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DEPARTMENT OF NATURAL RESOURCES

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

PAUL W. JOHNSON, DIRECTOR

September 3, 1999

FAX AND MAIL

T.H. Agriculture & Nutrition, LLC
Attn. Cindy Butler
15313 W. 95th St.
Lenexa, KS 66219

Valmont Industries
Attn. Bill Taylor
One Valmont Plaza
Omaha, Neb. 68154-5215

RE: T.H. Agriculture Facility Investigation, 2060 West River Dr., Davenport, Iowa
Access to Valmont Industries Property, 2060 West River Dr., Davenport, Iowa

Dear Parties:

This letter is my understanding of the agreement resulting from our telephone conversations on Friday, September 3, 1999. I trust the letter will be forwarded to all necessary persons.

- Valmont Industries, Inc. (Valmont) has agreed to allow access to the property to complete construction of the deep bedrock monitoring well. T.H. Agriculture & Nutrition (T.H. Agriculture) has agreed to abandon and properly plug all but seven of the piezometers on the Valmont property. Abandonment will be completed in accordance with the procedures referenced in the Department's letter from Dan Cook dated August 27, 1999. Consultants for the parties will coordinate a schedule for completion of the well drilling and abandonment of the piezometers. It is the expectation that the piezometer and well drilling will be completed at the same time. T.H. Agriculture will provide the Department and Valmont with a diagram showing which piezometers will be maintained prior to mobilization.
- The aboveground construction of the piezometers will be completed to the satisfaction of Valmont to avoid any damage and to accommodate maintenance needs on the property.
- I am going to assume that access will be allowed to the consultant for T.H. Agriculture for the purpose of taking groundwater elevation data from the seven piezometers subject to prior notice and authorization from Valmont. This specific issue was not discussed but implicit in our discussions.
- Upon submission of the assessment report, the Department will determine if the piezometers will be maintained. The expectation at this point is that the piezometers will likely be abandoned and any further groundwater monitoring on this property will be conducted by installation of permanent monitoring wells, the location of

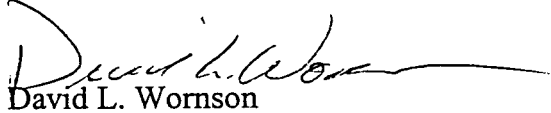
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which will be determined by the Department in consultation with the parties and their consultants.

- T.H. Agriculture will submit their site assessment report by October 29, 1999. A copy of the report shall be provided to Valmont.

I believe that granting access under these limited terms will satisfy the Department's assessment requirements until submittal and review of the report in October. I expect if further access is required, any outstanding issues will have to be addressed at that time.

Sincerely,



David L. Wornson
Staff Attorney
Wallace State Office Building
Des Moines, Iowa 50319
1-515-242-5817, fax # 1-515-281-8895

cc: Dan Cook, IDNR
Tom Egan, Valmont Industries, Inc., One Valmont Plaza, Omaha, Neb. 68154-5215
Mike Hockley, Spencer, Fane, Britt & Brown, LLP, 1000 Walnut St., Suite 1400, Kansas City, Mo 64106-2140.
Bill Pickens, RSA, 3700 West Robinson, Suite 200, Norman, OK 73072
Mike Heitman, CH2M Hill,