

LAW OFFICES OF  
**ANDREW L. PACKARD**

245 KENTUCKY STREET, SUITE B3, PETALUMA, CA 94952  
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November 4, 2016

**VIA CERTIFIED MAIL**

Public Enforcement Agencies  
(See Certificate of Service, attached)

Thomas Nelson  
The Shiloh Group LLC  
930 Shiloh Road, Building 44  
Windsor, CA 95492

Brian C. Carter, Agent for Service of Process  
The Shiloh Group LLC  
305 N. Main Street  
Ukiah, CA 95482

**NOTICE OF VIOLATION AND INTENT TO FILE SUIT UNDER  
HEALTH & SAFETY CODE § 25249.5 (California Safe Drinking Water and  
Toxic Enforcement Act, a.k.a. "Proposition 65")**

Dear Public Enforcement Agencies, Mr. Nelson and Mr. Carter:

This office represents the California Sportfishing Protection Alliance ("CSPA"), a California non-profit public benefit corporation with over 2,000 members. CSPA 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. CSPA brings this action in the public interest, pursuant to Health & Safety Code § 25249.7(d). Unless otherwise noted, The Shiloh Group, LLC shall hereinafter be referred to as the "Violator."

CSPA has documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986, codified at Health & Safety Code § 25249.5 *et seq.* (commonly referred to as "Proposition 65"). This letter serves to provide the public prosecutors and the Violator with CSPA's notification of these violations and intent to sue.

Pursuant to Health & Safety Code § 25249.7(d), CSPA intends to bring an enforcement action sixty (60) days after effective service of this notice unless the public prosecutors commence and diligently prosecute an action against the Violator for the same violations. A summary of the statute and its implementing regulations,

which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

### Identity of Listed Chemicals

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 into existing sources of drinking water not designated as exempt by the Safe Drinking Water Act of 1974 (42 U.S.C. § 300(f) *et seq.*) in violation of Health and Safety Code § 25249.5. These violations involve the discharge and/or release of the chemicals listed below:

- 1,1,1,2-Tetrachloroethane
- 1,1,2,2-Tetrachloroethane
- 1,1-Dichloroethane
- 1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin
- 1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin
- 1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin
- 1,2,3-Trichloropropane
- 1,2-Dibromo-3-chloropropane
- 1,2-Dichloropropane
- 1,3-Dichloropropane
- 2,3,7,8-Tetrachlorodibenzo-p-dioxin
- 2,4-Dinitrotoluene
- 2,6-Dinitrotoluene
- 3,3'-Dichlorobenzidine
- Aldrin
- Arsenic
- Azobenzene
- Benzene
- Beryllium
- bis(2-Chloroethyl)ether
- Bromodichloromethane
- Bromoform
- Cadmium
- Chloroethane
- Chloroform
- Chromium
- Chrysene
- Cobalt
- Dibenz(a,h)anthracene
- Dibenzofuran
- Dieldrin
- Diethyl
- Dimethyl
- Di-n-butylphthalate
- Endrin
- Ethylbenzene
- Heptachlor
- Hexachlorobenzene
- Hexachlorobutadiene
- Hexachloroethane
- Indeno(1,2,3-cd)pyrene
- Lead
- Mercury
- Methyl
- Naphthalene
- Nickel
- Nitrobenzene
- N-Nitrosodi-n-propylamine
- N-Nitrosodiphenylamine
- Pentachlorophenol
- Polychlorinated Biphenyls
- Styrene
- Tetrachloroethene
- Toluene
- Toxaphene
- Vinyl acetate

These chemicals have been on the Proposition 65 list for more than the twenty months grace period provided under Health & Safety Code § 25249.9(a). These Proposition 65-listed toxins have been discharged, and are likely to continue to be discharged, by the Violator from the Shiloh Group LLC facility located at 930 Shiloh Road in Windsor ("Facility") in violation of Health & Safety Code § 25249.5.

### **Sources of Drinking Water**

The Violator is discharging the chemicals listed above from the Facility to designated sources of drinking water in violation of Proposition 65. 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 Quality Control Board as being suitable for domestic or municipal uses. Health & Safety Code § 25249.11(d).

The Violator is allowing storm water contaminated with the chemicals listed above to discharge and/or release from the Facility into Pruitt Creek, which joins with Pool Creek, Windsor Creek, and Mark West Creek, which ultimately drain to the Russian River. The Russian River is designated as an existing source of municipal and domestic drinking water in the "*Water Quality Control Plan for the North Coast Region (Revised May 2011)*," generally referred to as the "Basin Plan." Basin Plan, 2-8.00.

### **Approximate Time Period of Violations**

Information available to CSPA indicates that these ongoing unlawful discharges have been occurring since at least approximately 2008. As part of its public interest mission and to rectify these ongoing violations of California law, CSPA is interested in resolving these violations expeditiously, without the necessity of costly and protracted litigation.

CSPA's address is 3536 Rainier Avenue, Stockton, CA 95204. The name and telephone number of the noticing individual within CSPA is Bill Jennings, Executive Director, (209) 464-5067. However, CSPA has retained legal counsel to represent it in this matter. Therefore, please direct all communications regarding this notice to CSPA's outside counsel, listed below.

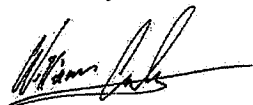
Notice of Violation, Health & Safety Code §25249.5 *et seq.*

November 4, 2016

Page 4

Andrew L. Packard  
William N. Carlon  
Law Offices of Andrew L. Packard  
245 Kentucky Street, Suite B3  
Petaluma, CA 94952  
Tel. (707) 763-7227  
Fax. (707) 763-9227  
andrew@PackardLawOffices.com  
wncarlon@PackardLawOffices.com

Sincerely,

A handwritten signature in black ink, appearing to read "William N. Carlon", with a horizontal line extending to the right.

William N. Carlon  
Attorneys for Plaintiff  
California Sportfishing Protection Alliance

cc: Certificate of Service

**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 the within entitled action. My business address is 245 Kentucky Street, Suite B3, Petaluma, California 94952.

On November 4, 2016, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986: 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 for delivery by Certified Mail:

Thomas Nelson, General Manager  
The Shiloh Group, LLC  
930 Shiloh Road, Building 44  
Windsor, CA 95492

Brian C. Carter, Agent for Service of Process  
The Shiloh Group, LLC  
305 N. Main Street  
Ukiah, CA 95482

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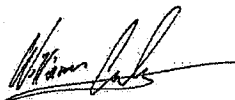
The Honorable Kamala Harris  
California Attorney General  
Office of the Attorney General  
1300 "I" Street  
Sacramento, CA 95814-2919  
P.O. Box 944255  
Sacramento, CA 94244-2550

Robin Donoghue, Town Attorney  
Town Manager's Department  
9291 Old Redwood Hwy Ste 400  
Windsor, CA 95492

Proposition 65 Enforcement  
Reporting  
California Attorney General's Office  
1515 Clay Street, Ste. 2000  
Oakland, CA 94612

The Honorable Jill Ravitch  
District Attorney  
County of Sonoma  
600 Administration Drive, 212 J  
Santa Rosa, CA 95403

Executed on November 4, 2016, in Petaluma, California.



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William N. Carlon