



January 30th 2006

Mr. Robert J. Delsol
President / CEO, Agent for Service of Process
Pacific Steel Casting
1333 Second Street
Berkeley, CA 94710

Mission Statement

Neighborhood Solutions Inc. is a 501 (c) (3) non-profit corporation formed to help improve neighborhoods through abating public nuisances by empowering people to peacefully and legally defend their right to the comfortable enjoyment of their life and property

Dear Mr. Delsol,

Neighborhood Solutions has been retained by CleanAirCoalition.net, a group of residents and businesses from Albany, Berkeley and El Cerrito. They have asked for our assistance in filing a multiple action small claims law suit against your company, Pacific Steel Casting for causing and maintaining a nuisance that interferes with their right to enjoy their lives and property.

According to California law you may be held liable for damages to these individuals up to \$7,500 per plaintiff in small claims court. Enclosed, please find a demand letter from CleanAirCoalition.net.

We hope you will perform whatever action is necessary to immediately abate this intolerable nuisance. If you do have a credible plan to *permanently and completely abate this nuisance*, please mail your written, verifiable nuisance abatement plan (in layperson's terms) along with a time line and a detailed description of the methods you will employ to measure, evaluate and independently verify and guarantee Pacific Steel Casting's nuisance abatement compliance to:

CleanAirCoalition.net
c/o Neighborhood Solutions Inc.
4100-10 Redwood Road, #293
Oakland, CA 94619

by March 2nd 2006. We will review your plan and forward it to our clients for consideration.

Thank you for your immediate attention to this very serious matter.

Sincerely,

Grace Neufeld
Executive Director, Neighborhood Solutions, Inc.

clean air coalition . net
email: cleanaircoalition@hotmail.com

**c/o Neighborhood Solutions, Inc.
4100-10 Redwood Road, #293
Oakland, CA 94619**

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Pacific Steel Casting
1333 Second Street
Berkeley, CA 94710

Demand Letter Re: Pacific Steel Casting Manufacturing Plants' Nuisance Emissions

Dear Mr. Robert J. Delsol,

This is a demand letter from the CleanAirCoalition.net, an organization composed of people living in the path of the emission plumes that emanate from your company, Pacific Steel Casting's (PSC), manufacturing plants located in Berkeley, California. See map attached.

Despite 25 years of verified complaints from residents, fines from BAAQMD and efforts by the City of Berkeley, your company, PSC, continues to release noxious, toxic odors into the air on a frequent basis. These highly offensive odors, released at various times by PSC, irritate our throats, cause headaches, make us nauseous and interfere with our right to enjoy our lives and property. As a result of these overpowering vapors we are often unable to be outside, open our windows, enjoy gardening, have company in our yards or even allow our children to play outside. We can never anticipate when our day will be spoiled by your company's discharges, only that it will be borne on the wind and we will be subjected to it or spared from it depending on which way the wind is blowing. Some of us have health issues that are exacerbated by these fumes and all of us worry about the long-term effects of breathing these dangerous chemicals.

You are well aware of these problems having been notified, fined, cited, ordered to abate, attended hearings, been noticed of violations, and entered into agreements to fix these problems. The public and private documentation of these nuisances is overwhelming yet the attempts to seriously mitigate these problems are few and wholly insufficient. The ongoing constant release of toxic noxious agents into the air we breathe on a daily basis by your company is intolerable and unacceptable to us; we have been more than patient in waiting for you to correct this ongoing nuisance.

Owners whose maintenance of their property constitutes a nuisance may be liable for damages caused by the nuisance. *Lew v. Super.Ct. (Byrd)* (1993) 20 CA4th 866, 872-873. "No person shall discharge, from any source, air contaminants that cause injury, detriment, nuisance or annoyance to the public." CA Health and Safety Code Sec. 4700. A nuisance is defined as a "use of property that is injurious to health or an obstruction

to the free use of property.” Cal. Civ. Code Section 3479-80; *Shamsian v. Atlantic Richfield Co.* (2003) 107 CA4th 967, 969. The constant releasing of noxious toxins from your property causes a public nuisance as defined under California Civil Code 3479 and interferes with our right to the comfortable enjoyment of our lives and property.

This letter is to inform you that we intend to defend our rights in court and hold you responsible for causing a public nuisance. Specifically, we plan to sue you for causing a nuisance — an action under which you may face significant financial consequences. Each individual will file suit for the *maximum allowable amount* under the law —\$7,500.00 for *each* affected man, woman and minor child. Damages include injuries to property and to individuals. While we are prepared to pursue judgments against you for the damages we have suffered over the years as a result of this mismanagement of your property, our primary concern is to remedy the deplorable situation caused by your sustained neglect.

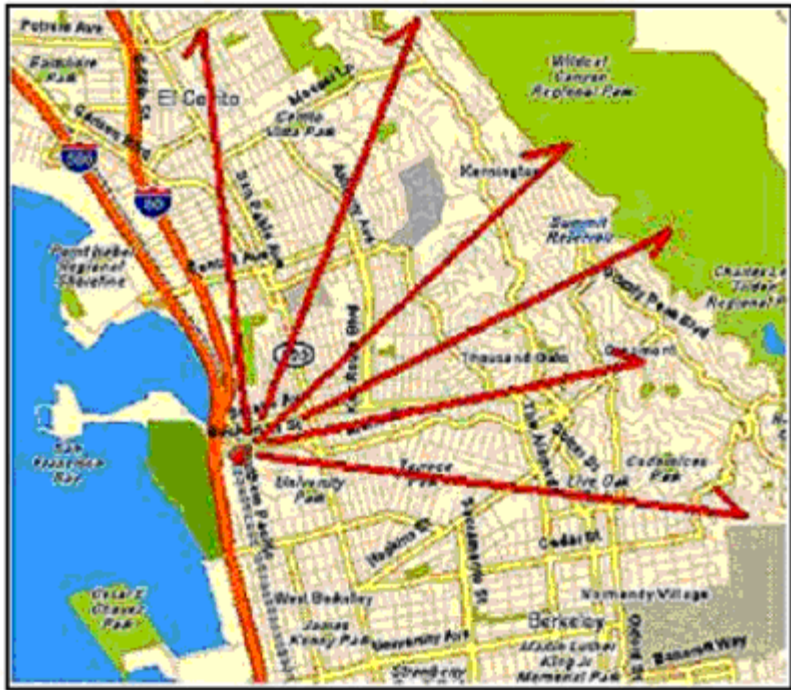
We hereby demand that you take whatever steps are necessary to abate this nuisance. We demand a complete and permanent correction of this ongoing problem within 30 days of the date on this letter. If you comply with this demand you may avoid the serious consequences of this multi-action lawsuit. However, if this nuisance continues after 30 days we will immediately file our multiple action small claims case against you for the above-mentioned damages.

NOTICE: After receipt of this letter, all communication regarding this matter must be in writing and submitted to our liaison, Grace Neufeld at Neighborhood Solutions, Inc.

Sincerely,

CleanAirCoalition.net
c/o Neighborhood Solutions Inc.
4100-10 Redwood Road, #293
Oakland, CA 94619

CC: (Partial list) Council Member Linda Maio; Michael Caplan, Assist. City Manager; Mayor of Berkeley Tom Bates; Assemblywoman Loni Hancock; Senator Don Perata; Chief of Police Douglas Hambleton; City Manager Philip Kamlarz, City Attorney Manuela Alberquerque; Laura McKinney; Supervisor Keith Carson; Supervisor John Giola; Nabil Al-Hadithy, Community Environmental Advisory Commission; Willi Paul, CleanAirCoalition.net; LA Wood, BerkeleyCitizen.com; Beck Cowles, West Berkeley Alliance for Clean Air and Safe Jobs; Martin Bourque, Executive Director, Ecology Center; Mayor of Albany, Allan Maris; Albany City Attorney, Mayor of El Cerrito, Janet Abelson; El Cerrito City Attorney, Janet Coleson



Partial Toxic Plume Impact Zone from PSC Emissions