

1 **FULBRIGHT & JAWORSKI L.L.P.**  
COLIN LENNARD (BAR NO. 42304)  
2 WILLIAM L. TROUTMAN (BAR NO. 246425)  
555 South Flower Street  
3 Forty-First Floor  
Los Angeles, CA 90071  
4 Telephone: (213) 892-9200  
Facsimile: (213) 892-9494  
5 Email: [clennard@fulbright.com](mailto:clennard@fulbright.com)  
[wtroutman@fulbright.com](mailto:wtroutman@fulbright.com)

6 Attorneys for Respondent Leach International, Inc.  
7

8 STATE OF CALIFORNIA

9 STATE WATER RESOURCES CONTROL BOARD  
10

11 In the Matter Of The Petition Of ) Petition Number:  
12 LEACH INTERNATIONAL, INC. )  
13 )  
14 ) **PETITION FOR REVIEW OF THE**  
15 ) **LOS ANGELES REGIONAL**  
16 ) **WATER QUALITY CONTROL**  
17 ) **BOARD ORDER DATED**  
18 ) **OCTOBER 1, 2008**  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

**INTRODUCTION AND SUMMARY**

18 Petitioner Leach International Inc. ("Leach") respectfully petitions the California State  
19 Water Resources Control Board ("State Board") to review the October 1, 2008 California Water  
20 Code Section 13267 Order of the Executive Officer of the Los Angeles Regional Water Quality  
21 Control Board (the "Regional Board") pursuant to California Water Code Section 13320 and  
22 California Code of Regulations Title 23, Section 2050 et seq. Leach also requests that the  
23 Petition be held in abeyance pending further notification pursuant to California Code of  
24 Regulations, Title 23, Section 2050.5(d).

1 **PETITION FOR REVIEW**

2 Pursuant to Section 2050 of Title 23 of the Code of Regulations, Leach provides the  
3 following information in support of the Petition.

4 **1. CONTACT INFORMATION OF PETITIONER**

5 Leach International Inc.  
6 6900 Orangethorp Avenue  
7 P.O. Box 5032  
8 Buena Park, CA 90622  
9 Telephone:

10 Colin Lennard and Will Troutman  
11 Fulbright & Jaworski L.L.P.  
12 555 So. Flower Street, 41<sup>st</sup>. Floor  
13 Los Angeles, CA 90071  
14 Telephone: (213) 892-9224  
15 E-mail: [cleannard@fulbright.com](mailto:cleannard@fulbright.com)

16 **2. THE ACTION FOR WHICH PETITIONER SEEKS REVIEW**

17 Leach seeks review of the Regional Board Executive Officer's Water Code Section 13267  
18 Order dated October 1, 2008 Site ID No. 184 6600 (the "Order"). A true and correct copy of the  
19 October 1, 2008 Letter and Order is included in Leach's Appendix as Exhibit A, in Support of  
20 Petition (the "Appendix").

21 **3. THE DATE THE REGIONAL BOARD ACTED**

22 The date of the Regional Board Executive Officer's issuance of the Letter and Order is  
23 October 1, 2008.

24 **4. STATEMENT OF REASONS WHY THE ACTION WAS**  
25 **INAPPROPRIATE OR IMPROPER**

26 The Regional Board Executive Officer's Order was inappropriate or improper for the  
27 following reasons:  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- A. The Regional Board Executive Officer abused her discretion by failing to consider substantial, undisputed evidence that the source of the contamination relating to Leach’s site was from upgradient off-site sources.
  
- B. The Regional Board Executive Officer acted arbitrarily and capriciously in denying Leach’s request for site closure in that the reasons set forth in the Regional Board’s October 1, 2008 letter and Water Code Section 13267 Order failed to consider substantial, overwhelming evidence provided by Leach that the contamination at issue emanates from upgradient off-site sources. (See Appendix: Exhibits B, L.)
  
- C. The Regional Board abused its discretion by refusing to issue a “No Further Action” or closure letter to Leach on the site. (See Appendix: Exhibit A.)
  
- D. The Regional Board abused its discretion by including provisions for civil penalties if Leach is unable to comply with the Work Plan deadlines, despite substantial evidence that additional work plans are redundant and unnecessary because of the upgradient off-site sources. (See Appendix: Exhibit C.)
  
- E. On July, 2007, SCS Engineers on behalf of Leach provided Regional Board staff with the last of numerous investigation reports (going back to 1991) at the request of and in consultation with the Regional Board staff, which report concluded that the former Leach facility is not a source of contamination. (See Appendix, Exhibits A, D, E, F, G, H, I, J & K.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

F. Leach has detrimentally relied upon findings by the Regional Board staff that the contamination on the former Leach site was emanating from upgradient off-site sources, as illustrated by previous written statements from the Regional Board. (See Appendix, Exhibits F, J & H.)

G. The Order of the Regional Board Executive Officer relating to alleged soil contamination is both arbitrary and an abuse of discretion in that said Order is totally inconsistent with a “No Further Action” letter issued by this same Regional Board concerning soil contamination on the former Leach site. (See Appendix: Exhibit J.)

**5. THE MANNER IN WHICH LEACH IS AGGRIEVED**

Petitioner is aggrieved for the reasons set forth in paragraph 4 above and as set forth in a letter dated July 16, 2007 from Fulbright & Jaworski on behalf of Leach. (See Appendix, Exhibit B.)

**6. PETITIONER’S REQUESTED ACTION BY THE STATE BOARD**

Petitioner respectfully requests that the State Board: (a) accept this Petition and (b) vacate the Executive Director’s Order of October 1, 2008 (c) grant Leach final closure of the facility. However, Leach requests at this time that the petition be held in abeyance by the State Board pending further actions, if any, by the Executive Director or the Regional Board. In addition, Petitioner reserves its right to seek a stay of the Regional Board Order from the State Board. (California Water Code section 13321; Title 23 California Code of Regulations, section CCR 2053).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. **STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION**

Petitioner will provide a detailed statement of Points and Authorities in the event the Executive Officer or the Regional Board take further action which necessitate Petitioner requesting the State Board to covert this Petition to active status.

8. **STATEMENT THAT THE PETITION WAS SENT TO REGIONAL BOARD**

A copy of this Petition has been transmitted to the Executive Officer of the Regional Board on October 31, 2008.


9. **REQUEST TO REGIONAL BOARD FOR PREPARATION OF ADMINISTRATIVE RECORD**

By copy of this Petition to the Executive Officer of the Regional Board, Petitioner requests the preparation of the Administrative Record herein.

Dated: October 31, 2008

Respectfully Submitted,

**FULBRIGHT & JAWORSKI L.L.P.**

By   
COLIN LENNARD  
Attorneys for Respondent Leach International Inc.

1 **FULBRIGHT & JAWORSKI L.L.P.**  
COLIN LENNARD (BAR NO. 42304)  
2 WILLIAM L. TROUTMAN (BAR NO. 246425)  
555 South Flower Street  
3 Forty-First Floor  
Los Angeles, CA 90071  
4 Telephone: (213) 892-9200  
Facsimile: (213) 892-9494  
5 Email: [clennard@fulbright.com](mailto:clennard@fulbright.com)  
[wtroutman@fulbright.com](mailto:wtroutman@fulbright.com)

6 Attorneys for Respondent Leach International, Inc.  
7

8 STATE OF CALIFORNIA  
9 STATE WATER RESOURCES CONTROL BOARD

10  
11 In the Matter Of The Petition Of ) Petition Number:  
12 LEACH INTERNATIONAL, INC. )  
13 )  
14 ) Petitioner. ) **APPENDIX TO PETITION FOR**  
15 ) **REVIEW OF THE LOS ANGELES**  
16 ) **REGIONAL WATER QUALITY**  
17 ) **CONTROL BOARD ORDER DATED**  
18 ) **OCTOBER 1, 2008**

19 This Appendix consists of the following Exhibits:\*

- 20 A. California Regional Water Quality Control Board, California Water Code Section 13267  
21 Order: Requiring Submittal of Technical Reports – Former Leach International Facility  
22 (Leach) 5915 Avalon Boulevard, Los Angeles, California (SLIC No. 0617, Site ID No.  
23 1846600), dated October 1, 2008.
- 24 B. Fulbright & Jaworski letter to California Regional Water Quality Control Board dated  
25 July 16, 2007 re: Request for Groundwater Closure of Former Leach International  
26 Facility, 5915 Avalon Boulevard, Los Angeles, CA (SLIC No. 617, File No. 1846600),  
27 including the Second Quarter 2007 Groundwater Monitoring Report for Former Leach

28 \* All of the Exhibits made part of this Appendix are part of the Administrative Record on file with the Regional Board, except Exhibit C and K.

1 International Facility 5915 Avalon Boulevard, Los Angeles, California (SLIC No. 617)  
2 prepared by SCS Engineers, dated July 2007.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

C. Memorandum from SCS Engineers to Colin Lennard dated October 29, 2008 re:  
Responses to Comments in RWQCB Letter of October 1, 2008.

D. Work Plan for Installation of Additional Groundwater Monitoring Wells Former Leach  
International Facility 5915 Avalon Boulevard, Los Angeles, California (SLIC No. 617),  
prepared by SCS Engineers, dated March 2006.

E. California Regional Water Quality Control Board letter to Leach International, dated  
March 23, 2005 re: Review of Closure Report – Former Leach International Facility, 5915  
Avalon Boulevard, Los Angeles, California (SLIC No. 0617, Site ID no. 1846600).

F. SCS Engineers letter to Los Angeles Regional Water Quality Control Board, dated  
September 14, 2004 re: Closure Report, Former Leach International Facility, 5915 Avalon  
Boulevard, Los Angeles, California (SLIC No. 617).

G. California Regional Water Quality Control Board letter to SCS Engineers, dated March  
15, 2001 re: Closure Report – Former Leach Corporation Facility – 5915 Avalon  
Boulevard, Los Angeles (File No. 96-142); SLIC #617.

H. Closure Report Former Leach Facility 5915 Avalon Boulevard, Los Angeles, California,  
prepared for Leach Corporation by SCS Engineers, dated January 2001.

1 I. California Regional Water Quality Control Board letter to SCS Engineers, dated February  
2 26, 1999, re: Closure Report – Former Leach Corporation Facility – 5915 Avalon  
3 Boulevard, Los Angeles (File No. 96-142); SLIC #617.


4  
5 J. Closure Report Former Leach Corporation Facility 5915 Avalon Boulevard, Los Angeles,  
6 California prepared by SCS Engineers, dated November 1998.

7  
8 K. Short History of Environmental Investigations Leach Los Angeles Facility, dated October  
9 30, 2008.

10  
11 Dated: October 31, 2008

Respectfully Submitted,

**FULBRIGHT & JAWORSKI L.L.P.**

12  
13  
14 By   
15 COLIN LENNARD  
16 Attorneys for Respondent Leach International Inc.