



October 2, 2015

**VIA First Class US Mail**

Public Prosecutors (See attached service list)	
President/CEO and/or Mr. John Gatlin Valley Water Management Company 7500 Meany Ave. Bakersfield, CA 93308	Mr. Christopher Burger Agent for Service of Process Valley Water Management Company 7500 Meany Ave. Bakersfield, CA 93308

***NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE § 25249.5 et seq. AND  
60-DAY NOTICE OF INTENT TO SUE UNDER HEALTH & SAFETY CODE § 25249.5 et seq. (California  
Safe Drinking Water and Toxic Enforcement Act, a.k.a. "Proposition 65")***

Dear Hon. Prosecutors and Valley Water Management Company:

Clean Water Fund, Center for Environmental Health and Association of Irrigated Residents are represented in this matter by Aqua Terra AERIS (ATA) Law Group. This Notice of Violation is provided to you pursuant to, and in compliance with, California Health and Safety Code Section 25249.7. This letter serves to provide the public prosecutors, in addition to Valley Water Management Company, formerly known as Valley Waste Disposal Company, ("Violator"), with notice of alleged violations and the intent to sue in the public interest, based thereon.

For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached Summary provided by California Environmental Protection Agency's Office of Environmental Health Hazard Enforcement. (Note, copies of the same will not be provided to public prosecutors.)

This Notice of Violation ("NOV") is provided by the Clean Water Fund ("CWF"), Center for Environmental Health ("CEH") and Association of Irrigated Residents ("AIR").

CWF is a nonprofit corporation dedicated to ensuring safe clean affordable drinking water, preventing health threatening pollution, and creating environmentally safe jobs and businesses. Miriam



Gordon and Andrew Grinberg are the California State Director and Oil and Gas Program Manager, respectively, of and responsible individuals within CWF. CWF brings this action in the public interest, pursuant to Health & Safety Code § 25249.7 (d).

CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of, and the responsible individual within, CEH. CEH is located at 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH brings this action in the public interest, pursuant to Health & Safety Code § 25249.7 (d).

AIR is a nonprofit corporation dedicated to advocating for air quality and environmental health and justice in the San Joaquin Valley, including preventing pollution of groundwater. Tom Frantz is the President and responsible person within AIR. AIR is located at 29389 Fresno Ave., Shafter, California 93263. AIR brings this action in the public interest, pursuant to Health & Safety Code § 25249.7 (d).

**Description of Violation:**

**Violator:** *Valley Water Management Company*  
7500 Meany Ave.  
Bakersfield, CA 93308

**Time Period of Violation:**

The violations have been occurring since at least September 1, 2014, and are continuing daily to the present.

**Provisions of Proposition 65:**

This Notice of Violation is brought pursuant to the "Discharge Prohibition" prong of Proposition 65, which can be found at Health and Safety Code Section 25249.5.

Violator is a "person[s] in the course of doing business" as defined in Health & Safety Code § 25249.11, who discharge, deposit or release Proposition 65-listed chemicals, contaminated wastewater or produced water into existing and/or present sources of drinking water and/or into underground sources of drinking water designated as municipal drinking water supply/ies under the Water Quality Control Plan for the Tulare Lake Basin ("Basin Plan") and/or the Safe Drinking Water Act of 1974 (42 U.S.C. §300(f) *et seq.*). Violator also discharges these chemicals and hazardous substances onto and/or into land where they probably will pass into sources of drinking water.



Information available to CWF, CEH, and AIR indicates that the Violator has been and continues discharging, releasing or depositing produced water and/or wastewater from oil and gas production operations at or near the Violator's facilities. Information available to CWF, CEH and AIR indicates that such produced water and wastewater discharged or released from Violator's facilities are consistently discharged by Violator in significant amounts, contain significant amounts of Prop. 65-listed chemicals and are not in compliance with all applicable laws, regulations, permits, requirements, and orders. Therefore, Violator knowingly discharged, deposited or released a significant amount of Proposition 65-listed chemicals into existing and/or present drinking water sources, thereby posing carcinogenic and reproductive toxicity threats to the public and its drinking water sources.

**Chemicals Involved:**

The name of the listed chemicals involved in these violations are:

- Benzene;
- Ethylbenzene;
- Naphthalene;
- Toluene;

All of the chemicals listed above have been on the Proposition 65 list longer than twenty months. (Health & Safety Code § 25249.9(a).) The above-listed Proposition 65 reproductive or developmental toxics and/or carcinogens ("Listed Chemicals") have been knowingly deposited, discharged or released by Violator, continue to be knowingly deposited, released or discharged, and are likely to continue to be knowingly deposited, released or discharged by Violator in the future into water or onto or into land where such chemical(s) pass or probably will pass into any source of drinking water. The Violator has been and/or is knowingly discharging, releasing or depositing the Listed Chemicals into groundwater designated as municipal drinking supply, or onto land where they probably will pass into such groundwater. The Violator, through the operations of the Facility and discharges of the Listed Chemicals, violated, violate and threaten to violate the discharge/release prohibition contained in Health & Safety Code § 25249.5.

**Description of Discharge:**

Valley Water Management Company ("VWMC"), formerly known as Valley Waste Disposal Company ("VWDC"), owns and operates oil and gas wastewater processing and disposal facilities, in or near the Edison Oil Field in Kern County. Each Facility, identified below, contains multiple surface impoundments, open-top containment ponds, sumps and/or pits, (hereinafter collectively referred to as "pits.") At least one Facility operates a spray field, by which sprinklers spray wastewater on hillsides to be disposed of by percolation and evaporation. VWMC allows oil and gas operators of properties within its service area to dispose of wastewater at its



facilities. VWMC disposes of the wastewater, a.k.a. "produced water," through unlined pits and spray fields designed to allow infiltration, permeation, penetration, percolation, seepage, discharges and releases of the wastewater underground. VWMC disposes of wastewater from inadequately, defectively, insufficiently or ineffectively lined pits thereby allowing for infiltration, permeation, penetration, percolation, seepage, discharges and releases of the wastewater underground. The chemicals (benzene, ethylbenzene, naphthalene, toluene) present in VWMC's discharges and releases from its pits do pass, or probably will pass, into sources of drinking water in California, including but not limited to surrounding and underlying groundwater and nearby surface waters.

The location of the pits and spray fields described herein include, but are not limited to, the following Facilities:

**Fee 34**

Township 34, Section 29S, Range 29E, Mount Diablo Base & Meridian, Lat./Long.  
35°21'17.86"N / 118°51'36.20"W  
Assessor's Parcel Number: 388-050-254

**Race Track Hill Facility**

Township 29S, Section 24, Range 29E, Mount Diablo Base & Meridian, Lat./Long.  
35°23'34.31"N / 118°49'16.22"W  
Assessor's Parcel Number: 387-060-031

**Sources of Drinking Water:**

A "source of drinking water" means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional water board as being suitable for domestic or municipal uses. (Health & Safety Code § 25249.11(d).) Moreover, "water" is defined to include both surface and groundwater. (California Code of Regulations, title 27, Section 25102(w).)

The State Water Resources Control Board, Tulare Lake Basin Water Quality Control Plan ("Basin Plan") establishes Water Quality Objectives for Inland Ground Waters, including groundwater. Pursuant to the Sources of Drinking Water Policy, all ground waters in the Basin are designated as municipal unless specifically exempted and approved. (Tulare Lake Basin Plan at p. II-2 ("Due to the "Sources of Drinking Water Policy," all ground waters are designated MUN (the use may be existing or potential) unless specifically exempted by the Regional Water Board and approved for exemption by the State Water Board.") Moreover, Water Quality Objectives require that all



covered waters be maintained free of toxic substances, alone or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal or aquatic life. The Sources of Drinking Water Policy and Water Quality Objectives are intended to protect Beneficial Uses of Ground Waters such as the Aquifer.

Therefore, the Violator's discharges, releases, and/or depositions of the Listed Chemicals into this sources of drinking water, or into or onto land where each passed, passes or probably will pass into a source of drinking water, are violations of Proposition 65's discharge prohibition.

**Resolution of Noticed Claims:**

Based on the allegations set forth in this Notice, CWF, CEH and AIR intend to file a citizen enforcement action against the alleged violator unless the violator agrees in a binding written instrument to remedy the violations alleged herein by ceasing ongoing and future discharges of the identified Proposition 65-listed chemicals, and paying appropriate costs, fees and civil penalties pursuant to Health & Safety Code Section 25249.7, Code of Civil Procedure Sections 1021.5 and 1033.5 *et seq.* CWF, CEH and AIR have retained counsel and are represented in this matter. Thus, please direct all communications regarding this notice to their enforcement counsel: Matthew C. Maclear at Aqua Terra Aeris (ATA) Law Group, 7425 Fairmount Ave., El Cerrito, CA 94530, and (415) 568-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Maclear". The signature is written in a cursive, flowing style.

Matthew C. Maclear  
Aqua Terra Aeris Law Group  
Attorneys for Noticing Parties

Enclosure: Appendix A – Prop. 65 Summary

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**Appendix A**  
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BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)  
Title 27. Environmental Protection  
Division 4. Office of Environmental Health Hazard Assessment  
Chapter 1. Safe Drinking Water and Toxic Enforcement Act of 1986  
Article 9. Miscellaneous

27 CCR Appendix A

Appendix A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. Please refer to the statute and OEHHA's implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.<sup>1</sup> These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

**WHAT DOES PROPOSITION 65 REQUIRE?**

**The "Proposition 65 List."** Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: [http://www.oehha.ca.gov/prop65/prop65\\_list/Newlist.html](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

**Clear and reasonable warnings.** A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly say that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

**Prohibition from discharges into drinking water.** A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

**DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?**

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:



**Grace Periods.** Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

**Governmental agencies and public water utilities.** All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

**Businesses with nine or fewer employees.** Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

**Exposures that pose no significant risk of cancer.** For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

**Exposures that will produce no observable reproductive effect at 1,000 times the level in question.** For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level" divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

**Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water.** The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

#### HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off- premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the notice was served on or after October 5, 2013, and the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$5B500 (subject to change as noted below) to the private party within 30 days; and
- Notified the private party serving the notice in writing that the violation has been corrected.

The written notification to the private-party must include a notice of special compliance procedure and proof of compliance form completed by the alleged violator as directed in the notice. On April 1, 2019, and every five years thereafter, the dollar amount of the civil penalty will be adjusted by the Judicial Council based on the change in the annual California Consumer Price Index. The Judicial Council will publish the dollar amount of the adjusted civil penalty at each five-year interval, together with the date of the next scheduled adjustment.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator. The amount of any civil penalty for a violation shall be reduced to reflect any payment made by the alleged violator for the same alleged violation to a private-party.

A copy of the notice of special compliance procedure and proof of compliance form is included with this notice and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>. The notice is reproduced here:

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Date:

Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

#### SPECIAL COMPLIANCE PROCEDURE

#### PROOF OF COMPLIANCE

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:

1. You have actually taken the corrective steps that you have certified in this form
2. The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice
3. The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.
4. This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.

#### PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY

The alleged violation is for an exposure to: (check one)

Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

#### IMPORTANT NOTES:

1. You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.



2. Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

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Date :

Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

## PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

### Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that

I have complied with Health and Safety Code §25249.6 by (check only one of the following):

- Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;
- Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately its placement on my premises; OR
- Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

### Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

\_\_\_\_\_  
Signature of alleged violator or authorized representative Date

\_\_\_\_\_  
Name and title of signatory

*FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS. . .*

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov).

Revised: May 2014

<sup>1</sup> All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

<sup>2</sup> See Section 25501(a)(4).

Note: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

### HISTORY

1. New Appendix A filed 4-22-97; operative 4-22-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 17).
2. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).
3. Change without regulatory effect renumbering title 22, section 12903 and Appendix A to title 27, section 25903 and Appendix A, including amendment of appendix, filed 6-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 25).
4. Amendment filed 11-19-2012; operative 12-19-2012 (Register 2012, No. 47).
5. Amendment of appendix and Note filed 11-19-2014; operative 1-1-2015 (Register 2014, No. 47).

This database is current through 9/18/15 Register 2015, No. 38

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END OF DOCUMENT

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare:

I am a citizen of the United States, over the age of 18 years, and am not a party to the within titled Notice of Violation, cause or action. My business address is 7425 Fairmount Ave., El Cerrito, CA 94530.


On October 2, 2015, I served the following documents: **NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE § 25249.5 et seq. AND 60-DAY NOTICE OF INTENT TO SUE UNDER HEALTH & SAFETY CODE § 25249.5 et seq. (California Safe Drinking Water and Toxic Enforcement Act, a.k.a. "Proposition 65"); and Appendix A, entitled "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary** on the following parties by placing a true and correct copy thereof in a sealed envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid for delivery by First Class Certified Mail:

President/CEO and/or Mr. John Gatlin Valley Water Management Company 7500 Meany Ave. Bakersfield, CA 93308	Mr. Christopher Burger Agent for Service of Process Valley Water Management Company 7500 Meany Ave. Bakersfield, CA 93308
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On October 2, 2015, I served the following documents: **NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE § 25249.5 et seq. AND 60-DAY NOTICE OF INTENT TO SUE UNDER HEALTH & SAFETY CODE § 25249.5 et seq. (California Safe Drinking Water and Toxic Enforcement Act, a.k.a. "Proposition 65")** on the following parties by placing a true and correct copy thereof in a sealed envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid for delivery by First Class Mail:

The Honorable Lisa Green Kern County District Attorney 1215 Truxtun Avenue, 4 <sup>th</sup> Floor Bakersfield, CA 93301	The Honorable Kamala Harris Office of the Attorney General Attn: Sue Fiering and Harrison Pollack 1515 Clay Street, 20 <sup>th</sup> Floor Oakland, CA 94612
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I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this certification was executed on October 2, 2015 at El Cerrito, California.

By: 

Matthew Maclear