

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**CLEANUP AND ABATEMENT ORDER NO. R9-2023-0051
AN ORDER DIRECTING STARS PETROLEUM INC. AND GVS SYSTEMS INC.
TO CLEAN UP AND ABATE THE EFFECTS OF AN UNAUTHORIZED RELEASE
FROM STARS PETROLEUM, FORMERLY RAMONA DAY & NITE MOBIL,
1910 MAIN STREET, RAMONA, CALIFORNIA**

Stars Petroleum Inc. and GVS Systems Inc., are subject to the directives set forth in this Cleanup and Abatement Order (Order), as described below:

Table 1. Responsible Party Information

Stars Petroleum Inc. 1910 Main Street, Ramona, CA 92065	Contact(s): Theresa Kjonegaard Tim Kjonegaard
GVS Systems Inc. 11576 Scripps Creek Drive, San Diego, CA 92131	Contact: Vivi Eidsvig

Table 2. Facility Information

Name	Stars Petroleum, formerly known as Ramona Day & Nite Mobil, Ramona Day N Nite, Ramona Mobil, Mobil Mart, and Mobil Station #18-LH8
Address	1910 Main Street, Ramona, CA 92065 (San Diego County)
APN(s)	282-222-1900, 282-222-2000, and 282-222-2500.
Description	The Facility consists of a petroleum fueling station, convenience store, and automated carwash service. The fueling stations consists of three fiberglass double-walled, 12,000-gallons underground storage tanks (USTs) and eight fuel dispensers.

Table 3. Site Description

This Order defines the Site as the maximum lateral and vertical extent (i.e., plume) of petroleum products (i.e., methyl tertiary butyl ether [MTBE]) found in groundwater resulting from the unauthorized release of waste (unauthorized release) from Stars Petroleum (Facility).

Table 4. Unauthorized Release(s)

Unauthorized release of petroleum products associated with leaking underground storage tanks (USTs).
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Effective Date

I, David W. Gibson, Executive Officer, pursuant to delegated authority under Resolution No. R9-2005-0271, do hereby certify that the foregoing is a full, true, and correct copy of the Order issued on August 4, 2023.

Order No. R9-2023-0051 is effective upon the date of signature.

Ordered by:

DAVID W. GIBSON
Executive Officer

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I. FINDINGS

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds:

A. Legal and Regulatory Authority.

This Order conforms to and implements: (1) Health and Safety Code sections 25280-25299.8 (Health and Safety Code); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Water Board) and the Water Quality Control Plan for the San Diego Basin (Basin Plan) adopted by the San Diego Water Board, including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies, including: Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California (Resolution No. 68-16), Resolution No. 88-63, Sources of Drinking Water; Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304 (Resolution No. 92-49), and Resolution No. 2012-0016, Water Quality Control Policy for Low-Threat Underground Storage Tank Case Closure (Low-Threat Closure Policy); (5) State Water Board regulations, including: California Code of Regulations (CCR) title 23, sections 2720 through 2728 and CCR title 23, section 3890 et seq.; and (6) relevant standards, criteria, and advisories adopted by other state and federal agencies.

B. Basis for Cleanup and Abatement Order.

Health and Safety Code section 25296.10 authorizes the San Diego Water Board to require responsible parties to undertake corrective action to clean up and abate the effects of unauthorized release(s) from USTs. Pursuant to this statute, responsible parties must ensure that any corrective action taken will ensure protection of human health, safety, and the environment.

C. Scope of Cleanup and Abatement Order No. R9-2023-0051.

This Order addresses the cleanup and abatement of the unauthorized release from the Facility (Figure A) to the Site, which includes all wastes discharged to soil and groundwater. This Order defines the following areas as associated with the Facility:

1. **On-Property.** On-Property refers to the area defined by the property boundaries for the Facility. The Facility property size is approximately 0.23 acres (**Figure B**) and is bounded by Main Street to the northwest, Pala Street to the northeast, and Kelly Avenue to the southeast, and Assessor Parcels 282-222-0600, -2600, -1900, -2000, and -0282 to the southwest. The Facility occupies the northern portion of the On-Property area.

2. **Off-Property.** Off-Property refers to the area surrounding the On-Property area, impacted by the unauthorized release from the Facility. The boundaries of the Off-Property area shown in **Figure C** are estimated based on geotechnical investigations conducted prior to the issuance of this Order and are expected to change. The Off-Property area is currently a mix of residential homes and retail and commercial businesses.
3. **Site.** Site refers to the collective On-Property and Off-Property areas. The Site is located in the Ramona Hydrologic Subarea (905.41) of the San Pasqual Hydrologic Area (905.30) of the San Dieguito Hydrologic Unit (905.00).

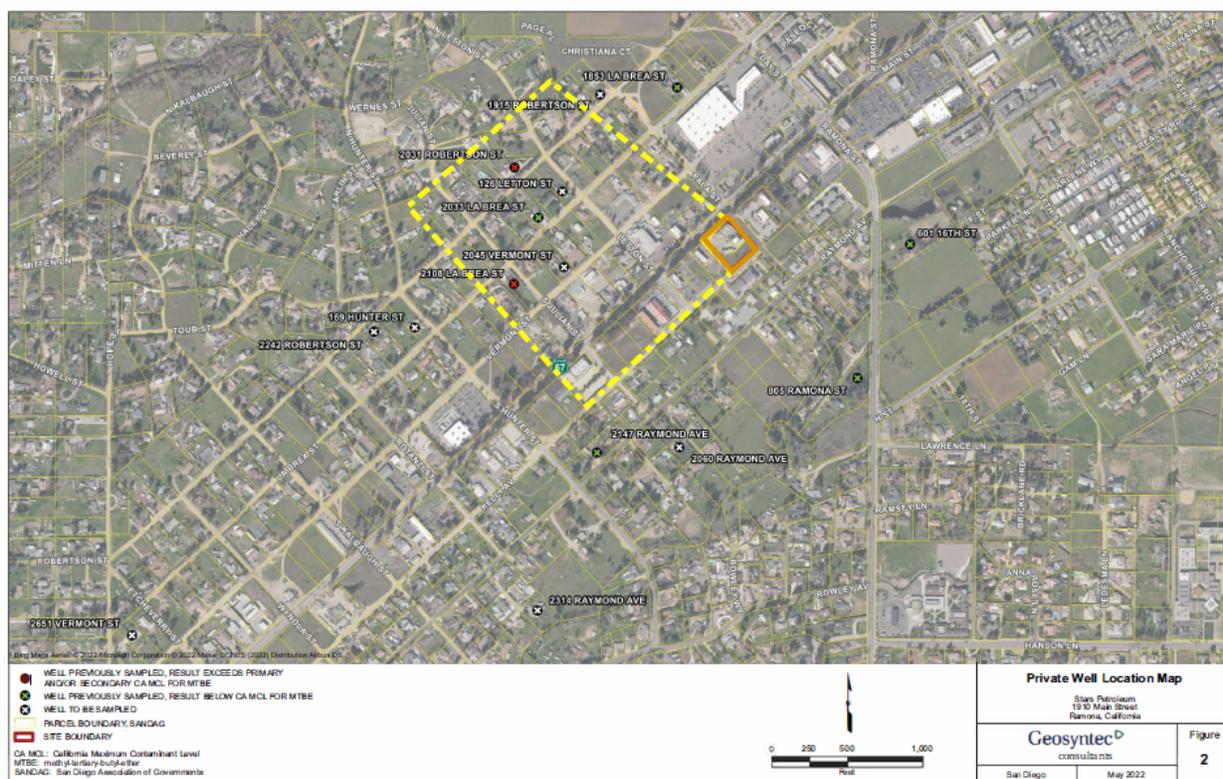
Figure A. Facility Boundary



Source: Workplan for Additional Offsite Groundwater Assessment (HP19, HP20, HP21) and Well Installation (MW24), The Reynolds Group, February 11, 2019
GeoTracker: https://documents.geotracker.waterboards.ca.gov/es/uploads/geo_report/3588784992/T0607391310.PDF

Legend: Facility Boundary

Figure C. Estimated Off-Property Area



D. Site History.

Exxon Mobil Oil Corporation (Exxon Mobil) prepared an environmental assessment (EA) report which, in part, investigated historical ownership of the On-Property area. The EA report identified that various individuals owned the On-Property area prior to 1988, and that the On-Property area remained mostly undeveloped. Vivi Eidsvig purchased the On-Property area in 1988 and formed GVS Systems Inc. (GVS) in 1990. GVS constructed and operated a petroleum fueling station and convenience store (i.e., the Facility) from 1990 through 2001.

GVS discovered an unauthorized release from one of the three USTs on August 13, 1999. GVS reported the unauthorized release of gasoline to the San Diego County Department of Environmental Health and Quality (DEHQ) on August 17, 1999. GVS investigated and identified a leak in the regular unleaded fuel product pipeline. The investigation identified improper piping joint closures, epoxy seals, and sloping of the secondary containment as potential causes for the unauthorized release. GVS performed soil sampling below the former product lines to identify impacts to soil from the unauthorized release. GVS collected soil samples on September 1, 1999, under DEHQ supervision. GVS subsequently installed a new product pipeline system and secondary containment system to

bring the Facility into compliance with existing UST regulations¹. DEHQ staff issued a letter requiring “*No Further Action*” and closed the unauthorized release investigation case on October 4, 1999.

Exxon Mobil conducted a phase I and limited phase II EA in June 2000 as part of a pre-purchase investigation. The EA evaluated soil and groundwater conditions at the On-Property area. Exxon Mobil identified total petroleum hydrocarbons as gasoline (TPHg), benzene, MTBE, tertiary butyl alcohol (TBA), and acetone in soil; and TPHg, benzene, MTBE, tertiary amyl methyl ether (TAME), ethyl tertiary butyl ether (ETBE), and TBA in groundwater. Exxon Mobil concluded that a new unauthorized release occurred at the Facility and decided not to purchase the Facility and On-Property area. GVS submitted the EA report findings and results to the DEHQ on September 8, 2000. The DEHQ reviewed the EA report and issued a notice of responsibility to GVS for a second unauthorized release investigation for the Facility on October 16, 2000.

Stars Petroleum Inc. (Stars) purchased the Facility and On-Property area from GVS on September 11, 2001. The DEHQ re-issued the notice of responsibility to Stars for the second unauthorized release on November 27, 2001. The responsible parties conducted limited soil, groundwater, and soil gas investigations and implemented soil and soil gas remedial activities beginning September 2001. The results of the investigations confirmed and partially delineated the impact of the unauthorized release in groundwater.

The DEHQ transferred regulatory oversight of the unauthorized release to the San Diego Water Board on October 4, 2019.

E. Unauthorized Release of Waste.

The Facility has operated as a petroleum service station since 1990. Petroleum products stored in the Facility’s USTs are present in soil and groundwater samples collected from the Site. Constituents of concern (COCs) identified in soil and groundwater samples include, but may not be limited to, TPHg, acetone, benzene, toluene, ethylbenzene, xylenes (BTEX), MTBE, TBA, TAME, ETBE, naphthalene, isopropyl benzene, n-butylbenzene, n-propylbenzene, sec-butylbenzene, 1,2,4, trimethyl benzene, and carbon disulfide. The discharge of these COCs from USTs to the environment constitutes an unauthorized release, as set forth in Health and Safety Code section 25281(x).

¹ CCR title 23, division 3, chapter 16.

F. Persons Responsible for the Unauthorized Release.

GVS and Stars are named as the Responsible Parties for the unauthorized release to soil and groundwater at the Site. CCR title 23, section 2720 defines a “responsible party” as any one or more of the following:

1. Any person who owns or operates an underground storage tank used for the storage of any hazardous substance;
2. In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use;
3. Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and
4. Any person who had or has control over a [sic] underground storage tank at the time of or following an unauthorized release of a hazardous substance.

The San Diego Water Board reserves the right to name any additional responsible parties, and to amend and/or reissue this Order for any reason. The following list further describes the ownership and operations conducted by the Responsible Parties:

- GVS Systems Inc. GVS owned the On-Property area from December 27, 1988, through September 11, 2001. As such, it is a responsible party pursuant to CCR title 23, section 2720(3).
- Stars Petroleum Inc. Stars purchased the On-Property area from GVS on September 12, 2001, and is the current owner. As such, it is a responsible party pursuant to CCR title 23, section 2720(3) and (4).

G. Beneficial Uses of Groundwater.

The Site is located within the Ramona Hydrologic Sub Area (905.41) in the Santa Maria Valley Hydrologic Area (905.40) of the San Dieguito Hydrologic Unit (905.00). The Basin Plan designates beneficial uses for waters of the state and establishes water quality objectives to protect these uses. Present and potential future beneficial uses of groundwater within the San Dieguito Hydrologic Unit include municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply. Water quality objectives to support the MUN use are more stringent than those for AGR and

IND uses. The water quality objectives for MUN are the Maximum Contaminant Levels (MCLs)² specified in Table 64444-A of CCR title 22, section 64444.

H. Threat to Water Quality and Sensitive Receptors.

The unauthorized release caused and continues to threaten to cause a condition of pollution or nuisance and an increased health risk to sensitive receptors of groundwater. The Responsible Parties and Exxon Mobil conducted soil, groundwater, and soil vapor investigations at the Site. The results of these investigations identified a threat to water quality, human health, and environmental receptors at the Site due to the unauthorized release of waste at the Facility.

1. **Soil Investigations.** Exxon Mobil conducted a complete phase I and limited phase II EA in June 2000. Exxon Mobil installed four borings and collected soil samples approximately every 5 feet up to 25 feet below ground surface (bgs) at the Facility to evaluate the potential presence of petroleum products in soil. Laboratory analysis of the soil samples detected TPHg, benzene, MTBE, TBA, and acetone.

The Responsible Parties collected additional soil samples approximately every 5 feet up to 25 feet bgs from the On-Property area between January 2001 and April 2010, to further investigate the downgradient and cross-gradient impacts of the unauthorized release in soil. Analytical results from these investigations identified the presence of TPHg, BTEX, MTBE, and TBA in soil.

The soil samples collected to date indicate limited contamination of TPHg, BTEX, MTBE, TBA, and acetone in the vadose zone and in close vicinity of the Facility area (up to monitoring well MW-3). Elevated concentrations of TPHg, BTEX, and MTBE are detected in saturated soils that extend downgradient (southwest) from the Facility area but is limited to within the boundary of the On-Property area. Pollutants from the unauthorized release appear to have migrated vertically (up to 25 feet bgs) from the Facility area into groundwater and dispersed laterally in the saturated zone. The impacts of

² MCLs are public health-protective drinking water standards that must be met by public water systems. MCLs consider not only chemicals' health risks but also factors such as their detectability and treatability, as well as the costs of treatment. Primary MCLs can be found in CCR title 22, sections 64431 - 64444. Secondary MCLs address the taste, odor, or appearance of drinking water, and are found in CCR title 22, section 64449. Additional information regarding MCLs can be viewed by visiting the State Water Resources Control Board's Chemicals and Contaminants in Drinking Water website at: https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chemicalcontaminants.html

the unauthorized release in soil are adequately delineated and currently do not warrant further investigation.

- 2. Groundwater Investigations.** Exxon Mobil installed four groundwater monitoring wells in the Facility area in June 2000, to evaluate the potential presence of petroleum products in groundwater, as part of the EA. Analysis of groundwater samples from these wells detected TPHg, benzene, MTBE, TAME, ETBE, and TBA at a maximum concentration of 3,300 µg/L, 3.3 µg/L, 6,500 µg/L, 160 µg/L, 230 µg/L, 1,100 µg/L, respectively.

The Responsible Parties subsequently installed an additional 21 groundwater monitoring wells at the Site from June 2001 through March 2021, in the downgradient and cross gradient direction of the unauthorized release to delineate the dissolved COC plume in groundwater.

All Site groundwater monitoring wells are screened in the shallow groundwater zones, between 5 and 25 feet bgs. The Responsible Parties performed semi-annual groundwater monitoring at the Site since 2000. Currently, a total of 10 Site monitoring wells are sampled for all volatile organic compounds during each semi-annual monitoring event. Site groundwater analytical data collected since 2000, indicates the presence of TPHg, BTEX, MTBE, ETBE, TAME, TBA, ethanol, naphthalene, isopropyl benzene, n-butylbenzene, n-propylbenzene, sec-butylbenzene, and 1,2,4, trimethyl benzene in the On-Property area and TPHg, MTBE, ETBE, TAME, carbon disulfide, ethanol, and TBA in the Off-Property area. Groundwater data from the most recent (May 2022) semi-annual groundwater sampling event indicates a southwesterly groundwater flow with a hydraulic gradient of 0.44 feet per foot (ft/ft) in the On-Property area, and 0.0037 ft/ft further downgradient in the Off-Property area. Laboratory analysis of groundwater samples collected during the May 2022 semi-annual sampling event detected elevated concentrations of benzene and MTBE in the On-Property monitoring well MW-7 and MTBE in the On-Property monitoring well MW-14. The analysis also detected elevated concentrations of MTBE in Off-Property area monitoring wells MW-22, and MW-23.

The California Department of Public Health (CDPH) established a primary MCL for MTBE of 13 µg/L and secondary MCL of 5 µg/L corresponding to the *de minimis* cancer risk derived from animal studies. Benzene is a known carcinogen in humans and laboratory animals and has an MCL of 1 µg/L. The MCLs for toluene, ethylbenzene, and xylene are 150, 300, 1750 µg/L, respectively. The CDPH and United States Environmental Protection Agency (U.S. EPA) did not establish MCLs for the other COCs detected in groundwater.

The groundwater sampling data from the Facility and On-Property area indicate dissolved concentrations exceed the MCLs for benzene and MTBE. However, while the dissolved benzene plume does not extend to the Off-Property area, the dissolved MTBE plume does extend to the Off-Property area. Therefore, the unauthorized release at the Facility resulted in a groundwater contaminant plume that extends from the Facility to the west-southwest on to the Off-Property area. Dissolved MTBE concentrations in the Off-Property area exceed the MCL and are not in conformance with the water quality objectives needed to support MUN uses of groundwater in the Off-Property area, creating a condition of pollution and nuisance in waters of the state. Groundwater monitoring and supplemental investigations are needed to better understand the fate and transport of the groundwater contaminant plume including any impacts to other supply wells located at the Site.

Table 5 below, summarizes the maximum concentrations of COCs detected in groundwater during the May 2022 semi-annual groundwater sampling event.

Table 5. Concentration of COCs in Groundwater³

COC	Maximum Monitoring Well Groundwater Concentration (µg/L)
MTBE	3,400
Benzene	26
Carbon disulfide	1.5
Ethanol	6,600
Ethylbenzene	130
ETBE	22
Isopropyl benzene	17
n-Butylbenzene	2.8
n-Propylbenzene	30
sec-Butylbenzene	4.1
Toluene	0.81
TBA	3,100
TPHg	5,000
TAME	57

- Water Supply Well Investigations.** Past investigations conducted by the Responsible Parties identified 46 water supply wells within a half -mile radius of the On-Property area. The closest identified wells are 300 to 500 feet northwest, northeast, and south of the On-Property area. All groundwater wells identified to date are privately owned. The nearest public water supply

³ 2022 First Semi Annual Groundwater Monitoring Report. Geosyntec Consultants. September 26, 2022.

wells operated by the Ramona Municipal Water District are located approximately 1.5 miles northeast of the On-Property area. The Responsible Parties conducted sampling of 14 water supply wells located within a half-mile of the On-Property area since 2021. Well owners of at least nine of the 14 water supply wells confirmed that well water is currently used for MUN purposes, including drinking water at four properties. Additional investigations are needed to (1) identify and sample other private water supply wells located on Site or in the vicinity of the Site, (2) fully delineate the vertical and lateral extent of the groundwater plume, (3) evaluate the impacts of the unauthorized release from the Facility, and (4) develop a remedial strategy to protect human health and safety, and the environment.

Water supply well samples collected to date indicate the presence of COCs including MTBE in two of the 14 water supply wells sampled. **Table 6** below, provides the maximum concentrations of COCs detected to date from the sampled water supply wells. Sampling results indicate the MTBE plume in groundwater extends downgradient toward the water supply well located at 2108 La Brea Street, Ramona, California. This property is located approximately 1600 feet directly west of the On-Property area. The MTBE plume also extends to the water supply well located at 2031 Robertson Street, Ramona, California. This property is approximately 1400 feet northwest and cross gradient from the On-Property area. **Figure C** shows a map of the Site with known water supply wells and results from the May 2022 semi-annual groundwater sampling event. Groundwater data collected to date indicates MTBE impacts from the unauthorized release to a beneficial-use aquifer.

Table 6. Concentration of COCs in Water Supply Wells⁴

COC	Maximum Concentration from La Brea Street Water Supply Well (µg/L)	Maximum Concentration from Robertson Street Water Supply Well (µg/L)
MTBE	208	9.4
Benzene	Not Detected	Not Detected
Ethylbenzene	Not Detected	Not Detected
Toluene	Not Detected	Not Detected
TPHg	180	Not Detected
TAME	3.6	Not Detected

4. **Human Health Risk Assessments.** Stars conducted a Human Health Vapor Risk Assessment (HHVRA) to assess the potential carcinogenic and non-

⁴ 2022 First Semi Annual Groundwater Monitoring Report. Geosyntec Consultants. September 26, 2022.

carcinogenic risks to human health at the Facility on May 3, 2010. The HHVRA results indicated a low risk to human health via vapor intrusion from groundwater contamination at the Facility.

5. **Soil and Groundwater Remedial Actions.** The Responsible Parties have taken the following remedial actions to date:
- a. **Soil Excavations.** The Responsible Parties excavated and removed approximately 16 tons of petroleum contaminated soils from the On-Property area, in September 1999. The Responsible Parties disposed of the soils to Soil Wash Technologies, Inc. in San Diego, California.
 - b. **Air Sparge/Soil Vapor Extraction (AS/SVE).** The Responsible Parties installed and operated an air sparge/soil vapor extraction (AS/SVE) remediation system at the Facility from July 2014 to November 2015. The AS/SVE remediation system removed approximately 25 pounds of TPHg.

The Responsible Parties installed an additional AS/SVE remediation system at the Off-Property area (Ramona Automotive and Denny's Restaurant), to address the hydrocarbon-impacted groundwater identified to the east of the unauthorized release. The Off-Property AS/SVE remediation operated from April through October 2018. The AS/SVE system was subsequently removed from the Off-Property area after sampling results indicated that the remedial effort was ineffective in removing hydrocarbons from groundwater.

Additional groundwater remediation is necessary to clean up the discharge of wastes from the Facility.

I. **Cleanup Levels Pursuant to Resolution No. 92-49.**

Resolution No. 92-49⁵ sets forth the policies and procedures for the investigation and cleanup and abatement of discharges of wastes and requires that cleanup levels be consistent with Resolution No. 68-16. Resolution No. 92-49 applies to the cleanup and abatement of the effects of waste discharged at the Site.

Resolution 92-49 requires Responsible Parties to clean up and abate the effects of discharges in a manner that promotes the attainment of background water quality, or the best water quality that is reasonable if background water quality cannot be restored, considering all demands being made and to be made on those waters and the total volumes involved, beneficial and detrimental, economic and social, tangible and intangible. Any alternative cleanup levels greater than background concentrations must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present

⁵ https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1992/rs1992_0049.pdf

and anticipated beneficial use of water of the state; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Therefore, any alternative groundwater cleanup levels greater than background must be protective of the beneficial uses designated for the Ramona Hydrologic Sub Area.

J. Basis, Need, and Benefit for Requiring Technical and Monitoring Reports.

Health and Safety Code section 25296.10 authorizes the San Diego Water Board to require any person who discharged, discharges, or is suspected of having discharged, or is discharging waste within the Region to prepare technical and monitoring reports. The technical and monitoring reports required by this Order are needed to provide information to the Board regarding (1) the nature and extent of the discharge, (2) the nature and extent of nuisance conditions created by the discharge, (3) the risk to human health resulting from the discharge, and (4) the appropriate cleanup and abatement measures capable of meeting cleanup levels consistent with Resolution No. 92-49. The technical and monitoring reports will enable the Board to understand the vertical and lateral extents of the discharge and provide information needed to determine which cleanup and abatement measures are necessary to bring the Site into compliance with Resolution No. 92-49 and ensure the protection of human health and the environment.

K. California Environmental Quality Act Compliance.

The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CCR title 14, section 15321(a)(2). This Order directs the Responsible Parties to prepare and submit technical and monitoring reports, and to undertake corrective actions through implementation of remedial action plans as required by this Order. The San Diego Water Board will evaluate compliance with CEQA when it considers approval of the Responsible Parties proposed remedial action plans.

L. Qualified Professionals.

The Responsible Parties' reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigations and remediation. Professionals must be qualified, licensed where applicable, and competent and proficient in fields relevant to the required activities. Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of licensed professionals.

IT IS HEREBY ORDERED, pursuant to Health and Safety Code sections 25296.10 *et seq.* and regulations set forth in CCR title 23, sections 2720 through 2728, the Responsible Parties must comply with the following directives:

II. DIRECTIVES

The Responsible Parties must undertake all investigative and corrective actions necessary to clean up and abate the impacts from the unauthorized release to the Site. The Responsible Parties must ensure the Site is cleaned up or abated in a manner that attains background concentrations or alternate cleanup levels approved by the San Diego Water Board. Groundwater from water supply wells identified as impacted by the unauthorized release must be remediated to background levels or replaced with a continuous supply of clean water. Directives associated with the Site, are as follows:

A. Site Investigation and Water Supply Well Contingency Work Plan.

The Responsible Parties must submit a Site Investigation and Water Supply Well Mitigation Work Plan (SIC Work Plan) to the San Diego Water Board within 90 calendar days of the issuance date of this Order. The Responsible Parties must develop the SIC Work Plan to: (1) immediately investigate and mitigate the actual or potential impacts to water supply wells from the unauthorized release pursuant to CCR title 23, section 2722(b); (2) identify and monitor any water supply wells threatened by the unauthorized release; (3) identify any soil, groundwater, or soil vapor data gaps associated with the unauthorized release; and (4) fully delineate the lateral and vertical extent of the unauthorized release. The SIC Work Plan must, at a minimum, include:

1. **Study Questions.** COCs identified in this Order are detected in groundwater within the On- and Off-Property areas. The appropriate next steps are: (1) take immediate actions to protect sensitive receptors and the environment, which are threatened by the use of groundwater impacted by the unauthorized release; and (2) investigate the impairment of groundwater quality and beneficial uses caused by the unauthorized release. The Responsible Parties must include study questions to be answered throughout the implementation of the SIC Work Plan. The study questions must include, at a minimum, the following:
 - a. What is the maximum lateral and vertical extent of the unauthorized release?
 - b. What is the nature and magnitude of impacts to groundwater quality and beneficial uses from the unauthorized release?
 - c. Which water supply wells are, or may be, threatened by the unauthorized release?

- d. Does the unauthorized release pose a direct or indirect risk to human health, safety, and the environment?
 - e. What mitigation measures, if any, are necessary to immediately address direct or indirect threats to human health, safety, and to the environment?
 - f. What additional investigations are necessary prior to developing a remedial action plan for the Site?
 - g. What remedial actions are necessary to clean up and abate the impacts from the unauthorized release?
 - h. The Responsible Parties may pose and respond to additional study questions for the purpose of addressing the unauthorized release in groundwater at the Site. The Responsible Parties must provide rationale for proposing any supplemental studies. San Diego Water Board staff will consider this information when evaluating the need for additional actions.
2. **Maps.** The Responsible Parties must include Site maps that provide all relevant information associated with the unauthorized release and the proposed activities. The SIC Work Plan must include, at a minimum, the following maps:
- a. Site maps to clearly illustrate the location of monitoring, mitigation/remediation, and water supply wells; soil and soil vapor borings; and historical remedial areas including excavation.
 - b. Environmental features maps which clearly illustrate the locations of chemical storage areas, fuel pump stations, source areas, lithologies, and mitigation/exposure pathways for each COC in groundwater.
 - c. Isoconcentration maps for all COCs. For well locations that are well clusters, each isoconcentration map must be prepared using the highest concentration observed at each well cluster. Isoconcentration maps must be prepared using a log scale. A cross-section must be included, and oriented along the general core of the plume showing COC concentrations at each well or interval within a well cluster along the cross-section.
 - d. Groundwater elevation maps for each monitored water-bearing zone with the groundwater flow direction and calculated hydraulic gradient(s) clearly indicated.
3. **Historical Unauthorized Release Assessment.** The Responsible Parties must include a comprehensive historical unauthorized release assessment (HA) for the Site to: (1) understand the current and historical use and storage of chemicals within the Site, and (2) understand the potential pathways for pollutant transport from the Facility to the Site. The HA must include, at a minimum, the following:

- a. List of all chemicals, materials, and wastes stored or used within the On-Property area that may have contributed to the unauthorized release.
 - b. Descriptions of any operations that occurred within the On-Property area that are known or suspected to have contributed to the unauthorized release.
 - c. Data collected by or available to the Responsible Parties for the unauthorized release that may have contributed to the pollutants found in groundwater.
 - d. Description of known or suspected sources of unauthorized releases that may have historically contributed to, or are currently contributing to, pollutants in groundwater.
 - e. Descriptions of historical soil and groundwater investigations and remediation conducted within the Site.
4. **Investigation and Remediation Summary.** The Responsible Parties must provide a summary of all previous investigations and remedial actions conducted by the Responsible Parties and Exxon Mobil.
5. **Monitoring Data Summary.** The Responsible Parties must provide a summary of all previous and current monitoring conducted by the Responsible Parties and Exxon Mobil. The monitoring data summary must include, but may not be limited to, the following:
- a. Historical groundwater, soil, and soil vapor sampling results listed in tabular form.
 - b. Description and summary of any other data or special studies conducted within the Site.
 - c. Description of any current and future monitoring programs within the Site.
 - d. Description and summary of monitoring conducted by other entities within the Site.
6. **Conceptual Site Model.** The Responsible Parties must develop a Conceptual Site Model (CSM) based on the HA and previous investigations within the Site. The CSM will help develop a comprehensive framework used to identify data gaps and support characterization and remedial decision-making processes. The Responsible Parties must periodically update the CSM as additional data are collected. The CSM must include, at a minimum, the following:
- a. A Site description that includes the history, geology, hydrogeology, environmental features, source areas, historical and current investigations, mitigation/remediation activities, Site reconnaissance, and environmental

phase assessments, COC migration pathways, receptors of concern, and the extent of COCs in soil and groundwater.

- b. A flowchart showing the sources and discharge mechanisms of the unauthorized release, and the potential threat to human health, safety, and the environment.
7. **Water Supply Well Contingency Plan.** The Responsible Parties must prepare a Water Supply Well Contingency (WSC) Plan that includes, at a minimum, the following:
- a. A proposal to identify and obtain access to the water supply wells in the Off-Property area.
 - b. A proposal to provide uninterrupted replacement water service for MTBE-impacted water supply well owners.
 - c. A proposal to monitor water supply wells that have known or threatened impacts from the unauthorized release.
 - d. A proposal to conduct public outreach and community meeting(s) to inform the public about the impacts from the unauthorized release.
8. **Sampling and Analysis Plan.** The Responsible Parties must develop a Sampling and Analysis Plan (SAP) that describes the proposed sampling methodologies, analytical methods, analytes, and sampling locations. The SAP must be adequate to answer the study questions in Directive A.1. The SAP must include, at a minimum, the following:
- a. **Sample Locations.** Proposed groundwater sampling locations.
 - b. **Chemical Analyses.** Proposed COCs in groundwater analyzed during each sampling event.
 - c. **Field Parameters.** Proposed field parameters (i.e., dissolved oxygen, pH, turbidity, temperature, oxidation reducing potential) measured during each sampling event.
 - d. **Well Parameters.** Proposed well parameters (i.e., current condition, construction details, depth to groundwater, pump placement depth, calculated well volume, purge times and volume) recorded and used during each sampling event.
 - e. **Quality Assurance Project Plan.** The Quality Assurance Project Plan (QAPP) must describe the project objectives and organization, functional activities, and quality assurance/quality control (QA/QC) protocols for the sampling conducted in accordance with the SAP.

- f. **Waste Management Plan.** The Waste Management Plan must describe the proposed measures used to manage and dispose of wastes generated during each sampling event.
9. **Site Investigation Implementation Schedule.** The Responsible Parties must prepare a Site Investigation Implementation Schedule (Implementation Schedule) that describes in detail the timing for all proposed activities associated with the implementation of the SIC Work Plan.
 - a. The Responsible Parties must implement the SIC Work Plan in compliance with the Implementation Schedule approved by San Diego Water Board staff, unless otherwise directed in writing by the Executive Officer. The Responsible Parties may provide the Executive Officer with a written request to modify the Implementation Schedule if unforeseen circumstances arise that cause delays. Any proposed changes to the Implementation Schedule must be considered and approved by the Executive Officer. The Responsible Parties must notify the Board in writing upon completion of the activities in the Implementation Schedule and SIC Work Plan.

B. Water Supply Well Contingency Plan Progress Reports.

The Responsible Parties must submit Water Supply Well Contingency Plan Progress Reports (WSC Progress Reports) to the San Diego Water Board within 30 calendar days of the end of each quarter. The first WSC Progress Report is due upon completion of the first full month of Water Supply Well Contingency Plan implementation. Each WSC Progress Report must include, but is not limited to, the following:

1. Detailed description of the mitigation measures taken and any deviations from the mitigation measures proposed in the SIC Work Plan.
2. Historical and current water supply well sampling data presented in tabular format and on maps, including updated CSM maps, as necessary.
3. Supporting information such as well logs, field notes, analytical laboratory reports, and waste disposal manifests.
4. Implementation schedule updates.
5. Conclusions and recommendations.

C. Site Investigation Report.

The Responsible Parties must submit a Site Investigation Report to the San Diego Water Board within 90 calendar days of the completion of the last scheduled activity of the SIC Work Plan. The Site Investigation Report must

present the findings from the implementation of the SIC Work Plan and include, at a minimum, the following:

1. Description of all activities completed to address identified data gaps.
2. Sampling data in tabular format and on maps including updated CSM maps, as necessary.
3. Supporting information such as well logs, field notes, analytical laboratory reports, and waste disposal manifests.
4. Conclusions and recommendations.

D. Corrective Action Plan.

The Responsible Parties must submit a Corrective Action Plan (CAP) to the San Diego Water Board within 120 calendar days of the Board's concurrence on the Site Investigation Report. The Responsible Parties must develop the CAP to satisfy the provisions of the regulations governing USTs in CCR title 23, section 2610, et seq. The CAP must address the cleanup of groundwater impacted by the unauthorized release from the Facility, and must include, at a minimum, the following elements:

1. **Assessment of Impacts.** The CAP must include an assessment of impacts in accordance with CCR title 23, section 2725(e).
2. **Site Groundwater Feasibility Study.** The CAP must include a Site Groundwater Feasibility Study in accordance with CCR title 23, section 2725(f) and pursuant to Resolution No. 92-49. The Responsible Parties must conduct a Site Groundwater Feasibility Study that: (1) evaluates the technological and economic feasibility of cleaning up the unauthorized release in groundwater to background water quality conditions, or alternative groundwater cleanup levels approved by the San Diego Water Board, (2) evaluates a variety of remedial alternatives, and (3) proposes remedial alternative(s) capable of achieving background water quality or San Diego Water Board approved alternative groundwater cleanup levels.

The Responsible Parties may conduct pilot tests, if needed, to confirm that the selected remedial alternative(s) in the Site Groundwater Feasibility Study will be effective in achieving groundwater cleanup levels. The Responsible Parties must submit the following information to the San Diego Water Board, if pilot tests are proposed during remedial activities:

- a. A Pilot Test Work Plan must include, at a minimum, the purpose of the pilot test, proposed field work activities, and a description of proposed performance monitoring activities.

- b. A Pilot Test Report must be submitted to the San Diego Water Board **within 30 calendar days** of completion of the Pilot Test Work Plan. The Pilot Test Report must summarize all completed field work activities, results, conclusions, and recommendations.
3. **Groundwater Cleanup Levels.** The CAP must include a discussion on the applicable cleanup levels in accordance with the requirements of CCR title 23, section 2725(g). The discussion must demonstrate compliance with the requirements found in CCR title 23, section 2721(b), Resolution No. 92-49, and Finding No. I of this Order.
4. **Site Groundwater Remedial Actions Plan.** The CAP must include a Site Groundwater Remedial Action Plan (RAP) for the unauthorized release to groundwater at the Site. The RAP must include, but is not limited to, the following:
 - a. A detailed description of all planned activities for implementation of the selected remedial alternative(s) identified in the Site Groundwater Feasibility Study, and
 - b. A detailed schedule for implementation of the RAP.
5. **Groundwater Monitoring Program Plan.** The CAP must include a Groundwater Monitoring Program (GMP) Plan to continuously monitor the: (1) fate and transport of the unauthorized release within the Site, (2) impacts of the unauthorized release at the Site, and (3) effectiveness of corrective actions implemented to clean up the unauthorized release from the Facility. The Responsible Parties must ensure the GMP Plan complies with the verification monitoring requirements of CCR title 23, section 2727. The GMP Plan must include, at a minimum, the following:
 - a. A groundwater monitoring plan for the Site. Include any changes to the existing semi-annual groundwater monitoring plan and the rationale for the proposed changes.
 - b. A water supply well monitoring plan. Include any changes to the monitoring plan implemented under the SIC Work Plan and the rationale for the proposed changes.
 - c. A map showing the location of all monitoring and water supply wells in the groundwater monitoring network.
 - d. A table listing the monitoring and water supply wells in the groundwater monitoring network.
 - e. An implementation schedule that describes in detail the timing for all proposed monitoring and reporting events.

- f. ASAP consistent with the requirements specified in Directive A.8
 - g. Findings from the Site investigation and water supply well contingency activities conducted as part of Directives A and B.
6. **Corrective Action Plan Implementation.** The Responsible Parties must implement the CAP **within 90 calendar days** of San Diego Water Board concurrence. The Responsible Parties must notify the San Diego Water Board in writing of its intent to implement the CAP **at least 14 calendar days** prior to implementation.
7. **Corrective Action Plan Progress Reports.** The Responsible Parties must submit quarterly CAP Progress Reports to the San Diego Water Board for **within 30 calendar days** following the end of each quarter. The first CAP Progress Report must be submitted after the first full quarter of CAP implementation. Each quarterly CAP Progress Report must include, but is not limited to, the following:
- a. Site map(s) that clearly illustrates the locations of monitoring wells, water supply wells, other sampling points, former/current UST systems (and product piping) and buildings located at the Facility, and other commercial gas stations in the vicinity of the Facility.
 - b. Groundwater elevation map for each monitored water-bearing zone with the groundwater flow direction and calculated hydrologic gradients(s) clearly indicated on the figure(s). The GMR must also include a rose diagram to provide clarity regarding the groundwater flow direction.
 - c. Isoconcentration map(s) for COCs with most recent COC concentrations for each monitored water-bearing zone, as appropriate.
 - d. Tables of current and historical groundwater and water supply well sampling data (chemical data, depth to groundwater, and groundwater elevation data).
 - e. Analytical laboratory reports, field logs, and waste manifests.
 - f. Sampling protocols and analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data.
 - g. Groundwater data interpretation and description of any significant increases in COCs since the previous report, any measures proposed to address the increases, any changes to the CSM and/or CAP, any schedule updates, and conclusions and recommendations.

E. Corrective Action Plan Completion Report.

The Responsible Parties must submit a CAP Completion Report to the San Diego Water Board within 90 calendar days of the Board's approval of the CAP

Progress Report for the last scheduled activity scheduled in the CAP. The CAP Completion Report must verify the completion of all cleanup activities and demonstrate that:

1. The Responsible Parties completed all corrective actions necessary to clean up and abate the effects of the unauthorized release to groundwater at the Site.
2. Groundwater concentrations in the water supply wells within the Site are protective of beneficial uses and meet background concentrations or alternative cleanup levels previously approved by the San Diego Water Board.
3. Conclusions and recommendations. Include a CAP verification monitoring and reporting plan to evaluate corrective action effectiveness in all affected aquifers.

F. Compliance Dates.

The Responsible Parties must ensure compliance with the directives of this Order. Table 7 provides a summary of the activities and compliance dates for the requirements of this Order.

Table 7. Compliance Due Dates for Deliverables

Directive	Activity	Due Date
A	Site Investigation and Water Supply Well Contingency Work Plan	Submit within 90 calendar days of the issuance of this Order
B	Water Supply Well Contingency Plan Progress Reports	Submit within 30 calendar days of the end of each quarter
C	Site Investigation Report	Submit within 90 calendar days of the completion of the last scheduled activity of the SIC Work Plan.
D	Corrective Action Plan	Submit within 120 calendar days of receiving the Board's concurrence on the Site Investigation Report
D.6	Corrective Action Plan Implementation	Implement the CAP within 90 calendar days of receiving concurrence from the San Diego Water Board
D.6	Corrective Action Plan Implementation Notification	Notify the San Diego Water Board at least 14 calendar days prior to implementation of the CAP

D.7	Corrective Action Plan Progress Reports	Submit within 30 calendar days of the end of each quarter
E	Corrective Action Plan Completion Report	Submit within 90 calendar days of the San Diego Water Board's approval of the CAP Progress Report for the last scheduled activity scheduled in the CAP

G. Penalty of Perjury Statement.

The Responsible Parties' corporate officers or duly authorized representatives must sign all documents submitted to the San Diego Water Board. All documents must include the following statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

III. PROVISIONS

A. General Provision.

Cleanup, abatement, investigation, and remedial activities must be in conformance with applicable state and federal laws and regulations, and water quality standards, including but not limited to, all applicable provisions and prohibitions contained in the Basin Plan, beneficial uses, water quality objectives, and implementation plans. This Order does not preempt or supersede the authority of municipalities, flood control agencies, or other state or local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.

B. Duty to Comply.

Any noncompliance with this Order constitutes a violation of the Health and Safety Code and is grounds for: (1) enforcement actions, and (2) termination, revocation, and re-issuance of this Order. If the Responsible Parties violate any requirement of this Order, or addenda thereto, they must notify the San Diego Water Board case manager by email within five calendar days of the violation. The San Diego Water Board may, depending on the severity of the violation,

require the Responsible Parties to submit a separate technical report addressing the violation within five calendar days of the email notification.

C. Duty to Submit Other Information.

If any one of the Responsible Parties becomes aware that it or any other Responsible Party has failed to submit any relevant facts in any submittal required under this Order, or has submitted inaccurate information in any such report, the Responsible Party must promptly submit, in writing, such facts or information to the San Diego Water Board.

D. Modification or Suspension of Cleanup Activities.

The Responsible Parties may modify or suspend cleanup activities only when authorized by the San Diego Water Board in writing.

E. Waste Management.

The Responsible Parties must properly manage, store, treat, and dispose of contaminated media generated during implementation of site investigations and cleanup and abatement activities, in accordance with federal, state, and local laws and regulations. The storage, handling, treatment, and disposal of contaminated media must not create conditions of nuisance as defined in Water Code section 13050(m).

F. Time Extensions.

If, for any reason, the Responsible Parties are unable to perform any activity or submit any documentation in compliance with the requirements of this Order, the Responsible Parties may request, in writing, an extension of time. The written extension request must include justification for the delay. The San Diego Water Board must receive the request at least 14 calendar days before the deadline sought to be extended. The San Diego Water Board will amend the Order if the extension is granted.

G. Change in Ownership.

This Order is not transferrable to any individual or entity. The San Diego Water Board may amend this Order to include the name of any new owner(s) as a Discharger and incorporate such other requirements as may be necessary under the Health and Safety Code. The Responsible Parties must submit notice of any proposed transfer of responsibility and coverage in writing at least 30 calendar days in advance of any transfer of the property to a new owner. The notification must include a written acknowledgement signed by the new owner that the new owner accepts responsibility for compliance with this Order.

H. Preliminary Information.

The Responsible Parties may present data, preliminary interpretations, and preliminary conclusions to the San Diego Water Board as information becomes available, rather than waiting until a final report is prepared. This type of ongoing reporting is encouraged to facilitate and expedite the San Diego Water Board's approval of reports required by this Order.

I. Signatory Requirements.

A principal executive, ranking official, or a duly authorized representative of the Responsible Parties must sign all documents submitted to the San Diego Water Board. An individual meets these criteria only if:

1. **Duly Authorized Representatives.** The authorization is made in writing by an authorized representative of the Responsible Parties and specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. The authorization must be made in the form of a Signature Authority Statement which must be submitted to the San Diego Water Board **within 30 calendar days** from either issuance of this Order, or a change in the duly authorized representative.
2. **Changes in Authorized Representatives.** The authorization under paragraph (1) of this provision is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or activity, a new authorization satisfying the requirements of paragraph (1) of this provision must be submitted to the San Diego Water Board prior to or together with any reports or information to be signed by an authorized representative.

J. Laboratory Qualifications.

The Responsible Parties must ensure that all samples are analyzed by Environmental Laboratory Accreditation Program (ELAP)-certified laboratories using analytical methods approved by the U.S. EPA for the necessary type of analysis. ELAP only accredits for analytical test methods approved for regulatory purposes. If an analytical test method is not on the Field of Testing Sheet⁶, ELAP does not offer the method for accreditation. Soil vapor and air samples must be analyzed by an appropriately certified laboratory.

1. **Laboratory Analytical Reports.** The Responsible Parties must ensure any report presenting new analytical data includes the complete laboratory

⁶ [California State Water Resources Control Board - Environmental Laboratory Accreditation Program](#)

analytical report(s). The laboratory analytical report(s) must be signed by the laboratory director and contain:

- a. Complete sample analytical reports.
 - b. Complete laboratory QA/QC reports.
 - c. Discussion of the sample and QA/QC data.
 - d. A transmittal letter documenting that the laboratory director supervised the analytical work and contains the following statement: *“All analyses were conducted at an Environmental Laboratory Accreditation Program-certified laboratory using methods approved by the U.S. Environmental Protection Agency.”*
2. **Analytical Methods.** The Responsible Parties must ensure that analytical methods are identified in all technical and monitoring reports. If the Responsible Parties propose to use methods or test procedures other than those included in the most current version of U.S. EPA’s *“Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-486”* or Code of Federal Regulations (CFR), title 40, part 136, *“Guidelines Establishing Test Procedures for the Analysis of Pollutants,”* the alternate methodology must be submitted for review and approval by the San Diego Water Board prior to use.

K. Document Submittals.

The Responsible Parties must submit the required documents as follows:

1. **GeoTracker.** Electronic Reporting Regulations require electronic submission of any report or data required by a regulatory agency from a cleanup site after July 1, 2005. The Responsible Parties must upload all electronic document submittals on or prior to the regulatory compliance due dates set forth in this Order or addenda thereto. The Responsible Parties must upload all documents and information to the GeoTracker database,⁷ under GeoTracker Global ID **T0607391310**, to comply with these regulations and this Order. The Responsible Parties must upload the following minimum information to the GeoTracker database:
 - a. **Reports.** A complete copy of all work plans and assessment, monitoring, and cleanup reports, including the signed transmittal letters, professional certifications, and all data presented in the reports in a text-searchable portable document format (PDF), and converted to text-searchable format.

⁷ [California State Water Resources Control Board - GeoTracker Data Management System](#)

Reports larger than 400 megabytes (MB) must be divided into separate files at logical places in the report to keep the file sizes under 400 MB.

- b. **Site Maps.** A site map, as a stand-alone document, including notes, legends, north arrow, and other data as appropriate to ensure that the site map is clear and understandable as a PDF file. When appropriate, the Responsible Parties should provide required information on multiple site maps.
- c. **Laboratory Analytical Data.** Analytical data, including geochemical data, for all soil, groundwater, soil gas, and indoor air samples in Electronic Data File (EDF) format.
- d. **Locational Data.** The latitude and longitude of all sampling locations for which data are reported in EDF format.

The San Diego Water Board will use the upload date and time to determine compliance with the due dates specified in this Order.

- 2. **Email.** If requested by the San Diego Water Board, the Responsible Parties must submit a PDF copy of all documents, including signed transmittal letters, professional certifications, and all data presented in the documents to sandiego@waterboards.ca.gov.

Upon receipt of the required documents, the San Diego Water Board will use the receipt date and time, and/or the email date and time to determine compliance with the due dates specified in this Order.

- 3. **Hard Copies.** If requested by the San Diego Water Board, the Responsible Parties must provide hard copies of complete documents, cover/transmittal letters, oversized drawings or maps.

IV. NOTIFICATIONS

A. Applicable Permits and Permissions.

The Responsible Parties must obtain all permits and access agreements needed to implement the requirements of this Order. This Order does not relieve the Responsible Parties of the obligation to obtain permits or other entitlements to perform necessary assessment activities. This includes, but is not limited to, actions that are subject to local, state, and/or federal discretionary review and permitting.

B. Cost Recovery.

Upon receipt of invoices, and in accordance with instructions provided therein, the Responsible Parties must reimburse the State Water Board for all reasonable costs incurred by the San Diego Water Board to investigate the unauthorized release of waste and to oversee cleanup of such waste, abatement of the effects

thereof, or other remedial action, required by this Order and consistent with the annual estimation of work.

C. Enforcement Discretion.

The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.

D. Failure to Comply.

Failure to comply with the requirements of this Order may subject the Responsible Parties to enforcement action, including but not limited to: (1) administrative enforcement orders requiring the Responsible Parties to cease and desist from violations, (2) imposition of administrative civil liability pursuant to Health and Safety Code section 25299(d) up to \$10,000 per day for each UST for each day of violation, (3) referral to the State Attorney General for injunctive relief, and (4) referral to the County District Attorney for criminal prosecution.

E. Request for Administrative Review by the State Board.

Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review this Order pursuant to CCR title 23, section 2050 et seq. The petition must be received by the State Water Board (Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812) within 30 calendar days of this Order's issuance date. Copies of the law and regulations applicable to filing petitions will be provided upon request.