

LAW OFFICES OF  
KURT S. BOLLIN  
PASADENA, CALIFORNIA

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

TO: CARLTON FORGE WORKS, INC.  
AEROCRAFT HEAT TREATING CO., INC.

PRIORITY MAIL-  
AND FIRST CLASS MAIL TO THE PARTIES LISTED  
ON THE ATTACHED DISTRIBUTION LIST TO:

PRECISION CASTPARTS CORP.  
Mr. Mark Donegan, CEO  
4650 SW MCADAM AVE, STE 300  
Portland, Oregon 97239  
And Wholly Owned Subsidiaries:

CARLTON FORGE WORKS, INC.  
Mr. Allan J. Carlton Jr., President  
7743 E. Adams St.  
Paramount, CA 90723

C/O Agent for Service:  
National Registered Agents, Inc.  
818 w. Seventh St, Ste 930  
Los Angeles, CA 90017

AEROCRAFT HEAT TREATING CO., INC. C/O Agent for Service:  
Mr. David M. Dickson, President  
15701 Minnesota  
Paramount, CA 90723  
National Registered Agents, Inc.  
818 w. Seventh St, Ste 930  
Los Angeles, CA 90017

Dear Mr. President:

Doris Nichols (the "Noticing Party") serves this Notice of Violation ("Notice") upon  
CARLTON FORGE WORKS, INC., and AEROCRAFT HEAT TREATING CO.,

INC., both California corporations but subsidiaries of PRECISION CASTPARTS CORP., an Oregon Corporation (hereinafter "VIOLATORS") pursuant to and in compliance with California Health and Safety Code ("H&S Code") §25249.7(d).

This Notice satisfies a prerequisite for the Noticing Party to commence an action against the VIOLATORS to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986, Prop 65. The violations addressed by this Notice occur in Los Angeles County and the city of Paramount, California. This Notice is being served upon the VIOLATORS, the California Attorney General, and the District Attorney of Los Angeles, Orange, Riverside and San Bernardino Counties. The above VIOLATORS have a current registration with the California Secretary of State and/or other corporate website that identifies a President. This Notice is being addressed to, and served upon him via the VIOLATORS Agent for Service.

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

- This Notice is provided by Doris Nichols (hereinafter "Noticing Party"), an individual who is based in Los Angeles, San Diego and Ventura county and acting in the public interest pursuant to H&S Code §25249.7(d). She is dedicated to protecting the environment, improving human health and supporting environmentally sound practices.
- The VIOLATORS names are: CARLTON FORGE WORKS, INC., and AEROCRAFT HEAT TREATING CO., INC.
- The first violation addressed by this Notice most probably began on or after Dec. 5, 2009, and has occurred on numerous occasions each and every day since that date and are ongoing and continuing failures to warn in conformity with H&S Code §25249.6, CCR Tit. 27 §2560 I (Soon to be §25600, et seq. in August 2018). The air exposures caused by these emissions of specifically hexavalent chromium and chromium compounds, ("Cr VI") are violations of statute and are a 'continuing violation' tolling any statutory protection normally afforded the alleged

## VIOLATORS.

- There is a second allegation in that the VIOLATORS have contaminated sources of drinking water within the state in violation of H&S Code §25249.5 for specifically Cr VI, lead and arsenic as the VIOLATORS have discharged chemicals into air where they may deposit onto land or into land where the chemical may pass into a source of drinking water.
- 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. Hexavalent Chromium and its compounds, CAS # various,
  2. Cadmium compounds, CAS # various
  3. Cobalt metal powder, CAS # 7440-48-4
  4. Arsenic (inorganic arsenic compounds), CAS # various
  5. Lead and lead compounds, CAS # various
  6. Carbon Monoxide (As to Carlton Forge Works, Inc.), CAS # 630-08-0
- The above Chemicals were 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. There is also a danger of a dermal and ingestion exposure while rain events wash the VIOLATORS discharged Listed Chemicals out of the ambient air.
- Further there is a danger of ingestion of the Listed Chemicals as the releases and or discharges are into the air where they may pass into any source of water or the release and or discharge may be to land or into land where it may pass into a source of drinking water. And where said release and or discharge may threaten sources of water such as "groundwater or surface water."
- The types of exposures alleged herein are environmental and occupational exposures while

the VIOLATORS were conducting business in its normal knowing, intentional and supervised fashion. These emissions cause global exposures in the adjacent counties as the heavy metal particulate matter smaller than 1 micron is highly mobile in air dispersion models. The specific concentrations of Cr VI, lead and arsenic released by the VIOLATORS are further cancer and/or reproductive burdens on the ambient air and larger air basins adjacent for which the VIOLATORS are also responsible under the theory of "Enterprise Liability". Carbon Monoxide is listed as 'non attainment' by the Los Angeles, Orange, Riverside and San Bernardino County Air Districts.

- There are numerous diverse geographical areas of the exposures addressed in this Notice. These exposures occur in adjacent homes, via air, surface water, groundwater, soil, on most solid surfaces and in the workplace of the VIOLATORS while also in all counties adjacent to the VIOLATORS Paramount facility. The air basins of Los Angeles, Orange, Riverside and San Bernardino County contain actionable levels of Cr VI, lead, arsenic and carbon monoxide to such an extent that a Court will have to adjudicate the VIOLATORS proportion contribution and liability at trial.
- This contamination can be gauged and quantified by a percentage 'contribution' to the permanent damage to the environment in each of the counties of California identified above, besides Los Angeles County. 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 advertisements on television and in the print media, media vehicles such as billboards. These exposures occur principally off the property of the Noticed Company and alleged VIOLATORS.
- In the course of doing business, the VIOLATORS have and did knowingly expose, and continue to expose, individuals (especially pregnant and post-partum women) to the Listed Chemicals. As a proximate cause of the releases and or discharges alleged above no clear and reasonable warning is or has been provided by the VIOLATORS to individuals or

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groups in the counties where persons are exposed.

- Further these exposures have gone on from at least Dec. 5, 2015 as to identified herein Listed Chemicals including but not limited to Cr VI, cadmium, lead, arsenic and carbon monoxide which is released during the VIOLATORS Paramount Facilities normal business operations. The Noticing Party believes that the VIOLATORS, as the original sources, will continue to withhold any meaningful information from those persons that required warning, absent this enforcement action. All of the counties identified in this Notice have levels or contributions of air contamination from the same above Listed Chemicals, or at least Cr VI, lead and carbon monoxide.

### OCCUPATIONAL ADVISEMENT

- The release and or discharge by the VIOLATORS constitutes exposures to numerous known carcinogenic chemicals in the environment and the release will cause the subsequent occupational exposures to employees of the Paramount Facilities without a clear and reasonable warning as to each chemical released.

"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. 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 air exposures are varied while occurring within the counties of the state of California as detailed herein. Further the Noticing Party believes and so alleges that most if not all of the jurisdictions so detailed had the VIOLATORS' waste streams in the ambient air and that after that air dispersion fell to

the ground that those Cr VI, lead and arsenic particles would threaten sources of drinking water and cause a subsequent discharge to at least the Los Angeles County aquifer in violation of the H&S Code, sec. 25249.5 and 25249.11 and the federal Clean Water Act, 33 U.S.C. §1251 et seq.

Please direct any inquiries regarding this Notice or any communication with the responsible person for the Noticing Party:

Ms. Doris Nichols  
[MARKED CONFIDENTIAL]  
C/O Kurt Bollin Law Offices  
790 E. Colorado Blvd, Ste 790  
Pasadena, CA., 91101-5441

Ms. Nichols msg. center: 805 625-3063

Note: "APPENDIX A" or "A SUMMARY" of Proposition 65 attaches to the Violator copy of the Notice but IS NOT served upon the Distribution List public agencies.

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

**NOTICED PARTY: CARLTON FORGE WORKS**

I, Kurt S. Bollin, on behalf of the noticing party Doris Nichols hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged that the party identified in the notice 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, maps, charts, private and public documents, 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: Dec. 5, 2016

/s/ Kurt S. Bollin

Kurt S. Bollin, Esq.

**DISTRIBUTION LIST**

<p><b>Los Angeles County District Attorney</b> Office of the District Attorney 211 W Temple St #200 Los Angeles, CA 90012</p>	<p><b>Orange County District Attorney</b> Office of District Attorney 401 Civic Center Drive Santa Ana, CA 92701</p>
<p>By E-service California Attorney General State of California Department of Justice <b>Proposition 65 Enforcement Reporting</b> Attn: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Post Office Box 70550 Oakland, CA 94612-0550</p>	<p><b>San Bernardino District Attorney</b> 303 W. 3rd Street San Bernardino, CA 92415</p>



**PROOF OF SERVICE**

I reside in the City of Fillmore, California. I am over the age of 18 years and not a party to the above referenced action. My mailing address is c/o LAW OFFICE OF KURT BOLLIN, 790 E. Colorado Blvd, Ste 790, Pasadena, CA 91101-5441. On Dec 5, 2016 I served the foregoing documents described as:

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. **EXHIBIT- APPENDIX "A" SUMMARY OF PROP 65**
3. **CERTIFICATE OF MERIT – (attachments only sent to California Attorney General's Office)**
4. **DISTRIBUTION LIST (FIRST CLASS MAIL)**

On the persons below by placing a true copy thereof in a sealed envelope addressed as follows:

CARLTON FORGE WORKS, INC.	C/O Agent for Service:
Mr. Allan J. Carlton Jr., President	National Registered Agents, Inc.
7743 E. Adams St.	818 w. Seventh St, Ste 930
Paramount, CA 90723	Los Angeles, CA 90017

AEROCRAFT HEAT TREATING CO., INC.	C/O Agent for Service:
Mr. David M. Dickson, President	National Registered Agents, Inc.
15701 Minnesota	818 w. Seventh St, Ste 930
Paramount, CA 90723	Los Angeles, CA 90017

DISTRIBUTION LIST RECIPIENTS:  
COUNTY OF LOS ANGELES DISTRICT ATTORNEY  
COUNTY OF ORANGE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE DISTRICT ATTORNEY  
COUNTY OF SAN BERNARDINO DISTRICT ATTORNEY

(BY MAIL SERVICE) I am "readily familiar" with my practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Fillmore, California in the ordinary course of business.

Executed on Dec. 5, 2016, at Fillmore, California.

I declare under penalty of perjury of the laws of the State of California that the above is true and correct.

  
Celia Hernandez