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March 24, 2017

VIA CERTIFIED MAIL

William Murray, President
Teknor Apex Company
505 Central Avenue
Pawtucket, RI 02861

C T Corporation System, Agent for
Service of Process for Teknor Apex
Company
818 West Seventh Street
Suite 930
Los Angeles, CA 90017

VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA PRIORITY MAIL

District Attorneys of Select California
Counties and Select City Attorneys
(See Attached Certificate of Service)

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

Dear Public Enforcement Agencies and Mr. Murray:

This office represents Los Angeles Waterkeeper ("LAW"), a California non-profit public benefit corporation with over 3,000 members. LAW is dedicated to the preservation, protection, and defense of the inland and coastal surface and groundwaters of Los Angeles County from all sources of pollution and degradation. LAW brings this action in the public interest, pursuant to Health & Safety Code § 25249.7(d). Unless otherwise noted, Teknor Apex Company and Teknor Apex Maclin Div. shall hereinafter be referred to as the "Violator."

LAW has documented 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 and the Violator with LAW's notification of these violations and intent to sue.

Pursuant to Health & Safety Code § 25249.7(d), LAW 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 alleged 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 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.*).

These violations involve the discharge and/or release of Di(2-ethylhexyl)phthalate (“DEHP”) to sources of drinking water. DEHP 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 Teknor Apex Company’s facility located at 420 S. 6th Avenue, City of Industry, California 91746 (“Facility”).

Sources of Drinking Water

The Violator is discharging DEHP 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 DEHP to discharge and/or release from the Facility into San Jose Creek, a tributary to Reach 3 of the San Gabriel River. Reach 3 of the San Gabriel River is designated as a potential source of municipal and domestic drinking water in the “*Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*,” generally referred to as the “Basin Plan.” Basin Plan, 2-14.

Approximate Time Period of Violations

Information available to LAW indicates that these ongoing unlawful discharges have been occurring since at least approximately November 8, 2012. Based on the allegations set forth in this Notice, LAW intends to file a citizen enforcement action against the alleged violators unless the violators 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.* As part of its public interest mission and to rectify these ongoing violations of California law, LAW is interested in resolving these violations expeditiously, without the necessity of costly and protracted litigation.

LAW's address is 120 Broadway, Suite 105, Santa Monica, California 90401. The name and telephone number of the noticing individual within LAW is Bruce Reznik, Executive Director, (310) 394-6162. However, LAW has retained legal counsel to represent it in this matter. Therefore, please direct all communications regarding this Notice to LAW's outside counsel in this matter:

Douglas J. Chermak
Michael R. Lozeau
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
doug@lozeaudrury.com
michael@lozeaudrury.com

Sincerely,



Douglas J. Chermak
Attorneys for Plaintiff
Los Angeles Waterkeeper

Attachments

Certificate of Service
OEHHA Summary (to Teknor Apex Company and its Registered Agent for Service of Process only)

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 March 24, 2017, I served the following documents:

- **Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.***
- **“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:

William Murray, President
Teknor Apex Company
505 Central Avenue
Pawtucket, RI 02861

C T Corporation System, Agent for Service of Process for Teknor Apex Company
(Entity Number C236812)
818 West Seventh Street
Suite 930
Los Angeles, CA 90017

On March 24, 2017, I verified the following document:

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

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

On March 24, 2017, I served the following document:


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

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 Priority Mail:

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Los Angeles County
210 West Temple Street,
Suite 18000
Los Angeles, CA 90012

Executed on March 24, 2017, in Oakland, California.



Joyer Grear