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CHEVRON U.S.A. INC.

STATE WATER RESOURCES CONTROL BOARD

OF THE STATE OF CALIFORNIA

In the Matter of the California Regional Water Quality Control Board – Los Angeles Region, Review of Revised Technical Memorandum in Response to Los Angeles Regional Water Quality Control Board Request Dated 10/07/2025, Pursuant to California Water Code Section 13304 Cleanup and Abatement Order No. 88-055, for the site located at 324 West El Segundo Boulevard, El Segundo, California 90245 (SCP No. 0235, Site ID No. 2040070, Global ID No. SL372482441)	**CHEVRON U.S.A. INC.'S PETITION FOR REVIEW OF "REVISED TECHNICAL MEMORANDUM IN RESPONSE TO LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD REQUEST DATED 10/07/2025, PURSUANT TO CALIFORNIA WATER CODE SECTION 13304 CLEANUP AND ABATEMENT ORDER NO. 88-055"; REQUEST FOR HEARING, AND REQUEST FOR STAY**

I. PETITION FOR REVIEW OF CLEANUP AND ABATEMENT ORDER

Pursuant to section 13304 of the California Water Code and section 2050 of Title 23 of the California Code of Regulations ("CCR"), Chevron U.S.A. Inc. ("Petitioner" or "Chevron") petitions the State Water Resources Control Board ("State Board") to review the September 16, 2026 order ("Order") issued by the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") relating to the Regional Board's Review of Revised Technical Memorandum in Response to Los Angeles Regional Water Quality Control Board Request Dated 10/07/2025.

The Order, presented as a letter from the Regional Board's Assistant Executive Officer, purports to amend Cleanup and Abatement Order No. 88-055 ("CAO 88-055") by requiring Chevron to submit a work plan to assess subsurface soil near the area of an October 2, 2025 fire at the Chevron El Segundo Refinery ("Refinery"), including collection of soil samples which are to be analyzed for volatile organic compounds ("VOCs") and total petroleum hydrocarbons ("TPH"), with a compliance deadline of November 16, 2026. This soil sampling was not previously requested by the Regional Board via a formal or informal request, and Chevron was afforded no opportunity to substantively respond or object to the sampling that is now being required as a purported amendment to the Refinery's CAO. The regulation applicable to State Board petitions, 23 Cal. Code Reg. § 2050(a), permits State Board review if an aggrieved party was given no opportunity, and was thus unable to object to, a regional board act prior to the deadline for filing a petition.

In addition, the Regional Board's Order imposing the soil sampling requirement does not adhere to Water Code section 13267 because it does not provide a sufficient written explanation regarding the need for the data and does not establish that the burden of the report—which will be excessively costly and disruptive to Chevron's operations—bears a reasonable relationship to any benefits to be derived from the data. *See* Wat. Code § 13267(b)(1); State Board Resolution No. 92-49, Polices and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304. The Order threatens civil liability of up to $5,000 per day for noncompliance under Water Code section 13350. A

true and correct copy of the Order is attached as Exhibit A to the declaration of Aubrey Waddail, concurrently submitted in support of this Petition (hereafter "Waddail Decl.").

Chevron respectfully submits that the Order is improper and should be rescinded for the reasons set forth below. Chevron concurrently requests that the State Board issue a retroactive stay of the requirements of the Order pending the State Board's review on an expedited basis. The stay request is supported by the attached Declaration of Aubrey Waddail.

A. NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS OF PETITIONER

Petitioner's contact information is as follows:

Chevron U.S.A. Inc.
Attn: Aubrey Waddail
1501 McKinney Street
Houston, TX 77010
Telephone: (832) 854-5730
Email: awaddail@chevron.com

Petitioner requests that copies of all communications and documents relating to this Petition also be sent to:

Mark E. Elliott, Esq.
Stephanie Amaru, Esq.
725 S. Figueroa Street, 36th Floor
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
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Email: stephanie.amaru@pillsburylaw.com

B. SPECIFIC ACTION OF THE REGIONAL BOARD WHICH THE STATE BOARD IS REQUESTED TO REVIEW

Petitioner requests that the State Board review the Regional Board's issuance of the Order relating to the Regional Board's Review of Revised Technical Memorandum in Response to Los Angeles Regional Water Quality Control Board Request Dated 10/07/2025, which purports to amend CAO 88-055 to Chevron U.S.A. Inc.

C. THE DATE ON WHICH THE REGIONAL BOARD ACTED

The Regional Board acted on September 16, 2026 when it issued the Order. Waddail Decl., ¶ 1, Ex. A.

D. STATEMENT OF REASONS THE REGIONAL BOARD'S ACTION WAS INAPPROPRIATE AND IMPROPER

The Order to Chevron is improper for four reasons: (1) the Regional Board denied Chevron any opportunity to review, comment on, or object to the soil sampling requirements before they were imposed, contrary to the express terms of the original (1988) and amended (1995) CAOs; (2) the Order is procedurally improper because it purports to amend a CAO that was adopted after public notice and hearing, yet the Order was issued as a staff letter without any comparable process; (3) the Order is not reasonably related to the existing CAO or the fire incident that purportedly precipitated the Order; and (4) the required soil sampling is excessively burdensome in light of the site-specific technical conditions.

1. Factual Background

Chevron operates the Refinery, a petroleum refining facility located at 324 West El Segundo Boulevard, El Segundo, California 90245. Waddail Decl., ¶ 2. The Refinery is subject to CAO 88-055, originally issued by the Regional Board on May 3, 1988, and subsequently amended on August 29, 1995. *Id.* at ¶ 3. True and correct copies of the original and amended CAOs are attached to the Declaration of Aubrey Waddail as Exhibit B and Exhibit C, respectively. Both the original and amended CAO 88-055 were adopted following public notice and hearing, and govern the Liquid Hydrocarbon Recovery/Groundwater Reinjection Project for the Old Dune Sand Aquifer beneath the Refinery. *Id.*

On October 2, 2025, a fire occurred in the ISOMAX process unit at the Refinery. Waddail Decl., ¶ 4. On October 7, 2025, the Regional Board sent Chevron an email posing nine questions about the fire and its potential environmental impacts at the Refinery. *Id.* A true and correct copy of the Regional Board's October 7, 2025 email is attached to the Declaration of Aubrey Waddail as Exhibit D. Critically, none of these nine questions

concerned the potential for soil contamination or exploratory soil sampling. *Id.* The questions requested: (1) a map and aerial photograph of the fire area; (2) photos of the incident; (3) information regarding the cause of the fire; (4) the types of chemicals burned; (5) whether any spills or leaks occurred; (6) the location of storm drains and monitoring wells; (7) whether PFAS-containing fire suppressants were used; (8) inspection of groundwater monitoring wells near the fire; and (9) collection of groundwater samples from nearby wells. *Id.*; Ex. D.

Chevron responded promptly and in good faith. Waddail Decl., ¶ 5. On October 17, 2025, Chevron provided preliminary responses to questions 1 through 7. *Id.* A true and correct copy of Chevron's responsive October 17, 2025 email is attached to the Declaration of Aubrey Waddail as Exhibit E. On November 26, 2025, Chevron submitted a Technical Memorandum prepared by Trihydro Corporation ("Trihydro") responding to question 8 regarding well inspections. *Id.* at ¶ 6. A true and correct, excerpted[1] copy of the Trihydro Technical Memorandum is attached to the Declaration of Aubrey Waddail as Exhibit F. The Technical Memorandum included visual and fluid level evaluations showing no fire impacts to nearby monitoring or recovery wells, and Chevron requested that the Regional Board rescind its groundwater sampling request. *Id.*, Ex. F.

On February 18, 2026, Chevron submitted a Revised Technical Memorandum through Trihydro, supplementing its response. Waddail Decl., ¶ 7. A true and correct copy of the Trihydro Revised Technical Memorandum is attached to the Declaration of Aubrey Waddail as Exhibit G. Accordingly, Chevron again requested the Regional Board rescind its groundwater

[1] The figures and attachments to the original Trihydro Technical Memorandum are omitted because they contain confidential trade secret or confidential business information of Chevron. To address Chevron's confidentiality concerns, and with the agreement of the Regional Board, Chevron provided modestly revised versions of the documents as attachments to the Revised Technical Memorandum referenced below and attached hereto as Exhibit G. The attachments to the Revised Technical Memorandum supersede those in the original Technical Memorandum. Chevron intends to coordinate with the Regional Board in its preparation of the administrative record to ensure the sensitive information attached to the original Technical Memorandum is treated appropriately as confidential under applicable California law.

sampling request and stated that Chevron "does not plan to submit any sampling results for these wells as requested in Request No. 1-9." *Id.*, Ex. G.

Between February 18, 2026, and September 16, 2026—a period of approximately seven months—the Regional Board did not communicate with Chevron regarding sampling requirements, soil assessment, or any new investigative mandate. Waddail Decl., ¶ 8. At no point during this period did the Regional Board issue a draft order, propose *soil* (as opposed to groundwater) sampling requirements, or afford Chevron any opportunity to comment on any such requirements. *Id.*

On September 16, 2026, the Regional Board issued the Order, which for the first time requires Chevron to conduct soil sampling—a requirement that was never raised in the October 7, 2025 email, never discussed with Chevron, and never subjected to notice and comment. Waddail Decl., ¶ 9, Ex. A. The Order requires at least three soil borings to depths of 5, 10, and 15 feet below ground surface ("bgs"), with soil samples analyzed for VOCs and TPH. *Id.*, Ex. A at 3. The Order purports to constitute "an amendment to the requirements of Cleanup and Abatement Order (Order) No. 88-055." *Id*.

On October 14, 2026, Chevron transmitted written objections to the Regional Board and requested both a meeting to discuss the Order and an extension of the November 16, 2026 deadline therein. A true and correct copy of Chevron's objection to the Regional Board is attached to the Declaration of Aubrey Waddail as Exhibit H. As of the date of this Petition, Chevron has not received a response from the Regional Board.

E. THE MANNER IN WHICH THE PETITIONER IS AGGRIEVED

Chevron is aggrieved for several reasons.

First, it is ordered to prepare a subsurface soil investigation workplan near the ISOMAX fire area by November 16, 2026, despite having had no opportunity to meaningfully comment on or object to any such requirement prior to the Regional Board's issuance of an enforceable order threatening civil liability in the amount of $5,000 for each day of noncompliance. Waddail Decl., ¶¶ 8-9. Indeed, all prior requests for sampling related to *groundwater*, not soil.

Id. at ¶¶ 4, 8. As such, the Order essentially blind-sides Chevron and requires the burdensome and costly preparation of a work plan, in short order, that would be immensely disruptive to Refinery operations, require careful planning, and could create new environmental risks. *Id.* at ¶¶ 11-19.

Second, the cost of compliance is excessive and disproportionate to any claimed need by the Regional Board for the data; the soil sampling has no clear technical nexus to the fire event that precipitated the Regional Board's original request for information or the information provided in Chevron's technical memoranda. *Id.* at ¶¶ 11-21. As discussed further below, these memoranda demonstrated, *inter alia*, that the fire resulted in no spills or leaks of petroleum or other chemicals to the ground; that the fire debris was cleaned up and did not reach any surface waterways; and that all fire water was contained on site and treated through the Refinery's wastewater treatment system. *Id.* at ¶ 14. Irrespective of whether the concrete in the ISOMAX area is permeable (as the Regional Board speculates), there are no facts in the record suggesting that the fire or any contaminants breached the concrete and resulted in a discharge of contaminants to the soil.

Without evidence reasonably supporting an inference of sub-concrete soil contamination resulting from the fire incident, the burden and cost of the sampling demanded in the Order is excessive. As discussed below, this work would cost $28,500 and, more importantly, be logistically challenging and risky due to (1) congestion of the operating process unit with various above-ground and below-ground obstructions including, *inter alia*, a dense network of subsurface utilities and other key systems, and (2) the need to breach the concrete base of the ISOMAX process unit, which functions as secondary containment. *Id.* at ¶¶ 16-19.

F. THE SPECIFIC ACTION BY THE STATE OR THE REGIONAL BOARD THAT PETITIONER REQUESTS

Petitioner requests that the State Board direct rescission of the Order. Petitioner also requests a stay of the due dates and deliverables in the Order, retroactive to the date of the Order, while this Petition is pending. Due to the burdens discussed herein, Chevron

respectfully requests that the State Board review its request for a stay on an expedited basis.

G. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL ISSUES RAISED IN THE PETITION

The following statement of points and authorities in support of this petition incorporates the recitation of the facts set forth above.

1. The Regional Board Denied Chevron Any Opportunity to Review, Comment On, or Object to the Soil Sampling Requirements

The Order imposes a soil sampling requirement that was never the subject of any prior communication between the Regional Board and Chevron. The Regional Board's October 7, 2025 email posed nine specific questions, none of which mentioned soil sampling or soil assessment. Waddail Decl. at ¶ 4, Ex. D. The questions related exclusively to: fire area mapping, photographs, the cause and nature of the fire, potential spills or leaks, storm drains and monitoring wells, PFAS fire suppressants, well inspections, and *groundwater* sampling. *Id.*

Chevron responded to each of these questions and submitted two detailed technical memoranda—in November 2025 and February 2026—addressing the Regional Board's stated concerns. *Id.* at ¶¶ 5-7. The Regional Board then went silent for approximately seven months. *Id.* at ¶ 8. At no point during this period, or at any other time, did the Regional Board notify Chevron that it was contemplating a soil sampling requirement, provide Chevron with a draft order or proposed amendment, or offer Chevron any opportunity to comment on or object to such a requirement. *Id.*

The soil sampling mandate appeared for the first time in the September 16, 2026 Order. This is contrary to the due process principles underlying California's water quality regulatory framework. Title 23, California Code of Regulations, section 2050(c) limits State Board petitions to substantive issues "raised before the regional board." Here, the Regional Board never raised the issue of soil sampling to Chevron, and Chevron was accordingly unable to raise objections to a requirement that was never disclosed. Section 2050(a)(9) recognizes that a

petitioner may not have had the opportunity to raise issues before the Regional Board, and this Petition meets that exception.

2. The Order Is Procedurally Improper

The Order explicitly characterizes itself as "an amendment to the requirements of Cleanup and Abatement Order (Order) No. 88-055." Both the original (1988) and amended (1995) CAO 88-055 were adopted by the Regional Board following public notice and a public hearing. Waddail Decl., ¶ 3. As the 1995 Amended CAO states: "The Board has notified the discharger and interested agencies and persons of its intent to issue this Cleanup and Abatement Order pursuant to Section 13304 of the California Water Code, and has provided them with an opportunity to submit their written views and recommendations. The Board in a public meeting heard and considered all comments pertaining to the tentative order." *Id.* at ¶ 3, Ex. C at 3. Furthermore, both the original 1988 CAO and the 1995 Amended CAO expressly provided for modification upon "notice and opportunity for a hearing." *See* Ex. B, § B.16.; Ex. C, § C.14.

Amendments to a CAO should arguably follow the same procedural requirements as the original order. An order that was adopted after notice and hearing should be amended through a comparable process. This is especially true where, as here, the amended Order threatens the imposition of daily civil penalties for failure to comply with a material new sampling requirement.[2] Here, however, the Order was issued as a staff letter signed by the Assistant Executive Officer—not adopted by the Regional Board after public notice and hearing. This was contrary to the express terms of the original CAO and deprived Chevron and other interested parties of the ability to submit written objections or recommendations, and to be heard at a public meeting, before a material amendment to a longstanding CAO was imposed. The Regional Board's failure to afford Chevron an opportunity for notice and comment before

[2] *Cf. Machado v. State Water Board* (2001) 90 Cal.App.4th 720, 726 (finding due process did not require the regional board to hold a hearing prior to the issuance of a CAO, in part because the order at issue *did not* "impose criminal or civil penalties"). Here, by contrast, the Order threatens penalties of up to $5,000 per day for failure to comply with the new soil sampling requirements. *See* Ex. A, at 3.

imposing a material new soil sampling requirement – and the attendant threat of daily civil penalties for noncompliance – only underscores the importance of the State Board's review of the issues raised in this Petition.

3. The Order Is Not Compliant With Water Code Section 13267 or Reasonably Related to the Existing CAO or the Fire Incident

Pursuant to Water Code section 13267, subsection (b)(1), the Regional Board may require any discharger or suspected discharger of waste that could affect state water quality to:

> furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, *t*he regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

(Emphasis added).

The Order does not provide sufficient written explanation regarding the need for the data and, as documented in the Declaration of Aubrey Waddail filed herewith, the burden of the report—which will be excessively costly and disruptive to Chevron's operations—does not bear a reasonable relationship to benefits to be derived from the data. Waddail Decl., ¶¶ 11-22. *See* Wat. Code § 13267(a); State Board Resolution No. 92-49, Polices and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304.

The purported reasoning for the soil sampling requirement is speculative and contrary to the information provided in Chevron's technical memoranda in response to the Regional Board's information requests. The Order states, "Concrete is not impermeable to water, which means that water, vapor, and moisture can potentially pass through it. Therefore, despite the cleanup efforts, possible contamination may have impacted the subsurface soil." *Id.* at ¶ 1, Ex. A at 3. Chevron disagrees with this statement. Migration of constituents through a concrete slab to underlying soil requires specific conditions: (1) presence of constituents at concentrations of concern, and (2) sufficient contact time between the constituents and the

concrete. Waddail Decl., at ¶ 11. The conditions of the October 2, 2025, incident and response do not support a meaningful likelihood that these conditions occurred. *Id.*

First, the fuel involved in the fire was consumed as liquid and vapor within the process equipment, and no spills or leaks of petroleum or other chemicals to ground occurred. *Id.* at ¶ 12. Any petroleum residue entrained in the fire water would have been limited in quantity and diluted in the 4.5-5 million gallons[3] of fire water that were discharged on the fire over an approximately 10-hour period. *Id.* Second, fire water flowed across the concrete base of the process unit to the nearest drain inlet, located approximately 10 to 15 feet south of the revised Occupational Safety and Health Administration ("OSHA") exclusion zone,[4] and was conveyed through the below-grade Refinery wastewater drainage system to the wastewater treatment system. *Id.* All water cleared the area of the concrete base within 30 minutes after fire response activities concluded. *Id.* The concrete was therefore in contact with moving fire water only during fire suppression and cooling operations. *Id.* In addition, the concrete in the ISOMAX area is approximately six (6) inches thick, indicating a low likelihood that any contaminants would have penetrated the concrete during the fire suppression activities. *Id.*

Accordingly, even if the Regional Board's vague statement about concrete permeability is true (which Chevron does not concede, particularly given the circumstances), the record supports no reasonable basis for the suggestion that the fire caused a discharge of contaminants that would be expected to pass through concrete in the ISOMAX area into the soil. *Cf. Sweeney v. California Reg'l Water Quality Control Bd.*, 61 Cal. App. 5th 1093, 1114-15 (2021)*, as modified on denial of reh'g* (Mar. 18, 2021) (basing need for technical reports pursuant to Water Code § 13267 on findings that petitioner "discharged fill material into tidal waters at the Site," which "adversely impacted beneficial uses at the Site including estuarine

[3] The volume of firewater used during the incident was preliminarily estimated to be 3.3 million gallons but has since been updated based on information provided by Chevron's Fire Chief.

[4] A map depicting the original and revised Exclusion Zones was included in the Revised Technical Memorandum. *See* Waddail Decl., Exhibit G.

habitat, fish migration, preservation of rare and endangered species, fish spawning, wildlife habitat, and commercial and sport fishing.").

Additionally, the process unit is located within a portion of the Refinery that has been subject to investigation and remediation under CAO No. 88-055 since 1988, and Refinery operations in this area predate the incident by decades. *Id.* at ¶ 13. Accordingly, any detections of TPH or VOCs in samples collected in shallow soils beneath the concrete cap could not be reliably attributed to the October 2, 2025, incident as opposed to historical operations. *Id.* In any event, any shallow soil data collected in the ISOMAX area would not likely alter the Regional Board's program or remedy for the Refinery, which is expected to operate for years to come. *Id.* Indeed, Chevron already (1) implements Soil Vapor Extraction ("SVE") to remove petroleum hydrocarbons from Solid Waste Management Units ("SWMUs") at the Refinery and decrease potential vertical migration of vadose zone, petroleum-related contaminants to groundwater; (2) is otherwise subject to an existing CAO 88-055 monitoring and remediation program in connection with the Liquid Hydrocarbon Recovery Project for the Old Dune Sand Aquifer beneath the Refinery; and (3) is characterized by a nearly-100 foot depth to groundwater at the nearest wells. *Id.* The site conditions and existing remedy and oversight of the Regional Board therefore sufficiently mitigate any risk to the waters of the state, and the burdens imposed by the sampling requirement are excessive when compared to the need for the data and benefits to be derived therefrom.

The same conclusion applies to the Refinery's CAO 88-055, in both its original (1988) and amended (1995) forms. *Id.* at ¶ 14. The CAO is specifically directed at the Liquid Hydrocarbon Recovery Project for the Old Dune Sand Aquifer. The CAO governs extraction and reinjection systems, soil criteria for hydrocarbon-impacted soil reuse, monitoring, and reporting—all related to legacy hydrocarbon contamination in the Old Dune Sand Aquifer.[5] *Id.* In fact, CAO 88-055 explicitly provides for the reuse of hydrocarbon impacted soils at the

[5]Amended CAO 88-055, Findings Nos. 1–2 (describing the Liquid Hydrocarbon Recovery/Groundwater Reinjection Project for the Old Dune Sand Aquifer).

Refinery in anticipation of the eventual cleanup of the entire property at a date in the distant future. *Id*. at ¶ 13. Because the soil investigation proposed for the process unit will generate data to be evaluated for conformance with only the soil reuse criteria of CAO 88-055, the incidental benefit derived from this information is not justified in light of the costs and risks associated with performing the work.

In contrast, the October 2, 2025 fire was an operational incident in the ISOMAX process area. *Id.* It is factually and legally distinct from the legacy groundwater contamination addressed by CAO 88-055. Chevron demonstrated through its technical memoranda that: no spills or leaks of petroleum or other chemicals to the ground occurred during the fire; the fire occurred in a concrete-contained area; fire debris was cleaned up and did not reach any surface waterways; all fire water was contained on site and treated through the Refinery's wastewater treatment system; no damage to monitoring wells was observed; and fluid levels in nearby wells were consistent with historical data. *Id.*

The Regional Board's speculative assertion that "concrete is not impermeable to water" does not establish any nexus between the fire incident and the groundwater or hydrocarbon contamination addressed by CAO 88-055. It also does not independently satisfy the legal standard under Water Code section 13304, which requires evidence that a person "has caused or permitted . . . waste to be discharged . . . where it is, or probably will be, discharged" into waters of the state.[6] The Order imposes a new and distinct investigative scope that is entirely unrelated to the purposes of CAO 88-055 and at odds with the existing order's mandate for reuse of hydrocarbon impacted soils. The Regional Board has failed to articulate a legally sufficient basis for its burdensome requirement with respect to either the existing CAO or the fire incident.

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[6]Water Code § 13304(a) (requiring a finding that a person "has caused or permitted . . . waste to be discharged . . . where it is, or probably will be, discharged" into waters of the state).

4. The Soil Sampling Requirements Are Excessively Costly and Burdensome

The Order requires Chevron to conduct at least three soil borings to depths of 5, 10, and 15 feet bgs, with soil samples analyzed for VOCs and TPH. Waddail Decl., ¶¶ 1, 9, Ex. A at 3. As noted above, the Regional Board's sole justification for this requirement is a generalized assertion that "[c]oncrete is not impermeable to water, which means that water, vapor, and moisture can potentially pass through it. Therefore, despite the cleanup efforts, possible contamination may have impacted the subsurface soil." *Id.* This speculative reasoning does not account for site-specific conditions and imposes costs and burdens disproportionate to any realistic environmental concern. In fact, the sampling event would introduce risks that outweigh any limited value of the resulting data.

First, the cost of the sampling event would be excessive given the limited utility of the sampling, costing an estimated $28,500, including utility clearance, permitting, soil core collection, slab repair, and laboratory analysis. Waddail Decl., ¶ 16. While the estimated costs are not high, under the totality of the circumstances described herein, the cost of the required sampling is unreasonable given the site-specific technical conditions and the limited practical utility of the data. *Id.*

Second, the sampling would be logistically impractical and highly disruptive to Refinery operations. *Id.* at ¶ 17. The incident area is within an active operating process unit that is congested with above-ground process equipment, pipe racks, and structures, and is underlain by a dense network of subsurface utilities, including process sewers, fire water mains, electrical duct banks, instrumentation conduits, and grounding systems. *Id.* Clearing each boring location for utilities would require extensive locating and potholing measures and sufficient overhead clearance for a drill rig, which would limit the area available for soil collection both horizontally and vertically. *Id.* Accordingly, locations where borings can feasibly be advanced would potentially be limited to positions that are not representative of the areas where fire water was present, yet be highly disruptive of Refinery operations. *Id.*

Third, drilling within an operating process unit introduces risks that planning cannot fully eliminate. *Id.* at ¶ 18. These risks include striking energized electrical lines or pressurized process and utility lines, and introducing ignition sources (drill rig engines and equipment) into an area where flammable vapors may be present. *Id.* Mitigating these risks would require hot work permitting, continuous gas monitoring, and potentially removing portions of the unit from service. *Id.* Field personnel would also be exposed to the hazards of working adjacent to operating high-temperature and high-pressure equipment. *Id.*

Fourth, the sampling event could compromise the concrete base of the ISOMAX process unit, which functions as secondary containment, capturing releases, process drainage, and stormwater and directing them to the Refinery wastewater drainage system for treatment. *Id.* at ¶ 19. The concrete performed this function during the October 2, 2025 incident by containing the fire water and fire debris and conveying the fire water to treatment. *Id.* Each soil boring would require coring through the slab. *Id.* Although core holes can be patched, a patch creates a cold joint between the patch material and the existing slab that is more permeable than the surrounding intact concrete and is susceptible to shrinkage cracking and differential movement over time. *Id.* Coring would therefore create the preferential pathways to the subsurface that the Regional Board is concerned with, and would increase the potential for any future release within the process unit to reach soil. *Id.*

These burdens should not be imposed on Chevron in light of site-specific conditions and the Refinery's effective fire response activities discussed above. *Id.* at ¶ 20. As documented in Chevron's technical memoranda and discussed above, the fuel involved in the fire was consumed as liquid and vapor within the process equipment, no spills or leaks of petroleum or other chemicals to ground occurred, and the concrete was in contact with moving fire water only during fire suppression and cooling operations before the water was conveyed to the wastewater treatment system. *Id.* Moreover, the depth to groundwater at the nearest wells

ranges from 93.30 to 99.60 feet below ground surface.[7] *Id.* The required boring depths would not even approach the water table, and there is no plausible pathway for the fire to have impacted groundwater through shallow soil contamination. *Id.* Accordingly, the likelihood of any discharge affecting the quality of the waters of the state is highly unlikely, and the circumstances do not justify creating a new risk by compromising concrete that serves as secondary containment in an active process area. *Id.*

Moreover, as part of the Refinery's obligations under the Resource Recovery and Conservation Act ("RCRA"), Chevron has successfully implemented an approved soil vapor extraction ("SVE") system for nearly three decades as an approved remedial measure to remove petroleum hydrocarbons from Solid Waste Management Units ("SWMUs") at the Refinery and decrease potential vertical migration of vadose zone, petroleum-related contaminants to groundwater, and provides regular updates to the Regional Board regarding its RCRA Corrective Measures. *Id.* at ¶ 21. It is highly unlikely that the requested shallow soil samples collected from the concrete area would alter any corrective measures or remedies in place at the Refinery. *Id.*

At bottom. the Order disregards the financial and logistical burden on Chevron,[8] despite there being no evidence of any threat posed by alleged TPH or VOCs beneath the concrete or

[7]Technical Memorandum, Trihydro Corporation (Nov. 26, 2025), at 2 (table showing depth to water ranging from 93.30 to 99.60 feet below ground surface).

[8] Chevron assumes that the Order requires submission of a work plan to assess subsurface soil, but not completion of the soil sampling work, by November 16, 2026. However, there is some uncertainty regarding that interpretation.

If the actual sampling work is required by November 16, 2026, that deadline—which is approximately 60 days from the date of the Order—is unreasonably short to design, obtain necessary permits for, and execute a soil boring program in a key operational area beneath a concrete floor at an active petroleum refinery. *Id.* at ¶ 22. The compressed timeline would compound the burden imposed by the Order and virtually guarantee that Chevron would be subject to the threatened penalties regardless of Chevron's good-faith efforts to comply. It also runs afoul of State Board Resolution 92-49, which requires the Regional Board, when determining schedules for investigation, to account for, *inter alia*, "[t]he degree of threat or impact of the discharge on water quality and beneficial uses," "[t]he financial and technical resources available to the discharger", and "[m]inimizing the likelihood of imposing a burden (continued…)

need for the public to bear any cleanup costs associated with the Refinery. *See* Wat. Code § 13267(b)(1); State Board Resolution No. 92-49 (mandating, *inter alia*, that the burden of furnishing technical or monitoring reports required by the Regional Board "bear a reasonable relationship to the need for the reports and benefits to be obtained from the reports").

H. THE PETITION HAS BEEN SENT TO THE REGIONAL BOARD AND TO THE DISCHARGER, IF NOT THE PETITIONER.

A copy of this Petition was transmitted to the Regional Board by email on the date of this Petition's filing.

I. THE SUBSTANTIVE ISSUES OR OBJECTIONS RAISED IN THE PETITION WERE RAISED BEFORE THE REGIONAL BOARD

The history of Petitioner's communications with the Regional Board with regard to this Order is set forth above. The Regional Board afforded Chevron no opportunity to provide comments or assert objections to a proposed version of the Order or comments suggesting that soil sampling would be required prior to issuance of the Order.

J. THE PETITIONER REQUESTS A HEARING ON THE ORDER

Petitioner requests a hearing on the Order. In support of this request, it makes the following points:

A summary of the arguments that Petitioner wishes to make at the hearing is provided in the Petition above.

A summary of the testimony or evidence the petitioner wishes to introduce is provided in the Petition above, including all documents referenced in this Petition, although Petitioner may supplement the testimony or evidence at the hearing.

II. REQUEST FOR STAY

Petitioner respectfully requests a stay of the Order pending resolution of the issues raised in this Petition, made effective as of the effective date of the regional board's order,

(…continued)
on the people of the state with the expense of cleanup and abatement, where feasible." *See* Sec. IV.

September 16, 2026. *See* Water Code § 13321(c); Waddail Decl., ¶ 22. Chevron further requests that the State Board rule on its stay request on an expedited basis due to the imminent November 16, 2026 deadline imposed by the Order and costs that will be incurred if Chevron must perform under protest. *Id.*

This stay request is based on the accompanying declaration of Aubrey Waddail that demonstrate the legal grounds set forth below.

Pursuant to Section 2053 of Title 23 of the California Code of Regulations, the effects of an order shall be stayed if the petitioner shows:

(1) Substantial harm to petitioner or to the public interest if a stay is not granted;

(2) A lack of substantial harm to other interested parties and to the public if a stay is granted; and

(3) Substantial questions of fact or law regarding the disputed action exist.

These requirements are met in this case.

1. Petitioner Will Suffer Substantial Harm if a Stay Is Not Granted

The Order requires preparation of a plan for significant, disruptive sampling activities, beneath a concrete slab in an area that is critical to the Refinery's operations, by November 16, 2026. *Id.* Absent a stay, Chevron faces imminent and substantial harm. *Id.* The Order includes the threat of civil liability penalties of up to $5,000 per day for noncompliance under Water Code section 13350. *Id.* at ¶¶ 1, 9, 22, Ex. A at 3. Given the filing date of this Petition and the statutory timeframes for State Board review, it is practically impossible for Chevron to obtain a determination on the merits before the compliance deadline. *Id.* at ¶ 22.

As such, absent a stay, Chevron will be forced to choose between: (a) incurring significant costs and risk to develop (on an unreasonably compressed timeline), mobilize, and subsequently conduct a soil boring program at an active refinery—an invasive subsurface investigation based on speculative justification—or (b) facing daily accruing penalties. *Id.* Either outcome constitutes substantial harm. The estimated $28,500 cost of preparing a work plan and conducting unnecessary soil borings, once incurred, cannot be recovered, and the

disruption and cost of physical intrusion through concrete into the subsurface in a critical operational area cannot be undone and may result in further costs in the future due to compromising the integrity of the concrete. *Id.* at ¶ 23. Irrespective, compliance on the timeline mandated by the Regional Board is burdensome and should not be required given that the Regional Board afforded Chevron no opportunity to comment or be heard regarding its objections to the Order. *Id.* at ¶ 24.

Therefore, if a stay is not granted, Petitioner would be faced with a no-win scenario: expend substantial sums to comply with an improperly issued Order, or face substantial monetary penalties for failure to comply. *Id.* at ¶ 25. A stay until the State Board rules on the merits of the Petition would solve this problem and save Petitioner from significant and substantial monetary harm. *Id.*

2. The Public Will Not Be Substantially Harmed If a Stay Is Granted

A stay of the Order will not cause substantial harm to any other party or the public interest. The record demonstrates that:

- No spills, leaks, or releases to the ground occurred during the October 2, 2025 fire.
- The fire occurred in a concrete-contained area of the ISOMAX process unit; fire debris was cleaned up and did not reach any surface waterways.
- All fire water was contained on site and treated through the Refinery's wastewater treatment system prior to discharge.
- Visual and fluid level evaluations of the nearest monitoring and recovery wells show no fire impacts.
- The depth to groundwater at nearby wells ranges from 93.30 to 99.60 feet bgs—far deeper than the proposed 5-, 10-, and 15-foot boring depths—and there is no imminent threat to water quality.
- The Refinery's existing monitoring and remediation programs, and the Refinery's SVE system, remains in full force and effect; i.e., a stay would not affect ongoing groundwater remediation activities.

Id. at ¶ 26. Moreover, the Regional Board waited approximately seven months since receipt of Chevron's technical memoranda—and nearly one year after the ISOMAX fire incident—to issue its Order, illustrating that the Regional Board itself does not perceive any imminent or substantial harm to the public. *Id.* at ¶ 27. Under these circumstances, to the extent the soil investigation requirement has merit (which Chevron contends it does not), a brief delay while the State Board reviews the Order will not cause any environmental harm or prejudice any interested party. *Id.*

3. The Petition Raises Substantial Questions of Law and Fact

This matter presents substantial questions of fact and law, including but not limited to:

- Whether the Regional Board's action was procedurally proper given the absence of notice and opportunity to comment on the soil sampling requirement.
- Whether the soil sampling requirement is reasonably related to the scope and purposes of CAO 88-055 or the ISOMAX fire incident that precipitated the soil sampling requirement.
- Whether the Regional Board's speculative reasoning that "concrete is not impermeable to water" satisfies the legal standard for imposing new cleanup and investigation requirements under Water Code sections 13304 and 13267.

Id. at ¶ 28. These questions are substantial and their resolution is uncertain, weighing strongly in favor of a stay.

Dated: October 16, 2026

Respectfully submitted,

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