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## *UNDERGROUND TANK REMOVAL INFORMATION PACKET, APPLICATION AND CHECKLIST*

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### **How To Apply for a Tahoe Regional Planning Agency Permit**

This packet explains the Tahoe Regional Planning Agency (TRPA) permit process for underground tank removal projects. The TRPA uses the best available science and planning practices to review each project individually so that Lake Tahoe can continue to be an Outstanding National Resource Water for this and future generations. TRPA's thorough project review standards are designed to balance the impacts of the built environment with the protection of Lake Tahoe's fragile, natural environment. The Agency values every project applicant and works hard to serve the public promptly and fairly. Please read this packet thoroughly. We hope it answers most of your application questions. If not, please call TRPA at (775) 588-4547. Planners are available to assist you by phone Monday through Friday, 9:00 a.m. to 5:00 p.m. Front counter hours are Monday, Wednesday, Thursday, Friday 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. Closed Tuesdays. Applications are accepted until 3:00 p.m.

Please be aware that we may require information beyond that presented in this packet. Once your application is submitted, TRPA will contact you if additional information is required to adequately review your project.

### **Getting Started**

The Tahoe Regional Planning Agency (TRPA) Regional Plan requires property owners who are proposing removal or replacement of an underground tank to apply for a TRPA permit. In most cases, TRPA can issue approval for underground tank removal and in-kind replacement on an over-the-counter basis. The best guarantee you have in receiving an underground tank removal permit in this fashion is to be certain your application provides all the necessary information outlined on the application checklist. Applications which do not provide complete information will not be accepted until they are complete.

Please be aware, there are some situations where an over-the-counter permit may not be possible. For example, there are cases where the proposed tank removal is located in an environmentally sensitive area which presents unique removal precautions. Projects proposing removal between September 15 and October 15 must provide information on where spoil material will be stored or removed to after the October 15 grading deadline. In these and other unique situations, TRPA will require additional specialized information to approve the removal methods and/or timing. In all cases, TRPA reserves the right to place the application through a more thorough review process or request additional information.

Keep in mind, TRPA may not be the final step in your process. You may be required to obtain permits from the applicable county environmental health, building and planning departments, and from the Lahontan Regional Water Quality Control Board (in California), or the Nevada Department of Environmental Protection (in Nevada).

### **Prior to Application Submittal**

**Review the Standard and Special Conditions (Attachment U).** This document explains all the standards and special conditions that will apply to removal of an underground tank. Additional conditions may be placed on the project by the TRPA Planner reviewing your project. These conditions must be met in order to receive your security deposit back upon completion of the project.

**Acquire Information Related to the Existing Tank.** Research permits at the local environmental health department to find out the size, age, material inside tank and the type of tank (metal, fiberglass, etc.) existing. This will assist with the planning for the removal of the tank.

**Prepare a Site Plan.** Prepare an accurate site plan including all of the required information on the checklist.

**Complete the appropriate forms.** The Underground Tank Removal application form must be completed, and all checklist items provided. For additional information about checklist items, refer to the TRPA Master Checklist. Note

that checklist item numbers may not be sequential; not all checklist items found in the TRPA Master Checklist apply to all projects.

**Obtain the required signatures.** The property owner or authorized representative must sign the application and, if applicable, complete and sign the Authorization For Representation. Forms without an original signature from the property owner will not be accepted. **Faxed signatures and xerox copies will not be accepted.**

**Review Applicable Findings.** TRPA staff must be able to make applicable findings related to your project in order to recommend approval. Contained within this packet is a table of possible findings that may be applicable to your project. It is now required that the applicant submit explanations and rationale to TRPA specific to each finding that will be required to be made. You may want to review the applicable findings in the beginning of the planning stages to allow for adjustments to the project design if necessary in order to allow TRPA to make required findings. This procedure is explained in more detail within this packet.

### **Required Findings**

Purpose: The Tahoe Regional Planning Compact requires TRPA to make findings before taking certain actions. In addition, the Regional Plan package, including the Code of Ordinances and Plan Area Statements, sets forth other findings which must be made. TRPA Code of Ordinances Chapter 6 sets forth procedures describing how TRPA shall make the findings required. Applicable findings with the appropriate TRPA Code of Ordinance Section are shown in the Findings Table in this information packet. You only need to provide explanation as to why the finding can be made for particular findings applicable to your project.

Applicability: Prior to approving any project or taking any other action specified herein, TRPA shall make the findings required by the provisions of the Regional Plan package, including the Goals and Policies, the Code, and specifically Chapter 6 and any other requirement of law. All such findings shall be made in accordance with Chapter 6 of the TRPA Code of Ordinances.

Procedure For Findings: Findings shall be made as follows:

Written Findings: All required findings shall be in writing and shall be supported by substantial evidence in the record of review. The findings required shall be submitted with the application. TRPA must concur with the findings prior to the approval of the proposed matter.

Statement: Required findings shall be accompanied by a brief statement of the facts and rationales upon which they are based

### Example Finding:

33.3.1.B      Grading Season Exceptions: TRPA may approve grading after October 15 if TRPA finds either that an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality.

### Finding Rationale

The project is to remove a leaking underground storage tank. This project is necessary to protect public health and safety by remediating the site from contaminating soil and groundwater. This project is an emergency because it is a threat to both public health and safety and groundwater quality.

The project proponent requires a Grading Season Exception to grade the area after October 15. The project proponent wishes to complete this work prior to the onset of inclement weather. Temporary erosion control will be installed prior to initiation of grading and throughout the grading process.

## **Complete Application**

If your project application addresses all items on the checklist, your application will be accepted by TRPA. In most cases, this application can be approved over the counter. An over the counter permit will skip the following steps until Project Security below.

If your project cannot be approved over the counter, within 30 days of submittal, TRPA staff will review an application for completeness and go through the following steps. If additional items are needed, a letter will be sent to you and/or your representative indicating what additional information is needed to provide a complete application. If the application is determined to be complete, a notice will be sent to you or your representative. Once complete, your application is now ready to be reviewed by TRPA staff for conformance with TRPA rules and regulations. A complete application notice is NOT a conceptual approval of your application, nor is it a determination that the information submitted for review is accurate or approvable.

## **Request for Additional Information**

Once review has begun on your project, additional information may still be required. TRPA staff attempt to identify all information needed to review a project at the "complete application" stage, however, some items can not be identified until the review of the project has commenced. If additional information is required, you and your representative will be notified.

## **Project Review**

The amount of time to process an individual application depends on the complexity of the project and the number of applications submitted to TRPA or the local jurisdiction for review. Submitting a clear and accurate application can speed the processing time through TRPA or the local building department. The time of year you submit your application can also influence the processing time. The summer building season is very hectic and tends to lengthen the processing time for an individual application. During winter, the presence of snow on the ground may limit TRPA's ability to evaluate the site if necessary. You are strongly encouraged to submit your application(s) well in advance of the building season. Ideally, submit your application the winter prior to the year in which you wish to build.

**TRPA Review:** TRPA has three review levels for projects; staff level, Hearings Officer and Governing Board. The large number of public service projects can be reviewed at staff level. The TRPA Governing Board typically only reviews public service projects identified as a "special use" in the plan area statement. The Governing Board meets once a month and projects are scheduled for the next available Governing Board hearing once the review of the project has been completed. Hearings Officer meets twice per month as needed.

## **Conditional Permit**

Once review of your project is complete, TRPA staff will issue a conditional permit. A conditional permit is an approval of your project subject to specific conditions. The conditional permit is based on the application and plans you submitted to TRPA for review.

## **Final Permit Acknowledgement**

Once all the conditions of the permit have been met, TRPA will provide the final acknowledgment of the permit and stamp the submitted plans. You must schedule an appointment with the TRPA planner who issued the permit to acknowledge your permit and stamp your plans. Your permit will not be acknowledged unless you have met all of the special conditions outlined on your conditional permit.

The conditional permit is valid for three years. Within the three year time period, you must demonstrate that all the conditions of approval have been met, pay any required mitigation fees, provide a project security to TRPA, acknowledge the permit, schedule and complete a TRPA pregrading (pre-construction) inspection and begin construction. Your project must be completed within two years from the date of the TRPA pregrading inspection. Once you have received your acknowledged TRPA permit and stamped plans, review by your local jurisdiction will still be required for structural standards and other local requirements. Please check with your local building and planning departments for their processing requirements.

## **Project Security**

A project security will be collected by the reviewing jurisdiction. In most cases, the project security will be based on 110% of the cost of all required Best Management Practices (BMPs). Securities may also be required to insure

compliance with specific conditions of project approval. A security can be posted in several ways: a certificate of deposit, a hold on a personal savings account, a letter of credit, an assignment of personal savings account, a bond (only if security is estimated over \$10,000), or cash. A non-refundable security administrative fee is being required for all securities. Contact the TRPA to schedule a final inspection. Review Attachment J in the Master Checklist/Design Guidelines document for additional information.

### **Plan Revisions**

You may revise your original approval by requesting a plan revision. An approved plan revision, however, will be tied to the original permit expiration date and the conditions of the original approval. A minor plan revision generally involves small changes that do not include modifications to land coverage or the exterior dimensions of structures. A major plan revision generally includes changes to land coverage or height calculations. Check the TRPA fee schedule for the appropriate fee amount.

### **Pregrading (Pre-construction) Inspection**

Before you begin construction of your project, you must arrange a pregrading inspection. Contact the TRPA Environmental Compliance Division to arrange a pregrading inspection. When you receive a tank removal permit from the TRPA Project Review Division, you will be able to schedule an appointment for a pregrading inspection usually within several days of receiving your permit. Prior to scheduling your inspection, you must have obtained all necessary TRPA and local approvals. All temporary Best Management Practices (BMPs) must be installed prior to Pregrading Inspection.

### **Timeline for Appeals**

If an applicant wishes to appeal a final decision by TRPA, pursuant to Rule 11.2 of the TRPA Rules of Procedure, a Notice of Appeal form and filing fee must be submitted within twenty-one (21) days from the date TRPA issues its final decision (date on correspondence). After 21 days, no appeals can be made and the Agency's decision is final.

## *UNDERGROUND TANK REMOVAL REQUIRED FINDINGS TABLE*

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Include an attached Written Statement and rationale for making each finding applicable to the project proposal. Refer to the TRPA *Master Findings Document* available at our offices or online at [www.trpa.org](http://www.trpa.org). Click on “Permits & Documents” and look for the *Master Findings Document* under “Other Documents.” Refer to the *Master Findings Document* to complete this portion of the application.

<b>Applicability</b>	<b>Code Section</b>
<b><i>Finding Necessary to Approve Any Project</i></b>	4.4.1
<b><i>Grading Standards</i></b>	
Grading Season Exceptions	33.3.1.B
Excavation Limitations	33.3.6
<b><i>Possible Contaminating Activities in Source Water Protection Zones</i></b>	60.3.3.D

*UNDERGROUND TANK REMOVAL APPLICATION*

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**Applicant** \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Representative or Agent** \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Owner** \_\_\_\_\_  Same as Applicant  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Project Location/Assessor's Parcel Number (APN)** \_\_\_\_\_  
Street Address \_\_\_\_\_ Subdivision \_\_\_\_\_ Lot # \_\_\_\_\_  
County \_\_\_\_\_ Previous APN \_\_\_\_\_  
(if changed by county assessor since \_\_\_\_\_)

**Size of tank(s) to be removed:** \_\_\_\_\_

**Location of proposed disposal site** (if applicable): \_\_\_\_\_

**Amount of material to be excavated:** \_\_\_\_\_

**Who will be performing work** (if known): \_\_\_\_\_

**DECLARATION:**

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project. (Edited 7/10)

Signature: **(Original signature required.)**

\_\_\_\_\_ At \_\_\_\_\_ Date: \_\_\_\_\_  
Person Preparing Application County

**AUTHORIZATION FOR REPRESENTATION (Original signatures required):**

The following person(s) own the subject property (Assessor's Parcel Number(s) \_\_\_\_\_) or have sufficient interest therein to make application to TRPA:

Print Owner(s) Name(s):

\_\_\_\_\_  
\_\_\_\_\_

I/We authorize \_\_\_\_\_ to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative, to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s): **(Original signature required.)**

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Fee: \$ \_\_\_\_\_ Receipt No: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# UNDERGROUND TANK REMOVAL APPLICATION CHECKLIST

APPLICATIONS LACKING ANY OF THE FOLLOWING ITEMS WILL NOT BE ACCEPTED. TRPA OR YOUR LOCAL JURISDICTION MAY REQUIRE ADDITIONAL INFORMATION ABOVE AND BEYOND THE CHECKLIST ITEMS TO REVIEW THIS APPLICATION.

Each item and number corresponds to TRPA's Master Checklist available at our offices or online. Refer to the *Master Checklist* for more information on any item.

PROJECT NAME: \_\_\_\_\_

CURRENT ASSESSOR'S PARCEL NUMBER (APN): \_\_\_\_\_

PREVIOUS ASSESSOR'S PARCEL NUMBER (APN): \_\_\_\_\_

Applicant            TRPA

- \_\_\_\_\_            \_\_\_\_\_    1. Completed application form with original signed authorization and checklist.
- \_\_\_\_\_            \_\_\_\_\_    2. Application Fee: Please refer to the TRPA Filing Fee Schedule available at TRPA offices or online. Use the schedule to make the calculations on the attached Filing Fee Worksheet and submit the complete fee with this application.  
Filing Fee: \$ \_\_\_\_\_ + Information Technology (IT) surcharge: \$ \_\_\_\_\_ = \$ \_\_\_\_\_
- \_\_\_\_\_            \_\_\_\_\_    3. Site Plan: Minimum 18" x 24" on blackline or blueline print paper showing the following:
  - \_\_\_\_\_            \_\_\_\_\_    a. Map scale and north arrow.
  - \_\_\_\_\_            \_\_\_\_\_    b. Assessor's Parcel Number (APN) and property address.
  - \_\_\_\_\_            \_\_\_\_\_    c. Property owner's name.
  - \_\_\_\_\_            \_\_\_\_\_    d. Location and details of proposed temporary erosion control structure.
  - \_\_\_\_\_            \_\_\_\_\_    e. Delineation of construction site boundary.
  - \_\_\_\_\_            \_\_\_\_\_    f. Location and size of existing tank(s).
  - \_\_\_\_\_            \_\_\_\_\_    g. Location and size of proposed underground tank(s), if applicable.
- \_\_\_\_\_            \_\_\_\_\_    4. Several photographs clearly delineating the areas impacted by excavation and tank removal.
- \_\_\_\_\_            \_\_\_\_\_    5. Applicable Findings Explanation.
- \_\_\_\_\_            \_\_\_\_\_    6. Underground Tank Removal \$500 security and associated administrative fee.
- \_\_\_\_\_            \_\_\_\_\_    7. Project Description.



**UNDERGROUND TANK REMOVAL STANDARD AND SPECIAL CONDITIONS****STANDARD CONDITIONS**

1. The security required shall be \$500. Please see Attachment J., Security Procedures.  
Security \_\_\_\_\_ Posted \_\_\_\_\_ Receipt # \_\_\_\_\_ Type \_\_\_\_\_
2. The security administrative fee, as indicated in Attachment J.  
Fee \_\_\_\_\_ Posted \_\_\_\_\_ Receipt # \_\_\_\_\_ Type \_\_\_\_\_
3. All spoil piles shall be placed on pavement or plastic sheeting only.
4. Temporary erosion control shall be utilized at all times downslope of construction and shown on the final plans. The spoil storage area shall also be shown on the final plans.
5. All excavation shall follow the construction/grading conditions in Attachment Q, including required inspections, notices and temporary BMPs.
6. This permit shall not allow expansions to existing structures and/or additions to existing land coverage.
7. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pregrading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
8. There shall be no ground disturbance with respect to this project between October 15 and May 1 of any given year or during inclement weather. All spoil or stockpiled material shall be removed to an approved site outside the Tahoe Basin by October 15. Commencement of construction shall occur no later than September 15, unless otherwise approved by TRPA.
9. This permit is for tank removal only. No disposal of contaminated soil material shall be permitted without further review and approval of TRPA.
10. If contaminated soil is discovered, the permittee shall provide TRPA with a supplementary report indicating: the amount of contaminated spoil material to be removed; the location of the proposed disposal site; and the names and addresses, and telephone numbers of persons who will dispose of the material. TRPA may require additional information if determined to be necessary. All contaminated soil material shall be removed from the site and disposed of at an approved site outside of the Tahoe Basin prior to release of the security posted for project application. No removal of contaminated soil material shall be permitted without review and approval of the required supplemental report by TRPA.
11. No fill material shall be imported into the project area without prior TRPA approval.
12. All existing disturbed areas and areas disturbed by construction activity within the project area boundaries shall be revegetated with plant species selected from the TRPA List of Approved Plant Species, or shall be replaced with paving, if applicable. The method of restoration shall be shown on the approved plans.
13. The permittee shall obtain all required approvals for the tank removal, and provide TRPA with copies of the approvals, prior to commencement of construction/excavation.

(continued)

***SPECIAL CONDITIONS***

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