



February 8, 2016

VIA US Mail

Public Prosecutors (See attached service list)	President/CEO Badger Creek Limited 5801 Granite Road Bakersfield, CA 93308
President/CEO Badger Creek Limited 9432 Old Katy Road Houston, TX 77055	Nancy Flores C T Corporation System Agent for Service of Process for Badger Creek Limited 818 West Seventh Street Los Angeles, CA 90017

**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 Badger Creek Limited:

This office represents Environmental Research Center ("ERC"), a California nonprofit public benefit corporation. ERC is dedicated to safeguarding the public from health hazards, reducing the use and misuse of toxic substances, encouraging corporate responsibility and ensuring safe drinking water for consumers. ERC brings this action in the public interest, pursuant to Health & Safety Code § 25249.7 (d).

ERC has identified violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code § 25249.5 et seq. (also commonly referred to as "Proposition 65" or "Prop. 65"). This letter serves to provide the public prosecutors, in addition to Badger Creek Limited ("Violator"), with ERC's notification of these violations and the intent to sue in the public interest, based thereon.

Pursuant to Health & Safety Code § 25249.7, subdivision (d), ERC intends to bring an enforcement action in the public interest sixty (60) days after effective service date of this Notice unless the public prosecutors commence and diligently prosecute an action against the Violator for the same alleged violations. For general information regarding Proposition 65 please see the attached Appendix A, entitled "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,"



which was prepared by the lead agency (Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency) designated under the statute. The specific details of the violations alleged and the subject of this Notice are provided below.

The Violator operates the following underground water disposal well ("Well"):

API Number	Well Name	Latitude	Longitude
02986511	WD1	35.483357	119.029678

The Violator is a "person[s] in the course of doing business" as defined in Health & Safety Code § 25249.11, that discharges, deposits, or releases Proposition 65-listed chemicals, contaminated injectate or produced water into existing and/or present sources of drinking water or into underground sources of drinking water not designated by the Safe Drinking Water Act of 1974 (42 U.S.C. §300(f) *et seq.*) as exempt, including but not limited to the aquifer that includes the Olcese, 3rd Vedder, and Famoso zones in the Tulare Lake Basin ("Aquifer"). The Well is regulated under permits issued by Division of Oil, Gas, and Geothermal Resources ("DOGGR"). The Violator is also regulated under the State Water Resources Control Board's ("SWRCB") authority to regulate and monitor groundwater sources of drinking water.

Information available to ERC indicates that the Violator operates the Well and injects into non-exempt, non-hydrocarbon-bearing aquifers in California.

The Violator is and has been in violation of the Safe Drinking Water Act, its DOGGR permits, SWRCB drinking water program regulations, Proposition 65 and is subject to enforcement from the SWRCB due to the fact that the Violator has been injecting Prop. 65-listed chemicals within the last year into potential, present or existing drinking water sources above state and/or federal Maximum Contaminant Levels, Proposition 65 Safe Harbor Limits, OEHHA Public Health Goals, SWRCB Drinking Water Action Levels.

The Violator has unlawfully discharged and continues to unlawfully discharge Proposition 65-listed chemicals into the Well, in violation of the Safe Drinking Water Act, and into the Aquifer, which are existing or potential drinking water sources.

Information available to ERC indicates that the Violator has been and/or is discharging, releasing or depositing produced water, waste water or injectate from oil and gas production operations at or near the Well. Information available to ERC indicates that such produced water, waste water and/or injectate discharged from Violator's Well, is consistently discharged by Violator in significant amounts, contains significant amounts of Prop. 65-listed chemicals and is not in compliance with all applicable laws and regulations. Therefore, the 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.

Identity of Chemicals

These discharges include chemicals listed in Proposition 65 and are prohibited from being discharged into an existing and/or present source of drinking water. The violations of Proposition 65 alleged in this Notice of Violation ("NOV") are past and ongoing discharges, deposits or releases of:

- Arsenic;
- Lead;
- Napthalene;
- Nickel;
- Radionuclides
- Soot, tar, oil, grease and mineral oils

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, continue to be knowingly deposited, released or discharged, and are likely to continue to be knowingly deposited, released or discharged 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 the Well and into the Aquifer. The Violator, through the operations of the Well and discharge of the Listed Chemicals, violated, is violating, and threatens to violate the discharge/release prohibition contained in Health & Safety Code § 25249.5.

Sources of Drinking Water

The Violator has and continues to knowingly discharge, deposit or release the Listed Chemicals into water, or onto land where each chemical passed, passes or probably will pass into the Aquifer, a present and/or existing source of drinking water that is not exempt under the federal Safe Drinking Water Act ("SDWA").

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 such as the Aquifer. 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.) 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 the Aquifer's Beneficial Uses of Ground Waters such as municipal drinking water supply.

The State Water Resources Control Board's Resolution No. 88-63 states: "[a]ll surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply and should be so designated by the Regional Boards."

Since 1983, DOGGR has been granted primary responsibility from the United States Environmental Protection Agency ("EPA") to implement the requirements of the SDWA, including the permitting of certain kinds of underground injection control or waste water disposal wells. The EPA approves the areas where injection into groundwater aquifers may be allowed, areas that the EPA has determined are exempt under the SDWA. In 2012, the EPA performed a review of aquifer exemptions, and found that DOGGR was allowing water disposal well injection into non-exempt aquifers. DOGGR confirmed this, and found that injection of oil production waste water had occurred in the subject Wells.

The Violator owns and/operates the Well, which is an underground injection control well for waste/produced water generated from oil and gas production. Information available to ERC indicates that the Well discharged into the Aquifer, known to have less than 3,000 milligrams per liter of total dissolved solids, thereby making it a high quality present and/or existing drinking water sources. Furthermore, the depth of the injection zone for the Well is less than 1,000 feet below ground surface, and the injection zone is/was within one horizontal mile of at least one water well.

Accordingly, the USEPA, SWRCB and DOGGR have designated the Well as being located and discharging into an Aquifer not exempted from the Safe Drinking Water Act's designation as a present or existing source of drinking water. 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.



Violator's Industrial Activities and Pollutant Sources

The Violator has engaged in the following industrial activities as part of its gas and/or oil production activities with the Well:

- Well API No. 02986511 lies at an elevation of approximately 897 feet in the Sierra Nevada foothills along the eastern flank of the San Joaquin Valley of central California, approximately five miles northeast of the urban area of the City of Bakersfield, Kern County, and three miles north of the Kern River. (Latitude 35.483357, Longitude -119.029678.) Injection began in the Well in June 1990. The Well is perforated for water disposal within the Santa Margarita Formation from 2310 to 2410 feet. The Well is now used for disposal of produced water from oil and gas extraction activities. Necessarily as part of the above-described industrial activities, produced water (containing Prop. 65 Chemicals) is generated and is disposed of by Violator at the Well.

Sources of pollutants associated with the industrial activities at the production wells generating the produced water or injectate going into the Well, and ultimately the Aquifer, include but are not limited to, oil contaminated water, chemicals used in hydraulic fracturing, enhanced oil recovery waste, partially cleaned-up produced water, cementing and water treatment chemicals. Wastes generated by oil and gas production operations engaged in by the Violator include but are not limited to, waste water, produced water, water from enhanced oil recovery, injectate, and other types of water.

Approximate Time Period of Violations

Information available to ERC indicates that the Violator has been violating, continues to violate and threatens to violate by knowingly discharging, depositing, and/or releasing the Listed Chemicals from its Well into ground waters, or onto land where the Listed Chemicals pass, have passed or probably will pass into existing and/or present sources of drinking water for a number of years, and has since 2010. Information available to ERC indicates that the Violator has been discharging into the Well as recently as September 2015.

As part of ERC's public interest mission and to rectify these ongoing violations of California law, ERC is interested in resolving these violations expeditiously, without the necessity of costly and protracted litigation. ERC is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108 and can be contacted at the same address. However, ERC has retained counsel and is represented in this matter. Thus, please direct all communications regarding this notice to ERC's 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 "Matthew C. Maclear". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matthew C. Maclear
Aqua Terra Aeris Law Group
Attorneys for Noticing Party
Environmental Research Center, Inc.

Enclosure: Appendix A – Prop. 65 Summary



SERVICE LIST

Kamala Harris, California Attorney General Office of the Attorney General 1300 "I" Street Sacramento, CA 95814-2919 P.O. Box 944255 Sacramento, CA 94244-2550	Lisa Green, District Attorney County of Kern Kern County Administrative Office 1215 Truxtun Avenue, Fourth Floor Bakersfield, CA 93301

APPENDIX A

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Appendix A

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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

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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 27001.¹ 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.

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 contaminant² 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:

Page 1

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):

En 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;

En 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

En 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.

Revised: May 2014

¹ 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 OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

² 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 1/22/16 Register 2016, No. 4

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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 home address is 1160 Eddy Street, Apt. B, San Francisco, California 94109.

On February 8, 2016, 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 Badger Creek Limited 5801 Granite Road Bakersfield, CA 93308	
President/CEO Badger Creek Limited 9432 Old Katy Road Houston, TX 77055	Nancy Flores C T Corporation System Agent for Service of Process for Badger Creek Limited 818 West Seventh Street Los Angeles, CA 90017

On February 8, 2016, 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 th Floor Bakersfield, CA 93301	The Honorable Kamala Harris Office of the Attorney General Attn: Sue Fiering and Harrison Pollack 1515 Clay Street, 20 th 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 February 8, 2016 at San Francisco, California.

By:  _____

Riti Chandiok