

May 2, 2012

**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 Exposures to Listed Chemicals.

Dear Mr. Iger:

RBC Four Co. also known as RBC Co, ("RBC") as well as the individuals listed in Exhibit A to this Amended Notice Letter (collectively the "Noticing Parties") serve this updated and 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 only the prior Notice Letter of November 23, 2010, ("Prior Notice Letter"), as served by RBC, and other individual parties. Further, to be clear, the individuals listed at Exhibit A incorporate the previous Nov 2010 factual allegations absent any incorporation of pre June 2009 knowledge of exposures or contamination of drinking water supplies by Disney.

However, RBC separately alleges:

a. Disney has failed to warn on a ongoing and continuing basis since after the 2007, 2009 and 2010 Notice letters and has tolled the statute of limitations under H&S Code § 25249.6; and,

b. Disney has failed to ever disclose discharges to drinking water supplies under H&S Code § 25249.5 and this concealment has caused delayed discovery of new contamination routes, i.e. the "Mariposa outfall" of the Riverside storm drain into the Los Angeles River¹, and,

c. Disney has failed to previously disclose discharges to drinking water supplies under H&S Code § 25249.5 and this concealment has caused delayed discovery of new contamination routes, i.e. the "Pirtle Cut" pipe or "outfall line" into the "settling basins between the Los Angeles River and Riverside Drive" ...and "*percolated back to the groundwater*", and,

¹ The EPA 104 (e) inquiry of 2011 at the Studio lot and Polliwog park revealed other Disney disposal pipelines or prior discharge conduits necessitating an amended notice.

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d. Disney has failed to previously disclose discharges to drinking water supplies under H&S Code § 25249.5 and this concealment has caused delayed discovery of new contamination routes, i.e. “through a 16 inch pipe over to the corner of Buena Vista and Riverside Drive that *went into the L. A River*, and,

e. Disney has failed to ever disclose discharges to drinking water supplies under H&S Code § 25249.5 and this concealment has caused delayed discovery of new contamination routes, i.e. through the “ Buena Vista Lot Storm Drain and *into the L. A River*, and,

f. Disney has failed to previously disclose in related case discovery or otherwise the Studio Lot critical Cr VI information that was found by URS in their Aug 30, 2011 report ².

That URS environmental report of 2011 and the findings of the ‘System Operations Services’ tests of Oct 2011, where multiple Listed Chemicals were discovered being discharged by Disney daily, were kept a secret and as such not discoverable by anyone till after Nov. 2011 at the soonest.

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.

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

- ◆ This Amended Notice is provided by RBC, and the individuals listed in Exhibit A to this Amended Notice. RBC 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, or the City of Glendale within the State of California. Investigation is still ongoing.
- ◆ The Noticed Company’s name and address is:

² The URS test results of 2011 at Johnny Carson park east of Bob Hope Drive and north of the 134 freeway revealed a new contaminated property that was causing migration and exposures of Disney unique Cr VI heavy metal residues, and other listed chemicals necessitating an amended notice.

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The Walt Disney Company
500 S. Buena Vista Street
Burbank, CA 91521-0686

- ◆ The violations addressed by this Amended Notice probably began on or after April 1, 1989, have most probably occurred on numerous occasions each and every day since and are ongoing and continuing today.
- ◆ This Amended Notice covers both the “discharge” prohibition 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 Listed Chemicals identified here were knowingly discharged or released into air *and/or* into water *and/or* onto or into land where such chemical passed or probably will pass into a source of drinking water supplies from Disney’s facility at and 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”).
- ◆ This Amended Notice alleges that the Listed Chemicals were knowingly discharged or released into the environment via air or water from *three* cooling towers, cooling water discharge pipes, boilers, ink, paint and photographic process operations from Disney’s Facility, from Feb 26, 1993 till the present, possibly sooner as the *Facilities Team Disney* cooling tower was built in 1990.
- ◆ This Amended Notice addresses more chemicals discharged, more sources of contaminated cooling and or heating water that have been found and more individuals exposed that have surfaced recently.
- ◆ This Amended Notice further alleges that new Noticing Parties were exposed to the *new* Listed Chemicals with the new sources of their individual exposures for the violations addressed by this Amended 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 Chemicals. No clear and reasonable warning is or has been provided by Disney to individuals regarding their individual exposure to the Listed Chemicals.
- ◆ The carcinogens and reproductive toxicants subject to this Amended Notice and subject to discharge limitations at 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., are listed below:
 1. Chromium VI (Hexavalent Chromium) - CAS #7778-50-9) and its compounds, listed as a carcinogen on February 27, 1987.
 2. Chromium VI (Hexavalent Chromium) and its compounds listed as a reproductive toxicant December 19, 2008.

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3. Trichloroethylene (TCE) – CAS # 79-01-06 listed as a carcinogen April 1, 1988.
 4. Tetrachloroethylene (PCE) – CAS # 127-18-4 listed as a carcinogen April 1, 1988.
 5. 1,2,3-Trichloropropane (1,2,3-TCP) – CAS # 96-18-4 listed as a carcinogen Oct. 1, 1992.
 6. Antimony – CAS # 1309-64-4 Listed as a carcinogen Oct. 1, 1990.
 7. Arsenic – CAS (compounds) Listed as a carcinogen Feb. 27, 1987.
 8. Beryllium –CAS ----- Listed as a carcinogen Oct. 1, 1987.
 9. Cadmium –CAS (compounds) Listed as a carcinogen Oct 1, 1987.
 10. Lead- CAS-(compounds) Listed as a carcinogen Oct. 1, 1992.
 11. Mercury-CAS-----Listed as a carcinogen May 1, 1996.
- ◆ The aforementioned carcinogens and/or reproductive toxicants are on the Governor's list (Proposition 65 Chemical List) as published at Title 27 CCR § 27001. These chemicals are known to the State of California to cause cancer, or reproductive toxicity.
 - ◆ 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.
 - ◆ RBC believes and so alleges that Disney tolled any applicable statute of limitations by failing at any time in the past to disclose the discharge or exposure after discharge of the Listed Chemicals to any individual to whom Disney owed a warning that complied with Title 27 CCR §§ 25601 to 25603.3, inclusive.
 - ◆ The location of the new alleged discharge and exposures are in and around the Disney Facility, including but not limited to downwind of the **Team Disney cooling tower** drift and contaminated air drop lets. There are also new exposures from boiler and cooling tower blow down water streams from the Facility **not disposed** of in the City of Burbank Industrial Treatment works, as previously falsely represented by Disney.
 - ◆ The location of the new alleged discharges and exposures are in and around the **Buena Vista catch basin** at Riverside Drive south east corner and as that same water conduit would flow to the Los Angeles River and contaminate sources of drinking water supplies of the state.

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- ◆ These exact off property catch basin discharges would also expose anyone near the outfall into the LA River or standing above it on the equestrian trails east of Buena Vista and south of the 134 Freeway including, but not limited to, the Caltrans workers who maintain a yard nearby.
- ◆ There is and was a danger to anyone standing at the bus stop above the Buena Vista catch basin including, but not limited to, *students of Providence High School* at 511 S. Buena Vista or patients and/or visitors to *Providence Saint Josephs Medical Center* across Buena Vista Street.
- ◆ There are further new exposures to particulate and dust from numerous 3rd party sites outside the Facility, specifically delineated herein as *Johnny Carson park*, that were affected by the previous and ongoing discharges of disposed industrial waste water containing the Listed Chemicals.
- ◆ There is a new alleged source of contaminated cooling/heating water discharged by Disney as early as 1940. Disney operated *secretly a "chilled water" and "hot water" recirculating cooling/heating water system based in the 'Central Plant' area* and near the Facility water tower. Chromium compounds were added to this system to prevent corrosion of the subterranean "pipe tunnel" system and later disposed via the Facility "open channel" or Parkside water flow discharge route.
- ◆ Some of this contaminated waste water could have been also discharged through the "*Pirtle cut*" Facility pipe, Facility "*outfall pipe*" and the "*Mariposa outfall*" to drinking water supplies of the state via either:
 - a. groundwater percolation, or,
 - b. into the Los Angeles River and later into groundwater at Griffith Park narrows, or,
 - c. into the Buena Vista storm drain which discharged into the Los Angeles River and was diverted at "Headwork's dam" and into those spreading basins which percolated into the groundwater and drinking water supplies of the state.
- ◆ There is a further likelihood and danger that individuals did and would come into contact via dermal contact and exposure by inhalation, and/or ingestion of residues of discharged contaminated water containing the *new* Listed Chemicals disposed by Disney along previous identified Keystone/Parkside or Parish/Polliwog and now new disposal conduits and flow routes identified above.
- ◆ There is also a likelihood and danger that individuals did and would come into contact via dermal, inhalation, and/or ingestion exposures from the *new sources* of exposure, i.e.:
 - a. Cooling tower droplets or drift containing Listed Chemicals discharged by Disney as a result of other unlawful and unpermitted discharges from the

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1990-2012 Team Disney cooling tower.

- b. New exposures at ***Johnny Carson Park*** and park trails and within reasonable distance to those 3rd party property lines where ongoing transport and metrological and human disturbances take place, as these exposures were and are on this public park properties permanently as evidenced by the August 2011 URS testing report.
 - c. New exposures by old discharged Chemical residues, caused by the aforementioned cooling tower releases, that have since dried up and now are in the form of Chemical residues that did and would blow around these properties outside the Facility and be attached to human clothes, 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 ***Johnny Carson Park*** and other 3rd party public contaminated sites in anyway was and is exposed to the Listed Chemicals. This exposed live entity or attachment to such as a bag, clothing or leash was and is likely to carry the Listed Chemicals' residues away from the contaminated property, causing the further direct migration of and the further and ongoing exposures alleged in this new Amended Notice.
- ◆ Individuals were and still are exposed in 2012 to the cooling tower drift and droplets downwind of the Facility, which contain make-up water from groundwater sources contaminated by Listed Chemicals. Discovery and investigation is continuing. (See ***MicroBac Feb 1999*** evidence of Cr VI added to cooling towers).
 - ◆ These other newly found discharges, after leaving the Facility at Keystone and Parkside intersection, and to sources of drinking water supplies of the state, was via either:
 - a. A rectangular CMP pipe, installed in 1947 under Riverside Drive (See exhibit) and through Polliwog Park and into the Los Angeles River or;
 - b. A storm water drain system installed at Disney request in 1968 by the City of Burbank and/or County of Los Angeles Flood Control at the intersection of Parish Place and Riverside Drive. (This permanent pipe system kept that intersection from being flooded and emptied the Disney contaminated cooling/heating water into the Los Angeles River at "***Mariposa Ave outfall***", and near 100 newly found residents ***unaware*** of these dangerous and illegal discharges to drinking water supplies of the state).
 - c. Parkside Drain under the aforementioned Parkside/Parish/Riverside residential streets in 1994 and Polliwog Park into the Los Angeles River and contaminating drinking water supplies of the state when these contaminants reached the sandy bottom at Griffith Park narrows in Glendale, California.

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d. All of the newly found discharge conduits (above a-c) received Listed Chemicals during the statutory Prop 65 prohibition against discharges to drinking water beginning in April 1988 and/or thereafter, ***regardless of water conduit installation date.***

- ◆ Other newly indentified discharge or disposal areas, found contaminated by Disney and continuing daily to release or otherwise expose, are at the ***Johnny Carson Park*** and park trails adjacent to the 134 Freeway, near Buena Vista St.
- ◆ The Noticing Parties allege that anyone who entered areas identified in this Amended Notice were exposed to previously Noticed Listed Chemicals Hexavalent Chromium, TCE and PCE, and now the new Listed Chemicals covered by this Amended Notice without a lawfully mandated clear and reasonable warning.

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

William Dunlap, Prop 65 expert.
PO Box 828
Fillmore, Ca 93016
1 573 722 4463

EXHIBIT A – LIST OF PARTIES GIVING NOTICE

**AMENDED NOTICE
NOTICED PARTY: THE WALT DISNEY COMPANY**

NOTICING PARTIES:

- 1. Phyllis Thompson**
- 2. Madonna Fowler**
- 3. Dennis Weisenbaugh**
- 4. William Dunlap**
- 5. Doris Nichols**
- 6. Providence High School students and teachers**
- 7. Metrolink Buena Vista Street bus riders, exiting or loading at the Buena Vista S.E. corner (north of Riverside Drive bus stop).**
- 8. Mariposa Stable and adjacent equestrian users.**
- 9. Johnny Carson park visitors.**
- 10. Providence Saint Joseph Medical Center visitors, patients and staff.**

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

ATTORNEY GENERAL'S COPY

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

AMENDED NOTICED PARTY:

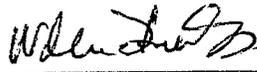
THE WALT DISNEY COMPANY

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, William Dunlap, am the Prop 65 expert for the noticing party, RBC Co [RBC] and individual noticing parties. I reviewed the test results of the URS Facility report from August 2011, [Enclosed as exhibit 1] and the test results of the Los Angeles Dept of Water and Power [LADWP] from the "Verdugo Well field" (2011). This later information is available in a single report formally known as the ERM AOC Final of Nov 2011.

This information reveals that The Walt Disney Company discharged and exposed individuals to Chromium VI (Hexavalent Chromium) and its compounds, TCE, PCE and 1, 2, 3-TCP, listed as a Proposition 65 chemicals, without the necessary warnings or in violation of the prohibition against discharge to drinking water supplies as defined at California Health & Safety Code § 25249.5 and Title 27 CCR §§ 25601 to 25603.3, inclusive.

Date: May 2, 2012



William Dunlap

Attachment

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is:
905 S. Beachwood Drive, Burbank, Ca.

On May 2, 2012, I served copies of the documents listed immediately hereafter by first class mail by placing same in sealed envelopes, fully preparing postage thereon, and depositing said envelopes in the U.S. Mail at Burbank, California. Said envelopes were addressed as follows:

SEE ATTACHED DISTRIBUTION LIST

Documents mailed:

1. **NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (California Health and Safety Code § 25249.5 et seq.)**
2. **EXHIBIT A – LIST OF PARTIES GIVING NOTICE**
3. **CERTIFICATE OF MERIT – (attachments only sent to California Attorney General's Office)**

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct, and that this declaration was executed on May 2, 2012, at Burbank, California.



DISTRIBUTION LIST

<p>Mr. Bob Iger President The Walt Disney Company 500 South Buena Vista Street Burbank, CA 91521-0686</p>	<p>Marsha L. Reed Registered Agent for Service of Process The Walt Disney Company 500 South Buena Vista Street Burbank, CA 91521-0686</p>
<p>The Honorable Steve Cooley Los Angeles County District Attorney 210 West Temple Street, Suite 18000 Los Angeles, CA 90012-3210</p>	<p>The Honorable Carmen Trutanich Los Angeles County City Attorney 800 City Hall East 200 North Main Street Los Angeles, CA 90012-4110</p>
<p>California Attorney General State of California Department of Justice Proposition 65 Enforcement Reporting Attn: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Post Office Box 70550 Oakland, CA 94612-0550</p> <p>Only w/Attachments</p>	