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Oakland, Ca 94607

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rebecca@lozeaudrury.com

August 26, 2016

Via Certified Mail

Current CEO or President
Syar Industries, Inc.
2301 Napa Vallejo Highway
Napa, CA 94558

Ralston P. Roberts
2301 Napa Vallejo Highway
Napa, CA 94558

Via Online Submission

Office of the California Attorney General

Via Electronic Mail

Napa County District Attorney
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Re: Notice of Violations of California Health & Safety Code Section 25249.5 et seq.

Dear Addressees:

This firm represents Stop Syar Expansion (“SSE”) and Napa Vision 2050 in connection with this notice of violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* (“Proposition 65”). Stop Syar Expansion is an unincorporated nonprofit association that includes citizens living in Napa County, near the Syar Napa Quarry. In addition, this firm represents the following individuals in connection with this notice: Susan M. von Gymnich-Rosenberg, Julia Winiarski, Steve and Sandra Booth, Kathy Felch, Richard Scott Blair, and David Lopez (Stop Syar Expansion, Napa Vision 2050, and individuals collectively, “Noticing Parties”).

This letter constitutes notice that the entity listed below has violated and continues to violate provisions of Proposition 65. Specifically, the entity listed below has violated and continues to violate the warning requirement at § 25249.6 of the California Health & Safety Code, which provides, “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...”

Alleged Violator (“Violator”): **Syar Industries, Inc.**

Pursuant to Cal. Health & Safety Code section 25249.7, subd. (d), the Noticing Parties, as defined below, intend to bring an enforcement action against the Violator sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations. A summary of Proposition 65 and its implementing regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of this notice served on the Violator. The specific details of the violations that are the subject of this Notice are provided below.

The Violator operates the Syar Napa Quarry, located in southern Napa County, on the east side of State Highway 221 at its intersection with Basalt Road, which is between Kaiser Road and Streblow Drive (the "Site").¹ A variety of vehicular activities throughout the Syar Site emit diesel engine exhaust. These include the operation of haul trucks, water trucks, graders, dozers, drills, excavators, loaders, scrapers, and cranes. On October 1, 1990, the State of California listed diesel engine exhaust as a chemical known to cause cancer.

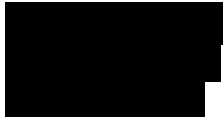
On each and every day on which the Violator operated the Syar Napa Quarry from at least August 25, 2013 through the present, the Violator exposed nearby residents and others to diesel engine exhaust. Information available to the Noticing Parties, including air monitoring data from the Syar Napa Quarry Expansion Project Draft Environmental Impact Report, establishes that these operations expose people to diesel engine exhaust excess cancer risks at levels exceeding the Proposition 65 No Significant Risk Level. These exposures are ongoing, and will continue every day until appropriate remedial efforts are undertaken by the Violator to abate the violations.

Exposure has occurred, and continues to occur through inhalation of diesel engine exhaust from vehicular activities throughout the Site, which is the source of the diesel engine exhaust exposures. These exposures have occurred and continue to occur beyond the property owned and/or controlled by the Violator. The location of the exposures at issue is set forth in the "plume" maps, attached hereto as **Exhibit A**.

This notice is provided on behalf of the following persons and organizations (collectively, the "Noticing Parties"):

Stop Syar Expansion
952 School Street
#275
Napa, CA 94559

Susan M. von Gymnich-Rosenberg



¹ Syar proposes expanding the existing Syar Napa Quarry, but has not yet received the regulatory approvals to do so. This notice covers existing operations, and does not include the proposed expansion.

August 26, 2016

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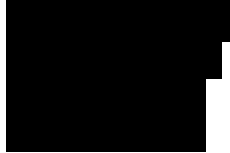
Julia Winiarski



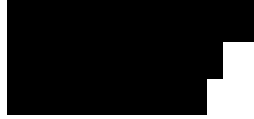
Steve and Sandra Booth



Kathy Felch & Richard Scott Blair



David Lopez



Napa Vision 2050
P.O. Box 2385
Yountville, CA 94599
(707) 815-7503

The Noticing Parties are represented in this matter by the law firm Lozeau Drury, LLP. All communications concerning this matter should be directed to:

Richard T. Drury
Rebecca L. Davis
LOZEAU DRURY LLP
410 12th St., Suite 250
Oakland, CA 94607
(510) 836-4200
rebecca@lozeaudrury.com
richard@lozeaudrury.com

Sincerely,

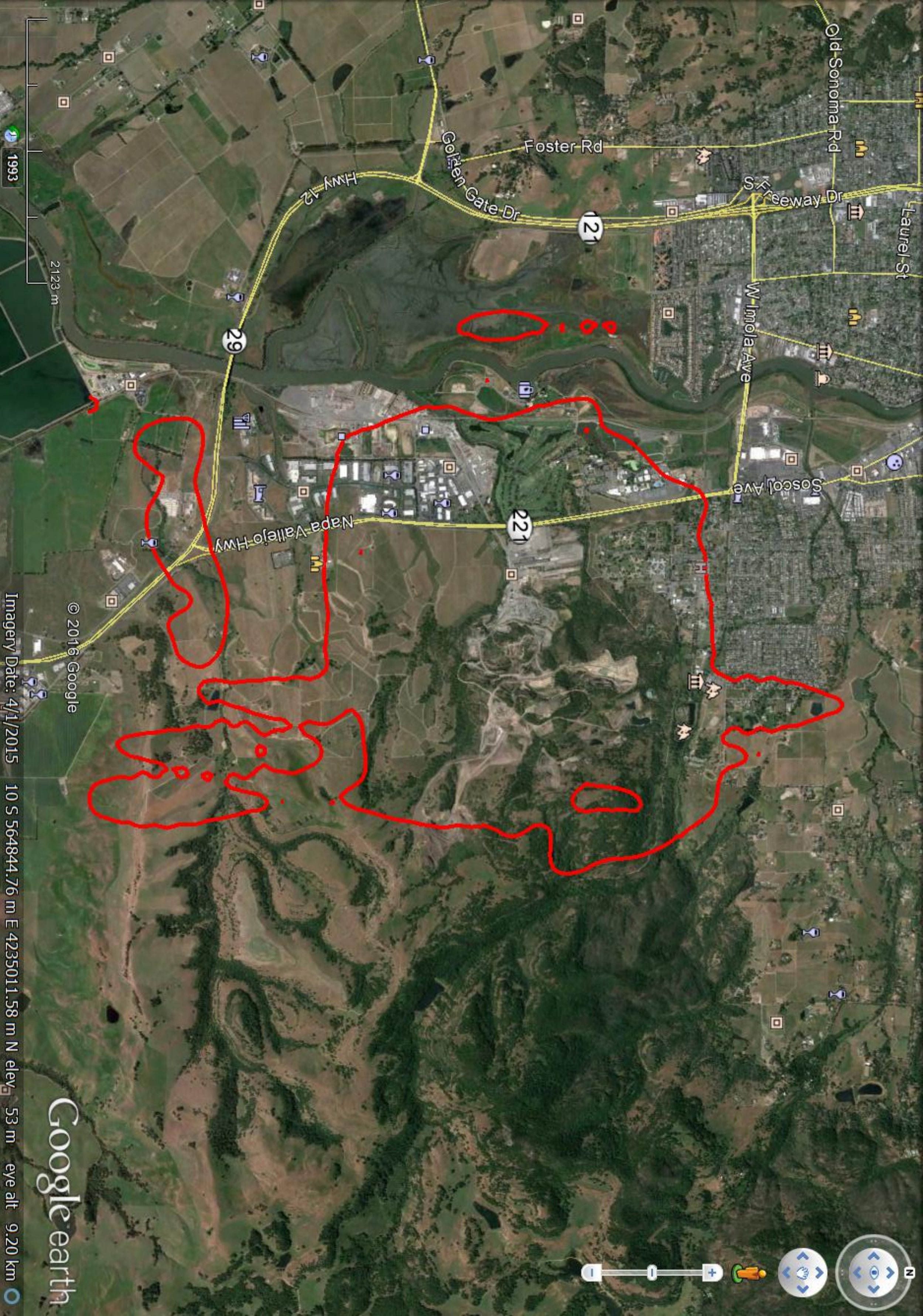
A handwritten signature in blue ink, appearing to be 'R. Davis', written over a horizontal line.

Rebecca L. Davis

Attachments:

Certificate of Merit
Certificate of Service
OEHHA Summary (to Syar Industries, Inc. and their Registered Agents for Service of Process only)
Additional Supporting Information for Certificate of Merit (to AG only)

EXHIBIT A



Old Sonoma Rd

Foster Rd

Golden Gate Dr

Freeway Dr

Laurel St

W Imola Ave

Soscol Ave

Napa Valley Hwy

29

121

221

2123 m

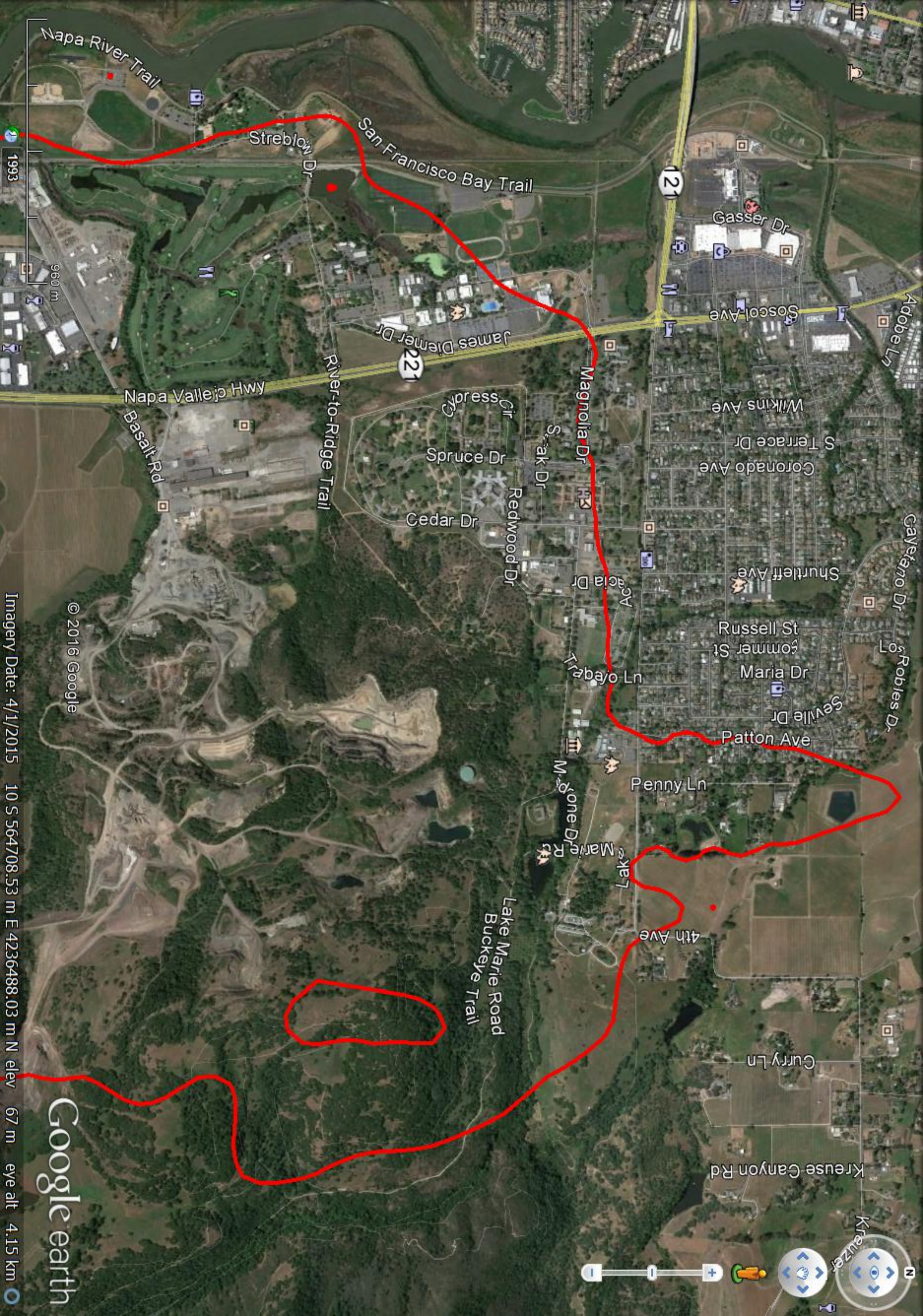
1993

© 2016 Google

Imagery Date: 4/1/2015

10 S 564844.76 m E 4235011.58 m N elev. 53 m eye alt 9.20 km

Google earth



Google earth

Imagery Date: 4/1/2015 10 S 564708.53 m E 4236488.03 m N elev 67 m eye alt 4.15 km

© 2016 Google

Napa River Trail
Streblow Dr
San Francisco Bay Trail
James Diemer Dr
Napa Valley Hwy
Basalt Rd
River-to-Ridge Trail

Magnolia Dr
Sask Dr
Spruce Dr
Cedar Dr
Redwood Dr
Cypress Cir

121
Gasser Dr
Soscol Ave
Wilkins Ave
S Terrace Dr
Coronado Ave
Shurtleff Ave
Russell St
Sommer St
Maria Dr
Seville Dr
Patton Ave
Penny Ln
4th Ave
Gurry Ln
Kreuze Canyon Rd

Lake Marie Road
Buckeye Trail



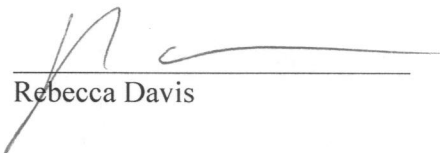
CERTIFICATE OF MERIT

Re: Stop Syar Expansion's Notice of Proposition 65 Violations by Syar Industries, Inc.

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing parties.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed the facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on 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 plaintiff's case can be established and that the information did not prove that the alleged Violators will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit, served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §§ 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.

Dated: August 26, 2016



Rebecca Davis

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to this action. My business address is 410 12th Street, Suite 250, Oakland, California, 94607.

On August 26, 2016, I served the following documents:

- **Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.***
- **Certificate of Merit**
- **“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, addressed to the party listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current CEO or President
Syar Industries, Inc.
2301 Napa Vallejo Highway
Napa, CA 94558

Ralston P. Roberts
(Syar Industries, Inc.’s Registered Agent for Service of Process)
2301 Napa Vallejo Highway
Napa, CA 94558

On August 26, 2016, I verified the following documents:

- **Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.***
- **Certificate of Merit**
- **Additional Supporting Information for Certificate of Merit as Required by California Health & Safety Code § 25249.7(d)(1)**

were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

Notice of Violation of Cal. Health & Safety Code §§ 25249.5 *et seq.*

August 26, 2016

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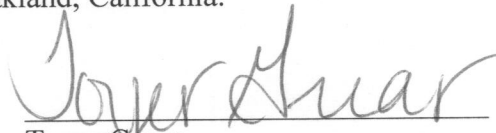
On August 26, 2016, I verified the following documents:

- **Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.***
- **Certificate of Merit**

were served on the following party when a true and correct copy thereof was sent via electronic mail to the party listed below:

Napa County District Attorney
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Executed on August 26, 2016 in Oakland, California.



Toyer Grear