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LOS ANGELES  
ORANGE COUNTY  
SAN DIEGO  
SAN FRANCISCO  
SANTA BARBARA  
WESTLAKE VILLAGE

FILE NO.: 20488.008

December 18, 2013

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Tom Whinfrey, President  
Industrial Electronic Engineers, Inc.  
7723 Kester Avenue  
Van Nuys, California 91405

Re: 60-Day Notice of Violation of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

Mr. Whinfrey:

As counsel for Cinmark Company, L.P. ("Cinmark"), we are sending you this letter as notification, pursuant to California Health and Safety Code Section 25249.7(d)(1), that Cinmark intends to bring suit against Industrial Electronic Engineers, Inc. ("IEE") for, among other claims, violations of California Health and Safety Code §§ 25249.5 and 25249.6 (also known as "Proposition 65"). Section 25249.5 provides:

"No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes, or probably will pass, into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9."

Section 25249.6 provides:

"No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10."

This letter will provide you with a greater understanding regarding the location of the exposure, the type of exposure, the method of exposure, and the approximate length of time Cinmark's property located at 7765-7775 Kester Avenue, Van Nuys, California (the "Site"), has been exposed to Proposition 65 listed contaminants released from and present in the facility

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leased by IEE, and located at the Site. The following is intended to provide you with facts sufficient to enable you to undertake a meaningful investigation of the contamination of the Site, and thereafter participate in the remedy of any environmental contamination.

### **I. LOCATION OF SOURCE OF EXPOSURE**

The violation covered by this notice consists of the identified presence and potential release/s of, and exposure to, various volatile organic compounds (VOCs). The location of the source of exposure is primarily in the vicinity of a former clarifier/sewer connection and/or leaks/spills and/or use of chemicals at the property leased by IEE in the Van Nuys neighborhood of the City of Los Angeles, County of Los Angeles, California. The primary location of at least one source of exposure is at the northern end of 7765 and 7775 Kester Avenue, Van Nuys, California (the "Site").

### **II. NATURE OF EXPOSURE**

A Proposition 65 exposure risk is posed by the VOC contaminants located in soil, soil vapor and groundwater and these chemicals may be present in indoor air. The Proposition 65 chemicals that have been detected in soil, soil vapor and groundwater at the Site, and/or adjacent properties owned by Cinmark, include:

- TCE
- PCE
- Ethyl-benzene
- Isopropyl-benzene (Cumene)
- Toluene
- Ethylene dichloride (1,2-DCE)
- 1,1,-dichloroethane (1,1-DCA) and,
- Chloroform

### **III. EXTENT OF THE EXPOSURE**

From approximately October 2011 to the present, IEE has performed soil and soil vapor testing, which documents the presence of these chemicals prior to that testing date. IEE first occupied the building at 7775/7765 Kester Avenue in 1966 and as a result, the duration of the exposure could be as high as 45 years and as few as two. Soil vapor data indicate that at least

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one of the Proposition 65 chemicals identified in Section II have been detected at the Site or the adjacent properties owned by Cinmark.

**IV. ROUTE OF EXPOSURE AND ITS POTENTIAL HEALTH RISKS**

The presence of the VOCs in soil, soil vapor and groundwater indicates the release of chemicals known to the State of California to cause cancer and reproductive toxicity. The VOCs present in soil and soil vapor may present a threat to past, current and future occupants of buildings by migration of soil vapor into indoor air which may then be inhaled. The VOCs in soil and soil vapor present a threat to any future workers performing subsurface or indoor construction via routes of: dermal absorption, inhalation, and oral ingestion. The potential health risks for the VOCs are well known and documented in the medical literature. For one of the more toxic chemicals (TCE), these risks include cancer, adverse hepatic, renal, neurological, immunological, reproductive, and developmental non-cancer effects.

**V. TIME PERIOD DURING WHICH VIOLATION HAS OCCURRED**

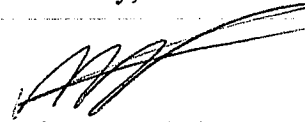
The contaminant exposures and soil releases have potentially occurred since at least October 2011, when the chemicals were first tested for and detected. It is likely that the chemicals have been present for many years, or even decades, given the wide extent and depth of soil and soil vapor contamination and the fact that groundwater is contaminated. The timing and extent of releases into the indoor air and groundwater are not known at this time and may be the subject of future evaluation.

**VI. CONCLUSION**

Please direct all questions concerning this notice of violation to the following addressees: Barry C. Groveman, Esq. or Adam D. Wieder, Esq., Musick, Peeler & Garrett LLP, 2801 Townsgate Road, Suite 200, Westlake Village, California 91361, (213) 629-7863 or (805) 418-3114, respectively. Should you require more information regarding the Site and/or exposure risks, we will provide you with any available reports.

For general information concerning the provisions of Proposition 65, please contact OEHHA, Proposition 65 Implementation Office, at (916) 445-6900.

Sincerely,



Adam D. Wieder  
MUSICK, PEELER & GARRETT LLP

ADW:hs

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**SERVICE LIST**

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