

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Trichloroethylene Exposures & Discharges Resulting From Operations
at 790 Greenfield Drive, El Cajon, CA 92021

June 16, 2017

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health (“CEH”), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are:

Senior Operations LLC
300 E. Devon Avenue
Bartlett, IL 60103

Senior Aerospace Ketema
790 Greenfield Drive
El Cajon, CA 92021
- Time Period of Exposure: The violations have been occurring since at least June 16, 2014, and are continuing up through the present. There is a substantial threat of ongoing and future violations unless and until the violators abate the threat of additional trichloroethylene exposures from ongoing and future operations.
- Provisions of Proposition 65: This Notice of Violation covers both the “discharge provision” of Proposition 65 and the “warning provision” of Proposition 65, which are found at California Health and Safety Code Sections 25249.5 and 25249.6, respectively.
- Chemical Involved: The name of the listed chemical involved in these violations is trichloroethylene (“TCE”). TCE is a chemical that is known to cause cancer. Exposures to TCE are occurring at the location described below.
- Location of the Exposures: The specific location of the exposures is the neighborhood surrounding Senior Aerospace Ketema, 790 Greenfield Drive, El Cajon, CA 92021 (the “Facility”). The exposures occur at all locations within 0.5 miles of the Facility.

- Description of Exposures: This Notice addresses environmental exposures to TCE. These exposures are caused by the alleged violators' aerospace manufacturing operations at the Facility. The alleged violators' operations release TCE into the air, exposing residents living and working within the El Cajon neighborhood described above to TCE. Furthermore, The primary routes of exposure for the violations are inhalation when residents inhale air that has been contaminated with TCE released from the Facility, and ingestion of water contaminated with sufficient quantities of TCE as a result of the alleged violators' operations at the Facility. No clear and reasonable warning is provided regarding the carcinogenic hazards of TCE.
- Description of Discharge: This notice also addresses discharges and/or releases into sources of drinking water. The alleged violators' operations at the Facility results in discharges and/or releases of TCE into the local ground water, which is listed as a present source of drinking water.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to bring a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) provide clear and reasonable warnings; (2) immediately abate the threat of additional exposures to and discharges of TCE; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violators are interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

This Notice also serves as a demand that each alleged violator preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to TCE releases from the alleged violator's operations at the Facility, actual or potential exposures to TCE from the alleged violators' operations at the Facility, efforts to comply with Proposition 65, and communications with any person relating to actual or potential exposures to and/or discharges of TCE from the alleged violators' operations at the Facility since one year prior to the date of this Notice through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to CEH's counsel Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

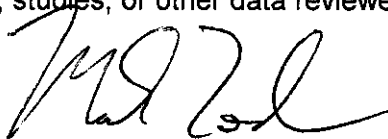
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, 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 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. The copy of the 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 & 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.

June 16, 2017



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 503 Divisadero Street, San Francisco, California 94117. I am over the age of 18 years and not a party to the within cause and my electronic notification address is aklompus@lexlawgroup.com.

On June 16, 2017, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisk).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 16, 2017, at San Francisco, California.

Signed: _____

Adriana Klompus

SERVICE LIST

District Attorney of San Diego
County
330 West Broadway, Ste. 1300
San Diego, CA 92101

San Diego City Attorney's Office
1200 Third Avenue, Ste. 1620
San Diego, CA 92101

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
P.O. Box 70550
Oakland, CA 94612-0550

Mark Rollins, CEO*
Senior Operations LLC
300 E. Devon Avenue
Bartlett, IL 60103

President*
Senior Aerospace Ketema
790 Greenfield Drive
El Cajon, CA 92021