

NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Exposures to Chromium (Hexavalent Compounds), Lead and Lead Compounds, Nickel and Nickel Compounds, Hydrogen Cyanide and Cyanide Salts, 1,3 Butadiene, and Formaldehyde from Petroleum Refining Operations at the Martinez Refining Company located at 3485 Pacheco Boulevard in Martinez, California

August 12, 2024

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 66 Franklin Street, Suite 300, Oakland, CA 94607, 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 the 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 Holding Company LLC

One Sylvan Way, Second Floor
Parsippany, New Jersey 07054

PBF Finance Corporation

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 names of the listed chemicals involved in the violations (the “Chemicals at Issue”) are:
 - Chromium (Hexavalent Compounds), which is known to cause cancer and reproductive harm;
 - Lead and Lead Compounds, which are known to cause cancer and reproductive harm;
 - Nickel and Nickel Compounds, which are known to cause cancer;
 - Hydrogen Cyanide and Cyanide Salts, which are known to cause reproductive harm;
 - 1,3 Butadiene, which is known to cause cancer and reproductive harm; and
 - Formaldehyde, which is 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 and around 3485 Pacheco Boulevard in Martinez, California 94553 (the “Refinery”). The exposures to the Chemicals at Issue caused by the Refinery’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 the Chemicals at Issue. The Refinery’s petroleum refining operations cause significant emissions of the Chemicals at Issue into the air. Individuals are exposed to the Chemicals at Issue when they breathe the air. No clear and reasonable warning is provided to individuals exposed to the Chemicals at Issue regarding the chemicals’ health hazards.

- Time Period of Exposure: The Refinery's violations have been occurring since at least August 12, 2021 and are continuing up through the present. There is a substantial threat of future violations because the Refinery continues to emit significant quantities of the Chemicals at Issue.
- Route of Exposure: The route of exposure for the violations is inhalation when individuals breathe air contaminated with the Chemicals at Issue emitted from the Refinery.

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 following: the Refinery's toxic air contaminant emissions; exposures to toxic air contaminants caused by the Refinery's operations; the Refinery's efforts to comply with Proposition 65 with respect to its emissions of toxic air contaminants; and communications with any person relating to exposures to toxic air contaminants from the Refinery'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.

August 12, 2024



Lucas Williams
Attorney for ENVIRONMENTAL
DEMOCRACY PROJECT

1 **PROOF OF SERVICE**

2 I, Star Beltman, 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
sbeltman@lexlawgroup.com.

6 On August 12, 2024, I served the following document(s) on all interested parties in this
7 action by placing a true copy thereof in the manner and at the addresses indicated below:

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

9 **CERTIFICATE OF MERIT;** and

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

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

15 *Please see attached service list.*

16 **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via
17 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.
on the date executed.

18
19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 Executed on August 12, 2024 at San Francisco, California.

22 

23 _____
Star Beltman

SERVICE LIST

Diana Becton
District Attorney of Contra Costa County
900 Ward St.
Martinez, CA 94553

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