

August 13, 2025

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Brian Bauer
Co-Founder, President & CEO
Resynergi Inc.
1200 Valley House Drive Ste 300
Rohnert Park California, 94928

Re: California Communities Against Toxics' Notice of Intent to File Suit Against Resynergi Inc. Under the Clean Air Act

Mr. Bauer:

California Communities Against Toxics (CCAT) provides notice that Resynergi is in violation of the Clean Air Act (CAA) for failure to obtain air quality permits prior to emitting pollutants into the air of the surrounding community.

The CAA requires that citizens give sixty days' notice of their intent to file suit to enforce the statute. CCAT hereby provides notice to the following persons in their capacities identified below:

- The CEO or President of Resynergi, as the owner or operator of the incinerator operation at or around 1200 Valley House Drive Ste 300, Rohnert Park, California 94928;
- The Administrator of the United States Environmental Protection Agency;
- The Governor of the State of California, as the state in which the violations occurred and continue to occur; and
- The California Air Resources Board, as the state air pollution regulator.

CCAT intends to bring suit under the CAA after expiration of sixty days from the date of this letter. The lawsuit will be brought in the United States District Court for the Northern District of California against Resynergi for violation of the CAA, as more specifically stated below.

I. Background

In 2021 to 2024, Resynergi operated an incinerator for over 10,000 hours, according to the company. In February 2024, Resynergi expanded its operation and relocated to a larger, 60,000-square-foot warehouse at 1200 Valley House Drive. Resynergi's plans are to construct an incinerator that uses microwave energy technology to convert plastic waste into pyrolysis oil. Pyrolysis oil is flammable and may cause cancer. CCAT is informed and believes that no similar facility has ever been approved in California.

Resynergi has publicly admitted that it has been operating the incinerator since at least 2021. The incinerator has caused and continues to cause air pollutant emissions. CCAT is also informed and believes that the incinerator generates hazardous waste.

A. Resynergi's failure to obtain air quality permits prior to construction and operation.

Resynergi's incinerator has been operating and emitting pollutants and continues to do so. It does not have any air quality permits. This violates the CAA's most fundamental requirements.

The CAA authorizes citizen suits against any person who has violated or is in violation of an "emission standard or limitation." 42 U.S.C. § 7604(a)(1). The term "emission standard or limitation" is defined to include an emission limitation; emission standard; and any other standard or limitation established under "any applicable State implementation plan approved by the [EPA]" and any *requirement to obtain a permit as a condition of operations*. *Id.* § 7604(f).

Included in the applicable State Implementation Plan for the Bay Area Air Quality Management District Act ("SIP Regulation") are SIP Regulations 1 and 2, which are federally-approved. 64 Fed. Reg. 34558 (June 28, 1999) (SIP Regulation 1, with exceptions not relevant here); 83 Fed. Reg. 23372 (May 21, 2018) (SIP Regulation 2). SIP Regulations 1 and 2 are therefore "emission standards or limitations" within the meaning of the CAA. Resynergi has violated and is in violation of an emission standard or limitation within the meaning of the CAA because Resynergi has failed to comply with SIP Regulations 1 and 2, as detailed below.

Resynergi is in violation of SIP Regulation 2-1-301 because Resynergi installed the incinerator without an authority to construct permit from the regional air district. Because Resynergi, did not apply for or receive an authority to construct before constructing the incinerator, it has violated and is in violation of SIP Regulation 2-1-301. Resynergi has violated an emissions standard or limit—a violation that has continued every day since the incinerator was first operated—which the company says was some time in 2021. The exact dates of the incinerator's operation are known only to Resynergi.

B. Resynergi Has Violated and Is in Violation of SIP Regulations 2-1-302 and 2-1-401 Because Resynergi Is Operating the Incinerator Without a Permit to Operate.

Resynergi has not received a permit to operate from the air district. SIP Regulation 2-1-401 requires any person who requires an authority to construct to "secure a permit to operate." *See also* SIP Regulation 2-1-302 ("[b]efore any person . . . uses or operates any article, machine, equipment, or other contrivance, the use of which may cause . . . the emission of air contaminants, such person shall first secure written authorization from the [Air District] in the form of a permit to operate"). Resynergi therefore has been in violation of the Act since some time 2021, according to the company, when Resynergi began operating the incinerator. The

precise dates of the violations are known only to Resynergi because it has failed to apply for any permits and therefore the information is unknown to the public.

II. The Entity Giving Notice and Potential Resolution of Issues During the Sixty-Day Period.

The entity giving notice is California Communities Against Toxics, a California non-profit corporation. CCAT's address is P.O. Box 2050, Rosamond, California 93560.

CCAT is represented by legal counsel. Because CCAT is represented by legal counsel, you should only contact CCAT by contacting its legal counsel.

Legal counsel representing CCAT in this matter are:
Lucas Williams
Lexington Law Group, LLP
503 Divisadero Street
San Francisco, CA 94117
Telephone: 707-849-5198

During the sixty-day notice period, CCAT is willing to discuss effective remedies for the CAA violations at issue in this notice. If you wish to pursue such discussions, we suggest that you initiate them immediately with legal counsel so that the discussions may be completed before the end of the sixty-day notice period. We do not intend to delay the filing of a complaint if the discussions fail to resolve the matter within the sixty-day notice period, and we intend to seek all appropriate relief, including injunctive relief, penalties, and all costs of litigation.

We believe that this notice provides information sufficient for you to identify the CAA violations, the activity alleged to be in violation, and the location of the alleged violations. If, however, you have any questions, please contact us for clarifications.

We look forward to hearing from you.

Sincerely,

/s/ Lucas Williams
Lucas Williams

cc: Hon. Lee Zeldin
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