

RBC FOUR CO. LLC
FILLMORE, CALIFORNIA 93016

March 8, 2015

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

PRIORITY MAIL-

Mr. Robert E. Finn, Pres.
Quemetco, Inc.
720 S. 7th Street
City of Industry, CA 91746

Dear Mr. Finn:

RBC Four Co. LLC (the "Noticing Party") serves this Notice of Violation ("Notice") upon Quemetco, Inc. (hereinafter "VIOLATOR") pursuant to and in compliance with California Health and Safety Code ("H&S Code") section 25249.7(d) and California Code of Regulations ("CCR") section 25903.

This Notice satisfies a prerequisite for the Noticing Party to commence an action against the VIOLATOR to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986. The violations addressed by this Notice occur in Los Angeles, Orange County and the City of Industry, California. This Notice is being served upon each VIOLATOR, the California Attorney General, the district attorney of Los Angeles and Orange County. The above VIOLATOR has a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel and this Notice is being addressed to, and served upon, one of those persons via the Agent for Service.

Attached hereto these Notice[s] are copies of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): "A Summary".

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

- This Notice is provided by RBC Four Co. LLC, (hereinafter "RBC"), which is based in Los Angeles and is registered in California as a Limited Liability Company with the office of the California Secretary of State. RBC is 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.

- The current violations addressed by this Notice began on or after January 1, 2001, and have occurred on numerous occasions each and every day since January 1, 2001, as they are ongoing and continuing. The exposures and discharges caused by these violations of statute 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 further allegation that the VIOLATOR has contaminated sources of drinking water within the state in violation of H&S Code §25249.5.
- 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. Antimony, 2. Arsenic, 3. Cadmium, 4. Hexavalent chromium, 5. Lead, 6. Mercury, 7. 1, 3-Butadiene.
- The "Listed Chemical[s]". 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 a chemical known to the State of California to cause cancer or reproductive toxicity, or both cancer and reproductive toxicity.
- The route of exposure for the violations addressed by this Notice is inhalation, however there also is a danger of ingestion and dermal exposures. The noticing party alleges that there is also a danger of a dermal exposure while rain events wash VIOLATOR discharged Listed Chemicals, as toxic air contaminants and particulate matter, out of the ambient air. This same chemical rain also threatens sources of drinking water including surface water, *See* Tit.27, §25102 (w) and H&S Code §25249.5
- The type of exposures are environmental and occupational while the facility is in production and while the VIOLATOR recycles batteries and waste in its normal business activities.
- This contamination can be gauged and quantified by a percentage “contribution” to the permanent damage to the environment in Los Angeles and Orange Counties. 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 mailings to persons in the adjacent affected areas that contain a map (isopleth) explaining the sources of release/discharge. Or Warning Notices in media materials and/or on other 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 and intentionally expose, and continue to expose, individuals (especially pregnant and post-partum women) to the Listed Chemicals. No clear and reasonable warning is or has been provided by the VIOLATOR to individuals or groups in the adjacent downwind environment as persons.
- These exposures have gone on from at least January 2001 and are ongoing as well as continuing, as such RBC believes and so alleges that the VIOLATOR has never properly warned in accordance with statutory guidelines, nor have they ceased to discharge heavy metal particulate¹ that has contaminated surface water (San Jose Creek, et al) and sources of drinking water. RBC believes that the VIOLATOR has and will continue to withhold any meaningful information from those persons that required warning, absent this enforcement action.

¹ Particulate composed of including but not limited to, individually and/or collectively, lead, arsenic, hexavalent chromium, etc.

OCCUPATIONAL ADVISEMENT

“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. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, in that it does not apply to the conduct of manufacturers occurring outside the State of California. 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 occurring within Los Angeles County at 720 S. 7th Street, City of Industry, CA 91746, and in the immediately adjacent communities.

Please direct any inquiries regarding this Notice or any communication with counsel for the noticing entity RBC Four Co, LLC. to:

Mr. Kurt S. Bollin, Esq.
1506 Oak Street- D
S. Pasadena, CA 91030

Phone: 805 625 3063

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

NOTICED PARTY :
Quemetco, Inc.
720 S. 7th Street
City of Industry, CA 91746

I, Kurt S. Bollin, on behalf of RBC Four Co, LLC, hereby declare:

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

2. I am the attorney for the noticing party.

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 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.

Date: March 8, 2015

Signed By:

/s/ Kurt S. Bollin

APPENDIX "A"
(Copy not attached to upload)

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 PO Box 828, Fillmore, CA 93016

On March 8, 2015 I served copies of the documents Listed immediately hereafter by Priority Mail or First Class Mail by placing same in sealed envelopes, fully preparing postage thereon, and depositing said envelopes in the U.S. Mail at Castaic, California.

Said envelopes were addressed as follows:

SEE ATTACHED DISTRIBUTION LIST

FOR ATTORNEY GENERAL, COUNTY DISTRICT ATTORNEY *(Sent via Priority Mail with applicable postage to those Noticed parties with *)*

Documents Served:

- 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. The "Summary" OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986**
- 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 above is true and correct.

Date: March 8, 2015

Signed /s/ Matt Nichols

DISTRIBUTION LIST

<p>Mr. Robert E. Finn, Pres. Quemetco, Inc. 720 S. 7th Street City of Industry, CA 91746</p> <hr/> <p>Agent for Service: CT CORPORATION SYSTEM * 818 West 7th Street Los Angeles, CA 90017</p>	<p>Orange County District Attorney Office of the District Attorney 401 Civic Center Drive Santa Ana, CA 92701</p> <hr/> <p>Quemetco, Inc. 2777 N. Stemmons Frwy, Ste. 1800 Dallas, TX 75207</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>	<p>Los Angeles County District Attorney 210 West Temple Street, Suite 18000 Los Angeles, CA 90012-3210</p>