

Shefa LMV LLC & Environmental World Watch, LLC.
LOS ANGELES, CALIFORNIA

March 26, 2014

NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(California Health and Safety Code §25249.5 et seq.)

NOTICE
TO: EXIDE TECHNOLOGIES

FIRST CLASS MAIL TO THE PARTIES LISTED ON THE ATTACHED DISTRIBUTION LIST TO:

Exide Technologies
c/o CT Corporation System
818 W. 7th Street
Los Angeles, CA 90017

Exide Technologies
Mr. James R. Bolch, President
13000 Deerfield Parkway, Bldg 200
Milton, GA 30004

Dear Sirs:

Shefa LMV LLC & Environmental World Watch, LLC (the "Noticing Parties") serve this Notice of Violation ("Notice") upon Exide Technologies (hereinafter "VIOLATOR") pursuant to and in compliance with California Health and Safety Code ("H&S Code") §25249.7(d) and California Code of Regulations ("CCR") §25903.

This Notice satisfies a prerequisite for the Noticing Parties to commence an action against the VIOLATOR to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986, Prop 65. The violations addressed by this Notice occur in Los Angeles county and the cities of Vernon and at least Boyle Heights in California, United States of America. This Notice is being served upon the VIOLATOR, the California Attorney General, the district attorney of Los Angeles County and the City Attorney for the City of Los Angeles, California. The above VIOLATOR has a current registration with the California Secretary of State or other corporate website that identifies a President and this Notice is being addressed to, and served upon, one of those persons via CT Corporation System as the Agent for Service.

Attached hereto this Notice is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): "A Summary"(also known as "Appendix A").

The description of the Noticing Parties, the alleged VIOLATOR and the alleged Violations addressed by this Notice:

- This Notice is provided by Shefa LMV LLC & Environmental World Watch, LLC. (hereinafter "Shefa & EWW"), which are based in Los Angeles and each registered in California as a Limited Liability Company with the office of the California Secretary of State. The Noticing Parties are acting in the public interest pursuant to H&S Code §25249.7(d), and are dedicated to protecting the environment, improving human health and supporting environmentally sound practices.
- The VIOLATOR'S name is:

Exide Technologies, a Delaware Corporation.
- The first violation addressed by this Notice began on or after November 1, 2010, and has occurred on numerous occasions each and every day since November 1, 2010 as exposures to Prop 65 listed chemicals by VIOLATOR has created a continuing requirement to warn in conformity with CCR tit. 27 §25601 to all exposed persons in the downwind areas not just selected areas next to the Vernon Facility at 2700 S. Indiana Street, Los Angeles, 90023. The air exposures caused by these emissions of specifically lead and its compounds are violations of statute and are a "continuing violation" tolling any statutory protection normally afforded the alleged VIOLATOR.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at H&S Code §25249.6.
- There is a second allegation that the VIOLATOR has contaminated sources of drinking water within the state in violation of H&S Code §25249.5 for specifically lead and its compounds.
- There is a third allegation that the VIOLATOR has released and or discharged other listed chemicals and has failed to specifically warn about those releases and the identity of those chemicals.
- The name of each chemical that is listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 and involved in the violations addressed by this Notice are:
 1. Lead and Lead Compounds,
 2. Carbon Monoxide,

3. Formaldehyde,
 4. 1,3-Butadiene,
 5. Arsenic,
 6. Benzene, and
 7. Hexavalent Chromium, “Cr VI”;
- The above Chemicals are listed (and have been so listed for more than twelve months) by the Governor of the State of California as being chemicals known to the State of California to cause cancer or reproductive toxicity, or both cancer and reproductive toxicity. See Exhibit B attached hereto.
 - The route of exposure for the violations addressed by this Notice is inhalation and ingestion as there is also a danger of swallowing the chemicals while showering, brushing ones teeth or ingestion and dermal exposures during rain events as these chemicals wash out of the ambient air.
 - Further there is a danger of ingestion of the listed chemicals as the releases and or discharges are into the air where they may pass into a source of drinking water or the release and or discharge may be to land or into land where it may pass into a source of drinking water. And where said release and or discharge may threaten sources of drinking water such as “groundwater or surface water”.¹
 - The types of exposures alleged herein are environmental and occupational exposures while the VIOLATOR was conducting business in its normal knowing, intentional and supervised fashion. These emissions cause global exposures in the adjacent counties as the heavy metal particulate matter smaller than 1 micron is highly mobile in air dispersion models. The specific concentrations of lead, carbon monoxide and hexavalent chromium released by the VIOLATOR are further cancer and reproductive burdens on the ambient air and larger air basins adjacent for which the VIOLATOR is also responsible under the theory of “Enterprise Liability”.
 - There are numerous diverse geographical areas of the exposures addressed in this Notice. These exposures occur in homes, via surface water, groundwater, soil, on most solid surfaces and in the workplace of the VIOLATOR and in all 3 counties adjacent to the VIOLATORS Vernon facility. The air basins of Orange, Riverside and San Bernardino contain actionable levels of carbon monoxide, lead and 1,3-Butadiene to such an extent that a Court will have to adjudicate the VIOLATOR proportion contribution and liability at trial.

¹ CCR tit. 27 § 25201 (w).

- This contamination can be gauged and quantified by a percentage “contribution” to the permanent damage to the environment in each of the 3 counties of California identified above, besides Los Angeles County. Innocent persons have been breathing and will continue to breathe these same listed chemicals to their detriment absent environmental warnings, including but not limited to advertisements on television and in the print media, and on media vehicles such as billboards. These exposures occur principally off the property of the Noticed company and alleged VIOLATOR.
- In the course of doing business, the VIOLATOR has and did knowingly expose, and continues to expose, individuals (especially children, pregnant and post-partum women) to the listed chemicals. As a proximate cause of the releases and or discharges alleged above no clear and reasonable warning is or has been provided by the VIOLATOR to individuals or groups in the 4 counties where persons are exposed as defined above.
- These exposures have gone on from at least Jan. 1, 1990 as to identified herein listed chemicals including but not limited to arsenic, formaldehyde, 1,3-Butadiene, Benzene, Cr VI, and carbon monoxide which is released during the Vernon Facilities normal recycling operations. The Noticing Parties believes that the VIOLATOR, as the original source and as a prior noticed and settling Defendant to similar charges of illegal exposures, has and will continue to withhold any meaningful information from those persons that required warning, absent this enforcement action.

All 4 of the counties identified in this Notice have levels or contributions of air contamination from these same above listed chemicals. These counties are identified by EPA as non-attainment by the various levels of just one listed reproductive toxicant, released by the VIOLATOR and a part of this Notice: carbon monoxide.

OCCUPATIONAL ADVISEMENT

The release and or discharge by the VIOLATOR constitutes exposures to numerous known carcinogenic chemicals in the environment and the release will cause the subsequent occupational exposures to employees of the Vernon Facility without a clear and reasonable warning as to each chemical released.

“This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.”

ENVIRONMENTAL ADVISEMENT

The location of these alleged exposures are varied while occurring within the 4 counties of the state of California as evidenced by the identification above. The Noticing Parties believe and so allege that most if not all of the jurisdictions identified had VIOLATOR'S waste streams in that ambient air and that after that air dispersion fell to ground where they threaten sources of drinking water and cause a subsequent environmental exposure.

- Lastly, that these releases and discharges into air or onto land where they may pass into sources of drinking water caused exposures requiring warnings in possibly all of these 4 jurisdictions to the listed chemicals.
- Please direct any inquiries regarding this Notice or any communication with the responsible party for the Noticing Parties to:

Daniel N. Greenbaum, Esq.
14752 Otsego Street
Sherman Oaks, CA 91403
Phone: 310.200.2631
Email: danielgreenbaumesq@gmail.com

EXHIBIT B**NOTICED PARTY:
EXIDE TECHNOLOGIES**

List Of Chemicals Contained In The Attached 60-Day Notice of Violation That Are Listed By The Governor Of The State Of California As Being Known To The State Of California To Cause Cancer Or Reproductive Toxicity

CARCINOGENS

<u>Chemical</u>	<u>CAS No.</u>	<u>Date Added to List</u>
Hexavalent Chromium and its compounds.	*****	Feb 27, 1987
Formaldehyde (gas)	50-00-0	Jan. 1, 1988
1,3- Butadiene	106-99-0	April 1, 1988
Benzene	71-43-2	Feb 27, 1987
Lead and its compounds	*****	Oct 1, 1992
Arsenic	*****	Feb 27, 1987

REPRODUCTIVE TOXICANT

<u>Chemical</u>	<u>CAS No.</u>	<u>Date Added to List</u>
Carbon Monoxide	630-08-0	July 1, 1989
Hexavalent Chromium and its compounds.	*****	Dec 19, 2008
1,3- Butadiene	106-99-0	April 16, 2004
Lead	*****	Feb 27, 1987
Arsenic	*****	May 1, 1997

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case or action. My business address is:

14752 Otsego Street Sherman Oaks, CA 91403

A true and Correct copy of the foregoing document entitled **60 Day Notice of Violation** will be served or was served in the manner stated below:

I. Interested Parties (Served via Certified Mail): On March 27, 2014, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, Certified mail, postage prepaid, and addressed as follows:

Exide Technologies	Exide Technologies
Mr. James R. Bolch, President	CT Corporation System
13000 Deerfield Parkway, Bldg 200	c/o Agent for Service
Milton, GA 30004	818 W. Seventh St.
	Los Angeles CA 90017

II. California Attorney General (via website Portal): On March 27, 2014, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.

III. District and City Attorneys (via U.S. Mail): On March 27, 2014, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows

See attached pages for full service list

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

March 27 2014

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature

District Attorney
ALAMEDA COUNTY
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney
ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

District Attorney
AMADOR COUNTY
708 Court Street, #202
Jackson, CA 95642

District Attorney
BUTTE COUNTY
25 County Center Drive —
Administration Building
Oroville, CA 95965

District Attorney
CALAVERAS COUNTY
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney
COLUSA COUNTY
346 5th Street, Suite. 101
Colusa, CA 95932

District Attorney
CONTRA COSTA COUNTY
900 Ward Street
Martinez, CA 94553

District Attorney
DEL NORTE COUNTY
450 H Street, Room 171
Crescent City, CA 95531

District Attorney
EL DORADO COUNTY
515 Main Street
Placerville, CA 95667

District Attorney
FRESNO COUNTY
2220 Tulare Street, Suite. 1000
Fresno, CA 93721

District Attorney
GLENN COUNTY
PO Box 430
Willows, CA 95988

District Attorney
HUMBOLDT COUNTY
825 5th Street
Eureka, CA 95501

District Attorney
IMPERIAL COUNTY
940 West Main Street, Suite. 102
El Centro, CA 92243

District Attorney
INYO COUNTY
168 North Edwards
Independence, CA 93526

District Attorney
KERN COUNTY
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney
KINGS COUNTY
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney
LAKE COUNTY
255 N. Forbes Street
Lakeport, CA 95453

District Attorney
LASSEN COUNTY
220 S. Lassen Street, Suite. 8
Susanville, CA 96130

District Attorney
LOS ANGELES COUNTY
210 W. Temple Street
Los Angeles, CA 90012

District Attorney
MADERA COUNTY
209 West Yosemite Avenue
Madera, CA 93637

District Attorney
MARIN COUNTY
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney
MARIPOSA COUNTY
PO BOX 730
Mariposa, CA 95338

District Attorney
MENDOCINO COUNTY
PO BOX 1000
Ukiah, CA 95482

District Attorney
MERCED COUNTY
550 West Main Street
Merced, CA 95340

District Attorney
MODOC COUNTY
204 S. Court Street, Room 202
Alturas, CA 96101

District Attorney
MONO COUNTY
PO BOX 2053
Mammoth Lakes, CA 93546

District Attorney
MONTEREY COUNTY
PO BOX 1131
Salinas, CA 93902

District Attorney
NAPA COUNTY
PO BOX 720
Napa, CA 94559

District Attorney
NEVADA COUNTY
201 Commercial Street
Nevada City, CA 95959

District Attorney
ORANGE COUNTY
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney
PLACER COUNTY
10810 Justice Center Drive
Roseville, CA 95678

District Attorney
PLUMAS COUNTY
520 Main Street, Room 404
Quincy, CA 95971

District Attorney
RIVERSIDE COUNTY
3960 Orange Street
Riverside, CA 92501

District Attorney
SACRAMENTO COUNTY
901 G Street
Sacramento, CA 95812

District Attorney
SAN BENITO COUNTY
419 4th Street
Hollister, CA 95023

District Attorney
SAN BERNARDINO COUNTY
303 W. Third Street
San Bernardino, CA 92415

District Attorney
SAN DIEGO COUNTY
330 W. Broadway, Suite 1300
San Diego, CA 92101

District Attorney
SAN FRANCISCO COUNTY
880 Bryant Street, Third Floor
San Francisco, CA 94103

District Attorney
SAN JOAQUIN COUNTY
PO BOX 990
Stockton, CA 95202

District Attorney
SAN LUIS OBISPO COUNTY
Courthouse Annex, 4th Floor
San Luis Obispo, CA 93408

District Attorney
SAN MATEO COUNTY
400 County Center, Third Floor
Redwood City, CA 94063

District Attorney
SANTA BARBARA COUNTY
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney
SANTA CLARA COUNTY
70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney
SANTA CRUZ COUNTY
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney
SHASTA COUNTY
1355 West Street
Redding, CA 96001

District Attorney
SIERRA COUNTY
100 Courthouse Square
Downieville, CA 95936

District Attorney
SISKIYOU COUNTY
PO BOX 986
Yreka, CA 96097

District Attorney
SOLANO COUNTY
675 Texas Street, Suite 4500
Fairfield, CA 94533

District Attorney
SONOMA COUNTY
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney
STANISLAUS COUNTY
832 12th Street, Suite 300
Modesto, CA 95353

District Attorney
SUTTER COUNTY
446 Second Street, Suite 102
Yuba City, CA 95991

District Attorney
TEHAMA COUNTY
PO BOX 519
Red Bluff, CA 96080

District Attorney
TRINITY COUNTY
PO BOX 310
Weaverville, CA 96093

District Attorney
TULARE COUNTY
221 South Mooney Blvd., Suite 224
Visalia, CA 93291

District Attorney
TUOLUMNE COUNTY
423 No. Washington Street
Sonora, CA 95370

District Attorney
VENTURA COUNTY
800 South Victoria Avenue
Ventura, CA 93009

District Attorney
YOLO COUNTY
301 Second Street
Woodland, CA 95695

District Attorney
YUBA COUNTY
215 Fifth Street, Suite. 152
Marysville, CA 95901

Carmen Trutanich
City Attorney
CITY OF LOS ANGELES
200 N. Main Street
Los Angeles, CA 90012

Jan Goldsmith
City Attorney
CITY OF SAN DIEGO
1200 Third Avenue, 3rd Floor
San Diego, CA 92101

Richard Doyle
City Attorney
CITY OF SAN JOSE
200 East Santa Clara Street
San Jose, CA 95113

Dennis J. Herrera
City Attorney
CITY OF SAN FRANCISCO
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

CERTIFICATE OF MERIT

I, Daniel N. Greenbaum, hereby declare:

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

(2) I am the attorney for the noticing parties.

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

(4) Based on the information obtained through those consultations, and on 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 the private action" means that the information provides a credible basis that all 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 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

March 27, 2014

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature