

RBC FOUR CO. LLC
Box 828
Fillmore, California 93016

March 29, 2013

**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 Exposure to Listed Chemicals.

Dear Mr. Iger:

RBC Four Co. LLC, as well as the individuals listed in Exhibit A to this Amended Notice Letter (collectively the “Noticing Parties”) serve this 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 the prior Notice Letter (s) dated March 9, 2009, and May 2, 2012, (“Prior Notice Letters”), as served by RBC Four Co. et al, and other individual parties. This Amended Notice incorporates the previous Notice Letters into this Amended Notice Letter as though set forth herein in full.

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.

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

- This Amended Notice is provided by RBC Four Co. LLC (“RBC”), a California Limited Liability Co. and the individuals listed in Exhibit A to this Amended Notice, collectively (the “Noticing Parties”). RBC and individual parties are 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.

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- 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 City of Glendale and other Cities visiting Burbank, but mostly within the State of California.

- The Noticed Company's name and address is:

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

- Some of the violations addressed by this Amended Notice began on or after April 1, 1989, have occurred on numerous occasions each and every day since April 1, 1989, Oct 1, 1992, Sept 2011 and are ongoing and continuing.
- This Amended Notice covers both the "discharge" provision 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 were knowingly discharged or released into air *and* into water where such chemical passed or probably will pass into a source of drinking water from Disney's facility at or 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").
- The Listed Chemicals were knowingly discharged or released into air or water from catch basins in the Facility parking lot where such chemical passed or probably will pass into a source of drinking water from Disney's Facility, from at least Sept 2011 till the present.
- More chemicals discharged, more sources of contaminated waste water have been found and more individuals exposed have surfaced recently, and they are the subject of this Amended Notice. These 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 or regarding the fact that the Listed Chemicals are known to the State of California to be a carcinogens or reproductive toxicants.
- 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., is listed below:

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1. Chromium VI (Hexavalent Chromium) - CAS #7778-50-9) and its compounds, listed as a carcinogen on February 27, 1987.
 2. Chromium VI CAS # (COMPOUNDS), listed as a reproductive toxicant December 19, 2008.
 3. Antimony – CAS # 1309-64-4 listed as a carcinogen Oct 1, 1990.
 4. Arsenic – CAS # (COMPOUNDS) listed as a carcinogen Feb 27, 1987.
 5. Lead – CAS # (COMPOUNDS) listed as a carcinogen Oct 1, 1992
- The aforementioned carcinogens and reproductive toxicants are on the Governor's list (Proposition 65 Chemical List) as published at Title 27 CCR § 27001. These carcinogens are known to the State of California to cause cancer, requiring special warning labels and care in handling and use.
 - The type of exposures alleged in this Amended Notice can also be 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.
 - The Noticing Parties believe and so allege that Disney tolled any applicable statute of limitations by failing at any time in the past to disclose the 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 alleged discharge and exposures are in and around the Disney Facility, including but not limited to downwind of the Facility waste water discharge operations into the Buena Vista catch basin on the southeast corner of Buena Vista St. and Riverside Drive, Burbank, Ca. 91521. These alleged exposures result from direct human contact via dermal, inhalation, and/or ingestion exposures with the Listed Chemicals as industrial waste water discharges from the Burbank Facility.
 - 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 water containing the Amended Notice Listed Chemicals disposed by Disney along such previous identified routes, including but not limited to the Buena Vista catch basin and in and around the bus stop above said catch basin on Buena Vista Street as these Chemicals pass into storm drains and then into the Los Angeles River and drinking water of the State of California.

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Please direct any inquiries regarding this notice or any communication to the Noticing Parties c/o:

William Dunlap
Box 828
Fillmore, Ca. 93016

E-mail: eww5001@aol.com

EXHIBIT A – LIST OF PARTIES GIVING NOTICE

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

NOTICING PARTIES:

- 1. Mary Fekette**
- 2. Marty Greenberg**

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

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

AMENDED NOTICE
NOTICED PARTY:

THE WALT DISNEY COMPANY

I, William Dunlap, on behalf of /RBC Four Co. LLC and the individual noticing parties hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged that the party identified in the notice have violated California Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.


2. I am the expert for the noticing party and individual noticing parties.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, maps, charts, private and public documents, or other data regarding the exposure to the listed chemical(s) that is the subject of this action.

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

5. The copy of this 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 and Safety Code section 24249.7(h)(2), *i.e.*, (1) the identity of the person consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons. *See Original packet.*

Date: March 30, 2013



William Dunlap

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 Box 828, Fillmore, Ca 93016

On March 30, 2013, 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 Ventura, 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 March 30, 2013 at Ventura, California.



William Dunlap

DISTRIBUTION LIST

<p>Mr. Bob Iger President See Agent for Service 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>	