

AMENDED NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Lead from Leaded Aviation Gasoline

August 16, 2011

This Amended Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d). This Amended Notice supercedes the Notice of Violation previously issued on May 9, 2011 (Attorney General No. 2011-00445).

- 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 Amended 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.
- Provision of Proposition 65: This Amended 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 Amended Notice addresses environmental exposures to Lead. 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. The exposures occur beyond the property owned or operated by the violators.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Amended 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) complying with Proposition 65 either by ceasing sale of all leaded aviation fuel in California or by providing warnings to the individuals who reside or pass through the areas surrounding the airports as identified in Exhibit 1; and (b) 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 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) 913-7800.

EXHIBIT 1
August 16, 2011 Amended 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)
<p style="text-align: center;">American Airports Corporation 2425 Olympic Boulevard Suite 650 East Santa Monica, CA 90404</p>	<p style="text-align: center;">Brackett Field 1615 McKinley Ave La Verne, CA 91750</p>
	<p style="text-align: center;">El Monte Airport 4233 N. Santa Anita Ave. El Monte, CA 91731</p>
<p style="text-align: center;">Atlantic Aviation Corporation 6504 International Parkway Suite 2400 Plano, TX 75093</p> <p style="text-align: center;">Atlantic Aviation FBO Inc. 6504 International Parkway Suite 2400 Plano, TX 75093</p>	<p style="text-align: center;">Santa Barbara Municipal Airport 500 Fowler Road Santa Barbara, CA 93117</p>
	<p style="text-align: center;">Hayward Executive Airport 20301 Skywest Drive Hayward, CA 94541</p>
	<p style="text-align: center;">John Wayne Airport 18601 Airport Way Santa Ana, CA 92707</p>
	<p style="text-align: center;">Los Angeles International Airport 1 World Way Los Angeles, CA 90045</p>
	<p style="text-align: center;">Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308</p>
	<p style="text-align: center;">Santa Monica Municipal Airport 3223 Donald Douglas Loop South Santa Monica, CA 90405</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)
<p>Avantair, Inc. 4311 General Howard Drive Clearwater, FL 33762</p> <p>Avantair Jet Center 4311 General Howard Drive Clearwater, FL 33762</p>	<p>Camarillo Airport 555 Airport Way Camarillo, CA 93010</p>
<p>Castle & Cooke, Inc. 10900 Wilshire Blvd. Suite 1600 Los Angeles, CA 90024</p> <p>Castle & Cooke Aviation Services, Inc. 10900 Wilshire Blvd. Suite 1600 Los Angeles, CA 90024</p>	<p>Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406</p>
<p>Channel Islands Aviation, Inc. 305 Durley Ave Camarillo, CA 93010</p>	<p>Camarillo Airport 555 Airport Way Camarillo, CA 93010</p>
<p>Clay Lacy Aviation, Inc. 7435 Valjean Ave Van Nuys, CA 91406</p>	<p>Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406</p>
<p>Maguire Aviation, Inc. 1733 Ocean Avenue 4th Floor Santa Monica, CA 90401</p> <p>Maguire Aviation Group, LLC 1733 Ocean Avenue 4th Floor Santa Monica, CA 90401</p>	<p>Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)
<p>Pentastar Aviation, LLC 7310 Highland Road Waterford, MI 48327</p> <p>Pentastar Aviation of California, LLC 16644 Roscoe Boulevard Van Nuys, CA 91406</p>	<p>Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406</p>
<p>Signature Flight Support Corporation 201 South Orange Avenue Suite 1100 Orlando, FL 32801</p> <p>BBA Aviation USA, Inc. 201 South Orange Avenue Suite 1290 Orlando, FL 32801</p>	<p>Van Nuys Airport 16461 Sherman Way Van Nuys, CA 91406</p>
	<p>Santa Barbara Municipal Airport 500 Fowler Road Santa Barbara, CA 93117</p>
	<p>Fresno Yosemite International Airport 5175 E. Clinton Way Fresno, CA 93727</p>
	<p>John Wayne Airport 18601 Airport Way Santa Ana, CA 92707</p>
	<p>Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Drive Long Beach, CA 90806</p>
<p>Sun Air Jets, LLC 855 Aviation Dr. Camarillo, CA 93010</p>	<p>Camarillo Airport 555 Airport Way Camarillo, CA 93010</p>
<p>Western Cardinal, Inc 205 Durley Avenue Camarillo, CA 93010</p>	<p>Camarillo Airport 555 Airport Way Camarillo, CA 93010</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.

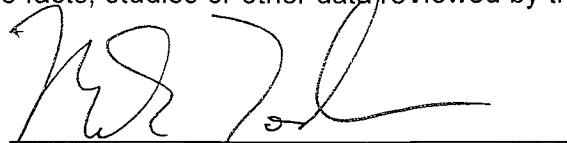
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

August 16, 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 503 Divisadero Street, San Francisco, California 94117. I am over the age of 18 years and not a party to the within cause and my electronic notification address is pcairey@lexlawgroup.com.

On August 16, 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 ____:____ .m. on August 16, 2011:

Lon Wixson, Deputy District
Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
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Prop65@rivcoda.org

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 August 16, 2011, at San Francisco, California.

Signed: _____
Patrick Carey

SERVICE LIST

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1225 Fallon Street, Rm. 900
Oakland, CA 94612

District Attorney of Alpine County
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Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
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District Attorney of Butte County
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25 County Center Drive
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Colusa, CA 95932

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240
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San Diego, CA 92101

San Francisco City Attorney's
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City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
P.O. Box 70550
Oakland, CA 94612-0550

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