

Law Office of Jack Silver

P.O. Box 5469 Santa Rosa, California 95402
Phone 707-528-8175 Fax 707-528-8675
lhm28843@sbcglobal.net



***VIA REGISTERED MAIL - -
RETURN RECEIPT REQUESTED***

January 31, 2013

Ted Orden - President/CEO
Chris Panaitescu - General Manager, Environmental Affairs
Thrifty Oil Company
13116 Imperial Highway
Santa Fe Springs, CA 90670-0138

George S. Spindler -President/CEO
BP Corporation North America, Inc
Parent Company of:
BP West Coast Products, LLC
4 Centerpointe Drive
La Palma, CA 90623-2503

Operator/Site Manager
2730 West Marine Avenue
Redondo Beach, CA 90278

Operator/Site Manager
11500 Beach Blvd.
Stanton, CA 90680

Operator/Site Manager
444 Imperial Ave.
Calexico, CA 92231

**Re: Notice of Violations and Intent to File Suit under the Resource
Conservation and Recovery Act**

NOTICE

The Resource Conservation and Recovery Act (“RCRA”, 42 U.S.C. § 6901 *et seq.*) requires that sixty (60) days prior to the initiation of an action for violation of a permit, standard, regulation, condition, requirement, prohibition or order effective under RCRA, a private party must give notice of the violation to the alleged violator, the Administrator of the U.S. Environmental Protection Agency and the State in which the violation is alleged to have occurred - *see* 42 U.S.C. § 6972(b)(1)(A).

The RCRA also requires that a private party provide ninety (90) days prior notice to the alleged violator, the Administrator of the Environmental Protection Agency and the State in which the violation is alleged to have occurred before initiating an action for an imminent and substantial endangerment to human health or the environment - *see* 42 U.S.C. § 6972(b)(2)(A).

In the event Subtitle C, Subchapter III violations are alleged, actions can be brought without observing the 60/90 day notice waiting periods applicable to 42 U.S.C. § 6972(a)(1)(A) and 42 U.S.C. § 6972(a)(1)(B) claims. When Subtitle C, Subchapter III claims are brought in conjunction with claims under 42 U.S.C. §§ 6972(a)(1)(A) and 6972(a)(1)(B), none of the claims require a waiting period before an action may be filed.

Notice is hereby provided on behalf of California River Watch (“River Watch”) to Thrifty Oil Company and BP West Coast Products, LLC, (collectively, the “Dischargers”) of continuing violations of the RCRA in conjunction with former and/or ongoing operations at three hazardous product release sites and facilities identified as follows:

1. Thrifty Oil Company, Station No. 361
11500 Beach Boulevard, Stanton, California
2. Thrifty Oil Company, Station No. 255
2730 West Marine Avenue, Redondo Beach, California
3. Thrifty Oil Company, Station No. 426
444 Imperial Avenue, Calexico, California.

Notice is also provided to Thrifty Oil Company in its capacity as the present owner of the real properties on which the above-identified sites are situated.

River Watch hereby notifies the Dischargers that at the expiration of the appropriate notice period provided under RCRA, River Watch intends to commence a civil action against the Dischargers on the following grounds:

1. Handling, transportation and unauthorized releases of various petroleum products at the facilities identified in this Notice by the Dischargers, has violated and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding the past and/or present handling, storage, treatment, transportation and/or disposal of hazardous products – a violation of 42 U.S.C. § 6972 (a)(1)(A);
2. Past and current operations at the facilities identified in this Notice by the Dischargers have caused petroleum and other contamination in soils, groundwater and surface waters, which presents an imminent and substantial endangerment to human health and the environment – a violation of 42 U.S.C. § 6972 (a)(1)(B);
3. Past and current operations at the facilities identified in this Notice by the Dischargers violate the provisions of RCRA subchapter III (Subtitle C) which governs the handling of hazardous wastes. River Watch contends the Dischargers have inadequately maintained records of the manner in which hazardous wastes have been treated, stored and/or disposed of; inadequately monitored, reported and/or complied with existing regulations concerning wastes; inadequately provided storage or transportation facilities for wastes; and have failed to develop adequate contingency plans for effective action to minimize damage from the unauthorized releases of hazardous contaminants – all of which has presented and continues to present a substantial endangerment to human health and to the environment.

SITES/FACILITIES AND BACKGROUND HISTORY

A. Thrifty Oil Company, Station No. 255 2730 West Marine Avenue, Redondo Beach

Station Number 255 is located at the southwest corner of West Marine Avenue and Inglewood Avenue in an area of Redondo Beach supporting mixed commercial and residential uses. The site is approximately 36 feet above mean sea level. Groundwater underlying the site flows generally to the northwest towards the Pacific Coast, and has been found at approximately 24 to 28 feet bgs. The site lies over an aquifer utilized as a public drinking water resource.

The first unauthorized hydrocarbon release occurred in approximately 1987 when the site was actively operated by Thrifty Oil. Groundwater monitoring and sampling have taken place since 1990. In May of 1997, ARCO (now BP West Coast Products, LLC) took over the retail operation, and replaced 3 underground storage tanks (“USTs”) in 1998.

Over the years since the initial release, 12 monitoring wells have been installed. UST trench over-excavation was conducted in 1998, and free product was removed between 1992 and 2008. A sensitive receptor survey demonstrated the presence of a public water supply well approximately 1,359 feet up-gradient of the site.

In August of 2010 the State Water Resources Control Board (“SWRCB”) conducted a Five Year Summary finding TPHg levels as high as 34,600 ug/l, benzene levels in groundwater as high as 3,300 ug/l, and toluene as high as 1,260 ug/l. The SWRCB recommended continued remediation work until the hydrocarbon levels no longer pose a significant risk to public health or to the environment. The SWRCB also noted that a chlorinated hydrocarbon plume is encroaching the site, and recommended efforts to deal with that added threat.

On the basis of the last uploaded analytical data from the monitoring wells (May of 2012,) TPHg levels had apparently increased to as high as 44,200 ug/l, benzene was as high as 2,500 ug/l, and toluene was as high as 4,000 ug/l.

Consultants for Thrifty Oil Company (GHC) requested the site be reviewed for administrative closure in December of 2012 on the basis of the State’s Low Threat UST Closure Policy for contamination of this nature. The indication being that hydrocarbons had been removed to the greatest extent possible; there is no more free product to be found; and, the up-gradient public water supply well is not threatened by conditions at the site.

GHC estimates the hydrocarbon mass underlying this site is (or at one time was) approximately 47,000 pounds. Since March of 2009, a multi-phase extraction system has only removed approximately 13,784 pounds of hydrocarbons according to the July 13, 2012 Semi-annual Status Report. Over two-thirds of the estimated mass of pollution remains to be eliminated. The removal of that extent of pollution will not occur by any other process, natural or otherwise, if Low Threat closure of the site is granted.

Based on the current condition of this site, River Watch believes the following investigatory and remediation work must be implemented immediately before the site is considered for closure:

1. Completion of site delineation (including vertical contaminant delineation) for the purpose of enabling a comprehensive evaluation of the extent of underlying contamination;
2. Development of a more effective remediation strategy either to include further over-excavation, or by means of other methods such as bioremediation. Such remediation strategy should have a strong likelihood of achieving state

mandated Maximum Contaminant Levels (“MCLs”) or pre-existing background levels within a reasonable time frame. As TPHg and toluene levels are higher than previously found several years ago, it is apparent the current remediation methods may need to be upgraded;

3. Additional remediation efforts to reduce and/or eliminate the chlorinated plume currently encroaching upon the site;
4. Vapor intrusion testing of any buildings or work areas above the plume to determine whether employees at the site and/or nearby third parties (commercial and residential) are being exposed to injurious levels of hydrocarbon, benzene or other toxic vapors;
5. Completion of preferential pathway studies to determine whether there are as yet undiscovered conduits, sewer lines, storm drains, gravel lenses or other avenues by which hydrocarbons and petroleum constituents may be migrating offsite; and,
6. Ongoing residual mass calculations for the hydrocarbons underlying this site to allow the measurement of progress once remediation processes are initiated.

**B. Thrifty Oil Company, Station No. 361
11500 Beach Blvd, Stanton**

This station, also identified or branded as Best California Gas, Ltd., is located on the southeast corner of Beach Boulevard and Orangewood Avenue, in an area of Stanton that supports both commercial space and residential dwellings, with residences in the area across Beach Boulevard to the west. The property is owned by Thrifty Oil Company and presently leased and operated as a retail gasoline station by ARCO Products Company which has been responsible for station operations since May of 1997.

Depth to groundwater varies from between 10 to 20 feet depending upon the season. Beneficial uses of groundwater at the site include municipal and domestic supply. There are 4 water supply wells located within 2,000 ft. of the site, the nearest being 767 ft. generally downgradient.

Monitoring activities commenced in 1989 following an unauthorized hydrocarbon release in April of 1987. Remediation efforts have included a variety of extraction and sparging regimes over the ensuing 20+ years. There are claimed to be 4 saturated zones beneath the station grounds, 3 of which have a groundwater gradient generally to the west or northwest; the deepest saturated zone with groundwater flow to the south. According to

consultant's estimates, each of these groundwater zones has been impacted by the release of hydrocarbons.

At the present time, remediation efforts have failed to adequately confine the TBA plume that extends some 1,000 ft. to the west of the site and persists within as few as 50 meters from a production well operated by Golden State Water Co. on Orangewood Avenue. TBA levels in that location are considerably above MCL levels – in the 2,700 ug/l range at MW-18D, and in the 400 ug/l range at MW-21E – nearest to the Golden State Water Co. well. The current strategy of bi-weekly over-purging of the TBA plume has been ineffective in eliminating or reducing the risk of contamination of the water supply. There is also some basis for finding that the over-purging has exacerbated the contamination problems at MW-21E.

The remaining hydrocarbon mass (originally estimated at 20,000 pounds) is still very problematic in the MW-4 vicinity. Approximately 12,000 pounds of hydrocarbon product has been removed to date. Present efforts seem focused upon the off-site, downgradient TBA plume rather than the source of the original contamination. As of the date of the most recently posted monitoring results (August of 2012,) TPHg levels are as high as 29,700 ug/l; xylenes are as high as 9,800 ug/l; ethylbenzene is as high as 1,400 ug/l; toluene is at 630 ug/l. A review of existing SWRCB files indicates no comprehensive preferential pathway study was ever completed.

On the basis of the current condition of this site, River Watch believes the following investigatory and remediation work must be implemented immediately in order to more effectively and comprehensively manage the levels of contamination:

1. Implementation of alternative remediation methods to reduce the mass of contaminants in groundwater and provide hydraulic containment of the TBA plume;
2. Completion of vertical delineation beyond what has already been accomplished – chiefly in order to reduce any ongoing threat to public water supplies in the vicinity;
3. Vapor intrusion testing of any buildings or work areas above the plume to determine whether employees at the site and/or third parties (commercial and residential) are being exposed to injurious levels of hydrocarbon, benzene or other toxic vapors;

4. Completion of preferential pathway studies to determine whether there are as yet unidentified and uninvestigated conduits, sewer lines, storm drains, gravel lenses or other avenues by which hydrocarbons and petroleum constituents may be covertly migrating offsite; and,
5. Ongoing residual mass calculations for the hydrocarbons underlying the site to allow the measurement of progress once remediation processes are initiated.

**C. Thrifty Oil Station No. 426
444 Imperial Avenue, Calexico**

This former Thrifty Oil Company facility, located on the southeast corner of Imperial Avenue and Fifth Street in a commercial section of Calexico, is currently operated as a retail fuel dispensing station under ARCO branding. The site is approximately 10 feet above mean sea level. Groundwater underlying the site flows generally to the southeast. The New River, which lies approximately 500 ft. southwest, lies cross-gradient to general groundwater flow. Groundwater is typically found at approximately 35 to 39 feet bgs. Groundwater does not appear to include use as a public drinking water resource.

Contamination was first discovered in September of 1986. Since that time primary remediation strategies have been limited to DPE systems and free product recovery efforts from at least 3 monitoring wells. Free product has been found on a continuous basis over the past 25 years. Free product at MW-4 is approximately 1.5 ft. thick. From April of 2011 to the end of March, 2012, slightly over 25 gallons of free product were removed. Historically, free product has reached thicknesses of over 11 ft. at one well location. The plume for the site appears to be commingled with that from the adjacent Chevron UST site.

As of September, 2012, TPHg levels at several wells were as high as 156,000 ug/l; toluene was as high as 20,000 ug/l; xylenes were found to be at 17,000 ug/l, benzene was found at 16,000 ug/l; ethylbenzene was found at 2,500 ug/l, and MTBE was reportedly found at 1,300 ug/l. A review of existing SWRCB files indicates no comprehensive preferential pathway study was ever accomplished.

River Watch believes the following investigatory and remediation work must be implemented immediately in order to more effectively and comprehensively manage the levels of contamination:

1. Increased, aggressive, pro-active remediation efforts directed towards free product removal. Over-excavation may still be effective in removing affected soils;

2. Implementation of more concentrated removal strategies to be applied in concert with efforts to simultaneously remove product from the Chevron site;
3. Completion of lateral and vertical delineation beyond what has already been accomplished to insure hydrocarbon contamination will not impact New River;
4. Vapor intrusion testing of any buildings or work areas above the plume to determine whether employees at the site and/or third parties (commercial and/or residential) are being exposed to injurious levels of hydrocarbon, benzene or other toxic vapors;
5. Completion of preferential pathway studies to determine whether there are as yet unidentified and un-investigated conduits, sewer lines, storm drains, gravel lenses or other avenues by which hydrocarbons and petroleum constituents may be covertly migrating offsite; and,
6. Ongoing residual mass calculations for the hydrocarbons underlying this site to allow the measurement of progress once remediation processes are initiated.

REGULATORY STANDARDS

The Resource Conservation and Recovery Act of 1976 is a federal environmental law of the United States the goals of which are the protection of the public and the environment from harm caused by waste storage and disposal, and the mandate of proper remediation of soil and groundwater contaminated by hazardous waste and hazardous products, including petroleum hydrocarbons and gasoline formula constituents. The RCRA establishes a national policy that, wherever feasible, the generation of hazardous waste must be reduced or eliminated as expeditiously as possible. The RCRA is a strict liability statute with a 5 year statute of limitations. Pursuant to RCRA provisions, California has enacted laws and regulations that must be observed in conjunction with RCRA regulations.

California's "Water Quality Objectives" exist to ensure protection of the beneficial uses of water. Existing and potential beneficial uses of area groundwater include domestic, agricultural, industrial and municipal water supply. The most stringent Water Quality Objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions need to be considered that evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels.

Regional Water Quality Control Boards in California have adopted Water Quality Control Plans or Basin Plans which designate surface and groundwater within Region 4 and Region 8 as capable of supporting domestic water supply unless they are specifically designated as having lesser uses such as industrial or agricultural. The Regional Board has adopted MCLs and/or Water Quality Objectives for petroleum constituents in surface and groundwater within the region of 100 ppb for TPHg (CA cleanup standard), 1 ppb for benzene, 150 ppb for toluene and 13 ppb for MTBE.

VIOLATIONS

A. Permits, Standards and Regulations - [RCRA § 7002(a)(1)(A), 42 U.S.C. § 6972(a)(1)(A)]

River Watch contends the Dischargers' use, storage, handling and transportation of petroleum products at the facilities identified in this Notice has violated and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding storage of petroleum in USTs.

Further, that the Dischargers' (or their predecessor(s) in interest, if any) have caused or permitted, cause or permit, or threaten to cause or permit, petroleum contaminants, constituents and other hazardous waste to be discharged or deposited where such waste is, or probably will be, discharged into waters of the State and now creates, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of such petroleum waste is deleterious to the beneficial uses of water, and is creating and threatens to create a condition of pollution and nuisance which will continue unless the discharge and threatened discharge is permanently abated.

B. Mishandling of Hazardous Waste - [RCRA § 3004, 42 U.S.C. § 6924 *et seq.*]

River Watch contends the Dischargers (or their predecessor(s) in interest, if any) have used, handled, stored and transported petroleum products at the facilities identified in this Notice in a manner which has allowed significant quantities of hazardous petroleum constituents and other toxic chemicals to be discharged to soil and groundwater beneath each of the facilities and beneath adjacent properties. The contaminant levels of TPHg, benzene, and other toxic contaminants in groundwater at and surrounding these facilities are significantly greater than the allowable MCLs and/or WQOs for said constituents.

River Watch alleges that for the period from January 25, 2008 to January 25, 2013, the Dischargers engaged in the following activities or omissions in violation of RCRA waste handling provisions:

1. Failure to adequately maintain records of hazardous wastes which were used, handled, treated, stored or otherwise disposed of on or offsite of the facilities identified in this Notice, in violation of 42 U.S.C. §6924(a)(1);
2. Failure to satisfactorily monitor, inspect and report hazardous waste at the facilities identified in this Notice, in violation of the provisions of 42 U.S.C. §6924(a)(2);
3. Failure to adequately use, handle, treat, store or properly dispose of hazardous waste found at the facilities identified in this Notice, in violation of 42 U.S.C. §6924(a)(3);
4. Failure to adequately locate, design and construct hazardous waste treatment, storage or disposal facilities in violation of 42 U.S.C. §6924(a)(4); and,
5. Failed to properly implement contingency plans for effective action to minimize unanticipated damage from the handling, transportation, treatment, storage or disposal of hazardous waste found at the facilities identified in this Notice, in violation of 42 U.S.C. §6924(a)(5).

C. Unpermitted Handling, Treatment, Storage, Transportation and/or Disposal of Hazardous Waste - [RCRA § 3005, 42 U.S.C. § 6925 *et seq.*]

River Watch alleges that for the period from January 25, 2008 to January 25, 2013, the Dischargers engaged in the following activities or omissions in violation of RCRA waste handling provisions:

1. Deposition and maintenance of hazardous waste as described in this Notice, which causes and has caused the generation and discharge of hazardous waste to the environment;
2. Installation and maintenance of a system of conveyances to dispose of hazardous waste generated and released from the facilities identified in this Notice; and,
3. Failure to possess specific permits for the handling, storage, treatment, transportation, and/or disposal of hazardous waste at the facilities identified in this Notice.

D. Prohibition Against Open Dumping - [RCRA § 4005, 42 U.S.C. § 6945 et. seq.]

River Watch alleges that for the period from January 25, 2008 to January 25, 2013, the Dischargers engaged in the following activities or omissions in violation of RCRA waste handling provisions:

1. Open dumping by reason of the discharge of hazardous waste to open ground at the facilities identified in this Notice, where said hazardous waste has contaminated and will continue to contaminate soils, ground water and surface waters;
2. The facilities identified in this Notice do not qualify as landfills under 42 U.S.C. § 6944, and do not qualify as facilities for the disposal of hazardous waste; and,
3. Failure to obtain a RCRA-authorized permit for the disposal, storage or treatment of solid or hazardous waste of the type currently and historically discharged at the facilities identified in this Notice.

E. RCRA UST Regulations - [RCRA § 9001, 42 U.S.C. § 6991, RCRA § 7002(a)(1)(A), 42 U.S.C. §6972 (a)(1)(A)]

Provisions of RCRA govern the use and operation of USTs used for storage of petroleum products (subchapter IX, 42 U.S.C. § 6991 *et seq.*), and above ground tanks used for the same purposes. The RCRA UST regulatory program is adopted and implemented in California under the State Underground Storage of Hazardous Substance Account Act (California Health & Safety Code § 25280 *et seq.*).

River Watch contends that for the period from January 25, 2008 to January 25, 2013, the Dischargers' use and storage of petroleum and other chemicals at the facilities identified in this Notice has allowed significant quantities of hazardous chemical constituents to be released or discharged into soil and groundwater in violation of provisions of the RCRA and California's UST regulatory programs including, but not limited to, provisions governing general operating requirements for USTs, release detection and prevention requirements, release reporting and investigation requirements, and release response and corrective action requirements.

Specifically, River Watch alleges the Dischargers' to be responsible for the following statutory violations with respect to the facilities identified in this Notice:

1. Failure to prevent a release of hazardous chemicals and constituents in violation of 40 CFR §§ 280.30, 280.31 and California Health & Safety Code §§ 25292.1(a) - (c), 25292.3(a) and (b);
2. Failure to properly detect and monitor releases of hazardous chemicals and constituents, in violation of 40 CFR §§ 280.40 - 280.44 and California Health & Safety Code § 25292;
3. Failure to properly report and keep records of the release of hazardous chemicals and constituents, in violation of 40 CFR §§ 280.34, 280.50, 280.52, 280.53, 280.63(b) and California Health & Safety Code §§ 25289, 25293 and 25295(a)(1); and,
4. Failure to take proper corrective action following the release of hazardous chemicals and constituents, in violation of 40 CFR §§ 280.53, 280.60 - 280.66 and California Health & Safety Code § 25295(a)(1).

F. Imminent and Substantial Endangerment - [RCRA § 7002(a)(1)(B), 42 U.S.C. § 6972 (a)(1)(B)]

River Watch contends that for the period from January 25, 2008 to January 25, 2013, the Dischargers' (or their predecessor(s) in interest, if any) have used, handled, transported and/or stored petroleum products and other chemicals at the facilities identified in this Notice in a manner which has allowed significant quantities of hazardous petroleum and chemical constituents to be discharged to soil and groundwater beneath each of the facilities and beneath adjacent properties. The contaminant levels of TPHg, benzene, and other toxic compounds in groundwater at the facilities are significantly greater than the allowable MCL and/or WQO for said constituents. Benzene and TPHg are known or suspected carcinogens. These substances are known to harm both plants and animals. In their concentrations at the location of the facilities identified in this Notice, these pollutants are creating an imminent and substantial endangerment to public health and the environment.

The violations alleged in this Notice are knowing and intentional in that the Dischargers have used and stored these chemical substances and products which are known to contain hazardous substances, and have intended that such products will be used in the course of their operations. The Dischargers have known of the contamination at the facilities identified in this Notice for at least the past five years, and have also known that failing to promptly remediate the pollution allows the contamination to migrate through soil and groundwater at and adjacent to the facilities, and to continually contaminate and re-contaminate actual and potential sources of drinking water.

In addition to the violations set forth above, this Notice is intended to cover all violations of the RCRA by the Dischargers for the facilities identified in this Notice as evidenced by information which becomes available to River Watch after the date of this Notice.

Violations of the RCRA of the type alleged herein are a major cause of the decline in water quality, and pose a continuing threat to existing and future drinking water supplies of the State of California. With every discharge, groundwater supplies are contaminated. These discharges can and must be controlled in order for the groundwater supply to be returned to a safe source of drinking water.

ELEMENTS NECESSARY TO MEET RCRA NOTICE REQUIREMENTS

Under the provisions of 40 C.F.R. § 254.3, notices for violations of permits pursuant to 42 U.S.C. § 6972 (a)(1)(A) must include sufficient information to permit the recipient to identify the specific permit, standard, regulation, condition, requirement, or order which has allegedly been violated, the activity alleged to constitute a violation, the person or persons responsible for the alleged violation, the date or dates of the violation, and the full name, address, and telephone number of the person giving notice.

River Watch identifies these elements with respect to this Notice as follows:

1. The standard, limitation, or order alleged to have been violated.

Enacted in 1976, the RCRA is a Federal law of the United States contained in 42 U.S.C. §§ 6901-6992k. Its goals are: to protect the public from harm caused by waste disposal; to encourage reuse, reduction, and recycling; and, to clean up spilled or improperly stored wastes.

The Environmental Protection Agency's waste management regulations are codified at 40 C.F.R. §§ 239-282. Regulations regarding management of hazardous waste begin at 40 C.F.R. § 260. Pursuant to the RCRA, the State of California has enacted laws and promulgated regulations that are at least as stringent as the federal regulations.

The Dischargers' tracking, manifesting, labeling, use, disposal, treatment, and storage of waste at the facilities identified in this Notice, and the disposal of those wastes as identified in this Notice, has and continues to violate permits, standards, regulations, conditions, requirements and/or prohibitions effective pursuant to the RCRA regarding hazardous waste. [42 U.S.C. § 6972(a)(1)(A)].

The Dischargers' operations at the facilities identified in this Notice have caused contamination of soil, groundwater, and surface waters, which contamination presents an imminent and substantial endangerment to human health and the environment. River Watch alleges the Dischargers own or operate on-site dumps, discrete conveyances, conduits, preferential pathways and/or wells which have contributed to the transport, partial treatment, storage, or disposal of hazardous wastes at each of the identified facilities. [42 U.S.C. § 6972(a)(1)(B)].

2. The Activities Alleged to Constitute Violations

Narratives have been set forth above describing with particularity the activities leading to the violations alleged. In summary, the RCRA requires that the environment and public be protected from hazardous wastes. Pollutants described herein found at the facilities identified in this Notice constitute hazardous waste under the RCRA, and are required to be managed so as to not cause endangerment to the public or the environment. The RCRA specifically protects groundwater.

The liability of the Dischargers stems from either their ownership or operation of the identified facilities, or activities conducted at the identified facilities by the Dischargers which violate RCRA, and have contributed to the past or present handling, storage, treatment, transportation, or disposal of any hazardous waste which may present an imminent and substantial endangerment to health or the environment.

River Watch alleges the Dischargers to be in violation of a permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to the RCRA. Also, that the Dischargers are guilty of open dumping, as that term is used in the RCRA, by discharging pollutants to the open ground, allowing these pollutants to discharge to both groundwater and surface waters. The facilities identified in this Notice do not qualify as landfills under 42 U.S.C. § 6944, and do not qualify as facilities for the disposal of hazardous waste. The Dischargers are not in possession of a RCRA-authorized permit for the disposal, storage or treatment of solid or hazardous waste of the type currently and historically discharged at the identified facilities.

The liability of the Dischargers also stems from their ownership or operation of discrete conveyances, conduits, preferential pathways or wells which have caused pollutants to be discharged to surface and ground waters via conduits such as pipes and piping, sewer lines, storm drains, utilities and the like, facilitating pollutant migration and discharge to waters of the State of California and the United States, public water supplies and New River, and contributing to the past or present handling, storage, treatment, transportation, or disposal of any hazardous waste which may present an imminent and substantial endangerment to health or the environment.

River Watch alleges that the Dischargers' past and current operations at the identified facilities violates the provisions of RCRA Subtitle C, which governs the handling of hazardous wastes. River Watch contends the Dischargers have inadequately maintained records of the manner in which their hazardous wastes have been treated, stored and/or disposed of; inadequately monitored, reported and/or complied with existing regulations concerning hazardous wastes; inadequately provided storage facilities for hazardous wastes; and failed to develop adequate contingency plans for effective action to minimize damage from the unauthorized releases of hazardous contaminants – all of which presents a substantial endangerment to human health and to the environment.

3. The discharger responsible for the alleged violation.

The dischargers responsible for the alleged violations described and identified in this Notice are Thrifty Oil Company and BP West Coast Products, LLC.

4. The date or dates of violation or a reasonable range of dates during which the alleged activities occurred.

The range of dates covered by this Notice is January 25, 2008 through January 25, 2013. The majority of the violations identified in this Notice such as: discharging pollutants into soils and groundwater and/or surface waters; failure to obtain RCRA-authorized permits; failure to implement the requirements of the RCRA; failure to properly label, track or report the type, quantity or disposition of waste; failure to use a manifest system to ensure waste generated is properly handled, stored, treated or disposed of; and, failure to meet water quality objectives, are continuous. Therefore each day is a violation.

River Watch believes all violations set forth in this Notice are continuing in nature or will likely continue after the filing of a lawsuit. Specific dates of violations are evidenced in the Dischargers' own records (or lack thereof) or files and records of other regulatory and governmental agencies including, but not limited to, the Regional Quality Control Board, GeoTracker data files, Los Angeles County Department of Public Health, Orange County Department of Public Health, and Imperial County Department of Public Health.

5. The full name, address, and telephone number of the person giving notice.

The entity giving this Notice is California River Watch, a non-profit corporation organized under the laws of the State of California, located 290 S. Main Street, #817, Sebastopol, CA, 95472. River Watch is dedicated to the protection, enhancement and restoration of the surface and groundwaters of the State of California including all rivers, creeks, streams, wetlands, vernal pools and tributaries of California. River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys.

River Watch has retained legal counsel with respect to the violations set forth in this Notice. All communications relating to this Notice should be addressed to:

Jack Silver, Esq.
Law Office of Jack Silver
P.O. Box 5469
Santa Rosa, CA 95402-5469
Tel. (707) 528-8175
Fax (707) 528-8675
Email: lhm28843@sbcglobal.net

CONCLUSION

The violations of the RCRA by the Dischargers as alleged in this Notice affect the economic stability, physical health and aesthetic enjoyment of members of River Watch who reside and recreate in the affected watershed areas. Members of River Watch use the watersheds for domestic water supply, agricultural water supply, recreation, sports, fishing, swimming, shellfish harvesting, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource are specifically impaired by the violations alleged.

River Watch believes this Notice sufficiently states grounds for filing suit under the statutory and regulatory provisions of the RCRA. At the close of the notice periods, or earlier, River Watch intends to file a suit against the Dischargers for each of the violations alleged. However, River Watch is willing to discuss effective remedies for the violations referenced. Should the Dischargers wish to pursue such discussions, they are encouraged to initiate discussions immediately so that the parties might be on tract to resolving the issues identified in this Notice before litigation is filed. River Watch will not delay the filing of a lawsuit if discussions have not commenced within a reasonable time following the service and receipt of this Notice.

Very truly yours,



Jack Silver

JS:lhm

cc:

Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St.
San Francisco, CA 94105

Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Executive Director
Calif. Integrated Waste Mgmt. Board
1001 "I" Street
Sacramento, CA 95814

Barry W. Berkett, Registered Agent
Thrifty Oil Company
13116 Imperial Highway
Santa Fe Springs, CA 90670-0138

BP West Coast Products, LLC
c/o C T Corporation System - Registered Agent
818 West Seventh Street
Los Angeles, CA 90017

BP Corporation North America, Inc.
c/o CSC Lawyers Incorporating Service, Registered Agent
2730 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833