as airplanes fueled by the alleged violators take off and land at the airports identified in Exhibit 1.
 - Route of Exposure: The route of exposure for the violations is primarily inhalation, when individuals breath the Lead emitted by the airplanes fueled by the alleged violators, but also includes ingestion via hand to mouth contact and dermal absorption directly through the skin when individuals within the vicinity of the airports listed on Exhibit 1 touch or handle dust laden with Lead from the aviation fuel.
 - Location of Source of Exposure: The source of the exposures to Lead identified in this Notice are the airports listed on Exhibit 1. The exposures to Lead from the Leaded aviation fuel occur in the vicinity of the airports listed on Exhibit 1 as described therein. The exposures occur beyond the property owned or operated by the violators.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator unless the alleged violator agrees in a binding written instrument to remedy the violations alleged herein by: (a) providing warnings to the individuals who reside or pass through the areas surrounding the airports identified on Exhibit 1; (b) ceasing use of all leaded aviation fuel in order to cease ongoing and future exposures to Lead alleged herein; and (c) paying an appropriate civil penalty in accordance with the factors set forth in Health and Safety Code Section 25249.7. If any of the alleged violators is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to counsel for CEH: Mark N. Todzo, Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 759-4111.

EXHIBIT 1
May 9, 2011 Notice of Violation
Lead from Leaded Aviation Gasoline

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
<p>AeroDynamic Aviation 2650 Robert Fowler Way San Jose, CA 95148</p> <p>Amelia Reid Aviation LLC 4075 Evergreen Village Square Suite 160-339 San Jose, CA 95135</p>	<p>Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122</p>	<p>1.0 mile</p>
<p>AirFlite, Inc. 19001 South Western Avenue Torrance, CA 90501</p>	<p>Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Drive Long Beach, CA 90806</p>	<p>1.2 miles</p>
<p>Airport Property Partners LLC 21889 Skywest Drive Hayward, CA 94541</p> <p>APP JetCenter 21889 Skywest Drive Hayward, CA 94541</p>	<p>Hayward Executive Airport 20301 Skywest Drive Hayward, CA 94541</p>	<p>0.8 mile</p>
<p>American Flyers 3N040 Powis Road West Chicago, IL 60185</p> <p>American Flyers FBO 2501 Airport Avenue Santa Monica, CA 90405</p> <p>A T E of New York, Inc. 90 Arrival Avenue Ronkonkoma, NY 11779</p>	<p>Santa Monica Municipal Airport 3223 Donald Douglas Loop South Santa Monica, CA 90405</p>	<p>0.8 mile</p>
<p>Atlantic Aviation of Santa Monica, L.P. 2828 Donald Douglas Loop North Santa Monica, CA 90405</p>	<p>Santa Monica Municipal Airport 3223 Donald Douglas Loop South Santa Monica, CA 90405</p>	<p>0.8 mile</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
<p>Bridgeford Flying Services 2030 Airport Road Napa, CA 94558</p> <p>R.A. Bridgeford, Inc. 2030 Airport Road Napa, CA 94558</p>	<p>Napa County Airport 2030 Airport Road Napa, CA 94558</p>	<p>0.8 mile</p>
<p>Business Jet Center 9351 Earhart Road Oakland, CA 94621</p> <p>Business Jet Center Oakland, L.P. 9465 Earhart Road Oakland, CA 94614</p>	<p>Oakland International Airport 1 Airport Drive Oakland, CA 94621</p>	<p>1.0 mile</p>
<p>CrownAir Aviation 3753 John J. Montgomery Drive San Diego, CA 92123</p> <p>CrownAir Holdings, Inc. 4747 Executive Drive, Suite 1010 San Diego, CA 92121</p> <p>Air 88, Inc. 4747 Executive Drive, Suite 1010 San Diego, CA 92121</p>	<p>Montgomery Field 3750 John J. Montgomery Drive San Diego, CA 92123</p>	<p>1.0 mile</p>
<p>Encore Jet Center 8348 Kimball Ave Hangar #1 Chino, CA 91708</p> <p>Encore Jet Center, LLC 4675 MacArthur Court, Suite 700 Newport Beach, CA 92660</p>	<p>Chino Airport County of San Bernardino Department of Airports 7000 Merrill Avenue Chino, CA 91710</p>	<p>0.8 mile</p>
<p>Epic Jet Center, LLC 1105 Douglas Street Bakersfield, CA 93308</p>	<p>Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308</p>	<p>0.8 mile</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
<p>Gibbs Flying Service Inc. 8906 Aero Drive San Diego, CA 92123</p>	<p>Montgomery Field 3750 John J. Montgomery Drive San Diego, CA 92123</p>	<p>1.0 mile</p>
<p>Great American Aviation 3401 Airport Drive Torrance, CA 90505</p> <p>Torrance Airport Hangars, LLC 6591 Collins Drive, Suite E-11 Moorpark, CA 93021</p>	<p>Zamperini Field 3301 Airport Drive Torrance, CA 90505</p>	<p>0.8 mile</p>
<p>JetFlite, Inc. 16921 Parthenia Street Suite 301 North Hills, CA 91343</p> <p>JetFlite International 4310 E. Donald Douglas Drive Long Beach, CA 90808</p> <p>Air Rutter International LLC 35 East 21st Street 5th Floor New York, NY 10010</p>	<p>Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Drive Long Beach, CA 90806</p>	<p>1.2 miles</p>
<p>KaiserAir, Inc. 8735 Earhart Road Oakland, CA 94621</p>	<p>Oakland International Airport 1 Airport Drive Oakland, CA 94621</p>	<p>1.0 mile</p>
<p>Landmark Aviation FBO Holdings, LLC 1500 Citywest Boulevard, Ste. 600 Houston, TX 77042</p> <p>Landmark Aviation San Diego, Inc. 1500 Citywest Boulevard, Ste. 600 Houston, TX 77042</p> <p>Landmark Aviation 2904 Pacific Hwy, # 209 San Diego, CA 92101</p>	<p>Los Angeles International Airport 1 World Way Los Angeles, CA 90045</p>	<p>0.8 mile</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
<p>Loyd's Aviation 1601 Skyway Drive Bakersfield, CA 93308</p>	<p>Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308</p>	<p>0.8 mile</p>
<p>LP Enterprises, LLC 2635 Cunningham Ave. San Jose, CA 95122</p>	<p>Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122</p>	<p>1.0 mile</p>
<p>Mercury Air Center 2901 E. Spring Street Long Beach, CA 90806</p> <p>Mercury Air Center -Long Beach, Inc. 5456 McConnell Avenue Los Angeles, CA 90066</p> <p>Mercury Air Group, Inc. 5456 McConnell Avenue Los Angeles, CA 90066</p>	<p>Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Drive Long Beach, CA 90806</p>	<p>1.2 miles</p>
<p>Nice Air 2575 Robert Fowler Way San Jose, CA 95148</p> <p>California in Nice, Inc. 2575 Robert Fowler Way San Jose, CA 95148</p>	<p>Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122</p>	<p>1.0 mile</p>
<p>Pacific States Aviation Inc. 51 John Glenn Drive Concord, CA 94520</p>	<p>Buchanan Field 550 Sally Ride Drive Concord, CA 94520</p>	<p>0.8 mile</p>
<p>Rossi Aircraft, Inc. 1903 Embarcadero Road Palo Alto, CA 94303</p>	<p>Palo Alto Airport 1925 Embarcadero Road Palo Alto, CA 94303</p>	<p>1.0 mile</p>
<p>South Bay Aviation, Inc. 3481 Airport Drive, #100 Torrance, CA 90505</p>	<p>Zamperini Field 3301 Airport Drive Torrance, CA 90505</p>	<p>0.8 mile</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
<p>Sterling Aviation 145 John Glenn Drive Concord, CA 94520</p> <p>Sterling Avionics, Inc. 101 John Glenn Drive, #2 Concord, CA 94520</p>	<p>Buchanan Field 550 Sally Ride Drive Concord, CA 94520</p>	<p>0.8 mile</p>
<p>Threshold Technologies, Inc. 8352 Kimball Avenue Building F350, #3 Chino, CA 91708</p>	<p>Chino Airport County of San Bernardino, Department of Airports 7000 Merrill Avenue Chino, CA 91710</p>	<p>0.8 mile</p>
<p>Torrance Flite Park, LLC 3481 Airport Drive, #200 Torrance, CA 90505</p>	<p>Zamperini Field 3301 Airport Drive Torrance, CA 90505</p>	<p>0.8 mile</p>

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

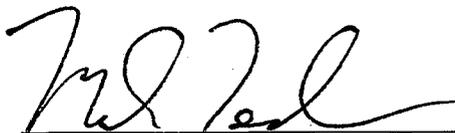
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 & Safety Code § 25249.7(h)(2), i.e. (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

May 9, 2011



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause and my electronic notification address is jbanister@lexlawgroup.com.

On May 9, 2011, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisk).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 2:25 p.m. on May 9, 2011:

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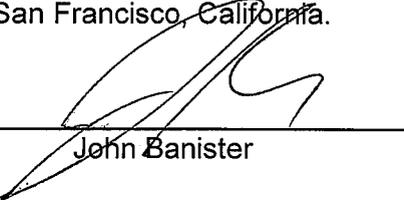
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The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 9, 2011, at San Francisco, California.

Signed: _____


John Banister

SERVICE LIST

District Attorney of Alameda County 1225 Fallon Street, Rm. 900 Oakland, CA 94612	District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of Orange County 401 Civic Center Drive West Santa Ana, CA 92701
District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney of Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney of Placer County 10810 Justice Center Drive, Ste. 240 Roseville, CA 95678
District Attorney of Amador County 708 Court Street, Ste. 202 Jackson, CA 95642	District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971
District Attorney of Butte County Administration Building 25 County Center Drive Oroville, CA 95965	District Attorney of Lassen County 220 S. Lassen Street, Ste. 8 Susanville, CA 96130	District Attorney of Sacramento County 901 "G" Street Sacramento, CA 95814
District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney of Los Angeles County 210 W. Temple Street, Ste. 1800 Los Angeles, CA 90012-3210	District Attorney of San Benito County 419 Fourth Street, 2 nd Fl. Hollister, CA 95023
District Attorney of Colusa County 547 Market Street, Ste. 102 Colusa, CA 95932	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415
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District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	District Attorney of Merced County 2222 "M" Street Merced, CA 95340	District Attorney of San Luis Obispo County 1050 Monterey Street, Rm. 450 San Luis Obispo, CA 93408
District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Modoc County 204 S. Court Street, Rm. 202 Alturas, CA 96101-4020	District Attorney of San Mateo County 400 County Center, 3 rd Fl. Redwood City, CA 94063
District Attorney of Imperial County 939 Main Street, Ste. 102 El Centro, CA 92243	District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93546	
District Attorney of Inyo County P.O. Drawer D Independence, CA 93526	District Attorney of Nevada County 110 Union Street Nevada City, CA 95959	

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San Francisco City Attorney's
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City Hall, Room 234
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San Jose City Attorney's Office
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California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
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