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October 28, 2021

VIA CERTIFIED US MAIL

✓ Amplify Energy Corporation
111 West Ocean Blvd., Suite 1240
Long Beach, CA 90802

Beta Operating Company
111 West Ocean Blvd., Suite 1240
Long Beach, CA 90802

Los Angeles County District Attorney
211 West Temple Street, Suite 1200
Los Angeles, CA 90012

Office of the California Attorney General
Attention: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, California 94612-0550

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

Re: Notice of Violations of California Health & Safety Code § 25249.5 et seq.

PURPOSE OF NOTICE

This firm represents one or more persons in Orange County who drink tap water. These persons include such a person, one (1) Orange County resident, Rob Buller ("Noticing Party), who drinks tap water served by the Orange County Water District ("OCWD"). Mr. Buller brings this claim against the "Noticed Parties") (Amplify Energy and Beta Operating Company) in connection with this notice describing violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code § 25249.5 et seq.

Proposition 65 requires that notice of the alleged violations and of the intent to sue be given to the violators at least 60 days before a lawsuit is filed. This letter is sent pursuant to the provisions of Health & Safety Code § 25249.7, and satisfies the statutory notice prerequisite for filing an action in the Superior Court against any of the violators. If the governmental authorities, as to the matters described in this Notice, do not take action and diligently pursue the alleged violation within 60 calendar days of the sending of this notice, and an additional five days if the place of mailing and the place of receipt are both in California, Plaintiff Buller will file suit.

CHEMICAL: Benzene

LISTING: Benzene was listed s a carcinogen in 1987 and as a male reproductive toxin in 1997.:

TIME PERIOD OF EXPOSURE: Beginning on or about October 1, 2021 and ongoing.

ROUTE OF EXPOSURE: Oral

TYPE OF PRODUCT: Crude oil transported through a damaged and ruptured conveyance apparatus, such as a pipeline.

DESCRIPTION OF EXPOSURE: Multiple, including affected seawater into the drinking water aquifer and the seawater becoming feedstock for the nearby desalination facility, once it comes on line.

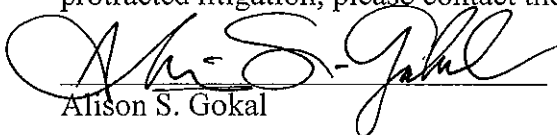
RESOLUTION OF NOTICED CLAIMS

Subject to a governmental agency pursuing this case, Mr. Buller intend upon expiration of the 60 days, to file a citizen enforcement suit seeking unless each violator to agree to such reasonable to cease the leaking oil and to pay an appropriate civil penalty in accordance with the factors set forth in Section 25249.7. Attorney's fees and costs also are authorized in this case under Cal. Civ. Proc. Code §1021.5.

Marc G. Reich, Esq.
Reich Radcliffe & Hoover LLP
4675 MacArthur Ct., Suite 550
Newport Beach, CA 92660
T 949.975.0512

Alison S. Gokal, Esq.
Gokal Law Group, Inc.
26080 Towne Centre Drive
Foothill Ranch, CA 92610
T 949.753.9100
F 866.610.9381

If the Violating Parties are interested in seeking a constructive resolution of this matter to avoid protracted litigation, please contact the undersigned.


Alison S. Gokal

Date: 10/27/21

cc: Marc G. Reich;

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

I, Alison S. Gokal, Esq., declare:

1. This Certificate of Merit accompanies the attached sixty-day notice ("60-day Notice") alleging that the Parties named in the notice violated California Health & Safety Code Section 25249.5.

2. That section provides: "No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law"

3. Representatives of my firm or my co-counsel, counsel to plaintiff herein, have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the discharges to water that are the subject of this action.

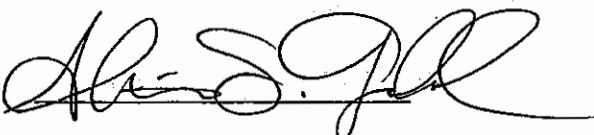
4. Based on the information obtained through these consultations, and other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that the phrase 'reasonable and meritorious case for the private action' means that the information provides a credible basis that all elements of the plaintiff's 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 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 Section 25247.7(h), *i.e.*, the identity of the persons consulted

with relied upon by the certifier; and (2) the facts, studies or other data reviewed by those persons.

Dated: October 27, 2021

By:

A handwritten signature in black ink, appearing to read 'Alison S. Gokal', written over a horizontal line.

Alison S. Gokal, Esq.

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level" divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at
P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 26080 Towne Centre Drive, Foothill Ranch, CA 92610.

On October 27, 2021, I served the foregoing document(s) described as: **60-day Proposition 65 Notice** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

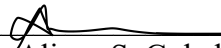
☐ BY ELECTRONIC SERVICE VIA ONELEGAL EFILING SERVICE: I served the above-entitled document(s) through the OneLegal E-Filing Service at www.onelegal.com addressed to all parties appearing on the electronic list for the above-entitled case. A copy of the One Legal Service Receipt Page/Confirmation will be maintained with the original document(s) in this office.

☐ BY ELECTRONIC SERVICE: I served the above-entitled document(s) via e-mail to: sandra.av@libertymutual.com.

☒ BY CERTIFIED MAIL: After signing this proof of service, I will mail a true and correct copy of the above-described documents in a sealed envelope. I am "readily familiar" with the firm's 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 Foothill Ranch, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on October 28, 2021, at Foothill Ranch, California.

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


Alison S. Gokal

SERVICE LIST

AMPLIFY ENERGY CORPORATION
111 WEST OCEAN BLVD., SUITE 1240
LONG BEACH, CA 90802

BETA OPERATING COMPANY
111 WEST OCEAN BLVD., SUITE 1240
LONG BEACH, CA 90802

LOS ANGELES COUNTY DISTRICT ATTORNEY
211 WET TEMPLE STREET, SUITE 1200
LOS ANGELES, CA 90012

ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE
401 CIVIC CENTRE DRIVE WEST
SANTA ANA, CA 92701

OFFICE OF THE CALIFORNIA ATTORNEY GENERAL
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
PO BOX 70550
OAKLAND, CA 94612-0550