

**SIXTY DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(California Health and Safety Code Section 25249.5 et seq.)**

February 6, 2025

RE: Violations of Proposition 65 Related to Unleaded Gasoline

TO: Office of the California Attorney General
Prop 65 Enforcement Reporting. Via upload to the Office of the Attorney
General's website at the following web address: [https://oag.ca.gov/prop65/add-
60-day-notice](https://oag.ca.gov/prop65/add-60-day-notice)

**David Sturman or Current CEO/President of Summit Gasoline & Auto
Bistro – 8 S Milpas St Santa Barbara, CA 93103**

**FROM: Mothers Oversight Network for Actionable Response to Contaminant
Harm [MONARCH], LLC, by and through Greenbaum Law Firm**

Dear Alleged Violator(s) and Appropriate Enforcement Agencies:

Greenbaum Law Firm represents Mothers Oversight Network for Actionable Response to Contaminant Harm [MONARCH], LLC who serves this Notice of Violation (“Notice”) on Summit Gasoline and Auto Bistro pursuant to California Health & Safety Code section 25249.7(d) and in compliance with Proposition 65.

This Notice serves to inform you that the Alleged Violators identified below (“Alleged Violator(s)”) are in violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”) codified at Cal. Health & Safety Code § 25249.5, et seq. This Notice satisfies a prerequisite for MONARCH to commence an action against the Alleged Violator(s) in any Superior Court of California to enforce Proposition 65.

A description of the specific Alleged Violation can be found below.

I. Description of Violation

Noticing Entity: Mothers Oversight Network for Actionable Response to
Contaminant Harm [MONARCH], LLC

All Communications To: Daniel N. Greenbaum, Esq.
GREENBAUM LAW FIRM
7120 Hayvenhurst Ave., Ste. 320
Van Nuys, CA 91406
Phone: (818) 809-2199
Fax: (424) 243-7689
Email: dgreenbaum@greenbaumlawfirm.com

Alleged Violator(s): Summit Gasoline & Auto Bistro
8 South Milpas Street
Santa Barbara, CA 93103

Time Period of Exposure: Violations have been occurring since at least November 4, 2024

Listed Chemical(s): Unleaded Gasoline (wholly vaporized)

Route(s) of Exposure: Inhalation

Potential Harm: Carcinogen

II. General Information

MONARCH is organized to promote awareness of exposures to toxic chemicals in California and to improve public health and safety. This Notice is provided to the parties listed above pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly referred to as “Proposition 65”) for violations of California Health & Safety Code §25249.6, failure to provide consumers with a clear and reasonable warning of the potential for exposure to chemicals known to the State of California to cause cancer and/or reproductive harm.

*NOTE: While MONARCH identifies Sayward Halling, 573 N Olive St. Ventura, CA 93001, (805) 665-3853 as the responsible individual within the Noticing Entity, **all** communication must be sent to MONARCH’s attorney, the Greenbaum Law Firm at address above.*

III. Alleged Violation(s)

The specific product(s) causing consumer exposures in violation of Proposition 65 is/are listed below. The Alleged Violator(s) identified own and/or operate a service station at the address (“Location”) set forth below, which sells Unleaded Gasoline. In violation of Proposition 65, the Alleged Violator exposes individuals at this Location to the Listed Chemical without first providing the warnings for Service Stations set forth in Title 27 of California Code of Regulations sections 25607.26(a) and 2560727(a) or otherwise complying with Proposition 65 warning requirements.

Evidence Preservation Request to Alleged Violator(s): Alleged Violator(s) are hereby requested to preserve any and all evidence relating to the violations described herein. This includes, without limitation, preserving any warning materials concerning exposure to the Listed Chemical(s) to consumers, and all communications regarding any such exposures. This also includes, without limitation, documenting (through any means, including but not limited to time-stamped photography and/or video recording) the present existence, content, and location of all warning materials—including labels, signs, tags, and other language—that the Alleged Violator(s) contends provides consumers with the “clear and reasonable” warning required by Health & Safety Code section 25249.6

regarding the exposures (and preserving any historical depictions of such warning materials), as well as all testing and sales data related to the Product Category, and all advertising and/or marketing materials related to the Product Category. The failure to preserve the requested evidence may result in sanctions and other penalties.

The exposures that are the subject of this Notice occur at the service station(s) owned and/or operated by the Alleged Violator(s) identified below at the Location specified. Individuals who come into proximity of the gas pumps at the Location are exposed to the Listed Chemical while at the Location. The primary route of exposure to the Listed Chemical is through inhalation. No clear and reasonable warning is provided regarding the carcinogenic exposure to the Listed Chemical at the Location.

Alleged Violator	Location
Summit Gasoline #8	8 South Milpas Street, Santa Barbara, CA 93103

IV. Proposition 65 Information

For general information concerning Proposition 65, please contact the Office of Environmental Health Hazard Assessment (“OEHHA”) Proposition 65 Implementation Office or to visit their website at <http://oehha.ca.gov/proposition-65>.

V. Resolution of Claim(s)

MONARCH intends to file a lawsuit against the alleged Violator(s) unless such Violator(s) enters into a binding written agreement to become compliant with California Health & Safety Code 25249.6 *et seq.* Please feel free to contact the counsel identified above to discuss this further.

Certificate of Merit

I, Daniel N. Greenbaum, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. 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 alleged exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all 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 plaintiffs' case 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.

The copy of this 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 and Safety Code section 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.

Dated: February 6, 2025



Daniel N. Greenbaum, Esq.
Attorney for MONARCH

PROOF OF SERVICE

I hereby declare that I am over the age of 18 and not a party to this case or action. My business address is: **7120 Hayvenhurst Ave., Suite 320, Van Nuys CA 91406**. A True and Correct copy of the document entitled **NOTICE OF VIOLATION** will be served or was served in the manner stated below:

- I. First Class Mail: On February 6, 2025, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope with the USPS, postage prepaid, and addressed as follows:

Attn: CEO or President	Summit Gasoline & Auto Bistro 8 S Milpas St Santa Barbara, CA 93103
Attn: David Sturman or Current CEO/President	Canoga Terrace, LLC 3201 Bayshore Dr Westlake Village, CA 91361-4233
Attn: David Sturman or Current CEO/President	Canoga Terrace, LLC 4411 Park Mallorca Calabasas, CA 91302
Attn: David Sturman or Current CEO/President	Canoga Terrace, LLC 15910 Ventura Blvd Ste 720 Encino, CA 91436

- II. California Attorney General (via website Portal): On February 6, 2025, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General’s website.
- III. District and City Attorneys (via First Class Mail): On February 6, 2025, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows: **SEE ATTACHED SERVICE LIST**.
- IV. District and City Attorneys (via email): On February 6, 2025, I served the following persons and/or entities at the last known electronic addresses via email (the transmission was reported as sent without error): CEPDProp65@acgov.org; Prop65Env@co.calaveras.ca.us; sgrassini@contracostada.org; EDCDAPROP65@edcda.us; consumerprotection@fresnocountyca.gov; inyoda@inyocounty.us; mlatimer@co.lassen.ca.us; consumer@marincounty.gov; mceda@mariposacounty.org; Prop65@countyofmerced.com; Prop65DA@co.monterey.ca.us; CEPD@countyofnapa.org; DA.Prop65@co.nevada.ca.us; prop65@placer.ca.gov; davidhollister@countyofplumas.com; Prop65@rivcoda.org; Prop65@sacda.org; SanDiegoDAProp65@sdca.org; alexandra.grayner@sfgov.org; DAConsumer.Environmental@sjcda.org; edobroth@co.slo.ca.us; DAProp65@co.santa-barbara.ca.us; EPU@da.sccgov.org; Prop65DA@santacruzcounty.us; ECLD@sonomacounty.org; Prop65@co.tulare.ca.us; daspecialops@ventura.org; cfepd@yolocounty.gov; CityAttyProp65@sandiego.gov; Prop65@sfcityatty.org; Proposition65notices@sanjoseca.gov

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

Dated: February 6, 2025

A handwritten signature in black ink, appearing to read 'Megan Newman', with a long horizontal stroke extending to the right.

Megan Newman

Service List

Alpine County District Attorney
P.O. Box 248
Markleeville, CA 96120

Amador County District Attorney
708 Court St, #202
Jackson, CA 95642

Butte County District Attorney
25 County Center Dr
Oroville, CA 95965

Colusa County District Attorney
310 Sixth Street
Colusa, CA 95932

Del Norte County District Attorney
450 H Street, Room 171
Crescent City, CA 95531

Glenn County District Attorney
P.O. Box 430
Willows, CA 95988

Humboldt County District Attorney
825 5th Street
Eureka, CA 95501

Imperial County District Attorney
940 West Main Street, Suite 102
El Centro, CA 92243

Kern County District Attorney
1215 Truxtun Avenue
Bakersfield, CA 93301

Kings County District Attorney
1400 West Lacey Boulevard
Hanford, CA 93230

Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453

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

Madera County District Attorney
300 S G Street, Suite 300
Madera, CA 93637

Mendocino County District Attorney
P.O. Box 1000
Ukiah, CA 95482

Modoc County District Attorney
204 S. Court Street, Room 202
Alturas, CA 96101

Mono County District Attorney
P.O. Box 2053
Mammoth Lakes, CA 93546

Orange County District Attorney
300 N Flower Street
Santa Ana, CA 92703

San Benito County District Attorney
419 4th Street
Hollister, CA 95203

San Bernardino County District Attorney
303 West 3rd Street
San Bernardino, CA 92415

San Mateo County District Attorney
400 County Center, Third Floor
Redwood City, CA 94063

Shasta County District Attorney
1355 West Street
Redding, CA 96001

Sierra County District Attorney
100 Courthouse Square
Downieville, CA 95936

Siskiyou County District Attorney
P.O. Box 986
Yreka, CA 96097

Solano County District Attorney
675 Texas Street, Suite 4500
Fairfield, CA 94533

Stanislaus County District Attorney
832 12th Street, Suite 300
Modesto, CA 95354

Sutter County District Attorney
466 Second Street, Suite 102
Yuba City, CA 95991

Tehama County District Attorney
P.O. Box 519
Red Bluff, CA 96080

Trinity County District Attorney
P.O. Box 310
Weaverville, CA 96093

Tuolumne County District Attorney
2 South Green Street
Sonora, CA 95370

Yuba County District Attorney
215 Fifth Street, Suite 152
Marysville, CA 95901

Office of the City Attorney, Los Angeles
200 North Main Street
Los Angeles, CA 90012

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.

APPENDIX B

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form 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"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- 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.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and

- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date:
Name of Noticing Party or attorney for Noticing Party:
Address:
Phone number:

Page 1

SPECIAL COMPLIANCE PROCEDURE
PROOF OF COMPLIANCE

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY

The alleged violation is for an exposure to: (check one)

___Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

___A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical 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.

___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.

___Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

IMPORTANT NOTES:

- (1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.
- (2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date:
Name of Noticing Party or attorney for Noticing Party:
Address:
Phone number:

Page 2

PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;

Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR

Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Signature of alleged violator or authorized representative

Date

Name and title of signatory

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.