

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead from Leaded Aviation Gasoline

May 9, 2011

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 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are attached hereto as Exhibit 1.
- Time Period of Violation: The violations have been occurring since at least May 9, 2008 and are continuing to this day.
- Provisions of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the Leaded aviation gasoline supplied by the violators listed on Exhibit 1.
- Description of Exposure: This Notice addresses environmental exposures to Lead as to all of the alleged violators listed on the attached Exhibit 1. Use of the leaded aviation gasoline supplied by the violators listed on Exhibit 1 results in human exposures to Lead. Lead is contained in the aviation gasoline that is supplied by the alleged violators and is emitted as airplanes fueled by the alleged violators take off and land at the airports identified in Exhibit 1.
 - Route of Exposure: The route of exposure for the violations is primarily inhalation, when individuals breath the Lead emitted by the airplanes fueled by the alleged violators, but also includes ingestion via hand to mouth contact and dermal absorption directly through the skin when individuals within the vicinity of the airports listed on Exhibit 1 touch or handle dust laden with Lead from the aviation fuel.
 - Location of Source of Exposure: The source of the exposures to Lead identified in this Notice are the airports listed on Exhibit 1. The exposures to Lead from the Leaded aviation fuel occur in the vicinity of the airports listed on Exhibit 1 as described therein. The exposures occur beyond the property owned or operated by the violators.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator unless the alleged violator agrees in a binding written instrument to remedy the violations alleged herein by: (a) providing warnings to the individuals who reside or pass through the areas surrounding the airports identified on Exhibit 1; (b) ceasing use of all leaded aviation fuel in order to cease ongoing and future exposures to Lead alleged herein; and (c) paying an appropriate civil penalty in accordance with the factors set forth in Health and Safety Code Section 25249.7. If any of the alleged violators is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please 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 CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to counsel for CEH: Mark N. Todzo, Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 759-4111.

EXHIBIT 1
May 9, 2011 Notice of Violation
Lead from Leaded Aviation Gasoline

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
<p>AeroDynamic Aviation 2650 Robert Fowler Way San Jose, CA 95148</p> <p>Amelia Reid Aviation LLC 4075 Evergreen Village Square Suite 160-339 San Jose, CA 95135</p>	<p>Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122</p>	<p>1.0 mile</p>
<p>AirFlite, Inc. 19001 South Western Avenue Torrance, CA 90501</p>	<p>Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Drive Long Beach, CA 90806</p>	<p>1.2 miles</p>
<p>Airport Property Partners LLC 21889 Skywest Drive Hayward, CA 94541</p> <p>APP JetCenter 21889 Skywest Drive Hayward, CA 94541</p>	<p>Hayward Executive Airport 20301 Skywest Drive Hayward, CA 94541</p>	<p>0.8 mile</p>
<p>American Flyers 3N040 Powis Road West Chicago, IL 60185</p> <p>American Flyers FBO 2501 Airport Avenue Santa Monica, CA 90405</p> <p>A T E of New York, Inc. 90 Arrival Avenue Ronkonkoma, NY 11779</p>	<p>Santa Monica Municipal Airport 3223 Donald Douglas Loop South Santa Monica, CA 90405</p>	<p>0.8 mile</p>
<p>Atlantic Aviation of Santa Monica, L.P. 2828 Donald Douglas Loop North Santa Monica, CA 90405</p>	<p>Santa Monica Municipal Airport 3223 Donald Douglas Loop South Santa Monica, CA 90405</p>	<p>0.8 mile</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
<p>Bridgeford Flying Services 2030 Airport Road Napa, CA 94558</p> <p>R.A. Bridgeford, Inc. 2030 Airport Road Napa, CA 94558</p>	<p>Napa County Airport 2030 Airport Road Napa, CA 94558</p>	<p>0.8 mile</p>
<p>Business Jet Center 9351 Earhart Road Oakland, CA 94621</p> <p>Business Jet Center Oakland, L.P. 9465 Earhart Road Oakland, CA 94614</p>	<p>Oakland International Airport 1 Airport Drive Oakland, CA 94621</p>	<p>1.0 mile</p>
<p>CrownAir Aviation 3753 John J. Montgomery Drive San Diego, CA 92123</p> <p>CrownAir Holdings, Inc. 4747 Executive Drive, Suite 1010 San Diego, CA 92121</p> <p>Air 88, Inc. 4747 Executive Drive, Suite 1010 San Diego, CA 92121</p>	<p>Montgomery Field 3750 John J. Montgomery Drive San Diego, CA 92123</p>	<p>1.0 mile</p>
<p>Encore Jet Center 8348 Kimball Ave Hangar #1 Chino, CA 91708</p> <p>Encore Jet Center, LLC 4675 MacArthur Court, Suite 700 Newport Beach, CA 92660</p>	<p>Chino Airport County of San Bernardino Department of Airports 7000 Merrill Avenue Chino, CA 91710</p>	<p>0.8 mile</p>
<p>Epic Jet Center, LLC 1105 Douglas Street Bakersfield, CA 93308</p>	<p>Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308</p>	<p>0.8 mile</p>

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
Gibbs Flying Service Inc. 8906 Aero Drive San Diego, CA 92123	Montgomery Field 3750 John J. Montgomery Drive San Diego, CA 92123	1.0 mile
Great American Aviation 3401 Airport Drive Torrance, CA 90505 Torrance Airport Hangars, LLC 6591 Collins Drive, Suite E-11 Moorpark, CA 93021	Zamperini Field 3301 Airport Drive Torrance, CA 90505	0.8 mile
JetFlite, Inc. 16921 Parthenia Street Suite 301 North Hills, CA 91343 JetFlite International 4310 E. Donald Douglas Drive Long Beach, CA 90808 Air Rutter International LLC 35 East 21 st Street 5 th Floor New York, NY 10010	Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Drive Long Beach, CA 90806	1.2 miles
KaiserAir, Inc. 8735 Earhart Road Oakland, CA 94621	Oakland International Airport 1 Airport Drive Oakland, CA 94621	1.0 mile
Landmark Aviation FBO Holdings, LLC 1500 Citywest Boulevard, Ste. 600 Houston, TX 77042 Landmark Aviation San Diego, Inc. 1500 Citywest Boulevard, Ste. 600 Houston, TX 77042 Landmark Aviation 2904 Pacific Hwy, # 209 San Diego, CA 92101	Los Angeles International Airport 1 World Way Los Angeles, CA 90045	0.8 mile

Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
Loyd's Aviation 1601 Skyway Drive Bakersfield, CA 93308	Meadows Field Airport 3701 Wings Way Bakersfield, CA 93308	0.8 mile
LP Enterprises, LLC 2635 Cunningham Ave. San Jose, CA 95122	Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122	1.0 mile
Mercury Air Center 2901 E. Spring Street Long Beach, CA 90806 Mercury Air Center -Long Beach, Inc. 5456 McConnell Avenue Los Angeles, CA 90066 Mercury Air Group, Inc. 5456 McConnell Avenue Los Angeles, CA 90066	Long Beach Airport (Daugherty Field) 4100 East Donald Douglas Drive Long Beach, CA 90806	1.2 miles
Nice Air 2575 Robert Fowler Way San Jose, CA 95148 California in Nice, Inc. 2575 Robert Fowler Way San Jose, CA 95148	Reid-Hillview Airport 2500 Cunningham Ave San Jose, CA 95122	1.0 mile
Pacific States Aviation Inc. 51 John Glenn Drive Concord, CA 94520	Buchanan Field 550 Sally Ride Drive Concord, CA 94520	0.8 mile
Rossi Aircraft, Inc. 1903 Embarcadero Road Palo Alto, CA 94303	Palo Alto Airport 1925 Embarcadero Road Palo Alto, CA 94303	1.0 mile
South Bay Aviation, Inc. 3481 Airport Drive, #100 Torrance, CA 90505	Zamperini Field 3301 Airport Drive Torrance, CA 90505	0.8 mile

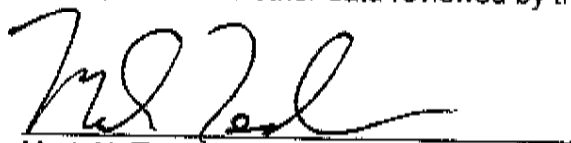
Names and Addresses of Responsible Parties	Location of the Source of the Exposure (Airport Where Responsible Party Operates)	Radial Distance From Airport Within Which Exposures Occur
Sterling Aviation 145 John Glenn Drive Concord, CA 94520 Sterling Avionics, Inc. 101 John Glenn Drive, #2 Concord, CA 94520	Buchanan Field 550 Sally Ride Drive Concord, CA 94520	0.8 mile
Threshold Technologies, Inc. 8352 Kimball Avenue Building F350, #3 Chino, CA 91708	Chino Airport County of San Bernardino, Department of Airports 7000 Merrill Avenue Chino, CA 91710	0.8 mile
Torrance Flite Park, LLC 3481 Airport Drive, #200 Torrance, CA 90505	Zamperini Field 3301 Airport Drive Torrance, CA 90505	0.8 mile

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

I, Mark N. Todzo, 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, the Center for Environmental Health.
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.

May 9, 2011



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

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 Office of Environmental Health Hazard Assessment, 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 its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. 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 22 of the California Code of Regulations, Sections 25000 through 27001.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 735 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving those 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. 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. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

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. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

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.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business 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 chemical-specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), a warning is not required if the business 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 (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharges that do not result in a "significant amount" of the listed chemical entering into 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 enter any drinking water source, 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" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

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 (those in cities with a population exceeding 750,000). 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. A notice must comply with the information and procedural requirements specified in regulations (Title 27, California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an 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 of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

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PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

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President *
Business Jet Center Oakland, L.P.

William Gibbs, President *
Gibbs Flight Services

President *
Gibbs Flight Services

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NICE:AIR

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Greg Holbrook, President *
Pacific States Aviation, Inc.