

# Exhibit K

From: Eddie Arslanian

Sent: Tue 9/7/2004 9:04 AM

To: 'David Young'; 'Ju-Tseng Liu'

Cc: Bitu Tabatabai

Subject: Valley-Alhambra: NFA Form

Attachments:

[View As Web Page](#)

Gentlemen,

Could you please provide us with a status update on this?

Thank you.

Eddie Arslanian, P.E.  
ENVIRON International Corporation  
707 Wilshire Boulevard, Suite 4950  
Los Angeles, California 90017  
Tel: 213.943.6326  
Fax: 213.943.6301

From: [Ju-Tseng Liu \[jliu@rb4.swrcb.ca.gov\]](mailto:Jliu@rb4.swrcb.ca.gov)

Sent: Wed 9/8/2004 10:52 AM

To: [Eddie Arslanian](#)

Cc: [David Young](#)

Subject: Re: Valley-Alhambra: NFA Form

Attachments:

[View As Web Page](#)

**\*\* Reply Requested When Convenient \*\***

Hi Eddie:

I am away from my office today and will talk with Dave Young tomorrow. Thanks. JT

J.T. Liu  
Senior Water Resources Control Engineer  
Los Angeles Regional Water Quality Control Board  
Site Cleanup Unit II

(213) 576-6667 (tel)

(213) 576-6717 (fax)

E-Mail: [Jliu@rb4.swrcb.ca.gov](mailto:Jliu@rb4.swrcb.ca.gov)

>>> "Eddie Arslanian" <[EARslanian@environcorp.com](mailto:EARslanian@environcorp.com)> 09/07/04 09:05 AM >>>

Gentlemen,

Could you please provide us with a status update on this?

Thank you.

Eddie Arslanian, P.E.  
ENVIRON International Corporation  
707 Wilshire Boulevard, Suite 4950  
Los Angeles, California 90017  
Tel: 213.943.6326  
Fax: 213.943.6301

From: Eddie Arslanian  
To: 'Ju-Tseng Liu'  
Cc: 'David Young'; Bitabatabai  
Subject: RE: Valley-Alhambra: NFA Form  
Attachments:

Sent: Wed 9/8/2004 11:08 AM

[View As Web Page](#)

thanks

-----Original Message-----

From: Ju-Tseng Liu [<mailto:jliu@rb4.swrcb.ca.gov>]  
Sent: Wednesday, September 08, 2004 10:53 AM  
To: Eddie Arslanian  
Cc: David Young  
Subject: Re: Valley-Alhambra: NFA Form

\*\* Reply Requested When Convenient \*\*

Hi Eddie:

I am away from my office today and will talk with Dave Young tomorrow. Thanks. JT

J.T. Liu  
Senior Water Resources Control Engineer  
Los Angeles Regional Water Quality Control Board  
Site Cleanup Unit II

(213) 576-6667 (tel)  
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E-Mail: [jliu@rb4.swrcb.ca.gov](mailto:jliu@rb4.swrcb.ca.gov)  
>>> "Eddie Arslanian" <[EARslanian@environcorp.com](mailto:EARslanian@environcorp.com)> 09/07/04 09:05 AM >>>  
Gentlemen,

Could you please provide us with a status update on this?

Thank you.

Eddie Arslanian, P.E.  
ENVIRON International Corporation  
707 Wilshire Boulevard, Suite 4950  
Los Angeles, California 90017  
Tel: 213.943.6326

Fax: 213.943.6301

Reply Reply to all Forward X | Close | Help

From: Eddie Arslanian  
To: 'Ju-Tseng Liu'  
Cc: 'David Young'  
Subject: RE: Valley-Alhambra: NFA Form  
Attachments:

Sent: Fri 9/17/2004 4:00 PM

[View As Web Page](#)

JT and David, anything new on this front?

-----Original Message-----

From: Ju-Tseng Liu [mailto:[jlui@rb4.swrcb.ca.gov](mailto:jlui@rb4.swrcb.ca.gov)]  
Sent: Wednesday, September 08, 2004 10:53 AM  
To: Eddie Arslanian  
Cc: David Young  
Subject: Re: Valley-Alhambra: NFA Form

**\*\* Reply Requested When Convenient \*\***

Hi Eddie:

I am away from my office today and will talk with Dave Young tomorrow. Thanks. JT

J.T. Liu  
Senior Water Resources Control Engineer  
Los Angeles Regional Water Quality Control Board  
Site Cleanup Unit II

(213) 576-6667 (tel)  
(213) 576-6717 (fax)  
E-Mail: [jlui@rb4.swrcb.ca.gov](mailto:jlui@rb4.swrcb.ca.gov)  
>>> "Eddie Arslanian" <[EArslanian@environcorp.com](mailto:EArslanian@environcorp.com)> 09/07/04 09:05 AM >>>  
Gentlemen,

Could you please provide us with a status update on this?

Thank you.

Eddie Arslanian, P.E.  
ENVIRON International Corporation  
707 Wilshire Boulevard, Suite 4950  
Los Angeles, California 90017  
Tel: 213.943.6326  
Fax: 213.943.6301

From: [Eddie Arslanian](#)

Sent: Tue 9/21/2004 9:57 AM

To: 'David Young'

Cc: [Ju-Tseng Liu](#); [Bita Tabatabai](#); [George Linkletter](#)

Subject: RE: Valley-Alhambra: NFA Form

Attachments:

[View As Web Page](#)

Thank you.

-----Original Message-----

From: David Young [<mailto:dyoung@rb4.swrcb.ca.gov>]

Sent: Tuesday, September 21, 2004 9:56 AM

To: Eddie Arslanian

Cc: Ju-Tseng Liu

Subject: RE: Valley-Alhambra: NFA Form

Hi Eddie. I apologize for the delays, but the closure package will be given to JT this week. Thanks, Dave Young

>>> "Eddie Arslanian" <[EArslanian@environcorp.com](mailto:EArslanian@environcorp.com)> 09/17/04 04:00PM >>>  
JT and David, anything new on this front?

-----Original Message-----

From: Ju-Tseng Liu [<mailto:jliu@rb4.swrcb.ca.gov>]

Sent: Wednesday, September 08, 2004 10:53 AM

To: Eddie Arslanian

Cc: David Young

Subject: Re: Valley-Alhambra: NFA Form

\*\* Reply Requested When Convenient \*\*

Hi Eddie:

I am away from my office today and will talk with Dave Young tomorrow. Thanks. JT

J.T. Liu  
Senior Water Resources Control Engineer  
Los Angeles Regional Water Quality Control Board  
Site Cleanup Unit II

(213) 576-6667 (tel)

(213) 576-6717 (fax)

E-Mail: [jliu@rb4.swrcb.ca.gov](mailto:jliu@rb4.swrcb.ca.gov)

>>> "Eddie Arslanian" <[EArslanian@environcorp.com](mailto:EArslanian@environcorp.com)> 09/07/04 09:05 AM >>>

Gentlemen,

Could you please provide us with a status update on this?

Thank you.

Eddie Arslanian, P.E.  
ENVIRON International Corporation  
707 Wilshire Boulevard, Suite 4950  
Los Angeles, California 90017  
Tel: 213.943.6326  
Fax: 213.943.6301

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# Exhibit L

From: [Ju-Tseng Liu \[JLIU@rb4.swrcb.ca.gov\]](mailto:JLIU@rb4.swrcb.ca.gov)

Sent: Fri 10/1/2004 5:20 PM

To: [Eddie Arslanian](#)

Cc: [David Young](#)

Subject: RE: Valley-Alhambra: NFA Form

Attachments:

[View As Web Page](#)

**\*\* Reply Requested When Convenient \*\***

Hi Eddie:

I have completed my review of the closure packet and discuss the closure with the Remediation Section chief, Dr. Arthur Heath. Dr. Heath has asked us to check to see if this site is located within the San Gabriel Valley US EPA Superfund area. Please advise. Thanks. JT

J.T. Liu  
Senior Water Resources Control Engineer  
Los Angeles Regional Water Quality Control Board  
Site Cleanup Unit II

(213) 576-6667 (tel)  
(213) 576-6717 (fax)  
E-Mail: [Jliu@rb4.swrcb.ca.gov](mailto:Jliu@rb4.swrcb.ca.gov)

>>> "Eddie Arslanian" <[EARslanian@environcorp.com](mailto:EARslanian@environcorp.com)> 10/01/04 03:32PM >>>  
Hi guys, are we getting close on this?

-----Original Message-----

From: Ju-Tseng Liu [<mailto:jliu@rb4.swrcb.ca.gov>]  
Sent: Wednesday, September 08, 2004 10:53 AM  
To: Eddie Arslanian  
Cc: David Young  
Subject: Re: Valley-Alhambra: NFA Form

**\*\* Reply Requested When Convenient \*\***

Hi Eddie:

I am away from my office today and will talk with Dave Young tomorrow. Thanks. JT

J.T. Liu  
Senior Water Resources Control Engineer  
Los Angeles Regional Water Quality Control Board  
Site Cleanup Unit II

(213) 576-6667 (tel)  
(213) 576-6717 (fax)  
E-Mail: [Jliu@rb4.swrcb.ca.gov](mailto:Jliu@rb4.swrcb.ca.gov)

>>> "Eddie Arslanian" <[EARslanian@environcorp.com](mailto:EARslanian@environcorp.com)> 09/07/04 09:05 AM >>>

Gentlemen,

Could you please provide us with a status update on this?

Thank you.

Eddie Arslanian, P.E.  
ENVIRON International Corporation  
707 Wilshire Boulevard, Suite 4950  
Los Angeles, California 90017  
Tel: 213.943.6326  
Fax: 213.943.6301

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# Exhibit M

From: Eddie Arslanian

Sent: Wed 10/6/2004 1:38 PM

To: 'Ju-Tseng Liu'

Cc: 'David Young'; George Linkletter; Bitu Tabatabai; 'Joan C. Donnellan (E-mail)'

Subject: RE: Valley-Alhambra: NFA Form

Attachments:

[View As Web Page](#)

Dear JT,

Per our discussion this morning, based on ENVIRON's research, the site is located outside the boundaries of the San Gabriel Valley US EPA Superfund Area.

With regard to the deed-restriction issue that you raised, we at ENVIRON do not recall having such a discussion with the Regional Board. Since this is a legal issue, I have notified Ms. Joan Donnellan, who is the outside counsel for Leggett & Platt. She will contact you to discuss the issue.

Thank you.

-----Original Message-----

From: Ju-Tseng Liu [<mailto:JLIU@rb4.swrcb.ca.gov>]

Sent: Friday, October 01, 2004 5:21 PM

To: Eddie Arslanian

Cc: David Young

Subject: RE: Valley-Alhambra: NFA Form

**\*\* Reply Requested When Convenient \*\***

Hi Eddie:

I have completed my review of the closure packet and discuss the closure with the Remediation Section chief, Dr. Arthur Heath. Dr. Heath has asked us to check to see if this site is located within the San Gabriel Valley US EPA Superfund area. Please advise. Thanks. JT

J.T. Liu

Senior Water Resources Control Engineer

Los Angeles Regional Water Quality Control Board

Site Cleanup Unit II

(213) 576-6667 (tel)

(213) 576-6717 (fax)

E-Mail: [Jliu@rb4.swrcb.ca.gov](mailto:Jliu@rb4.swrcb.ca.gov)

>>> "Eddie Arslanian" <[EARslanian@environcorp.com](mailto:EARslanian@environcorp.com)> 10/01/04 03:32PM >>>

Hi guys, are we getting close on this?

-----Original Message-----

From: Ju-Tseng Liu [<mailto:jliu@rb4.swrcb.ca.gov>]

Sent: Wednesday, September 08, 2004 10:53 AM

To: Eddie Arslanian

Cc: David Young

Subject: Re: Valley-Alhambra: NFA Form

**\*\* Reply Requested When Convenient \*\***

Hi Eddie:

I am away from my office today and will talk with Dave Young tomorrow. Thanks. JT

J.T. Liu  
Senior Water Resources Control Engineer  
Los Angeles Regional Water Quality Control Board  
Site Cleanup Unit II

(213) 576-6667 (tel)

(213) 576-6717 (fax)

E-Mail: [Jliu@rb4.swrcb.ca.gov](mailto:Jliu@rb4.swrcb.ca.gov)

>>> "Eddie Arslanian" <[EARslanian@environcorp.com](mailto:EARslanian@environcorp.com)> 09/07/04 09:05 AM >>>

Gentlemen,

Could you please provide us with a status update on this?

Thank you.

Eddie Arslanian, P.E.  
ENVIRON International Corporation  
707 Wilshire Boulevard, Suite 4950  
Los Angeles, California 90017  
Tel: 213.943.6326  
Fax: 213.943.6301

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# Exhibit N

# ENVIRON

March 1, 2004

Mr. J.T. Liu, P.E.  
Mr. David Young  
California Regional Water Quality Control Board  
Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Re: Remediation Equipment Removal  
4900 East Valley Boulevard, Valley-Alhambra Property  
Los Angeles, California (SLIC No. 967)

Dear Messrs. Liu and Young:

ENVIRON International Corporation (ENVIRON) requests authorization from the California Regional Water Quality Control Board – Los Angeles Region (LARWQCB) to remove the remediation equipment from the property located at 4900 Valley Boulevard, Los Angeles, California (Site).

As agreed with the LARWQCB on November 18, 2003, ENVIRON performed confirmation soil sampling and final ground water sampling activities at the Site in December 2003 and January 2004. Based on the results of the soil and ground water samples, presented in ENVIRON's report dated February 3, 2004 and submitted to the LARWQCB, ENVIRON recommended that the LARWQCB issue a "No Further Action" designation for the Site.

It is ENVIRON's understanding that the LARWQCB has reviewed the results of the soil and ground water samples and is in agreement with ENVIRON's recommendation for "No Further Action" designation for the Site, pending submittal of the "Case Review Form." Therefore, ENVIRON requests authorization from the LARWQCB to remove the remediation equipment from the Site for the following reasons:

1. The current tenant of the Site is eager to remove the remediation equipment, as it has been a nuisance to its operations and taking up considerable space.
2. The responsible party for the Site continues to pay a monthly lease for the remediation equipment that has not been used for over 16 months, due to post-rebound monitoring and confirmation soil sampling activities.



Mr. J.T. Liu, P.E.  
Mr. David Young

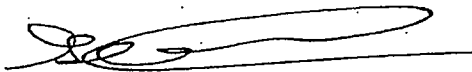
-2-

March 1, 2004

3. ENVIRON would like to transport the remediation equipment to another site to put into beneficial use.

ENVIRON will be submitting the "Case Review Form" to the LARWQCB shortly to finalize the closure procedures. If you have any questions regarding this letter, please call any of the undersigned.

Very truly yours,



George O. Linkletter, Ph.D., R.G. (No. 3728)  
Principal



Bita Tabatabai, P.E. (No. C51294)  
Manager

P:\Valley Alhambra\Regional Board Correspondence\letter re equipment removal 030104.doc

Copy: Mr. Robert Anderson, Leggett & Platt  
Ms. Joan Donnellan, Leland, Parachini, Steinberg, Matzger & Melnick, LLP  
Mr. Gary Herman, S.D. Herman Co., Inc.

**EXHIBIT D**

1 NORTHROP SCHLUETER  
A Professional Law Corporation  
2 Linda L. Northrup, Esq. (SBN 102156)  
31365 Oak Crest Drive, Suite 250  
3 Westlake Village, California 91361  
Tel (818) 707-2600  
4 Fax (818).707-2675

5 Attorneys for Interested Party  
6 VALLEY-ALHAMBRA PROPERTIES,  
a California general partnership

7

8

STATE OF CALIFORNIA

9

STATE WATER RESOURCES CONTROL BOARD

10

11 IN THE MATTER OF THE PETITION OF  
LEGGETT AND PLATT, INC., FOR  
12 REVIEW OF WATER CODE SECTION  
13267 ORDER DATED JUNE 11, 2008 BY  
13 THE CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD, LOS  
14 ANGELES REGION

Petition No.  
PARTIAL JOINDER OF VALLEY  
ALHAMBRA PROPERTIES IN PETITION  
FOR REVIEW PURSUANT TO WATER  
CODE SECTION 13320 AND 23 C.C.R.  
§2050 ET SEQ; DECLARATION OF GARY  
J. HERMAN, SR. IN SUPPORT THEREOF

15

16 **I. INTRODUCTION**

17 Valley-Alhambra Properties (“Valley Alhambra”) is a partnership which is the owner of real  
18 property located at 4900 Valley Boulevard, Los Angeles, California (“Site”). Valley Alhambra is a  
19 party interested in the proceedings initiated by the Regional Water Quality Control Board (“Regional  
20 Board”) which resulted in the issuance of an order pursuant to Water Code Section 13267 on June  
21 11, 2008 (“June 11 Order”) directed to Leggett and Platt, Inc., the successor in interest to Valley  
22 Alhambra’s former tenant on the Site. The Valley Alhambra partnership has always consisted of a  
23 group of elderly owners, several of whom have passed away during the lengthy time that this  
24 remediation process has been pending. As set forth in detail in the accompanying Declaration of  
25 Gary Herman, Sr., one of the remaining partners of Valley Alhambra, this process has been ongoing  
26 for well over 10 years and has had a significant negative impact on the use and financing of the  
27 property, has detrimentally impacted its rental value and has precluded any sale of the property for a  
28 full fair market value.

1 During the period since Leggett and Platt ceased its operations on the property, the Site has  
2 been rented to a succession of warehousing tenants. There have been no manufacturing operations at  
3 the property during that period nor occupation by any tenant whose use would have involved any risk  
4 of discharge of contaminants or have contributed in any way to any pre-existing hazardous  
5 conditions on the Site. Declaration of Gary Herman, Sr., paragraph 3.

6 **II. NAME AND ADDRESS OF PARTY IN INTEREST**

7 All correspondence and written communications regarding this matter should be directed to:

8 Gary J. Herman, Sr.  
9 1201 S. Olive Street  
10 Los Angeles, California 90015  
11 Telephone: 213-747-6531, Ext. 114  
12 Facsimile: 213-747-4305  
13 [garysr@sdherman.com](mailto:garysr@sdherman.com)

14 With a copy to:

15 Linda L. Northrup, Esq., Counsel for Valley Alhambra Properties  
16 Northrup Schlueter, A Professional Law Corporation  
17 31365 Oak Crest Drive, Suite 250  
18 Westlake Village, California 91361  
19 Telephone: 818-707-2600  
20 Facsimile: 818-707-2675  
21 [lnorthrup@nsplc.com](mailto:lnorthrup@nsplc.com)

22 **III. SPECIFIC ACTION OF THE REGIONAL WATER BOARD FOR WHICH STATE  
23 WATER BOARD REVIEW IS REQUESTED**

24 Valley Alhambra joins in the request of Leggett and Platt for review of the Section 13267  
25 Order issued by the Regional Water Board on June 11, 2008 ("June 11 Order") to the extent set forth  
26 herein and incorporates by reference the copy of the order attached to the Petition of Leggett and  
27 Platt as Exhibit A.

28 **IV. DATE OF THE REGIONAL WATER BOARD ACTION**

June 11, 2008.

**V. STATEMENT OF REASONS WHY THE REGIONAL WATER BOARD'S ACTION  
WAS INAPPROPRIATE OR IMPROPER**

Valley Alhambra partially joins in the Petition of Leggett and Platt for the reasons set forth  
below:

1           1.       Investigation, remediation, and confirmation monitoring activities, as well as the data  
2 derived from these activities, evidence that current conditions of the soil and ground water at the Site  
3 do not pose a substantial risk to human health or the waters of the State;

4           2.       Given the extensive work performed at the Site over the last 10 years, characterization  
5 of the Site is sufficient to understand the pre- and post-remedial conditions at the Site;

6           3.       The burden, including costs of compliance, imposed by the Order does not bear a  
7 reasonable relationship to the benefits that may be obtained from the reports and investigations  
8 sought by the Order;

9           4.       Investigation, remediation, and confirmation monitoring to date justifies closure of  
10 the Site without further investigation.

11           Valley Alhambra joins in the request of Leggett and Platt that the Petition be held in  
12 abeyance for the maximum period and reserves its right to supplement its submission if the Petition  
13 is reactivated.

14           However, to the extent that any portion of the Leggett & Platt Petition is based on an  
15 argument that Leggett and Platt is not a proper party or subject to the jurisdiction of the Water Board  
16 with respect to this Site and orders relating thereto, Valley Alhambra expressly declines to join in  
17 those portions of the Petition and opposes any such relief sought by Leggett and Platt in connection  
18 therewith and reserves the right to supplement its submission with additional authorities and  
19 evidence should any hearing be held thereon.  
20

21 **IV.    STATEMENT OF GRIEVANCE OF INTERESTED PARTY**

22           Valley Alhambra is aggrieved by the Order because: (1) Closure should have been issued  
23 when requested by Valley Alhambra on terms which had been approved by the Regional Water  
24 Board in January 2007; and (2) the June 11 Order imposes an excessive and continuing unnecessary  
25 financial burden on Valley Alhambra as the owner of the Site. See Declaration of Gary J. Herman,  
26 Sr. submitted herewith.  
27  
28

1 **VII. SPECIFIC ACTION THAT INTERESTED PARTY REQUESTS THE STATE**  
2 **BOARD TO TAKE**

3 Valley Alhambra requests that the June 11 Order be rescinded in its entirety on the grounds  
4 that it is beyond the scope of investigation necessary to characterize the Site for closure. The State  
5 Water Board should direct the Regional Water Board to issue a closure letter for the Site.

6 Valley Alhambra joins Petitioner's request that the State Water Board hold this Petition in  
7 abeyance for the maximum time period or until reactivated. Valley Alhambra reserves the right to  
8 amend its submission and to request further action if the Petition is reactivated.

9 To the extent that any portion of the Leggett & Platt Petition requests that the Order be  
10 rescinded only as to Leggett and Platt, that Valley Alhambra be joined or that there be a finding that  
11 Leggett and Platt is not a proper party subject to the June 11 Order or subject to the jurisdiction of  
12 the Water Board or Regional Water Board with respect to this Site and orders relating thereto, Valley  
13 Alhambra expressly declines to join in those portions of the Petition and opposes any such relief  
14 sought by Leggett and Platt in connection therewith and reserves the right to supplement its  
15 submission with additional authorities and evidence should any hearing be held thereon.

16 **VIII. PARTIAL JOINDER IN POINTS AND AUTHORITIES SUBMITTED BY**  
17 **PETITIONER LEGGETT AND PLATT**

18 Valley Alhambra joins and incorporates herein by reference the arguments and authorities  
19 contained in the Petition of Leggett and Platt in Section VIII., Parts A. (Applicable Standard of  
20 Review), C. (Data from Ground Water Sampling Reports ...Show that the Current condition of the  
21 Soil and Groundwater Does not Pose a Substantial Risk, etc.), D. (The Regional Water Board Has  
22 Not Provided Prima Facie Evidence to Show a Change in Conditions Since it Ordered the  
23 Remediation Equipment Removed and Stated the Site was Eligible for Closure, Subject to  
24 Restrictive Covenants), and E. (The Cost Associated with the Investigation Required by the Order  
25 Has No Reasonable Relationship to the Nominal Threat, etc.).  
26  
27  
28



1 **IX. STATEMENT OF SERVICE ON REGIONAL WATER BOARD**

2 A copy of this partial joinder has been sent to the Regional Water Board.

3 **X. JOINDER IN REQUEST FOR PREPARATION OF RECORD, FOR EVIDENTIARY**  
4 **HEARING AND FOR STAY**

5 Valley Alhambra joins in the request of Leggett and Platt for the preparation of the record in  
6 this matter by the Regional Water Board, for a Stay of the June 11 Order and for an evidentiary  
7 hearing on the matters raised in the Petition for the reasons and based on the authority stated therein  
8 to the extent joined by Valley Alhambra herein.

9 **XI. CONCLUSION**

10 Based on the fact that this Site has been subject to a full and complete investigation and  
11 remediation and was approved for closure by the Regional Water Board and that no new information  
12 or conditions warrant reopening of the Site and that the great financial burdens imposed by the June  
13 11 Order far outweigh the potential benefits, if any, from the new work required thereunder, Valley  
14 Alhambra joins in the requests for relief, including a stay and evidentiary hearing, set forth in the  
15 Petition of Leggett and Platt, Inc. and incorporates the facts and legal authorities set forth therein to  
16 the extent and on the grounds set forth herein.

17 Dated: July 10, 2008

NORTHROP SCHLUETER  
A Professional Corporation

  
Linda L. Northrup, Esq.

Attorneys for Valley Alhambra Properties



1 DECLARATION OF GARY HERMAN, SR.

2 I, Gary J. Herman, Sr. declare as follows:

3 1. I am 77 years old and am one of the remaining partners (with my 76 year old wife,  
4 Beverly) of Valley Alhambra Properties, a partnership which is the owner of real property located at  
5 4900 Valley Boulevard, Los Angeles, California ("Site"). I have been a commercial real estate  
6 broker and property manager for over fifty years and have been extensively involved in: the  
7 management, leasing, financing and sale of commercial and industrial properties similar to the Site at  
8 issue. I have personal knowledge of the facts set forth herein and could and would competently  
9 testify thereto under oath.

10 2. In 1993 when contamination was first identified at the Site, the partners in the  
11 property included Ruth Shelby and Barney and Dorothy Weingard. In 2003 at the age of 90, Ruth  
12 Shelby passed away. Her interest in the property is currently held by her son, Charles Shelby, a  
13 Catholic priest who resides in Illinois. Earlier this year, at the age of 90, Barney Weingard passed  
14 away. Although his wife, Dorothy, is a remaining partner, she suffers from severe Alzheimer's  
15 disease, was not even able to attend her husband's funeral, and depends on the income from this  
16 property to fund her required full time nursing care. My wife and I suffer from numerous age related  
17 health conditions. I recently had serious colon surgery and my wife was recently diagnosed with an  
18 inoperable aneurysm and faces additional surgery in the coming months.

19 3. I have been the person primarily responsible for managing the Site for the Valley  
20 Alhambra partnership. After Leggett & Platt shut down its facility, the property was vacant until  
21 August 1995. Since then, the following tenants have occupied the Site for the various businesses  
22 described below, none of which involve manufacturing or use of solvents or chemicals to the best of  
23 my knowledge and belief. I have visited the Site numerous times while these tenants have been in  
24 occupancy and have seen nothing on the Site inconsistent with the type of business authorized to be  
25 conducted under their respective leases as set forth below:

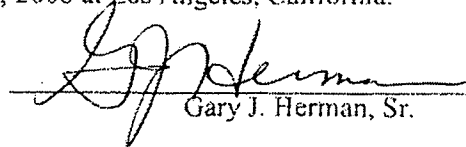
26	1995 - 1999	Apak International	Warehousing of used clothing
27	1999 - 2002	Los Angeles City Mission	Warehousing of used clothing
28	2002 - 2003	A-1 Clothing	Warehousing of used clothing

1	2003 - 2007	Sasco Electric	Warehousing of electrical products
2	2007 - present	Murray Plumbing &	
3		Heating	Warehousing of plumbing products

4 5. In my experience, it is possible to demand and obtain higher rents from tenants with  
5 manufacturing operations or more sophisticated business operations. Warehousing is a use which  
6 generally brings in a lower quality tenant and property usable only as warehousing space has a lesser  
7 rental value than property which can be used for manufacturing operations. Over the past 13 years, I  
8 have attempted to market the Site to manufacturing tenants such as had been on the property up to  
9 the time it was vacated by Leggett and Platt. However, the fact that the site is subject to an ongoing  
10 and open investigation and remediation by the Regional Water Board has been a reason stated to me  
11 by numerous prospective manufacturing tenants that they will not consider leasing the property for  
12 their businesses as they do not want to risk being held responsible for any hazardous conditions  
13 which may exist on the property. This has in my opinion, drastically reduced the rental income that  
14 Valley Alhambra has been able to obtain for this property and this impact will continue as long as  
15 the Site remains open and the ongoing investigations continue.

16 6. During the lengthy period in which this Site has been under investigation and remains  
17 open, the Valley Alhambra partners have been subject to extreme financial hardship as relates to this  
18 Site. The pending remediation (now for over 15 years) and characterization of the Site as an open  
19 site has had a significant deleterious impact on the ability to obtain financing for the property, on the  
20 rental income for this property and has prevented any sale of the property for its full commercial  
21 property value.

22 I declare under penalty of perjury that the foregoing is true and correct and that this  
23 declaration was executed this 10<sup>th</sup> day of July, 2008 at Los Angeles, California.

24   
25 \_\_\_\_\_  
26 Gary J. Herman, Sr.

(PROOF OF SERVICE)

STATE OF CALIFORNIA        ]  
  ]ss.  
COUNTY OF LOS ANGELES    ]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within proceeding; my business address is 31365 Oak Crest Drive, Suite 250, Westlake Village, California 91361.

On July 10, 2008, I served the following document(s) described as **PARTIAL JOINDER OF VALLEY ALHAMBRA PROPERTIES IN PETITION FOR REVIEW PURSUANT TO WATER CODE § 13320 AND 23 C.C.R. §2050; DECLARATION OF GARY J. HERMAN, SR. IN SUPPORT THEREOF** on the interested parties in this proceeding by facsimile to the numbers listed below and by placing true and correct copies thereof in a sealed envelope addressed as follows:

Mr. David Young Regional Water Quality Control Board 320 West Fourth St. Suite 200 Los Angeles, California Facsimile No. 213-576-6640	State Water Resources Control Board Office of Chief Counsel Jeannette L. Bashaw 1001 I Street 22 <sup>nd</sup> Floor Sacramento, California Facsimile No. 916-341-5199
Joan C. Donnellan, Esq. Parker, Milliken, Clark, O'Hara & Samuelian 555 So. Flower Street, 30 <sup>th</sup> Floor Los Angeles, California 90071 Facsimile No. 213-683-6669 Counsel for Leggett and Platt, Inc.	

**BY EXPRESS SERVICE CARRIER**

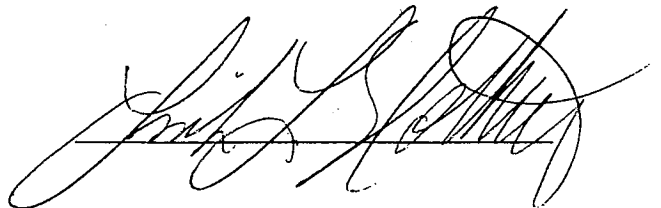
I deposited in a box or other facility regularly maintained by the express service carrier in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served.

Executed on July 10, 2008, at Los Angeles, California.

**STATE** — I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

**FEDERAL** — I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
LINDA L. NORTHRUP





# PARKER MILLIKEN

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

JOAN C. DONNELLAN

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

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: Request For Reconsideration re Section 13267 Order  
4900 Valley Alhambra Blvd Site, (SLIC No 0967, Site ID 204DJ00)

Dear Mr. Young:

On June 11, 2008, the California Regional Water Quality Control Board, Los Angeles Region ("Regional Water Board") issued a Section 13267 Order ("Order") to Leggett & Platt Incorporated ("Leggett & Platt") relating to above-referenced site. In response to the Order, Leggett & Platt has filed a Petition with the State Water Resources Control Board pursuant to Water Code Section 13320 for review of the Order. A copy of the Petition is transmitted herewith.

Leggett & Platt has filed the enclosed Petition within 30 days of the issuance of the Order on the advice of counsel in order to preserve its right to administrative review. However, Leggett & Platt desires to continue to negotiate with the Regional Water Board in good faith in relation to the above-referenced site and the Order. Thus, Leggett & Platt has requested that its Petition to the State Water Resources Control Board be held in abeyance pending further good faith discussions between Leggett & Platt, the owner of the above-referenced site (Valley Alhambra), Environ, and the Regional Water Board.

As set forth more fully in the concurrently submitted request for reconsideration from George O. Linkletter of Environ, as well as the Petition and supporting Declaration enclosed herewith, Leggett & Platt and Environ have concluded that the Order does not accurately characterize the site history. Further, Leggett & Platt and Environ contend that the Order requests additional investigation that is not necessary. Investigation, assessment, and remediation activities conducted to date, and the data derived as a result thereof, do not support the need for further investigation. Indeed, the Regional Water Board was prepared to issue closure for the site until, most recently, the Regional Water Board changed its position without explanation or reference to any new facts or changed circumstances. Moreover, the broad scope of the Order would result in unnecessary and excessive expenditures that have no reasonable relationship to current conditions at the above-reference site.

4009-700 (330437)

ATTORNEYS AT LAW  
THIRTIETH FLOOR  
555 SO. FLOWER STREET · LOS ANGELES, CA 90071-2440  
(213) 683-6500 · FAX (213) 683-6669  
WWW.PMCOS.COM

**PARKER MILLIKEN**

ATTORNEYS AT LAW

David Young  
July 10, 2008  
Page 2

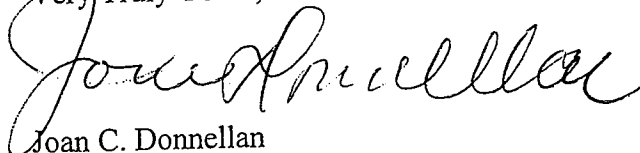
Additionally, as is also explained more fully in the enclosed Petition, the Regional Water Board has exceeded its authority in directing the Order to only Leggett & Platt. As reflected in the Regional Water Board's own files, Leggett & Platt has acted as the administrator of settlement funds used to fund the remediation of the above-referenced site pursuant to a settlement agreement between Valley Alhambra, Dresher, Inc., and Leggett & Platt. Notably, however, Leggett & Platt is not the owner of the property, there has been no finding of liability against Leggett & Platt for contamination at the site, and Leggett & Platt has not admitted any liability in entering into the settlement agreement.

Leggett & Platt does not object to being named as a recipient of the Order so long as the Order is amended to reflect the fact that Leggett & Platt's involvement is specifically limited to its role as the administrator of the settlement fund. Leggett and Platt, however, reserves the right to contest its involvement with the above-referenced site in any capacity other than as administrator of the settlement fund in any past, present, or future orders or directives from the Regional Water Board.

For these reasons, which are more fully described in the accompanying Petition and the concurrently filed request by George O. Linkletter of Environ, Leggett & Platt requests reconsideration of the Regional Water Board's June 11, 2008 Section 13267 Order.

Environ, Valley Alhambra, and my client, Leggett & Platt, look forward to an opportunity to discuss these matters with you and working with you towards reaching resolution of these issues.

Very Truly Yours,



Joan C. Donnellan  
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)

July 10, 2008

Via Hand Delivery & Facsimile

Mr. David Young  
Regional Water Quality Control Board  
320 West Fourth St., Suite 200  
Los Angeles, CA 90013

Re: Letter of Reconsideration of Order Pursuant to Water Code Section 132367  
SLIC No. 0967, Site ID 204DJ00

Dear Mr. Young;

This letter is intended to a request for consideration of the "Requirements" set forth in the June 11, 2008 Letter issued pursuant to Water Code Section 13267 relating to the above referenced Site.

Counsel for Leggett & Platt Incorporated has filed a Petition with the State Water Board which incorporates my Declaration and Valley Alhambra, the owner of 4900 Valley Boulevard, Los Angeles, California has filed a partial joinder asking, in part, that the Petition be held in abeyance while the Regional Water Quality Control Board reconsiders its Order.

We believe that the Order issued on June 11, 2008 does not accurately characterize the site history and requests additional investigation which is not necessary. As stated in my declaration:

Investigation, assessment, and remediation activities conducted to date, and the data derived as a result thereof, do not support the need for further investigation for the following reasons:

- The Site is located on shallow alluvial deposits, which lie above a non-waterbearing formation. Further, borings and wells installed at the Site confirm that the water-bearing strata at the Site are locally non-contiguous and that there is relatively little water present. In light of these data, contamination detected in shallow ground water beneath the Site does not pose a threat to aquifers that may be present down valley to the west of the Site, and there is no underlying aquifer.
- There are no public supply or privately owned wells within a one-mile radius of the Site.
- Ground water testing between 2001 and 2003 demonstrated that tetrachloroethylene (PCE) levels in the ground water beneath the Site were reduced by orders of magnitude (e.g., from a peak of 4,800 micrograms per liter ( $\mu\text{g/l}$ ) to 26  $\mu\text{g/l}$  at MW2, which is located immediately adjacent to the source area at the Site) as a result of Regional Water Board approved remediation at the Site.
- Investigations relating to historic operations at the Site are inconclusive regarding the cause of the PCE contamination at the Site, but clearly defined the source area. Given the results of the assessment, investigation, and remediation at the Site, it appears that source contamination at the Site has been sufficiently

remediated and remaining materials do not pose a substantial risk to human health or the environment.

- Data collected from monitoring wells and soil borings along the western property line of the Site (as well as other data points located downgradient from the source area), when compared to substantially higher contamination levels in the source area on the Site and within the context of the hydrostratigraphy at the Site, indicate only limited migration of contaminants away from the source area. (This is referred to in Exhibit A to this letter and the Del Mar Analytical Report Attached to the Declaration.) The analytical results from the deepest samples from soil borings along the western property boundary were judged reflective of ground water conditions and demonstrated only low or non-detectable concentrations of contaminants in that area prior to the startup of the remediation system.
- The radius of influence of the remediation system that operated at the Site, which include an extraction well immediately adjacent to the Site's western property line, indicate that the remedial process also addressed adjacent contamination which may have migrated to the downgradient property.
- ENVIRON prepared a "Risk Assessment of Potential Migration of Volatile Organic Compounds to Indoor Air," dated November 28, 2005, which concluded that the "cumulative cancer risks are no higher than  $1 \times 10^{-5}$  (mostly attributed to PCE) and recommended that the Regional Water Board provide a "No Further Action" designation for "unrestricted use for the site." In its April 17, 2006 memorandum addressed to the Regional Water Board, the Office of Environmental Health Hazard Assessment (OEHHA) stated that it agreed with ENVIRON's conclusions regarding the risk assessment.
- It has been our understanding that, with the possible exception of requiring some additional soil gas work, the Regional Water Board had previously determined that the Site is suitable for closure. To my knowledge, the Regional Water Board has no new information or data to suggest a change from the empirical results that the Regional Board relied on to authorize the removal of the remediation equipment in preparation to formally close the Site, and thus to justify the demand for additional investigation of VOC's at the Site.
- Remaining contamination at and beneath the Site should dissipate without further active remediation and there is no evidence to suggest that it will pose a significant risk to human health or the environment.

We have advised both Valley Alhambra and Leggett & Platt that the cost of additional investigation would require the development of a new scope of work for off-site investigation, installation of ground water wells, monitoring costs, additional reporting and related work could easily exceed \$250,000, as referenced in my July 10, 2008 declaration. 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.



Mr. David Young

- 3 -

July 10, 2008

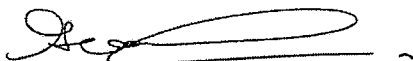
As set forth in my July 10, 2008 declaration, the information regarding the use history of the Site and data from investigations by other consultants, ENVIRON's investigations, the ground water sampling data submitted to the Regional Water Board after the completion of the remediation at the Site, and 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.

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.

The Regional Water Board's June 11, 2008 Order to commence a new investigation would result in excessive costs that will not yield corresponding benefits to public health and safety, especially given that the Regional Water Board's Order does not clearly define the objectives of the additional testing.

We are prepared to provide you with additional information or meet with the Board to discuss our position including providing any information or analysis from our existing records or Regional Board records to obtain closure.

Very truly yours,



George O. Linkletter, PhD  
Principal and Senior Vice President

GOL:js

Q:\A\Alhambra\Correspondence\Letter of Reconsideration 071008\_final.doc

cc: Linda Northrup, Northrup Schlueter  
Gary Herman, S. D. Herman Co., Inc.  
Eddie Arslanian, ENVIRON  
Su Han, RWQCB – LA Region  
Joan Donnellan, Parker Milliken Clark O'Hara & Samuelian  
Gordon Billheimer, Leggett & Platt

EXHIBIT F



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

Office of Chief Counsel  
1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California 95814  
P.O. Box 100, Sacramento, California 95812-0100  
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

July 14, 2008

**FILE**

Linda L. Northrup, Esq.  
Northrup Schlueter  
31365 Oak Crest Drive, Suite 250  
Westlake Village, CA 91361  
[lnorthrup@nsplc.com](mailto:lnorthrup@nsplc.com)

Dear Ms. Northrup:

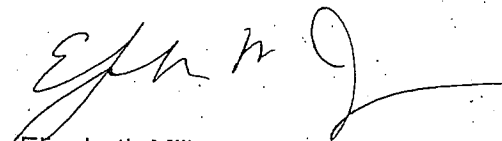
PETITION OF VALLEY-ALHAMBRA PROPERTIES (WATER CODE SECTION 13267 LETTER DATED JUNE 11, 2008, REQUIRING SUBMITTAL OF A WORK PLAN FOR 4900 VALLEY BOULEVARD, LOS ANGELES, LOS ANGELES COUNTY), LOS ANGELES WATER BOARD: ACKNOWLEDGMENT OF PETITION RECEIVED AND APPROVAL OF REQUEST TO BE HELD IN ABEYANCE  
**SWRCB/OCC FILE A-1936(a)**

This will acknowledge receipt of the above petition on July 10, 2008. You have asked that the State Water Resources Control Board (State Water Board) hold the matter in abeyance for an unspecified period of time. We are happy to do so in hopes that the matter may be worked out between you and the Regional Water Quality Control Board (Regional Water Board). We will hold the matter in abeyance for two years from the date the petition was filed. If, by that time, no resolution of the matter has taken place or the matter has not become the subject of an active dispute, you may either request that the abeyance period be extend for another two-year period, or the petition will be dismissed.

If you have any questions, please call me at (916) 341-5175.

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO  
SWRCB/OCC FILE A-1936(a)**

Sincerely,

  
Elizabeth Miller Jennings  
Staff Counsel IV

cc: See next page

*California Environmental Protection Agency*

cc: Mr. Gary J. Herman, Sr.  
1201 S. Olive Street  
Los Angeles, CA 90015  
garysr@sdherman.com

Joan C. Donnellan, Esq.  
Parker, Milliken, Clark,  
O'Hara & Samuelian  
555 S. Flower Street, 30<sup>th</sup> Floor  
Los Angeles, CA 90071-2440  
jdonnellan@pmcos.com

Mr. Robert Anderson  
Leggett & Platt, Incorporated  
Number 1 Leggett Road  
P.O. Box 757  
Carthage, MO 64836-0757

Ms. Tracy Egoscue **[via email only]**  
Executive Officer  
Los Angeles Regional Water Quality  
Control Board  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Mr. David Bacharowski **[via email only]**  
Assistant Executive Officer  
Los Angeles Regional Water Quality  
Control Board  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Ms. Deborah Smith **[via email only]**  
Assistant Executive Officer  
Los Angeles Regional Water Quality  
Control Board  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Mr. David Young **[via email only]**  
Engineering Geologist  
Los Angeles Regional Water Quality  
Control Board  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013

Michael J. Levy, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Jennifer L. Fordyce, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Jeffery M. Ogata, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Elizabeth Miller Jennings, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100



# State Water Resources Control Board



Linda S. Adams  
Secretary for  
Environmental Protection

Office of Chief Counsel  
1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California 95814  
P.O. Box 100, Sacramento, California 95812-0100  
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>

Arnold Schwarzenegger  
Governor

July 14, 2008

**FILE**

Joan C. Donnellan, Esq.  
Parker, Milliken, Clark, O'Hara & Samuelian  
555 S. Flower Street, 30<sup>th</sup> Floor  
Los Angeles, CA 90071-2440  
jdonnellan@pmcos.com

Dear Ms. Donnellan:

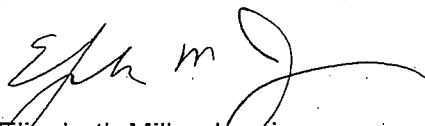
PETITION OF LEGGETT & PLANT, INCORPORATED (WATER CODE SECTION 13267  
LETTER DATED JUNE 11, 2008, REQUIRING SUBMITTAL OF A WORK PLAN FOR 4900  
VALLEY BOULEVARD, LOS ANGELES, LOS ANGELES COUNTY), LOS ANGELES WATER  
BOARD: ACKNOWLEDGMENT OF PETITION RECEIVED AND APPROVAL OF REQUEST  
TO BE HELD IN ABEYANCE  
**SWRCB/OCC FILE A-1936**

This will acknowledge receipt of the above petition on July 10, 2008. You have asked that the State Water Resources Control Board (State Water Board) hold the matter in abeyance for an unspecified period of time. We are happy to do so in hopes that the matter may be worked out between you and the Regional Water Quality Control Board (Regional Water Board). We will hold the matter in abeyance for two years from the date the petition was filed. If, by that time, no resolution of the matter has taken place or the matter has not become the subject of an active dispute, you may either request that the abeyance period be extend for another two-year period, or the petition will be dismissed.

If you have any questions, please call me at (916) 341-5175.

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO  
SWRCB/OCC FILE A-1936**

Sincerely,

  
Elizabeth Miller Jennings  
Staff Counsel IV

cc: See next page

cc: Mr. Robert Anderson  
Leggett & Platt, Incorporated  
Number 1 Leggett Road  
P.O. Box 757  
Carthage, MO 64836-0757

Linda L. Northrup, Esq.  
Northrup Schlueter  
31365 Oak Crest Drive, Suite 250  
Westlake Village, CA 91361  
lnorthrup@nspic.com

Mr. Gary J. Herman, Sr.  
1201 S. Olive Street  
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garysr@sdherman.com

Ms. Tracy Egoscue **[via email only]**  
Executive Officer  
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Los Angeles Regional Water Quality  
Control Board  
320 West 4th Street, Suite 200  
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Michael J. Levy, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Jennifer L. Fordyce, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Jeffery M. Ogata, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

Elizabeth Miller Jennings, Esq. **[via email only]**  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100

EXHIBIT G

# PARKER MILLIKEN

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

JOAN C. DONNELLAN

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

November 17, 2008

## VIA HAND DELIVERY

Attn: David Bacharowski  
CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Re: Request For Reconsideration re: Section 13267 Order  
4900 Valley Alhambra Blvd Site (SLIC No 0967, Site ID 204DJ00)

Dear Mr. Bacharowski:

On June 11, 2008, the California Regional Water Quality Control Board, Los Angeles Region ("Regional Water Board") issued a Section 13267 Order ("Order") relating to above-referenced site. In response to the Order, Leggett & Platt Incorporated ("Leggett & Platt") filed a Petition with the State Water Resources Control Board pursuant to Water Code Section 13320 for review of the Order as well as a Request for Reconsideration concurrently filed with the Regional Water Board.

The State Water Resources Control Board issued an Order holding the Petition in Abeyance pending negotiations with the Regional Water Board. On October 14, 2008, Leggett & Platt, represented by Parker Milliken; Valley Alhambra Properties, represented by Linda Northrup; and the parties' consultant ENVIRON, represented by Dr. George Linkletter and Eddy Arslanian meet with you, Su Han, David Young, and Arthur Heath to discuss the Declaration of Dr. Linkletter in support of the Petition and the Request for Reconsideration.

After an extensive discussion, you agreed to approve a proposal for a soil gas investigation of the site located at 4900 Valley Boulevard ("On-Site Investigation") and an offsite groundwater investigation on the adjacent property ("Off-Site Investigation") now owned by Mirror Image, Inc. ("Mirror Image, Inc. Site").

4009-700 (337830)

ATTORNEYS AT LAW  
THIRTIETH FLOOR  
555 SO. FLOWER STREET · LOS ANGELES, CA 90071-2440  
(213) 683-6500 · FAX (213) 683-6669  
WWW.PMCOS.COM



**PARKER MILLIKEN**

ATTORNEYS AT LAW

Mr. David Bacharowski  
California Regional Water Quality Control Board  
November 17, 2008  
Page 2

Submitted with this letter is the proposal for both an On-site Investigation and Off-site Investigation prepared by Environ in response to the October 14, 2008 meeting. ("ENVIRON Proposal").

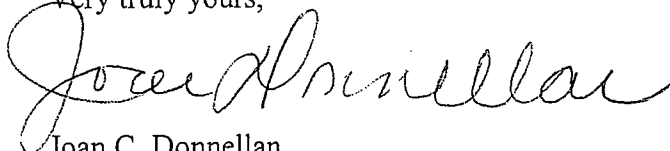
Given the extraordinary delays acknowledged by the Regional Water Board, this letter confirms that the Regional Water Board agreed to give priority to the approval of the ENVIRON Proposal, the evaluation of the results of the investigation set forth in the ENVIRON Proposal and issuance of a No Further Action designation for the Site. We also understand that the Regional Water Board is willing to issue a No Further Action designation as to the soils issues separately if evidence presented supports such issuance.

Valley Alhambra will coordinate with ENVIRON to seek access to the Mirror Image Site to conduct the Offsite Investigation consistent with the ENVIRON Proposal. In the event that Mirror Image, Inc. refuses sufficient access to conduct the Offsite Investigation, the Regional Water Board agreed to take immediate legal or administrative action against Mirror Image, Inc. ordering Mirror Image, Inc. to conduct or cooperate with ENVIRON to conduct the Offsite Investigation.

The ENVIRON Proposal, any documentation, reports or information submitted in connection with the ENVIRON Proposal and any investigation or remediation activities do not constitute an admission of liability by Leggett & Platt or Valley Alhambra or a waiver of Leggett & Platt's or Valley Alhambra's objections to the Order as set forth in Leggett & Platt's Petition or Valley Alhambra's joinder to the Petition, the Request for Reconsideration, or Parker Milliken's letter submitted to the Regional Water Board on July 10, 2008. Further, neither this letter nor the submission of the enclosed ENVIRON Proposal should be interpreted as a waiver of Leggett & Platt's or Valley Alhambra's right to reinstate the Petition, which is currently held in abeyance by the State Water Resources Control Board.

ENVIRON is prepared to commence testing within two weeks of approval the ENVIRON proposal. We request your response no later than November 25, 2008.

Very truly yours,



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

JCD/da  
Enclosures