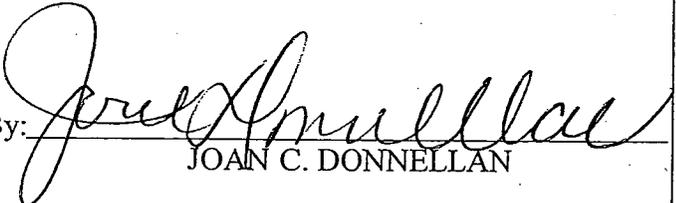


1 **XV. CONCLUSION**

2 For the foregoing reasons, Petitioner respectfully submits that the issuance of the Order
3 was improper, inappropriate, unlawful, and not supported by substantial evidence. Petitioner
4 respectfully requests that the State Water Board grant this Petition and review the Regional Water
5 Board's action in issuing the Order. However, until such time that Petitioner requests the State
6 Water Board to reactivate this Petition, Petitioner requests that the State Water Board hold this
7 Petition in abeyance.

8
9 DATED: July 10, 2008

PARKER, MILLIKEN, CLARK, O'HARA &
SAMUELIAN
A Professional Corporation

10
11
12
13 By: 
JOAN C. DONNELLAN

14 Attorneys for Petitioner
15 Leggett & Platt, Incorporated
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Exhibit A



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

June 11, 2008

Mr. Robert Anderson
Leggett and Platt, Inc.
One Leggett Road
Carthage, MO 64836

CALIFORNIA WATER CODE (CWC) SECTION 13267 ORDER: REQUIRING SUBMITTAL OF A WORK PLAN FOR ADDITIONAL SOIL GAS AND GROUNDWATER INVESTIGATION – VALLEY ALHAMBRA PROPERTY, 4900 VALLEY BOULEVARD, LOS ANGELES, CALIFORNIA (SLIC NO. 0967, SITE ID 204DJ00)

Dear Mr. Anderson:

Los Angeles Regional Water Quality Control Board (Regional Board) staff has completed a review of the case file for the subject site. Based on the information provided to us, we have determined that the site is not eligible for closure of soil and/or groundwater at this time. The Regional Board is issuing this letter to require submittal of a work plan for additional investigation of soil gas and groundwater at the site.

Background

The site operated as a service station from at least 1920 until 1953 and subsequently was used by a variety of private companies. In 1953, three 500 gallon underground storage tanks (USTs) and three 1,000 gallon USTs were removed. In 1969, the Green Mountain Paper Company received a permit to install one 2,000 gallon UST. From January 1972 to January 1993, the site was occupied by Harris Hub/Contract Metal Fabricators/Dresher, Inc. In 1990, Leggett and Platt purchased the business and continued the operation. Activities at the site included painting and assembling metal bed frames. As part of the painting process, two dip tanks and three 750 gallon USTs were used to contain or store solvents. The three 750 gallon USTs were removed from the site in 1991, under the direction of the City of Los Angeles Fire Department (Fire Department). Several subsurface investigations were conducted at the site between 1991 and 1993 as required by the Fire Department for closure of the facility. These investigations are described in the report *Response to Request for Subsurface Site Assessment Work Plan* dated April 30, 2001.

In March 1999 and June 2001, additional soil investigations were completed at the site. Based on boring logs completed at the site during the installation of five groundwater monitoring wells in 1999, lithology in the upper 25 feet of soil consists of sands, clayey sands, and clays. The soil investigations indicated that volatile organic compounds (VOCs), including tetrachloroethene (PCE), trichloroethene (TCE), toluene, ethylbenzene, and xylenes were present beneath the footprints of the

California Environmental Protection Agency



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former dip tanks and USTs at approximately 8 to 10 feet below ground surface (bgs). Soil samples from beneath these tanks contained PCE at concentrations of up to 5,300 milligrams per kilogram (mg/kg), TCE at concentrations of up to 10 mg/kg, toluene at concentrations of up to 540 mg/kg, ethylbenzene at concentrations of up to 76 mg/kg, and xylenes at concentrations of up to 360 mg/kg. Soil samples also contained gasoline-range total petroleum hydrocarbons (TPH) at concentrations of up to 4,590 mg/kg. Analysis of soil samples for metals indicated concentrations consistent with background levels found in Southern California soils.

Soil-gas samples were collected in January 1999, at 15 locations from 5, 10, and 15 feet bgs, with the exception of two locations where the maximum achievable depth was 10 feet bgs. PCE was detected in soil gas in the upper 15 feet of soil at the site at concentrations up to 620 micrograms per liter ($\mu\text{g/L}$). TCE was only detected in two borings at much lower concentrations.

In May 1999, five groundwater monitoring wells (MW-1 through MW-5) were installed. These wells were first sampled in second quarter 1999 and showed moderate to high concentrations of VOCs. A quarterly groundwater monitoring program was initiated at the site in February 2001. The highest concentrations of VOCs in groundwater were detected during the second quarter sampling event completed in May 2001. During this sampling event, elevated concentrations of PCE were detected in wells MW-2 and MW-3 at 4,800 micrograms per liter ($\mu\text{g/L}$) and 4,100 $\mu\text{g/L}$, respectively. TCE and cis-1,2-DCE were also detected during this event, however at much lower concentrations. Groundwater was encountered during the installation of monitoring wells MW-1 through MW-5 between approximately 15 and 17 feet bgs.

Remediation of soil and groundwater began in December 2001, with the implementation of a dual-phase extraction system. The extraction system operated from December 2001 through October 2002 and removed approximately 107 pounds of VOCs from the site. After the remediation system was turned off, five additional quarters of groundwater sampling were performed to test for rebound and to verify residual contamination levels in groundwater. VOCs concentrations (PCE, TCE, and cis-1,2-DCE) in groundwater had decreased or remained generally stable after system shut down. Based on the latest groundwater sampling event in December 2003, VOCs remain in groundwater beneath the site with concentrations up to 26 $\mu\text{g/L}$ of PCE, 19 $\mu\text{g/L}$ of TCE, and 89 $\mu\text{g/L}$ of cis-1,2-DCE.

Confirmation soil matrix sampling was conducted at the site in December 2003 and January 2004 at locations adjacent to the former dip tanks and USTs. Analytical results indicated that PCE was found in six of the nine samples with a maximum concentration of 140 micrograms per kilogram ($\mu\text{g/kg}$) at 10 feet bgs (decreasing to 37 $\mu\text{g/kg}$ at 12 feet bgs). Other VOCs detected included toluene at up to 320 $\mu\text{g/kg}$, ethylbenzene up to 19 $\mu\text{g/kg}$, and xylenes up to 108 $\mu\text{g/kg}$. No other VOCs were detected above the laboratory reporting limits during this soil sampling event.

The consultant for the site, Environ International Corporation (Environ), prepared a *Risk Assessment of Potential Migration of Volatile Organic Compounds to Indoor Air* (Risk Assessment) dated November 28, 2005. The Office of Environmental Health Hazard Assessment (OEHHA) reviewed the Risk Assessment and provided comments to Regional Board staff in a memo dated April 17,

2006. OEHHA indicated that the lack of post-remediation soil-gas sampling could represent a limitation in the Risk Assessment as all modeling was based on soil matrix and groundwater data.

Comments and Requirements

After reviewing historic groundwater monitoring, dual-phase extraction, and confirmation sampling reports, as well as the Risk Assessment and other file documents, Regional Board staff has the following comments and requirements:

1. You are required to submit a conceptual site model (CSM), using existing and new data, to identify any data gaps for delineating the soil vapor plume and impacted groundwater on and offsite. This CSM is due to the Regional Board by **August 19, 2008**, and may be included with the required work plan(s) for additional investigation of soil-gas and groundwater (see below).
2. Additional groundwater data is needed to properly evaluate the lateral and vertical extent of groundwater contamination. Although groundwater data collected from the on-site monitoring wells indicate concentrations of chlorinated VOCs contamination in groundwater have been significantly reduced, the upgradient, cross-gradient, and downgradient extent of this contamination has not been defined to non-detect levels. Therefore, you are required to fully define the vertical and lateral extent of groundwater contamination originating from the site. However, prior to construction of additional groundwater monitoring wells you are required to conduct an investigation of the physical properties of the saturated zone (including laboratory sieve analysis of soil matrix samples) and collect discrete vertical groundwater samples. Investigation of the saturated zone must include continuous coring until a competent clay boundary with a minimum thickness of 5 feet is encountered. Discrete groundwater samples should be collected from water bearing zones or at a minimum of every 10 feet if the lithology appears consistent over a large depth interval. Based on this information, additional groundwater monitoring wells can be constructed to give the most useful data for evaluation of impact to groundwater beneath the site, which may require the installation of multi-depth nested or cluster wells on and offsite. You are required to submit a work plan to define the lateral and vertical extent of contamination in groundwater by **August 19, 2008**.
3. Based on comments received from OEHHA dated April 17, 2006 (copy attached), you are required to perform a post-remedial soil-gas investigation and complete a vapor intrusion evaluation for the site. The work plan for the soil-gas investigation may be included with the work plan for the lateral and vertical delineation of contaminated groundwater due to the Regional Board by **August 19, 2008**. The completed vapor intrusion evaluation is due to the Regional Board by **December 19, 2008**. The following document can be referenced for the site-specific vapor intrusion evaluation: "Interim Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air", dated December 15, 2004 (revised February 7, 2005), prepared by the Department of Toxic Substances Control.

4. Groundwater monitoring is not being conducted at the site. You must resume monitoring of the existing and new groundwater wells at the site according to the following semi-annual schedule:

<u>Report Period</u>	<u>Report Due Date</u>
January – June	July 31 st
July – December	January 31 st

In addition to the information provided in the previous monitoring reports, all future groundwater monitoring reports shall include the following:

- Isoconcentration map(s) for contaminants of concern in groundwater at the site.
- A table detailing the construction of all existing (and planned) groundwater monitoring wells at the site.
- Cross-section figures showing the extent of dissolved-phase contamination in the saturated zone along the groundwater flow direction and perpendicular to groundwater flow direction.

You are required to resume groundwater monitoring at the site with the July through December 2008 groundwater monitoring report due to the Regional Board no later than **January 31, 2009**.

5. A Health and Safety Plan for the required work must be submitted to the Regional Board prior to initiating any fieldwork. You may include the Health and Safety Plan in the required work plan(s) as an appendix.
6. Please note that effective July 1, 2005, all reports submitted to the Regional Board must comply with the electronic submittal of information (ESI) to be submitted over the internet, including, groundwater monitoring reports, soil and/or groundwater investigation/characterization reports, remedial action plans, requests for closure, and portable data format (PDF). The text of the regulations can be found at the URL:

[http://www.waterboards.ca.gov/ust/cleanup/electronic reporting/docs/final electronic regs dec04.pdf](http://www.waterboards.ca.gov/ust/cleanup/electronic%20reporting/docs/final%20electronic%20regs%20dec04.pdf)

Additionally, the State Water Board Geotracker data management system is capable of accepting this electronic information. The Regional Board does not have the resources to acquire hardware to allow caseworkers to appropriately review documents in electronic form. Therefore, for the foreseeable future, we request that you continue to submit hard copies of all documents and data submittals, in addition to ESI to Geotracker.

Mr. Robert Anderson
Valley Alhambra Property

- 5 -

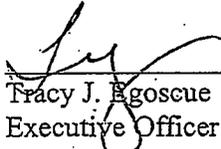
June 11, 2008

Pursuant to section 13267 of the CWC, you are required to submit a conceptual site model and a work plan for additional soil gas and groundwater investigation on and offsite by **August 19, 2008**, a vapor intrusion evaluation by **December 19, 2008**, and to resume groundwater monitoring and reporting according to the schedule specified in item 4 (above), with the first semi-annual groundwater monitoring report due by **January 31, 2009**. A Health and Safety Plan for the proposed work must be submitted to the Regional Board prior to initiating any fieldwork. You may include the Health and Safety Plan with the required work plan as an appendix.

Pursuant to section 13268 of the CWC, failure to submit the required technical reports by their due dates may result in civil liability administratively imposed by the Regional Board in an amount up to one thousand dollars (\$1000) for each day the technical report or document is not received.

If you have any questions, please feel free to contact Mr. David Young at (213) 576-6733 or Ms. Su Han at (213) 576-6735.

Sincerely,


Tracy J. Egoscue
Executive Officer

Enclosure: Memorandum from OEHHA dated April 17, 2006

Cc: Ms. Jennifer Fordyce, Office of Chief Counsel
Ms. Linda Northrup, Northrup Schlueter
Mr. Gary Herman, S.D. Herman Co.
Ms. Joan Donnellan, Leland, Parachini, Steinberg, Matzger & Melnick, LLP
Dr. George Linkletter, Environ
Mr. Eddie Arslanian, Environ
Ms. Seema Sutarwala, Environ

California Environmental Protection Agency

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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Office of Environmental Health Hazard Assessment



Dan Skopec
Acting Agency Secretary

Joan E. Denton, Ph.D., Director
Headquarters • 1001 I Street • Sacramento, California 95814
Mailing Address: P.O. Box 4010 • Sacramento, California 95812-4010
Oakland Office • Mailing Address: 1515 Clay Street, 16th Floor • Oakland, California 94612



Arnold Schwarzenegger
Governor

MEMORANDUM

TO: David A. Young
Los Angeles Region IV
California Regional Water Quality Control Board
320 W. 4th Street, 1st Floor
Los Angeles, California 90013

FROM: Hristo Hristov, MD, Ph.D., M.Env.Sc.
Integrated Risk Assessment Branch
Office of Environmental Health Hazard Assessment
1001 I Street, 12th Floor
Sacramento, California 95814

DATE: April 17, 2006

SUBJECT: RISK ASSESSMENT OF POTENTIAL MIGRATION OF VOLATILE ORGANIC COMPOUNDS TO INDOOR AIR, 4900 VALLEY BOULEVARD, LOS ANGELES, CALIFORNIA, AND RESPONSE TO OEHHA REVIEW OF "RISK ASSESSMENT OF POTENTIAL MIGRATION OF VOLATILE ORGANIC COMPOUNDS TO INDOOR AIR, 4900 VALLEY BOULEVARD, LOS ANGELES, CALIFORNIA"
SWRCB #R4-05-10

RECEIVED
06 APR 20 PH 3:15
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

OEHHA # 880118-01

Document Reviewed

(Italicized text is quoted from the report.)

The Integrated Risk Assessment Branch of the Office of Environmental Health hazard Assessment (OEHHA) reviewed the document entitled "*Risk Assessment Of Potential Migration Of Volatile Organic Compounds To Indoor Air, 4900 Valley Boulevard, Los Angeles, California*", prepared by Environ to provide comments or approval. In addition, a letter entitled "*Response to OEHHA review of Risk Assessment Of Potential Migration Of Volatile Organic Compounds To Indoor Air, 4900 Valley Boulevard, Los Angeles, California*" was received on March 29, 2006 and considered in the preparation of this memorandum. The letter was prepared to address some initial OEHHA's concerns intended to the attention of the Los Angeles Water Resource Quality Control Board (LA RWQCB) site manager.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.

Scope of the Review

The documents were reviewed for scientific and regulatory issues related to the risk assessment process applied "to obtain an *unrestricted use* condition for the Site from the California Regional Water Quality Control Board - Los Angeles....". The review was intended to verify the obtained results, elaborate on their analysis, and evaluate the conclusions made by the consultant. Only typographical errors reflecting the scientific integrity and the text interpretation were noted.

Limitations

The Report Format and Content - This short report is limited to the development of risk-based concentrations (RBCs) developed to protect residents potentially occupying the site from inhalation of vapors migrating from contaminated soil and groundwater.

Site Characterization - No site characterization section was found in the provided report. Environ provided (through the LA RWQCB) a set of documents, namely "*Fourth Quarter 2003 Ground Water Monitoring report and Confirmation Soil Sampling, 4900 East Valley Boulevard, Los Angeles, California*", and "*Workplan for Confirmation Soil Sampling and Final Round of Ground Water Sampling, 4900 East Valley Boulevard, Valley Alhambra Property, Los Angeles, California*" as part of the Response to OEHHA review letter on March 29, 2006. However, OEHHA was not authorized to review these documents. An accurate estimate of risk from contamination at a site depends on chemical concentrations that reflected the contamination at the site. This requires samples of soil, soil-gas and water to be analyzed for toxic chemicals that are likely to be in the samples. Furthermore, the sample locations must represent the site as a whole or at least not avoid significant contamination. Finally, samples must be handled in such a way that chemical is not lost before the analysis can take place. Due to their proximity to and familiarity with sites, Regional Water Quality Control Board (RWQCB) staff can better determine the sampling locations, sample handling and needed for chemical analysis. Therefore, OEHHA based its analysis on the assumption that the sampling and analysis are comprehensive, representative, and accurate for this site and that all data used in the Risk Assessment are correct and representative of the data shown in the ground water monitoring and confirmation soil sampling report.

Type of Data Used - All modeling is based on soil matrix and groundwater data. CalEPA and US EPA recommend the use of soil-gas data to decrease the uncertainty related to contaminant partitioning among the three soil matrix phases. According to the Environ "Response to OEHHA review of "Risk Assessment of Potential Migration..." letter sent on

David A. Young

April, 17, 2006

Page 3

March 29, 2006 "no soil-gas sampling was performed following the remediation because of the low concentrations remaining in soil and ground water." This could represent a limitation in the assessment.

Site Background

No Site Background Information was found within the provided risk assessment report and within the documents sent on March 29, 2006.

General Comments

Completeness of the Risk Assessment – The LA RWQCB requested OEHHA to review the risk estimation under residential and construction scenarios, soil ingestion and contact pathways, and migration of vapors originating from soil and ground water. Some initial comments provided by OEHHA to the LA RWQCB resulted in Environ's "Response to OEHHA review of "Risk Assessment of Potential Migration..." letter sent on March 29, 2006 to OEHHA. A Site Conceptual Model (SCM) figure attached to this letter shows a number of complete exposure pathways, including soil ingestion and dermal contact with soil. However, according to the text (response 1) all pathways except vapor migration indoors have been eliminated as incomplete without further explanation. The elimination of potentially relevant pathways should be discussed in the report. OEHHA agrees that risk estimation under residential scenario provides more conservative risk estimates than typical risk estimation under industrial or commercial scenarios. However, this does not apply to the construction worker scenario. Without further explanation, OEHHA cannot support the elimination of pathways under the residential and construction scenarios.

Groundwater Contamination of Concern – According to the SCM, "ground water at the site is not in a water supply aquifer and too deep for dermal contact". The following table compares the maximum groundwater concentrations to current drinking water Public Health Goals.

Chemical	Maximum Groundwater Concentration ($\mu\text{g/L}$)	Public Health Goal ($\mu\text{g/L}$)
Tetrachloroethylene (PCE)*	26	0.06
Trichloroethylene (TCE)*	19	0.8
cis-1,2-Dichloroethylene	89	100

* carcinogen

Based on Table 5 showing parameters used in the vapor migration modeling, it appears that the ground water is located 13 feet below ground surface (ft bgs). The location of the closest drinking water wells is not shown in the report. OEHHA is not in a position to assess the appropriateness of the Environ's conclusion that ground water does not need to be protected as a drinking water source.

Evaluation of Ecological Impact – no discussion of the potential of ecological impact was found in the report.

Soil and Ground Water Vapor Migration to Indoor Air

The following issues were identified in the provided documents:

1. According to p. 3 of the report tetrachloroethylene (PCE) was identified at two separate depth strata from approximately 2 to 7 feet below ground surface (bgs) and from 10 to 13 ft bgs. All PCE modeling and risk calculations are based on this depth contamination assumption. The soil interval between 7.3 and 10 ft bgs was not sampled. Environ should have assumed that the PCE contamination starts at 7.3 and extends to 13 ft bgs to avoid modeling underestimation of the risk and hazard.

2. Although the report's Table 5 shows the parameters used in the vapor intrusion modeling (from soil and ground water), modeling spreadsheets were not provided within the report. Later, Environ provided example spreadsheets for PCE in soil and refined PCE modeling for one of the three groups of groundwater wells only, as part of its "Response to OEHHA comments..." letter. Thus I was unable to verify the modeling calculations.

- Two soil strata, namely A and B are shown in the soil modeling section in Table 5. This subdivision is unnecessary and confusing because both strata are sand extending to the groundwater table, and the Johnson & Ettinger model allows assigning strata for the depth interval above the top of contamination not below the top of contamination. However, the spreadsheet provided later shows that the modeling was performed correctly. Accordingly, this comment refers to the presentation in Table 5 only.
- Table 5 shows three groups of groundwater well locations differing by the different type of soil, respectively soil properties, soil thickness, and contaminant concentrations. The provided spreadsheet shows an example of refined groundwater PCE modeling at one of the groups only. This way it was impossible to understand whether the modeling results are representative of the locations showing the highest vapor migration, and respectively risk and hazard.

David A. Young
April, 17, 2006
Page 5

3. The report does not show the cumulative hazard resulting from inhalation of vapors originating in soil and ground water.

4. Table 6 of the report show some RBC calculation errors which were corrected in the revised Table 6 attached to the letter (except for ethylbenzene which RBC should be $2.32 \text{ E}+02 \mu\text{g}/\text{kg}$).

Based on the above, OEHHA independently remodeled the RBCs and estimated the cumulative risk and hazard. While the total incremental lifetime cancer risk resulted in the low 10^{-5} range, the total hazard index resulted about 0.2 which is even below the recommended acceptable one of 1.0. The obtained RBC and risk values resulted to be close to the ones generated by the consultant.

Conclusions

My review of the presented Risk Assessment Of Potential Migration Of Volatile Organic Compounds To Indoor Air confirmed the consultant conclusions.

The following issues are presented for your consideration:

1. The assessment was limited to the indoor air pathway for residents. It did not evaluate all complete pathways under residential and construction worker scenarios.
2. The potential ecological impact was not discussed.
3. Groundwater was not considered a source or potential source of drinking water. No supportive arguments were found in the provided documents.
4. The methods and parameters for evaluating the vapor migration pathway were not clear in the original report. Although, this was eventually clarified by Environ's subsequent letter and my own recalculation, this letter is not part of the report. An amendment to the report may help in this regard.
5. Additivity was not considered for non-carcinogens, although my calculations demonstrated acceptable total hazard index.
6. The acceptability of the calculated total cancer risk is a risk management decision and the possibility of use restriction or mitigation should be determined by the LA RWQCB.

Please do not hesitate to contact me at (916) 322-8364 or by e-mail at, hristov@oehha.ca.gov, if you have any questions related to this review.

Reviewed by:

Jim C. Carlisle, D.V.M., M.Sc., Senior Toxicologist

Exhibit B

PARKER MILLIKEN

PARKER, MILLIKEN, CLARK, O'HARA, SAMUELIAN
A PROFESSIONAL CORPORATION

Direct Dial: (213) 683-6638
E-mail: JDONNELLAN@PMCOS.COM

JOAN C. DONNELLAN

June 27, 2008

Via Hand Delivery & Facsimile

Fax No. (213) 576-6640

David Young

California Regional Water Quality Control Board

320 West Fourth Street, Suite 200

Los Angeles, California 90013

Re: 4900 Valley Alhambra Blvd Site, (SLIC No 0967, Site ID 204DJ00)

Dear Mr. Young:

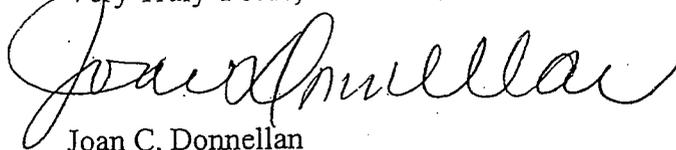
Leggett & Platt Incorporated hereby requests that the file containing all documentation relied on by the Board in the above referenced matter be made available for inspection and copying no later than July 2, 2008 to assist both Valley Alhambra and Leggett & Platt Incorporated to evaluate the filing of a Petition for Reconsideration of the order issued in the June 11th 2008 letter pursuant to California Water Code Section 13267 and a Petition for Review and Abeyance with the State Water Board under California Water Code Section 13320.

Because State Water Board Counsel has advised us that the petitions must be filed by July 11, 2008, we request an expedited response to avoid further prejudice to our client.

Leggett & Platt Incorporated makes this request exclusively in its role as administrator of the cap fund established by the settlement agreement between Valley Alhambra and Leggett & Platt Incorporated and does not admit liability for the condition of the above referenced site.

Please contact Eddie Arslanian at Environ to arrange the date for inspection and copying.

Very Truly Yours,



Joan C. Donnellan
PARKER, MILLIKEN, CLARK,
O'HARA & SAMUELIAN

4009-700 (329848)

ATTORNEYS AT LAW
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Northrup Schlueter

A Professional Law Corporation

31365 Oak Crest Drive, Suite 250
Westlake Village, CA 91361
ph: 818.707.2600
fx: 818.707.2675
www.nsplc.com

June 27, 2008

Via U.S. Mail & Facsimile

(213) 576-6640

Mr. David Young

California Regional Water Quality Control Board

320 West Fourth Street, Suite 200

Los Angeles, California 90013

Re: 4900 Valley Alhambra Blvd. Site, (SLIC No 0967, Site ID 204DJ00)

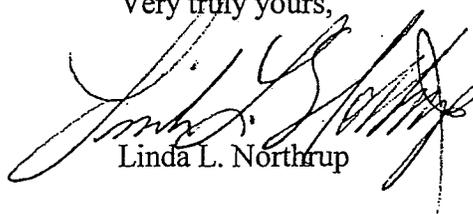
Dear Mr. Young:

My firm represents Valley Alhambra Properties, the owner of the above referenced property. We are in receipt of a recent order issued by the State Water Board with reference to this property. On behalf of our client, we hereby request that the file containing all documentation relied on and generated by the Board in the above referenced matter be made available for inspection and copying no later than July 2, 2008 to assist us and our consultants in evaluating the recent order in the context of the entire site history and to evaluate and, if necessary, file a Petition for Reconsideration of the order issued in the June 11, 2008 letter pursuant to California Water Code Section 13267 and a Petition for Review and Abeyance with the State Water Board under California Water Code Section 13320.

Because State Water Board Counsel has advised us that any such petitions must be filed by July 11, 2008, we request an expedited response to this request to avoid prejudice to our client in this matter.

Please contact Eddie Arslanian at Environ as soon as possible to arrange a date for inspection and copying. Should you have any questions or need further information to process this request, please do not hesitate to contact me.

Very truly yours,



Linda L. Northrup

LLN/

Mr. David Young
June 27, 2008
Page 2

cc: Joan C. Donnellan, Esq. (by U.S. Mail)
Mr. Gary J. Herman, Sr. (by U.S. Mail)
Mr. Eddie Arslanian (by U.S. Mail)
Mr. George Linkletter (by U.S. Mail)
Ms. Sue Hahn (by U.S. Mail and Facsimile)

FACSIMILE COVER LETTER

Date: July 7, 2008

To: UST File Review

From: Eddie Arslanian

Company: LARWQCB

Company: ENVIRON

Fax No.: 213-576-6707

Fax No.: (213) 943-6301

Project No.:

Total # of Pages: 1 (including cover page)

Message:

In anticipation of a filing of a "Petition for Reconsideration" by this Friday, July 11, ENVIRON requests to review files this week for the Valley Alhambra Property, 4900 Valley Boulevard, Los Angeles, California (Underground Storage Tank ID No. 900320052). The site also has a SLIC listing (SLIC No. 0967) and we have made a separate request for that file under the SLIC program. Please coordinate with Mr. David Young, the case officer under the SLIC listing, to expedite this process.

Please call me at 213-943-6326 to set up an appointment. Thank you.

copy: Mr. David Young, Los Angeles Regional Water Quality Control Board
Ms. Su Han, Los Angeles Regional Water Quality Control Board

FACSIMILE COVER LETTER

Date: July 7, 2008

To: SLIC File Review Request

From: Eddie Arslanian

Company: LARWQCB

Company: ENVIRON

Fax No.: 213-576-6717

Fax No.: (213) 943-6301

Project No.: SLIC No. 0967

Total # of Pages: 1 (including cover page)

Message:

In anticipation of a filing of a "Petition for Reconsideration" by this Friday, July 11, ENVIRON requests to review files this week for the Valley Alhambra Property, 4900 Valley Boulevard, Los Angeles, California (SLIC No. 0967). Please coordinate with Mr. David Young, the case officer, to expedite this process.

Please call me at 213-943-6326 to set up an appointment. Thank you.

copy: Mr. David Young, Los Angeles Regional Water Quality Control Board
Ms. Su Han, Los Angeles Regional Water Quality Control Board

Exhibit C

PARKER MILLIKEN

PARKER, MILLIKEN, CLARK, O'HARA, SAMUELIAN
A PROFESSIONAL CORPORATION

Direct Dial: (213) 683-6686
E-mail: PMAZGANI@PMCOS.COM

PEDRAM MAZGANI

July 10, 2008

Via U.S. Mail & Facsimile [(213) 576-6640]

Attn: David Young
California Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, California 90013

Re: 4900 Valley Alhambra Blvd Site, (SLIC No 0967, Site ID 204DJ00)

Dear Mr. Young:

On July 10, 2008, Leggett & Platt Incorporated filed a Petition with the State Water Resources Control Board pursuant to Water Code Section 13320 for review of the California Regional Water Quality Control Board, Los Angeles Region's Section 13267 Order issued to Leggett & Platt Incorporated on June 11, 2008. Pursuant to Title 23 of the California Code of Regulations, Section 2050.5(a) you are requested to file the administrative record, including available tape recordings and transcripts, if any, with the State Water Resources Control Board within thirty (30) days.

Please contact me if you have any questions.

Very Truly Yours,



Pedram Mazgani
PARKER, MILLIKEN, CLARK,
O'HARA & SAMUELIAN

cc: Ms. Linda Northrup (via facsimile)
Mr. Gordon Billehimer (via facsimile)
Mr. Eddie Arslanian (via facsimile)
Mr. George Linkletter (via facsimile)
Ms. Sue Hahn (via hand delivery)

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EXHIBIT C

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8 STATE OF CALIFORNIA

9 STATE WATER RESOURCES CONTROL BOARD

10
11 IN THE MATTER OF THE PETITION
12 OF LEGGETT & PLATT,
13 INCORPORATED, FOR REVIEW OF
14 WATER CODE SECTION 13267
15 ORDER DATED JUNE 11, 2008, BY
16 THE CALIFORNIA REGIONAL
17 WATER QUALITY CONTROL BOARD,
18 LOS ANGELES REGION,

Petition No. _____

DECLARATION OF GEORGE LINKLETTER IN
SUPPORT OF PETITION FOR REVIEW
PURSUANT TO WATER CODE SECTION
13320 AND 23 C.C.R. SECTION §2050 ET SEQ.
[Request To Be Held In Abeyance Under 23
C.C.R. §2050.5(d)] and STAY OF ORDER

17 I, GEORGE O. LINKLETTER, declare as follows:

18 1. I declare under penalty of perjury that I am a Principal and Senior Vice President
19 of ENVIRON and have served as the Principal-in-Charge of investigation, evaluation and
20 remediating the PCE/TCE contamination at 4900 East Valley Boulevard, Los Angeles California
21 ("Site").

22 2. I have both A.B. and A.M. degrees in Geology from Dartmouth College, and a
23 Ph.D. in Geology from the University of Washington. I am a Professional Geologist in the State
24 of California with over 35 years of experience, including extensive experience in investigating
25 suspected contamination, characterizing contaminated sites and developing and successfully
26 implementing remedial programs. A copy of my curriculum vitae is attached hereto as Exhibit A.

27 3. My experience extends to all types of industrial contaminants in soil and ground
28 water, including PCE/TCE, in both rural and urban settings.

1 4. ENVIRON was engaged by Leggett & Platt Incorporated in 1998 as a consultant,
2 to evaluate claims of contamination alleged in a complaint filed by Valley Alhambra, the Site
3 owner, against Leggett & Platt Incorporated, Dresher, Inc., and alleged prior tenants at the Site.
4 ENVIRON's evaluation was based on data reflected in reports filed with the California Regional
5 Water Quality Control Board -Los Angeles Region ("Regional Water Board") by RMT
6 Environmental in 1992 and 1993 in connection with the excavation and remediation of soil
7 adjacent to a former paint dip tank system, which was removed by RMT. We also reviewed
8 reports filed with the Regional Board in 1993 and 1994 by CLT Engineering Services, Valley
9 Alhambra's consultant, in connection with an investigation of the Site and reflecting the presence
10 of PCE and TCE in the subsurface adjacent to the paint tanks.

11 5. As a condition of the settlement of the litigation in 2000, Valley Alhambra and
12 Dresher Inc./Leggett & Platt, engaged ENVIRON to investigate and remediate the PCE/TCE
13 contamination reflected on the "Investigation Results Report" dated December 9, 1999 in
14 accordance with the terms of the Settlement Agreement between Valley Alhambra, Dresher, Inc.
15 and Leggett & Platt Incorporated.

16 6. The Regional Water Board issued a letter dated January 17, 2001 requiring a
17 Subsurface Site Assessment Work Plan. In that letter, the Regional Water Board requested
18 information regarding site use history and previous environmental investigations conducted at the
19 site.

20 7. Early in the investigation process, the Regional Water Board requested that
21 ENVIRON submit a work plan to identify the migration of contaminants off site on the property
22 located at 4880 East Valley Boulevard, west of the Site. In response, ENVIRON submitted the
23 "Work Plan for Off-Site HydroPunch and Bedrock Identification" dated February 22, 2001,
24 affecting the adjacent property owned at that time by the Corradini Corporation.

25 8. On April 30, 2001, ENVIRON submitted to the Regional Water Board its
26 "Response to Request for Subsurface Site Assessment Work Plan." ENVIRON's April 30, 2001
27 submittal addressed certain issues raised by the Regional Water Board in its letter dated January
28 17, 2001.

1 9. The historical uses of the site and prior environmental investigations, including
2 remediation efforts, were documented in Attachment C to ENVIRON's April 30, 2001 submittal.
3 Contrary to the statement in the June 11, 2008 Order from the Regional Water Board, the "dip
4 tanks" and underground storage tanks used in the bed frame assembly process were used to store
5 paints, not solvents, as reflected in reports filed with the Regional Board.

6 10. Documentation on the site geology/hydrogeology, including several regional maps
7 show the site to be located on shallow alluvial deposits, which lie above a non-waterbearing
8 formation. Based on ENVIRON's site investigation, including generally the stratigraphy
9 interpreted from boring logs and specifically two borings in which no ground water was
10 encountered in the southern portion of the site, the water-bearing strata at the site were confirmed
11 to be locally variable.

12 11. Research into ground water supply wells showed that there are no public supply or
13 privately owned wells within a one-mile radius of the Site.

14 12. Initially, the Regional Water Board approved the work plan and its addendum in a
15 letter dated April 18, 2001. However, the work plan was not implemented due to inability to gain
16 access to the Corradini property in spite of the efforts of ENVIRON, various attorneys, and the
17 Regional Water Board itself (letter dated June 5, 2001; see Exhibit B). The Regional Water
18 Board made no further demands to characterize the migration of contaminants off site.

19 13. On June 5, 2001, the Regional Water Board issued a letter regarding ENVIRON's
20 "Response to Request for a Subsurface Site Assessment Work Plan," dated April 30, 2001. In
21 that letter, the Regional Water Board required that a work plan be submitted to delineate soil
22 contamination west of the recognized source area. On June 20, 2001, ENVIRON submitted a
23 "Work Plan to Delineate Soil West of Suspected Source Area," which involved advancing two
24 soil borings (SB-1 and SB-2) along the western property boundary. This work was completed on
25 June 22, 2001 and an update was provided to the Regional Water Board in ENVIRON's "Status
26 of Project" letter dated October 31, 2001. The analytical laboratory reports of the soil samples
27 and a figure depicting the locations of the two soil borings (SB-1 and SB-2) are collectively
28 attached hereto as Exhibit C. Notably, SB-1 and SB-2 were advanced to the depth of the capillary

1 fringe, just above the water table. The results from the deepest samples were judged reflective of
2 ground water conditions and demonstrated only low or nondetectable concentrations of
3 contaminants at the western boundary of the Site, adjacent to 4880 East Valley Boulevard.

4 14. On April 30, 2001, ENVIRON submitted an "Interim Remedial Action Plan"
5 (IRAP) to address subsurface volatile organic compounds (VOCs). The Regional Water Board
6 authorized the implementation of the work on June 8, 2001. The remediation system, consisting
7 of 2-PHASE soil vapor and ground water extraction, began operating on December 6, 2001.
8 Following an October 8, 2002 on-site meeting with representatives from ENVIRON (George
9 Linkletter, Eddie Arslanian, and Bitu Tabatabai) and the Regional Water Board (David Young
10 and J.T. Liu), the Regional Water Board authorized ENVIRON to shut down the remediation
11 system in order to evaluate possible rebound of VOCs in ground water. On October 15, 2002,
12 ENVIRON submitted to the Regional Water Board a "Request for Post-Remediation Monitoring"
13 documenting the outcome of the October 8, 2002 meeting (see Exhibit D).

14 15. Following the agreed upon number of post-remediation ground water monitoring
15 events, a meeting was held on November 18, 2003 between representatives from ENVIRON
16 (George Linkletter, Bitu Tabatabai, and Eddie Arslanian) and the Regional Water Board (David
17 Young and J.T. Liu) to discuss the data from the post-remediation ground water monitoring and
18 protocols for confirmation soil sampling and a final round of ground water monitoring as a
19 prelude to site closure (No Further Action [NFA] designation).

20 16. On December 3, 2003, ENVIRON submitted its "Work Plan for Confirmation Soil
21 Sampling and Final Round of Ground water Sampling." The work plan included an historical
22 summary of the soil, soil gas, and ground water data collected from the Site. In a December 9,
23 2003 email (see Exhibit E), Mr. Young approved the work plan, noting that "the only comment I
24 have is with regard to analysis for VOCs. Due to the nature of this sampling event (confirmation
25 sampling for site closure), VOCs should be analyzed in both soil and ground water by EPA
26 Method 8260B. This analytical method covers a broader range of analytes, which is helpful
27 information in determining if the site is eligible for closure. Other than this issue, everything else
28 appears appropriate." ENVIRON addressed Mr. Young's comment using the requested method

1 on samples collected on December 18 and 22, 2003.

2 17. In a January 16, 2004 email (see Exhibit F), ENVIRON submitted to the Regional
3 Water Board the results of the confirmation soil sampling and final round of ground water
4 sampling and requested an NFA designation for the site. In a February 11, 2004 email (Exhibit
5 G), ENVIRON followed up with Mr. Young on the status of the NFA. In a February 24, 2004
6 email (see Exhibit H), Mr. Young requested a few items after talking to Regional Water Board
7 "management" for the "closure process." In a March 25, 2004 email (see Exhibit H), ENVIRON
8 submitted a case review form via electronic mail.

9 18. Following various emails between ENVIRON and Regional Water Board staff
10 (see Exhibit I), in a June 30, 2004 email (see Exhibit I), Mr. Liu stated that Mr. Young had begun
11 working on the NFA designation for the site.

12 19. In an August 10, 2004 email (see Exhibit J), ENVIRON once again submitted
13 information to Mr. Young regarding the Site use history.

14 20. Following various emails between ENVIRON and Regional Water Board staff
15 (see Exhibit K), in an October 1, 2004 email (see Exhibit L), Mr. Liu stated that the closure was
16 discussed with Dr. Arthur Heath, Remediation Section Chief.

17 21. In an October 6, 2004 telephone conversation with Mr. Liu, ENVIRON informed
18 the Regional Water Board that the Site is not located within the San Gabriel Valley Superfund
19 Area. Also, Mr. Liu stated that a deed restriction would be placed as part of the NFA designation
20 for the Site, restricting the use to non-sensitive receptors (i.e., excluding uses such as residential,
21 schools, health care). In an October 6, 2004 email (see Exhibit M), ENVIRON confirmed its
22 understanding of the results of the telephone discussion held earlier that day.

23 22. In a March 1, 2004 letter to the Regional Water Board (see Exhibit N), ENVIRON
24 requested removal of the remediation equipment from the Site. Subsequently, upon receiving the
25 Regional Water Board's approval, the remediation equipment was removed.

26 23. To address the Regional Water Board's concern that a deed restriction would be
27 required for unrestricted future use, and the implications of VOCs remaining in soil and ground
28 water, ENVIRON prepared a "Risk Assessment of Potential Migration of VOCs to Indoor Air,"

1 dated November 28, 2005. The risk assessment concluded that the "cumulative cancer risks are
2 no higher than 1×10^{-5} (mostly attributed to PCE) and recommended that the Regional Water
3 Board provide an NFA designation for "unrestricted use for the site." The Regional Water Board
4 submitted the risk assessment to the Office of Environmental Health Hazard Assessment
5 (OEHHA) for review. OEHHA provided its comments to the risk assessment in an email dated
6 January 17, 2006. On March 9, 2006, ENVIRON submitted a response to Regional Water Board
7 and OEHHA responding to the OEHHA comments. In its April 17, 2006 memorandum
8 addressed to the Regional Water Board, OEHHA stated that it agreed with ENVIRON's
9 conclusions regarding the risk assessment, but raised certain questions for Regional Water Board
10 consideration. The OEHHA memorandum was first submitted to ENVIRON via facsimile on
11 July 13, 2006.

12 24. On January 19, 2007, representatives from ENVIRON (George Linkletter, CY
13 Jeng, Eddie Arslanian), the Regional Water Board (Adnan Siddiqui¹ and David Young), and
14 representatives of the property owner and Leggett & Platt met to discuss the outstanding items
15 raised in the OEHHA memo. It is my recollection and understanding that, at that meeting, the
16 Regional Water Board agreed on an approach to address the various comments made by OEHHA.

17 25. At the January 19, 2007 meeting, Messrs. Siddiqui and Young indicated that they
18 would discuss with Regional Water Board upper management whether there would be a need to
19 conduct a post-remediation soil vapor study to confirm that there had been no change in the Site
20 from the last ground water sampling as part of the closure process.

21 26. In a March 16, 2007 telephone conversation, David Young stated to Eddie
22 Arslanian that Ms. Su Han had been assigned as the case supervisor for the Site, taking over from
23 Adnan Siddiqui. George Linkletter, Eddie Arslanian, Seema Sutarwala and Regional Water Board
24 staff (Su Han and David Young) met on May 16, 2008. At that meeting, in spite of the history of
25 events, as summarized above, Regional Water Board staff stated that additional work would be
26 required prior to obtaining closure for the Site. Regional Water Board staff, however, did not

27
28 ¹ Adnan Siddiqui took over the site supervisor position after J.T. Liu transferred to the
California Department of Toxic Substances Control.

1 identify any new evidence or changes of circumstance that would justify the Regional Water
2 Board's apparent change in position.

3 27. My opinion regarding the current status of the Site and the probability of off site
4 migration is based on the historical investigations conducted by other consultants, as well as
5 ENVIRON's Investigation Results Report and subsequent reports of ground water and soil
6 testing results.

7 28. In my opinion, investigation, assessment, and remediation activities conducted to
8 date, and the data derived as a result thereof, do not support the need for further investigation for
9 the following reasons:

- 10 • The Site is located on shallow alluvial deposits, which lie above a non-waterbearing
11 formation. Further, borings and wells installed at the Site confirm that the water-bearing
12 strata at the Site is locally non-contiguous and that there is relatively little water present.
13 In light of these data, contamination detected in shallow ground water beneath the Site
14 does not pose a threat to aquifers that may be present down valley to the west of the Site.
- 15 • There are no public supply or privately owned wells within a one-mile radius of the Site.
- 16 • Ground water testing between 2001 and 2003 demonstrated that PCE levels in the ground
17 water beneath the Site were reduced by orders of magnitude (e.g., from a peak of 4,800
18 µg/l to 26 ug/l at MW2, which is located immediately adjacent to the source area at the
19 Site) as a result of Regional Water Board approved remediation at the Site.
- 20 • Investigations relating to historic operations at the Site are inconclusive regarding the
21 cause of the PCE contamination at the Site but clearly defined the source area. Given the
22 results of the assessment, investigation, and remediation at the Site, it appears that source
23 contamination at the Site has been sufficiently remediated and remaining materials do not
24 pose a substantial risk to human health or the environment.
- 25 • Data collected from monitoring wells and soil borings along the western property line of
26 the Site (as well as other data points located downgradient from the source area), when
27 compared to substantially higher contamination levels in the source area on the Site and
28 within the context of the hydrostratigraphy at the Site, indicate only limited migration of

1 contaminants away from the source area.

- 2
- 3 • The radius of influence of the remediation system that operated at the Site, which include
4 an extraction well immediately adjacent to the Site's western property line, indicate that
5 the remedial process also addressed adjacent contamination which may have migrated to
6 the downgradient property.
 - 7 • The analytical results from the deepest samples were judged reflective of ground water
8 conditions and demonstrated only low or nondetectable concentrations of contaminants
9 along the western site boundary prior to the startup of the remediation system.
 - 10 • ENVIRON prepared a "Risk Assessment of Potential Migration of VOCs to Indoor Air,"
11 dated November 28, 2005, which concluded that the "cumulative cancer risks are no
12 higher than 1×10^{-5} (mostly attributed to PCE) and recommended that the Regional Water
13 Board provide an NFA designation for "unrestricted use for the site." In its April 17,
14 2006 memorandum addressed to the Regional Water Board, OEHHA stated that it agreed
15 with ENVIRON's conclusions regarding the risk assessment.
 - 16 • The Regional Water Board has previously determined that the Site is suitable for closure.
17 To my knowledge, the Regional Water Board has no new information or evidence to
18 suggest a change from the empirical results that the Regional Board relied on to authorize
19 the removal of the remediation equipment in preparation to formally close the Site, and
20 thus to justify the demand for additional investigation of VOC's at the Site.
 - 21 • Remaining contamination at and beneath the Site should dissipate without further active
22 remediation and there is no evidence to suggest that it will pose a significant risk to
23 human health or the environment.

24 29. The cost of additional investigation would require the development of a new scope
25 of work for off-site investigation, installation of ground water wells, monitoring costs, additional
26 reporting and related work.

27 30. Since approximately 1998, approximately \$913,000 has been spent to address
28 environmental investigations and remediation at the Site. The minimum estimated costs to
comply with the requirements of the Regional Water Board's Order dated June 11, 2008 will

likely be on the order of \$250,000, as illustrated in the estimate presented in the table below.

Order Requirement	Expenditures and Associated Timeframes
#1: Site Conceptual Model	\$25,000 (by August 19, 2008)
#2: Preparation and Implementation of Work Plan for Ground Water Characterization	\$25,000 (by August 19, 2008) \$130,000 (starting September 2008 – assuming Regional Water Board approval of work plan within 30 days of submittal)
#3: Preparation and Implementation of Work Plan for Soil Gas Investigation, and vapor Intrusion Evaluation.	\$10,000 (by August 2008) \$30,000 (between September and December 19, 2008)
#4: Resuming Semi-Annual Ground Water Monitoring	\$30,000 (minimum of 2 events). \$15,000 by January 31, 2009.

To date, ENVIRON has spent approximately \$913,000 in the site characterization, remediation and follow up consultation and reports to secure a closure. This does not take into consideration the costs incurred by RMT on behalf of Dresher Inc. or CLT Environmental on behalf of Valley Alhambra. To date, I estimate, based on our records and the information provided in connection with the RMT investigation and remediation and the CLT investigation, that over One Million Dollars has been spent to characterize and remediate the Site.

31. It is my opinion that the information regarding the use history of the Site and data from investigations by other consultants, ENVIRON's investigations, the ground water sampling data submitted to the Regional Water Board after the completion of the remediation at the Site, and the results of ENVIRON's human health risk assessment strongly suggest that there is a low probability of significant off-site contamination migrating from the Site that would present an unacceptable risk to human health.

32. It is also my opinion that, given the extensive work performed at the Site over the last 10 years, characterization of the Site is sufficient to understand the pre- and post-remedial conditions at the Site.

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33. Further, it is my opinion that the Regional Water Board's June 11, 2008 Order to commence a new investigation would result in excessive costs that will not result in corresponding benefits to public health and safety especially given the Regional Water Board's Order, which does not define the clear objectives of the additional testing.

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

Executed this 10th day of July, 2008, at Los Angeles, California.

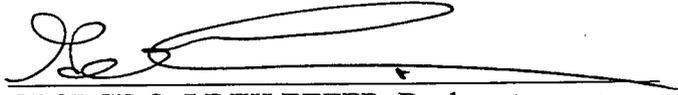

GEORGE O. LINKLETTER, Declarant

Exhibit A

George O. Linkletter, Ph.D.

1

Education

- 1971 Ph.D., Geology, University of Washington, Seattle
- 1967 A.M., Geology, Dartmouth College, Hanover, New Hampshire
- 1965 A.B., Geology, Dartmouth College, Hanover, New Hampshire

Registrations and Certifications

Professional Geologist, California

Experience

Dr. Linkletter is a Principal at ENVIRON International Corporation. He has over 35 years of experience in the fields of geochemistry and environmental, mathematical, engineering, and seismic geology. Since the early 1970s, when he developed one of the first academic programs in environmental geology in the United States, Dr. Linkletter has managed and participated in a wide range of projects dealing with industrial chemicals and wastes in the geologic and hydrologic environments. Many of these assignments were large interdisciplinary projects, including several projects designed to evaluate potential geoenvironmental-project interactions for facilities planned by the petroleum, utility, and hazardous waste management industries. These projects ranged from siting and designing waste management facilities to the characterization and remediation of environmental impairment at waste management facilities and industrial properties.

Dr. Linkletter managed and participated in the investigation and remediation of a number of USEPA and State of California Superfund sites. These assignments have included site investigations, remedial design and implementation, PRP allocation issues, and regulatory negotiation. Contaminants of concern at these sites have included chlorinated solvents, PCBs, heavy metals, asbestos, and petroleum hydrocarbons.

Throughout a broad spectrum of his work in the geological and engineering's geostatistics, sciences, Dr. Linkletter has had a strong focus on risk management, using applied mathematics, geostatistics, and decision analysis to quantify and manage uncertainty, thereby facilitating business decision making for his clients. For over a decade, Dr. Linkletter has served as a senior advisor and management consultant to major financial institutions and manufacturing firms, participating in the development and upgrading of corporate-wide environmental health and safety programs, guiding staffing decisions for corporate and divisional environmental programs, and establishing protocols for environmental due diligence.

Dr. Linkletter has an active litigation support/expert witness practice. Recent issues that have been the subject of his evaluation and testimony include the origin and timing of soil and ground water contamination, the standard of practice for environmental due diligence and related environmental tasks, compliance with the National Contingency Plan, and allocation of costs and responsibility

Dr. Linkletter has also participated in and directed scientific research projects and applied investigations in many parts of North America, South America, Europe, Africa, and both polar regions. Much of his work has included the development and use of computer models and

George O. Linkletter, Ph.D.

geochemical techniques to study complex natural systems. He has applied the results of these studies to a variety of programs ranging from investigations for the siting and design of lifelines and critical facilities to large weather-modification projects. Dr. Linkletter received the U.S. Antarctic Service Medal for his research in geology, glaciology, and polar meteorology, and has been an invited speaker at universities throughout the United States, Europe, and South America. Dr. Linkletter formerly was a Vice President with Woodward Clyde Consultants, and a Managing Principal with Harding Lawson Associates in southern California.

Representative Projects

- Aswan High Dam, Egypt - Project manager for comprehensive engineering evaluation of seismic stability of the High Dam. Assessment included seismic and engineering geology, hydrogeology, seismology, and earthquake and geotechnical engineering. Client: Government of Egypt/U.S. Agency for International Development.
- Litigation support, Wilmington, North Carolina - Provided litigation support, including expert witness deposition testimony, related to the timing and origin of chlorinated solvent contamination in ground water beneath a former refrigeration coil manufacturing facility. Client: O'Melveny & Myers.
- Site investigation, regulatory negotiation, Carson, California - Performed an evaluation of the origin of chlorinated solvents in fill soils, native soils, and ground water beneath a multi-tenant light industrial complex that had formerly been used for metal fabrication and oil field production. Assisted the land owner in obtaining a no further action letter in spite of the presence of chlorinated solvents in the ground water beneath the property. Client: Jones, Day, Reavis & Pogue.
- Air and hazardous materials permitting, Irvine, California - Assisted the owner of a newly acquired property to obtain the air and other hazardous materials storage and handling permits required to open a specialty chemical formulation facility. Client: Alpha Metals.
- Litigation support, San Luis Obispo, California - Provided litigation support, including deposition and trial testimony, related to the standard of practice for environmental due diligence and site investigation related to the acquisition of a former railroad property for residential use. Client: Beveridge & Diamond.
- Site investigation and remediation, Arrowbear, California - Conducted a site investigation and remedial design and implementation at a former gasoline station acquired by a bank through foreclosure. Issues included the presence of petroleum and aromatic hydrocarbons in ground water in fractured bedrock, and the release of contaminants from the ground water into nearby surface waters. Assisted the bank to obtain reimbursement through the California Underground Tank Fund. Client: Aldrich & Bonnefin
- Site investigation, risk assessment, regulatory negotiations, San Diego, California - Assisted attorneys for a property owner in obtaining regulatory closure on a former agricultural property from which an underground tank had been removed in an undocumented process and on which elevated concentrations of chlorinated pesticides had been found. The closure of unused water supply wells was also an issue. Client O'Melveny & Myers.

George O. Linkletter, Ph.D.

- Site investigation, regulatory negotiations, City of Industry, California - Assisted attorneys to the owner/operator of a carpet manufacturing facility targeted for inclusion as a PRP in the San Gabriel Valley Superfund program in obtaining a no further action letter from the RWQCB, and thus avoid the Superfund PRP designation. Client: Kirkland & Ellis.
- Ground water investigation and remediation, Colorado - Project manager for multiphased evaluation, characterization, and remediation of volatile organic chemicals in two ground water plumes at a major electronics manufacturing facility. Statistical sampling design was used to limit the scope and costs of the investigation while achieving the required level of confidence in results. Client: Hewlett-Packard Company.
- Environmental due diligence for industrial acquisition - Managed the evaluation of world-wide environmental liabilities for a consortium of banks involved in the financing of Loral's purchase of Ford Aerospace. Client: Simpson Thacher & Bartlett.
- Ground water investigation and remediation, Palo Alto, California - Project Director for a large program that included the characterization and remediation of soil and ground water contamination by heavy metals and industrial solvents at two electronics manufacturing facilities and an area-wide Superfund site in Palo Alto. Client: Hewlett-Packard Company and Varian Associates.
- Site characterization and remediation, City of Commerce, California - Directed the comprehensive investigation of site use history and soil and ground water contamination and the remediation of soil and ground water contamination by chlorinated solvents and petroleum hydrocarbons at a former industrial manufacturing facility. Client: Jones, Day Reavis & Pogue.
- Emergency response 106 Order removal action, Los Angeles, California - Managed the planning and implementation of an emergency response removal action associated with a USEPA 106 Order issued to the owners and former operators of a metal plating facility. Issues included the presence of large volumes of highly concentrated chromic acid in deteriorating aboveground tanks, uncontrolled access to laboratory chemicals, contaminated plating vats and air handling systems, and the management of over 100,000 gallons of contaminated stormwater runoff. Client: McDermott, Will & Emery
- Litigation support, Anaheim, California - Provided litigation support, including expert testimony in deposition and at trial, related to the standard of practice for environmental due diligence and the origin of chlorinated solvents in soil and ground water at a former aircraft component manufacturing facility. Client: Kirkland & Ellis.
- Litigation support, Santa Clara County, California - Provided litigation support, including preparation of a declaration and an expert report related to historical mining, ore production and processing, and mining waste handling at the New Almaden mercury mine. Client: Beveridge & Diamond.
- Environmental due diligence, Huntington Beach, California - Conducted an environmental due diligence assessment for a sporting goods retailer that was acquiring neighboring properties to expand an existing retail facility. Provided oversight of the remediation of a former gasoline service station by the oil company that previously operated the station. Conducted Phase II investigations related to underground tanks and

George O. Linkletter, Ph.D.

hydraulic hoists at a former recreational vehicle sale and service facility at the property.
Client: Sports Chalet/Trammell Crow.

- Litigation support, Sunnyvale, California - Provided litigation support and deposition testimony related to the origin of chlorinated solvents present in ground water beneath a office park located downgradient of several former semiconductor manufacturing facilities and service stations. Client: Quarles & Brady.
- Litigation support, El Cajon, California - Provided broad-based litigation support to the law firm defending an insurance carrier in a matter related to a claim of environmental damages. Issues included the timing and nature of a release of petroleum hydrocarbons from a former underground tank, the distribution of soil and ground water contamination, and remedial strategies and costs. Client: Morrison & Foerster.
- Environmental due diligence, Burbank, California - Assisted a major retailer in the evaluation of environmental issues related to the prospective purchase of a nearly 100 acre former aircraft manufacturing. Plans for the property called for comprehensive redevelopment into a regional-scale shopping center. Client: Wal-Mart.
- Litigation support, Sunnyvale, California - Provided a detailed critique of the technical approach to and costs of investigation and remedial work at a former semiconductor facility on behalf of a former owner/operator in a private CERCLA recovery action. Also assisted in the preparation for and participated in depositions of the technical experts designated by the adverse parties. Client: Pettit & Martin
- Environmental due diligence, nationwide - Assisted a major nationwide realty management company in developing its pre-acquisition environmental due diligence protocols and a program for annual post-acquisition evaluation of properties in the company's portfolio. ENVIRON conducts this program for the client and provides oversight of tenant response to recommended or mandated changes in their environmental management practices. Client: Confidential.
- Litigation support, Tampa, Florida - Provided comprehensive technical and regulatory litigation support and expert witness testimony for attorneys defending the former owner of a metal scrap yard from claims by the new owner for costs related to environmental investigations and remediation. The primary issues related to the requirements for, approach to, and costs for the investigation and remediation of soils contaminated with heavy metals, PCBs, and petroleum hydrocarbons. Client: Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill.
- Litigation support, Tampa, Florida - Provided comprehensive technical and regulatory litigation support and expert witness testimony for attorneys defending the Hillsborough County, Florida in a suit that alleged that the County's mosquito abatement district had contaminated soils on portions of an island in Tampa Bay that was subsequently redeveloped into condominiums. The principal contaminants at issue were pesticides, PCBs, and petroleum hydrocarbons. Client: Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill.
- Litigation support, Los Angeles, California - Provided litigation support to attorneys for a family trust from which land was taken by a school district in an eminent domain action. The primary dispute related to the school district's proposed reduction in the fair market

George O. Linkletter, Ph.D.

value of the property due to costs associated with the investigation and remediation of soil contamination from underground gasoline tanks. A favorable settlement was achieved when ENVIRON successfully demonstrated that much of the work undertaken by the district's consultant was unnecessary. Client: Richards, Watson & Greaten.

- Site investigation, Costa Mesa, California - Assisted the owner of a property used to manufacture munitions in dealing with the tenant responsible for ground water contamination with industrial solvents. Designed and conducted ground water investigations sufficient to demonstrate that the current tenant was likely responsible for the ground water contamination. Thereafter, on behalf of the landowner, provided oversight of the site investigation and remediation work conducted by the tenant's consultant. Also provided briefings for financial institutions considering involvement at the site. Client: Confidential.
- Site investigation, regulatory support, Houston, Texas - Assisted the owner/operator of a plastics fabrication facility to respond to a regulatory citation for the release of petroleum hydrocarbons to a surface drainageway. Conducted a soil sampling and analytical program that demonstrated that the observed impact was related to heavy, relatively immobile hydrocarbons only and that the impact was restricted to surficial soils, thereby eliminating the need for regulatory mandated remediation. Client: NAMPAC
- Site investigation, Superfund, litigation support, Burbank and Glendale, California - Assisted the owner of a long-term industrial site in the San Fernando Valley with the investigation of soil and ground water conditions at and near the site, and with the planning and design of interim and final remedial measures. Assisted with regulatory negotiations, Superfund (PRP) allocation issues, and insurance coverage claims. Client: Confidential.
- Site investigation, Universal City, California - Assisted MCA Development, the land owner for a facility used by Technicolor (tenant) to process movie film, by providing oversight and regulatory guidance related to Technicolor's removal of underground tanks and the investigation/remediation of contaminated soil and ground water at the property. Client: Seagrams.
- Waste minimization, San Pedro, California - Assisted the operator of a petrochemical storage facility in the Port of Los Angeles to evaluate and report its waste management practices in order to comply with government imposed waste minimization requirements. Client: GATX.
- Regulatory guidance, Carson, California - Provided advice and written testimony to attorneys representing the owner of properties near the Cal Compact landfill, for which an integrated remediation/redevelopment scheme was being considered by the California DTSC. Concerns related to the sufficiency of the site investigation/characterization on which the remedial plans were based, and plans to create vertically stratified Operable Units. Client: Kelley, Drye & Warren.
- Environmental due diligence, site investigations, and site remediation at various locations in the western United States - Worked with attorneys to Home Depot to provide technical assessments and regulatory guidance related to the acquisition of new properties to be redeveloped into Home Depot stores. Client: Latham & Watkins.

George O. Linkletter, Ph.D.

- Environmental due diligence, St. Louis, Mo. - Conducted an environmental due diligence evaluation of a former automotive manufacturing facility that was undergoing redevelopment for commercial and light industrial use. Client: The Koll Company.
- Litigation support, Los Angeles, California - Provided litigation support to attorneys representing the business successor to a paint manufacturing company that had once occupied a portion of what became Lawry's California Center. Issues related to the origin of chemicals found in the soil and ground water, the mechanisms through which those chemicals reached the soil, and the remedial requirements for the site. Client: Millard, Pilchowski, Holweger & Child.
- Litigation support, regulatory negotiations, site investigation and remediation, risk assessment, Commerce, California - On behalf of a former property owner, evaluated the need for planned remediations at the property, conducted risk assessment and vadose zone modeling to demonstrate that only a focused remediation was needed. Participated in negotiations with the RWQCB and the current site owner. Client: INSILCO
- Site investigation, remediation, Anaheim Hills, California - On behalf of attorneys representing a property owner, conducted an investigation of soil and ground water at a dry cleaning facility located in a shopping center. Designed and installed a soil vapor extraction remedial system that allowed the tenant space to continue to be used while remediation was ongoing. Client: O'Melveny & Myers.
- Ground water contamination assessment, southern California - Assisted the new owner of a golf course purchased from the Resolution Trust in dealing with an area-wide ground water contamination problem that originated at two nearby electronics two manufacturing facilities, but which had spread broadly beneath the golf course, thereby inhibiting development of on-site water supply needed for irrigation. Client: Confidential.
- Litigation support, San Diego, California - Provided broad-based technical and regulatory litigation support and expert witness assistance to attorneys defending an insurance company in an environmental claims action related to the costs to investigate and remediate soil contamination from an underground storage tank previously removed from the site. Client: O'Melveny & Myers.
- Site assessment and regulatory assistance, Santa Monica, California - Provided a detailed third-party review of a site investigation and remedial action plan prepared for the bankrupt landowner on behalf of the mortgage holder that wished to foreclose on the property. Assisted in negotiations with the Regional Water Quality Control Board, the oil company that had previously operated at the site, and the current site owner. Conducted forensic testing of samples of floating free product petroleum hydrocarbons in order to identify that age of the product and potentially the responsible oil company. Client: Mutual Benefit Life Insurance Company.
- Environmental due diligence, Yosemite National Park, California - ENVIRON provided a pro bono evaluation of environmental liabilities associated with concessionaire operations in Yosemite National Park in association with the efforts of a not-for-profit environmental organization to purchase the concession operations in the park after the then current operator was purchased by a foreign-owned corporation. Client: Skadden, Arps, Slate, Meagher & Flom.