

LAW OFFICES OF  
**ANDREW L. PACKARD**

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November 2, 2012

*(See attached Certificate of Service)*

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

Dear Public Enforcement Agencies and QBR Brake, Inc. and Heidenbroek, LLC:

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 the San Joaquin, 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 **QBR BRAKE, INC. and Heidenbroek, LLC** (hereinafter referred to as “the Violator”). These violations involve the discharge of lead and cadmium, and lead and cadmium 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 its facility located at the following address: 2325 W. Charter Way in Stockton, California (“the Violator’s Facility”).

The Violator is discharging lead and lead compounds from the Violator’s Facility 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 the Violators’ Facility into the San Joaquin River.

The San Joaquin River is 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.”

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Information available to CSPA indicates that these ongoing unlawful discharges have been occurring since at least approximately 2007. 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:

Andrew L. Packard  
Erik M. Roper  
Emily Brand  
Law Offices of Andrew L. Packard  
100 Petaluma Boulevard North, Suite 301  
Petaluma, CA 94952  
Tel. (707) 763-7227  
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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 November 2, 2012, 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:

Hubert P. Frings, Agent for Service of Process  
QBR Brake, Inc.  
5100 Goldleaf Circle # 215  
Los Angeles, CA 90056

Hubert P. Frings, Agent for Service of Process  
Heidenbroek, LLC  
5100 Goldleaf Circle #215  
Los Angeles, CA 90056

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

On November 2, 2012, 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 Mark A. Peterson  
Contra Costa County District Attorney  
900 Ward Street  
Martinez, CA 94553

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

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

The Honorable James P. Willett  
San Joaquin County District Attorney  
222 E. Weber Avenue, 2<sup>nd</sup> Fl., Rm 202

P.O. Box 990  
Stockton, CA 95201-0990

The Honorable Donald A. du Bain  
Solano County District Attorney  
675 Texas Street, Ste. 4500  
Fairfield, CA 94533-6340

The Honorable Nancy E. O'Malley  
Alameda County District Attorney  
Wiley W. Manuel Courthouse  
661 Washington Street  
Oakland, CA 94607

The Honorable George Gascon  
San Francisco County District Attorney  
Hall of Justice  
850 Bryant Street, Room 322  
San Francisco, CA 94103

The Honorable Edward S. Berberian, Jr.  
Marin County District Attorney  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

The Honorable Stephen M. Wagstaffe  
San Mateo County District Attorney  
400 County Center, 3<sup>rd</sup> Floor  
Redwood City, CA 94063

The Honorable Gary Lieberstein  
Napa County District Attorney  
Carithers Building  
931 Parkway Mall

Executed on November 2, 2012, in Sacramento, California.

P.O. Box 720  
Napa, CA 94559

The Honorable Jill Ravitch  
Sonoma County District Attorney  
600 Administrative Drive, Room 212J  
Santa Rosa, CA 95403

The Honorable Jeffrey F. Rosen  
Santa Clara County District Attorney  
70 West Hedding Street, West Wing  
San Jose, CA 95110

/s/ Emily J. Brand

Emily J. Brand

Attorneys for Plaintiff

California Sportfishing Protection Alliance