

NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Exposures to Nickel and Nickel Compounds from Petroleum Refining Operations at the Martinez Refining Company located at 3485 Pacheco Boulevard in Martinez, California

December 20, 2023

This Notice of Violation (the "Notice") 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 is provided by Environmental Democracy Project ("EDP") EDP's address is 3630 High Street, #18554, Oakland, CA 94619, and its phone number is (510) 932-5416. EDP is a nonprofit environmental justice organization dedicated to representing communities of color exposed to disproportionate amounts of pollution. Tanya Boyce is EDP's Executive Director. She is a responsible individual within EDP for purposes of this Notice.

Description of Violation:

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

PBF Energy Inc.

One Sylvan Way, Second Floor
Parsippany, New Jersey 07054

PBF Energy Company LLC

One Sylvan Way, Second Floor
Parsippany, New Jersey 07054

PBF Energy Western Region LLC

One Sylvan Way, Second Floor
Parsippany, New Jersey 07054

Martinez Refining Company LLC

One Sylvan Way, Second Floor
Parsippany, New Jersey 07054

- Provision of Proposition 65: This Notice of Violation covers the “warning provision” of Proposition 65, California Health and Safety Code Section 25249.6.
- Chemical Involved: The name of the listed chemical involved in the violations is nickel and nickel compounds (“Nickel”). Nickel is a chemical known to cause cancer.
- Location of the Source of Exposures: The location of the source of the exposures is the Martinez Refining Company petroleum refinery located at 3485 Pacheco Boulevard in Martinez, California 94553 (the “Facility”). The Nickel exposures caused by the Facility’s petroleum refining operations occur beyond any property owned or controlled by the alleged violators.
- Description of the Exposures: This Notice addresses environmental exposures to Nickel. The Facility’s petroleum refining operations result in emissions of significant quantities of Nickel into the air. Individuals living near the Facility are exposed to Nickel when they breathe the air contaminated with Nickel. No clear and reasonable warning is provided to individuals exposed to Nickel regarding the health hazards associated with Nickel.
- Time Period of Exposure: The violations have been occurring since at least December 20, 2020 and are continuing up through the present. There is a substantial threat of future violations because the Facility continues to emit significant quantities of Nickel into the air.
- Route of Exposure: The route of exposure for the violations is inhalation when individuals breathe air contaminated with Nickel emitted from the Facility.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, EDP intends to file a citizen enforcement lawsuit against each alleged violator unless such violator agrees in a binding written instrument to remedy the violations alleged herein and to pay an appropriate civil penalty in accordance with the factors set forth in Health and Safety Code Section 25249.7. If any alleged violator is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please contact EDP through their counsel identified below. It should be noted that EDP cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District Attorney who received Plaintiff’s 60-day Notice. Therefore, while reaching an agreement with Plaintiff will resolve their 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: the Facility's Nickel emissions; exposures to Nickel caused by the Facility's operations; the Facility's efforts to comply with Proposition 65 with respect to Nickel emissions; and communications with any person relating to exposures to Nickel from the Facility's operations.

Please direct any inquiries regarding this Notice to EDP's counsel Lucas Williams at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, lwilliams@lexlawgroup.com.

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

I, Lucas Williams, 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, Environmental Democracy Project.

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.

December 20, 2023



Lucas Williams
Attorney for ENVIRONMENTAL
DEMOCRACY PROJECT

1 **PROOF OF SERVICE**

2 I, Lilian Macancela, declare:

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

7 On December 20, 2023, I served the following document(s) on all interested parties in this
8 action by placing a true copy thereof in the manner and at the addresses indicated below:

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

11 **CERTIFICATE OF MERIT;** and

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

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

20 Matthew C. Lucey, CEO*
21 PBF Energy Inc.
22 One Sylvan Way, Second Floor
23 Parsippany, New Jersey 07054

24 Matthew C. Lucey, CEO*
25 PBF Energy Western Region LLC
26 One Sylvan Way, Second Floor
27 Parsippany, New Jersey 07054

28 Matthew C. Lucey, CEO*
PBF Energy Company LLC
One Sylvan Way, Second Floor
Parsippany, New Jersey 07054

Matthew C. Lucey, CEO*
Martinez Refining Company LLC
One Sylvan Way, Second Floor
Parsippany, New Jersey 07054

BY ELECTRONIC MAIL: I transmitted a PDF version of the document(s) listed above via
email to the email address(es) indicated on the attached service list [or noted above] on the date
executed.

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

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

Executed on December 20, 2023 at San Francisco, California.



Lilian Macancela