



February 21, 2018

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

CT Corporation System  
Agent for Service of Process Rohr, Inc.  
818 West Seventh Street, Suite 930  
Los Angeles CA 90017

CT Corporation System  
Agent for Service of United Technologies Corporation  
818 West Seventh Street, Suite 930  
Los Angeles CA 90017

Rick Siordia  
Rohr Inc a UTC Aerospace Systems Company  
850 Lagoon Drive  
Chula Vista CA 91910

Marc A. Duvall  
Chief Executive Officer  
Rohr, Inc.  
850 Lagoon Drive  
Chula Vista CA 91910-2098

**Re: Clean Water Act Notice of Intent to Sue/60-Day Notice Letter and 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, aka "Proposition 65")**

Dear Messrs. Siordia and Duvall:

Please accept this letter on behalf of the Coastal Environmental Rights Foundation (CERF) and San Diego Coastkeeper (Coastkeeper) regarding Rohr, Inc a UTC Aerospace Systems Company's (Rohr) violations of the State Water Resources Control Board Water Quality Order No. 97-03-DWQ, Natural Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001, and Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (General Industrial Permit).<sup>1</sup> This letter also serves as notice of Rohr's violations of the California Safe Drinking Water & Toxic Enforcement Act of 1986, Health and Safety Code §25249.5 et. seq. (Proposition 65).

This letter constitutes Coastkeeper and CERF's notice of intent to sue for violations of the Clean Water Act, General Industrial Permit, and New Industrial Permit for the Rohr facility located at the Foot

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<sup>1</sup> On April 1, 2014, the State Water Resources Control Board adopted Order No. 2014-0057-DWQ, which amends the Industrial General Permit ("New Industrial Permit"). These amendments became effective on July 1, 2015. All references to the General Industrial Permit are to the Permit as it existed at the time of the violations noted herein.

of H Street 850 Lagoon Dr, Chula Vista, California 91910 (Rohr Facility or Facility), as set forth in more detail below.

Section 505(b) of the Clean Water Act requires that sixty (60) days prior to the initiation of a citizen's civil lawsuit in Federal District Court under Section 505(a) of the Act, a citizen must give notice of the violations and the intent to sue to the violator, the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of the U.S. Environmental Protection Agency for the region in which the violations have occurred, the U.S. Attorney General, and the Chief Administrative Officer for the State in which the violations have occurred (33 U.S.C. § 1365(b)(1)(A)). This letter provides notice of Rohr's Clean Water Act violations and CERF and Coastkeeper's intent to sue.

In addition, pursuant to Health & Safety Code § 25249.7(d), CERF and Coastkeeper intend 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 Rohr for the Proposition 65 violations alleged herein. A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed as Exhibit A. The specific details of the violations that are the subject of this notice are provided below.

## **I. Citizen Groups**

CERF is a non-profit public benefit corporation organized under the laws of the State of California with its main office in Encinitas, CA. CERF is dedicated to the preservation, protection, and defense of the environment, the wildlife, and the natural resources of the California Coast. CERF's mailing address is 1140 S. Coast Highway 101, Encinitas, CA 92024. A responsible individual within CERF may be reached at 760-942-8505,

Coastkeeper is a nonprofit organization committed to protecting and restoring the San Diego region's water quality and supply. A member of the international Waterkeeper Alliance, Coastkeeper's main purpose is to preserve, enhance, and protect San Diego's waterways, marine sanctuaries, coastal estuaries, wetlands, and bays from illegal dumping, hazardous spills, toxic discharges, and habitat degradation. Coastkeeper implements this mission through outreach, education, activism, participation in governmental hearings, and prosecuting litigation to ensure that San Diego's beaches, bays, coastal waters and tributary streams and rivers meet all substantive water quality standards guaranteed by Federal, State, and local statutes and regulations. Coastkeeper's office is located at 2825 Dewey Road, Suite 207 in San Diego, California 92106. A responsible individual within Coastkeeper may be reached at 619-758-7743.

Members of CERF and Coastkeeper use and enjoy the waters into which pollutants from Rohr's ongoing illegal activities are discharged, namely the Sweetwater hydrologic unit (groundwater), San Diego Bay and the Pacific Ocean (collectively Receiving Waters). The public and members of CERF and Coastkeeper use these Receiving Waters to fish, boat, kayak, surf, swim, scuba dive, birdwatch, view wildlife, as a drinking water source, and to engage in scientific studies. The discharge of pollutants by the Facility affects and impairs each of these uses. Thus, the interests of CERF and Coastkeeper's members have been, are being, and will continue to be adversely affected by the Rohr Owners and/or Operators' failure to comply with the Clean Water Act, the General Industrial Permit, New Industrial Permit, and Proposition 65.

## **II. Storm Water Pollution and the General Industrial Permit**

### **A. Duty to Comply**

Under the Clean Water Act, the discharge of any pollutant to a water of the United States is unlawful except in compliance with certain provisions of the Clean Water Act. (See 33 U.S.C. § 1311 (a)). In California, any person who discharges storm water associated with industrial activity must comply with the terms of the General Industrial Permit in order to lawfully discharge.

The Rohr Owners and/or Operators manufacture structural and engine components for aircraft. Industrial activities include metals casting and fabrication, and materials manufacturing, handling, assembly, and storage, classified under SIC code 3728 “Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified” within Sector AB, Transportation Equipment, Industrial, or Commercial Machinery Manufacturing Facilities. The manufacturing process includes tool and die casting and shaping, and milling of metal parts by machining and chemical processes. Additional onsite processes include maintenance and storage of vehicles, recycling of materials, and water treatment. Rohr also operates a cogeneration plant. (SWPPP, p. 22).

Rohr enrolled as a discharger subject to the General Industrial Permit on April 6, 1992 for its Facility located at 850 Lagoon Drive (Foot of H Street) Chula Vista, California 91910. Rohr enrolled under the New Industrial Permit on April 29, 2015, WDID Number 9371004297.

Pursuant to Section C(1) of the General Industrial Permit, a facility operator must comply with all conditions of the General Industrial Permit. (See New Industrial Permit, §I.A.8. [dischargers must “comply with all requirements, provisions, limitations, and prohibitions in this General Permit.”]). Failure to comply with the General Industrial Permit is a Clean Water Act violation. (General Industrial Permit, § C.1; New Industrial Permit §XXI.A.). Any non-compliance further exposes an owner/operator to an (a) enforcement action; (b) General Industrial Permit termination, revocation and re-issuance, or modification; or (c) denial of a General Industrial Permit renewal application. As an enrollee, Rohr has a duty to comply with the General Industrial Permit and New Industrial Permit and is subject to all of the provisions therein.

### **B. The Rohr Facility Discharges Contaminated Storm Water in Violation of the General Industrial Permit**

The Rohr Owners and/or Operators’ monitoring reports indicate consistent exceedances and violations of the General Industrial Permit. Discharge Prohibition A(2) of the General Industrial Permit and New Industrial Permit Sections III.C-D prohibit storm water discharges and authorized non-storm water discharges which cause or threaten to cause pollution, contamination, or nuisance.

Effluent Limitation B(3) of the General Industrial Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve Best Available Technology Economically Achievable (“BAT”) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (“BCT”) for conventional pollutants. The New Industrial Permit includes the same effluent limitation. *See* New Industrial Permit, Effluent Limitation V(A).

Information available to CERF and Coastkeeper, including via review of publicly available information and observations, indicates BMPs that achieve BAT/BCT have not been developed and/or implemented at the Facility. Consistent with CERF and Coastkeeper's review of available information and direct observations, the analytical results of storm water sampling at the Facility demonstrate that the Rohr Owners and/or Operators have failed and continue to fail to develop and/or implement BAT/BCT and achieve compliance with BAT/BCT standards, as required. Specifically, Facility discharges have exceeded EPA Benchmarks for numerous pollutants. EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the New Industrial Permit.<sup>1</sup>

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) prohibits storm water discharges and authorized non-storm water discharges which cause or contribute to an exceedance of any water quality standards or applicable Basin Plan water quality standards. (See New Industrial Permit Receiving Water Limitations VI.A-C). In addition, Receiving Water Limitation VI.C. of the New Industrial Permit prohibits discharges that contain pollutants in quantities that threaten to cause pollution or a public nuisance.

The California Toxics Rule ("CTR"), 40 C.F.R. 131.38, is an applicable water quality standard. (*Baykeeper v. Kramer Metals, Inc.* (C.D.Cal. 2009) 619 F.Supp.2d 914, 926). "In sum, the CTR is a water quality standard in the General Permit, Receiving Water Limitation C(2). A permittee violates Receiving Water Limitation C(2) when it 'causes or contributes to an exceedance of' such a standard, including the CTR." (*Id.* at 927; see also, *California Sportfishing Protection Alliance v. River City Waste Recyclers, LLC* (E.D. Cal. 2016) 205 F.Supp.3d 1128, 1138 ["One of the applicable water quality standards here is the California Toxics Rule (CTR), 40 C.F.R. § 131.38."]).

If a discharger violates Water Quality Standards, the General Industrial Permit and the Clean Water Act require that the discharger implement more stringent controls necessary to meet such Water Quality Standards.(General Industrial Permit, Fact Sheet p. viii; 33 U.S.C. § 1311(b)(1)(C); New Industrial Permit, §XX.B.). The Rohr Owners and/or Operators have failed to comply with this requirement, routinely violating Water Quality Standards without implementing BMPs to achieve BAT/BCT or revising the Facility's SWPPP pursuant to General Industrial Permit section (C)(3) and New Industrial Permit Section X.B.1.

As demonstrated by sample data submitted by Rohr, from enrollment through the present, the Rohr Owners and/or Operators have discharged and continue to discharge storm water containing pollutants at levels in violation of water quality prohibitions and limitations during every significant rain event. (See Exhibit B). The Facility's sampling data reflects numerous discharge violations (*Id.*). Rohr's own sampling data is not subject to impeachment. (*Baykeeper, supra*, 619 F.Supp. 2d at 927, citing *Sierra Club v. Union Oil Co. of Cal.*, (9th Cir. 1987) 813 F.2d 1480, 1492 ["when a permittee's reports indicate

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<sup>1</sup> See *United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009, Fact Sheet at 106; see also, 65 Federal Register 64839 (2000).

that the permittee has exceeded permit limitations, the permittee may not impeach its own reports by showing sampling error”)).

Notably, Rohr failed to sample using the analytical test methods specified in the New Industrial Permit. (New Industrial Permit, §XI.B.7.; Table 2). Despite the insufficiency of the test methods, the analytical data collected establishes numerous violations. For some constituents, however, the test method was not sensitive enough to establish compliance with benchmark levels, NALs, or the CTR. Such is the case for cadmium – the test method used (SW6010B) was not the appropriate method nor was it sensitive enough to assess compliance. In addition, Rohr failed to monitor its discharge for aluminum until the New Industrial Permit was adopted and its SWPPP was updated. However, aluminum was likely present in Rohr’s storm water discharge prior to the amendment. (See General Permit, Section B.5.c.ii.). Indeed, nothing in the SWPPP indicates a change in process resulted in the addition of aluminum to the list of constituents monitored and aluminum is listed as a pollutant associated with Sector AB in the EPA’s Industrial Fact Sheet series. (See Exhibit C). Rohr’s failure to include aluminum among the potential pollutants associated with industrial activity at the Facility, and to monitor its discharge for aluminum, constitute storm water violations.

Further, CERF and Coastkeeper put the Facility Owners and/or Operators on notice that the New Industrial Permit Effluent Limitation V(A) is an independent requirement that must be complied with, and that carrying out the iterative process triggered by exceedances of the Numeric Action Levels (“NALs”) listed at Table 2 of the New Industrial Permit does not amount to compliance with Effluent Limitation V.A. Exceedances of the NALs demonstrate that a facility (such as the Rohr Facility) is among the worst performing facilities in the State. Moreover, the NALs do not represent technology-based criteria relevant to determining whether an industrial facility has implemented BMPs that achieve BAT/BCT. Thus, even if the Facility Owners and/or Operators are engaged in the NAL iterative process and submit an Exceedance Response Action Plan under Section XII of the Permit, the violations of Effluent Limitation V(A) described herein are ongoing and continuous.

### **C. Inadequate Storm Water Pollution Prevention Plan**

One of the main requirements for the General Industrial Permit is the Storm Water Pollution Prevention Plan (SWPPP). (General Industrial Permit §A; New Industrial Permit §X). The latest Rohr SWPPP fails to account for the numerous and repeated violations identified by Rohr’s monitoring data – ensuring these violations continue. The SWPPP is therefore inadequate. (See New Industrial Permit §I.E.37. [“Compliance with water quality standards may, in some cases, require Dischargers to implement controls that are more protective than controls implemented solely to comply with the technology-based requirements in this General Permit.”])).

The Facility entered Level 1 status for copper, zinc, and magnesium in 2016. The Level 1 ERA Plan was inadequate, resulting in continued NAL exceedances. The Level 1 associated BMPs and SWPPP amendments likewise failed to address the Facility’s continued failure to meet BAT/BCT. As a result, the Facility is now in Level 2 status for all three parameters.

Rohr’s failure to adopt and implement an adequate SWPPP is especially egregious in light of the receiving waters’ impairments. San Diego Bay is impaired for copper and polychlorinated biphenyls (PCBs). Discharge from the Facility eventually drains to the Chula Vista Marina and Bayside Park (J Street) areas of the San Diego Bay. The San Diego Bay Shoreline, Chula Vista Marina is impaired for

copper and indicator bacteria and the San Diego Bay Shoreline, Bayside Park (J Street) is impaired for enterococcus and fecal and total coliform. (SWPPP, p. 44). The Facility's discharges contribute to and exacerbate the Receiving Waters' impairments and inability to meet their beneficial uses.

Every day the Rohr Owners and/or Operators operate the Facility without an adequate SWPPP, is a separate and distinct violation of the General Industrial Permit, New Industrial Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Rohr Owners and/or Operators have been in daily and continuous violation of the General Industrial Permit and New Industrial Permit since at least February 21, 2013. These violations are ongoing and the Rohr Owners and/or Operators will continue to be in violation every day they fail provide an adequate SWPPP for the Facility. Thus, the Rohr Owners and/or Operators are liable for civil penalties of up to \$37,500 per day of violations prior to November 2, 2015, and \$51,570 per day of violations occurring after November 2, 2015. (33 U.S.C. §1319(d); 40 CFR 19.4; New Industrial Permit, §XXI.Q.1).

#### **G. Unauthorized Non-Storm Water Discharges**

Except as authorized by Section IV of the New Industrial Permit, permittees are prohibited from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United States. (New Industrial Permit, §III.B.; IV.A-B).

Information available to CERF and Coastkeeper indicates that unauthorized non-storm water discharges occur at the Facility due to inadequate BMP development and/or implementation necessary to prevent these discharges. For example, the SWPPP identifies fire-prevention sprinkler system discharges, air conditioning compressor condensate and trapped rainwater as purportedly authorized non-storm water discharges from the Facility. (SWPPP, p.37). The Rohr Owners and/or Operators conduct these activities without BMPs to prevent non-storm water discharges. Further, these listed discharges do not qualify as authorized non-storm water discharges in Section IV.A. of the Permit without implementation of BMPs or if in violation of a Regional Permit. Notably, the San Diego Regional Municipal Separate Storm Sewer System (MS4) Permit Section E.2.a. prohibits the discharge of unauthorized non-storm water as an illicit discharge. (Regional MS4 Permit Section E.2.a(5)(a)(i) ["Building fire suppression system maintenance discharges (e.g. sprinkler line flushing) to the MS4 must be addressed as illicit discharges unless BMPs are implemented to prevent pollutants associated with such discharges to the MS4."]). Trapped rainwater is not listed among the authorized non-storm water discharges. (MS4 Permit, Section E.2.a.(3),(4)). Moreover, trapped rainwater released at a later time is subject to monitoring requirements for the discharge of contained stormwater. (New Industrial Permit, §XI.B.4.b.

These discharge violations are ongoing and will continue until the Rohr Owners and/or Operators develop and implement BMPs that prevent prohibited non-storm water discharges or obtain separate NPDES permit coverage. Each time the Rohr Owners and/or Operators discharge prohibited non-storm water in violation of Discharge Prohibition III.B. of the Permit is a separate and distinct violation of the Storm Water Permit and section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). CERF and Coastkeeper will update the number and dates of violations when additional information becomes available. The Rohr Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 21, 2013.

### **III. Proposition 65**

#### **A. Identity of Chemicals**

Rohr is a “person[s] in the course of doing business” as defined in Health & Safety Code Section 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 lead, vinyl chloride, styrene, chloroethane, 1,4 dioxane, benzene, toluene, ethyl benzene, carbon disulfide, chloroethane, bromodichloromethane, chloroform, chromium, polychlorinated biphenyls, arsenic, mercury, cadmium, carbon tetrachloride, tetrachloroethylene, trichloroethylene, dichloroethylene, and 1,1 dichloroethane to sources of drinking water. These substances have been on the Proposition 65 list for more than twenty months as provided under Health & Safety Code Section 25249.9(a). These Proposition 65-listed toxins have been discharged, and are likely to continue to be discharged, by Rohr from its Facility located at the Foot of H Street 850 Lagoon Dr, Chula Vista, California 91910.

#### **B. Sources of Drinking Water**

Rohr is discharging lead, vinyl chloride, styrene, chloroethane, 1,4 dioxane, benzene, toluene, ethyl benzene, carbon disulfide, chloroethane, bromodichloromethane, chloroform, chromium, polychlorinated biphenyls, arsenic, mercury, cadmium, carbon tetrachloride, tetrachloroethylene, trichloroethylene, dichloroethylene, and 1,1 dichloroethane 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. (Cal. Health & Safety Code §25249.11(d)). Rohr allows soils, storm water, and unauthorized non-storm water contaminated with lead, vinyl chloride, styrene, chloroethane, 1,4 dioxane, benzene, toluene, ethyl benzene, carbon disulfide, chloroethane, bromodichloromethane, chloroform, chromium, polychlorinated biphenyls, arsenic, mercury, cadmium, carbon tetrachloride, tetrachloroethylene, trichloroethylene, dichloroethylene, and 1,1 dichloroethane to discharge and/or release from the Facility into the Lower Sweetwater Hydrologic Area within the Sweetwater Hydrologic Unit, designated with the following existing and potential beneficial uses of groundwater: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), and Industrial Service Supply (IND). (See Water Quality Control Plan for the San Diego Basin, Table 2-5, p. 2-67).

#### **C. Approximate Time Period of Violations**

Information available to CERF and Coastkeeper indicates that these ongoing unlawful discharges have been occurring since at least approximately April 6, 1992. Based on the allegations set forth in this Notice, CERF and Coastkeeper intend to file a citizen enforcement action against Rohr unless it 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 their public interest mission and to rectify these ongoing violations, CERF and Coastkeeper are interested in resolving these violations expeditiously, without the necessity of costly and protracted litigation.

#### **IV. Remedies**

Upon expiration of the 60-day period, CERF and Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act and pursuant to Proposition 65 for the above-referenced violations. During the 60-day notice period, however, CERF and Coastkeeper are willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately. If good faith negotiations are not being made, at the close of the 60-day notice period, CERF and Coastkeeper will move forward expeditiously with litigation.

Rohr must develop and implement an updated SWPPP, install BMPs to address the numerous and ongoing water quality violations, and implement a robust monitoring and reporting plan. Should the Rohr Owners and/or Operators fail to do so, CERF and Coastkeeper will file an action against Rohr for its prior, current, and anticipated violations of the Clean Water Act and Proposition 65. CERF and Coastkeeper's action will seek all remedies available under the Clean Water Act § 1365(a)(d) and Proposition 65. CERF and Coastkeeper will seek the maximum penalty available under the law which is \$37,500 per day for violations prior to November 2, 2015, and \$51,570 per day for violations occurring after November 2, 2015. (33 U.S.C. §1319(d); 40 CFR 19.4; New Industrial Permit, §XXI.Q.1). CERF and Coastkeeper may further seek a court order to prevent Rohr from discharging pollutants.

Lastly, section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorneys' and experts' fees. CERF and Coastkeeper will seek to recover all of their costs and fees pursuant to section 505(d).

#### **V. Conclusion**

CERF and Coastkeeper have retained legal counsel to represent it in this matter. Please direct all communications to CERF and Coastkeeper's legal counsel:

Marco Gonzalez  
Livia Borak Beaudin  
[livia@coastlawgroup.com](mailto:livia@coastlawgroup.com)  
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1140 South Coast Highway 101  
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Tel: 760-942-8505

Matt O'Malley  
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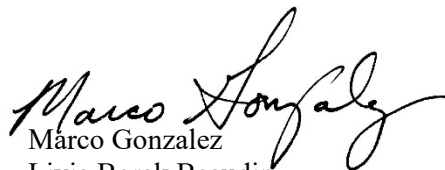


If you wish to pursue settlement discussions in the absence of litigation, please contact Coast Law Group LLP and San Diego Coastkeeper immediately.

Sincerely,



Matt O'Malley  
Attorney for San Diego Coastkeeper



Marco Gonzalez  
Livia Borak Beaudin  
Attorneys for Coastal Environmental  
Rights Foundation

### **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 1140 S. Coast Highway 101, Encinitas, CA 92024.

On February 21, 2018, I served the:

- **Clean Water Act Notice of Intent to Sue/60-Day Notice Letter and 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, aka “Proposition 65”)**
- **Exhibit B: Monitoring Data**

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:

#### **VIA U.S. MAIL**

Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Alexis Strauss  
Acting Regional Administrator  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Eileen Sobeck  
Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0110

David W. Gibson  
Executive Officer  
San Diego Regional Water Quality Control Board  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Summer Stephan  
San Diego County District Attorney  
Hall of Justice  
330 W. Broadway  
San Diego, CA 92101

Mara Elliot  
San Diego City Attorney  
Office of the City Attorney  
Civic Center Plaza  
1200 Third Ave., #1620  
San Diego, CA 92101

On February 21, 2018, I served the:

- **Clean Water Act Notice of Intent to Sue/60-Day Notice Letter and 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, aka “Proposition 65”)**

on the following parties by uploading a true and correct copy via the Attorney General’s website:

**VIA ATTORNEY GENERAL WEBSITE**

(<https://oag.ca.gov/prop65/add-60-day-notice>)

Xavier Becerra  
California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On February 21, 2018, I served the:

- **Clean Water Act Notice of Intent to Sue/60-Day Notice Letter and 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, aka “Proposition 65”)**
- **Exhibit A: “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary”**
- **Exhibit B: Monitoring Data**
- **Exhibit C: EPA Industrial Factsheet Series**

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:

**VIA CERTIFIED MAIL**

CT Corporation System  
Agent for Service of Process Rohr, Inc.  
818 West Seventh Street, Suite 930  
Los Angeles CA 90017

Marc A. Duvall  
Chief Executive Officer  
Rohr, Inc.  
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Rick Siordia  
Rohr Inc a UTC Aerospace Systems Company  
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Chula Vista CA 91910

CT Corporation System  
Agent for Service of United Technologies Corporation  
818 West Seventh Street, Suite 930  
Los Angeles CA 90017

**Executed on February 21, 2018 in Encinitas, California.**

---

Sara Kent