

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Discharges of Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS)
Into Sources of Drinking Water Resulting from Operations at 6426 Hay Road, Vacaville,
CA 95687

March 24, 2023

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 508, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Kaya Allan Sugerman is the Director of Illegal Toxic Threats and a responsible individual within CEH.

Description of Violation:

- Violators: The name and address of each violator is:

Recology Hay Road
50 California Street, Floor 24
San Francisco, CA 94111

Recology, Inc.
50 California Street, Floor 24
San Francisco, CA 94111
- Time Period of Discharges: The violations have been occurring since at least March 24, 2020, and are continuing up through the present. There is a substantial threat of ongoing and future violations unless and until the alleged violators abate the threat of additional PFOA and PFOS discharges from ongoing and future operations.
- Provision of Proposition 65: This Notice of Violation covers the “discharge prohibition” of Proposition 65, which is found at California Health and Safety Code Section 25249.5.

- Chemicals Involved: The names of the listed chemicals involved in these violations are Perfluorooctanoic Acid (PFOA) and Perfluorooctane sulfonate (PFOS). PFOA and PFOS are chemicals known to cause cancer, birth defects and other reproductive harm.
- Identification of Discharge and Sources of Drinking Water: The alleged violators' landfill, located at 6426 Hay Road, Vacaville, CA 95687 (the "Facility"), discharges and/or releases PFOA and PFOS directly into the groundwater surrounding the Facility, which is designated as a source of drinking water. The specific location of the source of the discharges is the Facility.

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) immediately abate the threat of additional PFOA and PFOS discharges; (2) clean the groundwater surrounding the Facility to remove the PFOA and PFOS as well as from the soil surrounding the Facility; 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 resorting 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 the 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such an agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

This Notice also serves as a demand that the alleged violators 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 PFOA and PFOS discharges from the Facility, actual or potential discharges of PFOA and PFOS from the Facility, efforts to comply with Proposition 65, and communications with any person relating to actual or potential discharges of PFOA and PFOS from the Facility since March 24, 2020 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.

1 **PROOF OF SERVICE**

2
3 I, Alexis Pearson, declare:

4 I am a citizen of the United States and employed in the County of San Francisco, State of
5 California. I am over the age of eighteen (18) years and not a party to this action. My business
6 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is
7 apearson@lexlawgroup.com.

8 On March 24, 2023, I served the following document(s) on all interested parties in this
9 action by placing a true copy thereof in the manner and at the addresses indicated below:

10 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND
11 TOXIC ENFORCEMENT ACT; and**

12 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986
13 (PROPOSITION 65): A SUMMARY (only sent to addresses marked with an asterisk).**

14 **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail
15 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited
16 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the
17 ordinary course of business. On this date, I placed sealed envelopes containing the above
18 mentioned documents for collection and mailing following my firm's ordinary business practices.

19 California Attorney General's Office
20 Attention: Prop 65 Coordinator
21 1515 Clay Street, Suite 2000
22 Post Office Box 70550
23 Oakland, CA 94612-0550

Salvatore Coniglio, CEO*
Recology Hay Road
50 California Street, Floor 24
San Francisco, CA 94111

24 District Attorney of Solano County
25 675 Texas Street, Ste. 4500
26 Fairfield, CA 94533

Salvatore Coniglio, CEO*
Recology, Inc.
50 California Street, Floor 24
San Francisco, CA 94111

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

Executed on March 24, 2023 at San Francisco, California.



Alexis Pearson