

LAW OFFICES OF  
**ANDREW L. PACKARD**

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November 29, 2012

(See attached Certificate of Service)

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

Dear Public Enforcement Agencies and Holiday Harbor, Inc.:

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 Shasta Lake, 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 **Holiday Harbor, Inc.** (hereinafter referred to as "the Violator"). These violations involve the discharge of lead and lead 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: 20061 Shasta Caverns Road in O'Brien, 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 Shasta Lake.

Shasta Lake and the Sacramento River are 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."

Notice of Violation, Health & Safety Code § 25249.5 *et seq.*

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Information available to CSPA indicates that these ongoing unlawful discharges have been occurring since at least approximately 2009. 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  
Fax. (707) 763-9227  
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 29, 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:

Holiday Harbor, Inc.  
c/o Stephen C. Barry, Agent for Service of Process  
20061 Shasta Caverns Road  
O'Brien, CA 96070

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

On November 29, 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 Donald A. du Bain  
Solano County District Attorney  
675 Texas Street, Ste. 4500  
Fairfield, CA 94533-6340

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

The Honorable Stephen S. Carlton  
Shasta County District Attorney  
1355 West Street  
Redding, CA 96001

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

The Honorable Gregg Cohen  
Tehema County District Attorney  
444 Oak Street, Room L.  
Red Bluff, CA 96080

The Honorable Robert J. Maloney  
Glenn County District Attorney  
P.O. Box 430  
Willows, CA 95988

The Honorable John R. Poyner  
Colusa County District Attorney  
346 Fifth Street, Ste. 101  
Colusa, CA 95932

The Honorable Carl Adams  
Sutter County District Attorney  
446 2<sup>nd</sup> Street, Ste. 102  
Yuba City, CA 95991

The Honorable Michael L. Ramsey  
Butte County District Attorney  
25 County Center Drive  
Oroville, CA 95965

Executed on November 29, 2012, in Berkeley, California.

/s/ Emily J. Brand  
Emily J. Brand  
Attorneys for Plaintiff  
California Sportfishing Protection Alliance