

STATE OF CONNECTICUT

v.

DRAKE PETROLEUM COMPANY, INC.

ORDER NUMBER COWSUST 13-001

DATE ISSUED: March 31, 2014

A. The Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:

1. Drake Petroleum Company, Inc. (“Respondent”) is a Massachusetts corporation registered in the State of Connecticut.
2. Respondent has a business address of 221 Quinebaug Road, North Grosvenordale, Connecticut 06255.
3. Respondent is the owner and/or operator of a gasoline underground storage tank (“UST”) facility located at property known as 905 (or 901) West Main Street, Cheshire, Connecticut (“the Cheshire site”). Such property is further described in a deed which is recorded at Page 253 of volume 1257 in the Town of Cheshire Land Records, and as Lot 77, on Map 49 in the Town of Cheshire Tax Assessor’s Office. The USTs covered by this Consent Order are identified as A1 and B2 in a form entitled, “Underground Storage Facilities Notification Form EPHM-6”, submitted to the Commissioner and signed by Sandra Theilig on July 16, 2008.
4. Respondent is also the owner of the Cheshire site, taking title to the site on or around October, 1997.
5. Respondent operates a retail gasoline service station and convenience store at the Cheshire site.
6. Respondent, as an owner and/or operator of the UST systems at the Cheshire site must comply with the Regulations of Connecticut State Agencies (“RCSA”) sections 22a-449(d)-1 et seq. governing the management of the UST systems.
7. On June 20, 2008, at 1603 hours, the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) received Emergency Incident Report Number 2008-03869 regarding the possible release of approximately 6,000-gallons of gasoline

from UST systems at the Cheshire site, as indicated by a volumetric discrepancy in the inventory reconciliation records.

8. Storage Tank and PCB Enforcement Unit ("ST & PCB EU") staff of the CT DEEP inspected the Cheshire site on June 23, 2008 and determined that three (3) major abnormal losses of regular unleaded gasoline ("product") are indicated by the inventory reconciliation records for the USTs referenced in Paragraph A.3. above, specifically: on December 28, 2007, 2,284-gallons lost; on May 16, 2008, 6,360-gallons lost and on May 21, 2008, 2,787-gallons lost, which total an indicated product loss of 11,431-gallons.

9. Respondent failed to report the suspected releases referenced in Paragraph A.8. above to the CT DEEP within twenty-four (24) hours, constituting violations of RCSA section 22a-449(d)-105(a).

10. RCSA section 22a-449(d)-104(e)(1)(g) states, "*When inventory reconciliation indicates an abnormal loss or gain which is not explainable by spillage, temperature variations or other known causes, the owner or operator shall assure the immediate investigation and correction of the source of the abnormal loss or gain.*"

11. Respondent failed to *immediately* investigate the three (3) abnormal losses of product referenced in Paragraph A.8. above, constituting violations of RCSA section 22a-449(d)-1(e)(1)(g).

12. While attempting to correct a siphon problem associated with manifold USTs, referred to as A1 and B2 in Paragraph A.3. above, petroleum service contractors hired by the Respondent periodically opened, closed and re-opened a valve located in a submersible turbine pump sump. Said valve was connected to the siphon bar itself.

13. On or around June 20, 2008, a helium test was performed on the siphon bar referenced in Paragraph A.12. above. The helium test produced a failed result. Excavation of the siphon bar determined that it had been disconnected from the adjoining regular unleaded tank and terminated in an open, unplugged end.

14. By opening the valve associated with the siphon bar referenced in Paragraphs A.12. and A.13. above, Respondent's petroleum service contractors released approximately 11,000-gallons of product into the environment without a permit, constituting violations of RCSA section 22a-449(d)-106(b)(1).

15. As a result of the unpermitted discharge of product referenced in Paragraph A.14. above, the soil and ground water at the Cheshire site was polluted with gasoline constituents.

16. By virtue of the above, Respondent is maintaining a facility or condition which has created, and reasonably can be expected to create, a source of pollution to the waters of the state.

17. The Commissioner acknowledges receipt of the fifty-five (55) documents (“the Documents”) listed in Appendix A of this Consent Order, submitted on behalf of Respondent by Groundwater & Environmental Services, Inc. and Brown & Caldwell, and dated between June 26, 2008 and September 27, 2012.

18. Individually and collectively the Documents referenced in Paragraph A.17. above satisfy the requirements of Paragraphs B.1., B.2., B.3., B.4., B.5.a. through B.5.e., B.6., B.9. and B.10. of this Consent Order.

B. The Commissioner, acting under sections 22a-6, 22a-424, 22a-432 and 22a-449 of the Connecticut General Statutes (“CGS”), orders Respondent as follows:

1. Retain consultant. On or before ten (10) days after the issuance of this Order Respondent shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this Consent Order and shall, by that date notify the Commissioner in writing of the identity of such consultants. Respondent shall retain one or more qualified consultants acceptable to the Commissioner until this Consent Order is fully complied with, and, within ten (10) days after retaining of any consultant other than one originally identified under this Paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained to prepare the documents and implement or oversee the actions required by this Consent Order shall be qualified environmental professionals licensed to practice in Connecticut. Respondent shall submit to the Commissioner a description of a consultant’s education, experience and training which is relevant to the work required by this Consent Order within ten (10) days after a request for such a description. Nothing in this Paragraph shall preclude the Commissioner from finding a previously acceptable environmental consultant unacceptable.

2. Scope of study. On or before thirty (30) days from the issuance of this Consent Order, Respondent shall submit for the Commissioner’s review and written approval a scope of study for investigating the potential impact of petroleum pollution on human health and the environment at the Cheshire site, including but not limited to, the existing and potential extent and degree of soil, ground water and surface water pollution both on and emanating from the Cheshire site. Such scope of study shall include, at a minimum:

- a. the proposed locations and depths of ground water monitoring wells and soil and surface water sampling;
- b. a proposed sampling and analytical program, including at least the parameters to be tested, sampling and analytical methods, and quality assurance and quality control procedures; and
- c. a schedule for conducting the investigation required by this Paragraph.

3. Performance of investigation.

- a. Respondent shall perform the investigation and other actions specified in the approved scope of study in accordance with the approved scope of study and the approved schedule.
- b. Respondent shall notify the Commissioner in writing of the date and time of installation of monitoring wells and of each soil and water sampling event at least five (5) business days prior to such installation or sampling.
- c. Respondent shall provide the Commissioner with written updates concerning the progress on the investigation. These written updates shall be provided to the Commissioner every sixty (60) days from the start of the approved schedule until the investigation is completed.

4. Supplemental plan and investigation. If the investigation carried out under an approved scope of study does not fully characterize the extent and degree of soil, surface water and ground water pollution to the satisfaction of the Commissioner, additional investigation shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before thirty (30) days after notice from the Commissioner that they are required. Respondent shall notify the Commissioner in writing of the date and time of installation of monitoring wells and of each soil and water sampling event at least five (5) business days prior to such installation or sampling.

5. Investigation report and remedial action plan. In accordance with the schedule approved by the Commissioner pursuant to Paragraph B.2. of this Consent Order, Respondent shall submit for the Commissioner's review and written approval a comprehensive and thorough report which describes in detail the investigation performed and remediation to be conducted pursuant to this Consent Order and which:

- a. defines the existing and potential extent and degree of soil and surface water and ground water pollution which is on, is emanating from or has emanated from the site;
- b. evaluates the remedial actions to abate such pollution in accordance with the standards adopted pursuant to RCSA section 22a-133k, and this evaluation shall include, but not be limited to, any alternative specified by the Commissioner;
- c. states in detail the most expeditious schedule for performing each remedial action;
- d. lists all permits and approvals required for each remedial action including, but not limited to any permits required under CGS sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368 or 22a-430;
- e. proposes a detailed program and schedule to perform the remedial actions, and the schedule required by this Paragraph shall also include a schedule for applying for and obtaining all permits and approvals required for such remedial actions; and

f. such plan shall include but not be limited to a soil, surface water and ground water monitoring program to determine the degree to which the approved remedial actions have been effective, and a schedule for performing the approved monitoring program.

6. Performance of remedial actions. Upon approval by the Commissioner of the remedial action plan Respondent shall perform the approved remedial actions in accordance with the approved schedule(s). Respondent shall provide the Commissioner with reports every sixty (60) days from the approval of the remedial action plan on the progress of the remediation until the remediation is completed. Within fifteen (15) days after completing such actions, Respondent shall certify to the Commissioner in writing that the actions have been completed as approved.

7. Performance of monitoring program. Respondent shall perform the approved monitoring program to determine the effectiveness of the remedial actions in accordance with the approved schedule(s). Respondent shall notify the Commissioner of the date and time of each soil or water sampling event at least five (5) business days before such event. If the approved remedial actions do not result in prevention and abatement of soil, surface water and ground water pollution to the satisfaction of the Commissioner, additional remedial actions and measures for monitoring and reporting on the effectiveness of those actions shall be performed in accordance with a supplemental plan and schedule prepared by Respondent and approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before thirty (30) days after the notice from the Commissioner that they are required.

8. Monitoring program report. On a schedule established by the Commissioner or, if no schedule is established, on a quarterly basis beginning no later than ninety (90) days after initiation of the approved remedial actions or, as applicable, supplemental remedial actions, Respondent shall submit for the Commissioner's review and written approval a report describing the results to date of the monitoring program.

9. Free product. If qualified consultants overseeing the initial site investigation determine that free product is present, Respondent shall, as soon as possible after such determination, develop and implement a plan to remove free product to the maximum extent technically practicable. Such initial site investigation shall determine:

- a. the presence and extent of free product resulting from release(s);
- b. ground water pollution resulting from the release that may threaten the quality of drinking water wells; and
- c. if the release has resulted in pollution of soil vapor that poses a significant environmental hazard, as identified in CGS section 22a-6u(e)(2).

10. Significant environmental hazard. If qualified consultants overseeing the initial site investigation determine that ground water pollution resulting from the release(s) threaten the quality of drinking water wells, Respondent shall, as soon as possible after such determination,

sample such drinking water, notify the Commissioner of such determination and take all necessary steps to provide potable water, in a manner determined by the Commissioner, to any person impacted by the release(s), where the pollution exceeds ground water protection criteria identified in CGS section 22a-6u(g)(1). If qualified consultants overseeing the initial site investigation determine that the release has resulted in pollution of soil vapor that poses a significant environmental hazard as identified in CGS section 22a-6u(e)(2)(A) through (C), Respondent shall, as soon as possible after such determination, take any measures necessary as determined by the Commissioner to abate the hazards from those release(s).

11. Full compliance. Respondent shall not be considered in full compliance with this Consent Order until all actions required by this Consent Order have been completed as approved and to the satisfaction of the Commissioner.

12. Civil penalty. On or before thirty (30) days after issuance of this Consent Order, Respondent shall pay a penalty of \$25,000 and within sixty (60) days after the issuance of this Consent Order the Respondent shall withdraw a total of \$250,000.00 of eligible pending claims before the Underground Storage Tank Petroleum Clean-up review Board ("UST Board") as the civil penalty for the violations described in Paragraphs A.9., A.11. and A.14. of this Consent Order.

13. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified of bank check payable to the "*Connecticut Department of Energy and Environmental Protection.*" The check shall state on its face, "*Bureau of Materials Management and Compliance Assurance, Emergency Response and Spill Prevention Division, Civil Penalty, Consent Order Number COWSUST 13-001.*"

14. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this Consent Order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within a reasonable time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days of the Commissioner's notice of deficiencies. Nothing in this Paragraph shall excuse noncompliance or delay.

15. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner of Energy and Environmental Protection or an agent of the Commissioner. The date of "issuance" of this Consent Order is the date the Consent Order is deposited in the U.S. Mail or personally delivered, whichever is earlier. "Underground storage tank system" shall be defined as that term is defined in RCSA subdivision 22a-449(d)-101(d)(75). "Petroleum" shall be defined as that term is defined in RCSA subparagraph 22a-449(d)-101(d)(59)(b) and shall include all of the items included as a "Regulated substance" in RCSA subdivision 22a-449(d)-101(d)(59).

16. Dates. The date of submission to the Commissioner of any document required by this Consent Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Consent Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. Mail, or is personally delivered, whichever is earlier. Except as otherwise specified in this Consent Order, the word "day" as used in this Consent Order means calendar day. Any document or action which is required by this Consent Order to be submitted or performed by a date which falls on a Saturday, Sunday, or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

17. Notification of noncompliance. In the event that Respondent becomes aware that they did not or may not comply, or did not or may not comply on time, with any requirement of this Consent Order or of any document required hereunder, Respondent shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, Respondent shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates, which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

18. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by Respondent, as those terms are defined in RCSA section 22a-430-3(b) and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: *"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."*

19. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under CGS sections 22a-438 or 22a-131a, or, in accordance with CGS section 22a-6, under CGS section 53a-157.

20. Notice of transfer; liability of Respondent and others. Until Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the operations which are the subject of this Consent Order, the site, or the business, or after obtaining a new mailing or location address. Respondent's obligations under this Consent Order shall not

be affected by the passage of title to any other person or municipality. Any future owner of the site may be subject to the issuance of an order from the Commissioner.

21. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate pollution.

22. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.

23. No assurance by Commissioner. No provision of this Consent Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this Consent Order will result in compliance or prevent or abate pollution.

24. No effect on rights of other persons. This Consent Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order.


25. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this Consent Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.

26. Submission of documents. Any document or notice to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Philip G. Wilde
Department of Energy and Environmental Protection
Emergency Response and Spill Prevention Division
79 Elm Street
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that Jeffrey A. Walker is fully authorized to enter into this Consent Order and to legally bind Respondent to the terms and conditions of the Consent Order.

Respondent Drake Petroleum Company, Inc.

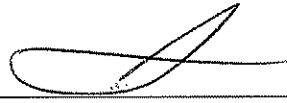
BY: 

Jeffrey A. Walker
Secretary
Vice President
Drake Petroleum Company, Inc.

DATE: 3/13/2014

ORDER NO. COWSUST 13-001

Issued as an Order of the Commissioner of the Department of Energy and Environmental Protection.

BY: 

Macky McCleary
Deputy Commissioner

DATE: 3/28/14

Appendix A **Consent Order Number COWSUST 13-001** **Drake Petroleum Company, Inc.**

Groundwater & Environmental Services, Inc, Application for an Emergency or Temporary Discharge Authorization, June 26, 2008

Groundwater & Environmental Services, Inc, Spill Report and Summary of Daily Activities, June 20, 2008 through July 9, 2008, July 29, 2008

Groundwater & Environmental Services, Inc, Significant Environmental Hazard Notification Report, July 29, 2008

Groundwater & Environmental Services, Inc, Temporary Discharge Application #2008-01860 Addendum, August 21, 2008

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - August 2008, September 2, 2008

Groundwater & Environmental Services, Inc, Sensitive Receptor Survey, September 12, 2008

Groundwater & Environmental Services, Inc, Initial Assessment Activities and UST Removal Report, September 18, 2008

Groundwater & Environmental Services, Inc, Temporary Discharge Application #2008-01860 Additional Addendum, October 2, 2008

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - September 2008, October 9, 2008

Groundwater & Environmental Services, Inc, Potable Water Supply Testing Results - October 2008, November 4, 2008

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 38 Mountain Road - November 2008, December 1, 2008

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 200 Moss Farms Road - November 2008, December 1, 2008

Groundwater & Environmental Services, Inc, Notification of ORC Advanced Emplacement, December 10, 2008

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 940 Prospect Road - November 2008, December 10, 2008

Groundwater & Environmental Services, Inc, Potable Water Supply Testing Results - January 2009, January 21, 2009

Groundwater & Environmental Services, Inc, Semi-Annual Groundwater Monitoring Report August 2008 through January 2009, February 3, 2009

Groundwater & Environmental Services, Inc, February 2009 Groundwater Monitoring Report, March 3, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 38 Mountain Road - February 2009, March 3, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 940 Prospect Road - February 2009, March 11, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 200 Moss Farms Road - February 2009, March 11, 2009

Groundwater & Environmental Services, Inc, Remedial Action Report, March 24, 2009

Groundwater & Environmental Services, Inc, CTDEP - Report of Petroleum or Chemical Product Discharge, Spillage, or Release, March 24, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 38 Mountain Road - March 2009, April 2, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 38 Mountain Road - April 2009, May 12, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 200 Moss Farms Road - May 2009, June 18, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 38 Mountain Road - May 2009, June 18, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 940 Prospect Road - June 2009, July 16, 2009

Groundwater & Environmental Services, Inc, Second Quarter 2009 Groundwater Monitoring Report, July 29, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Testing Results - August 2009, September 2, 2009

Groundwater & Environmental Services, Inc, Third Quarter Groundwater Monitoring Report, September 4, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Testing Results - November 2009, December 2, 2009

Groundwater & Environmental Services, Inc, 2009 Annual Groundwater Remedial Action Progress Report, December 9, 2009

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 940 Prospect Road, 200 Moss Farms Road - First Quarter 2010, March 29, 2010

Groundwater & Environmental Services, Inc, First Quarter 2010 Groundwater Monitoring Report, April 12, 2010

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 38 Mountain Road - First Quarter 2010, April 12, 2010

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - Second Quarter 2010, July 28, 2010

Groundwater & Environmental Services, Inc, Second Quarter 2010 Groundwater Monitoring Report, August 30, 2010

Groundwater & Environmental Services, Inc, Phase III Investigation Work Plan, August 31, 2010

Groundwater & Environmental Services, Inc, Potable Water Supply Testing Results - Resample, September 15, 2010

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - 3rd Quarter 2010, October 22, 2010

Groundwater & Environmental Services, Inc, Third Quarter 2010 Groundwater Monitoring Report, November 30, 2010

Groundwater & Environmental Services, Inc, 2010 Annual Groundwater Remedial Action Progress Report, February 1, 2011

Groundwater & Environmental Services, Inc, Potable Drinking Water Supply Well Testing Results-First Quarter 2011, April 22, 2011

Groundwater & Environmental Services, Inc, First Quarter 2011 Groundwater Monitoring Report, May 20, 2011

Groundwater & Environmental Services, Inc, Potable Water Supply Well Testing Results - Second Quarter 2011, August 2, 2011

Groundwater & Environmental Services, Inc, Second Quarter 2011 Groundwater Monitoring Report, October 7, 2011

Groundwater & Environmental Services, Inc, Site Assessment Report, October 14, 2011

Groundwater & Environmental Services, Inc, Off-Site Potable Water Supply Well Testing, October 25, 2011

Groundwater & Environmental Services, Inc, Third Quarter 2011 Groundwater Monitoring Report, November 7, 2011

Groundwater & Environmental Services, Inc, Potable Water Supply Testing Results - Fourth Quarter 2011, January 18, 2012

Groundwater & Environmental Services, Inc, 2011 Annual Groundwater Remedial Action Progress Report, February 17, 2012

Groundwater & Environmental Services, Inc, Potable Water Supply Testing Results - March 2012, April 30, 2012

Groundwater & Environmental Services, Inc, First Quarter 2012 Groundwater Monitoring Report, May 22, 2012

Brown and Caldwell, Second Quarter 2012 Groundwater Monitoring Report, September 26, 2012

Brown and Caldwell, Preliminary Phase III Investigation Report and Remedial Work Plan, September 27, 2012