

# Chapter 9

## REMEDIAL ACTION PLANS

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9.0 Purpose: In conjunction with Chapter 8, this chapter provides procedures to prepare and enforce remedial action plans which correct environmental degradation.

9.1 Applicability: TRPA may request or require a remedial action plan after identifying a significant environmental problem as set forth in Section 9.2.

9.2 Environmental Problem Assessment: TRPA shall develop, adopt, and maintain problem assessments which identify existing situations which adversely impact attainment or maintenance of the thresholds or constitute violation of a threshold, the Goals and Policies, or the Code. The problem assessments shall identify affected property owners, abatement measures, estimated costs, and sources of funding for implementation of abatement measures.

9.2.A Consultation: In development of problem assessments, TRPA shall consult with affected local governments and state and federal agencies.

9.3 Contents Of Remedial Action Plans: After adoption of a problem assessment, TRPA may either request or direct the preparation of a remedial action plan. TRPA may either assist in, or take responsibility for, the preparation of a remedial action plan. Remedial action plans shall include provisions for, and methods of, problem abatement, implementation schedules, and cost estimates.

9.3.A Action Plan Guidance: TRPA may assist persons preparing an action plan with respect to plan contents, technical requirements for abatement practices, and other matters.

- 9.4 Preparation Of Voluntary Remedial Action Plan: At any time, a person may prepare a remedial action plan and submit it to TRPA for review and approval. In the event TRPA adopts a problem assessment, TRPA may advise the responsible person and either request the preparation and submittal of an action plan or prepare an action plan itself. A request to prepare a remedial action plan shall include a response date. Notice of a request shall be given in accordance with TRPA's Rules of Procedure. TRPA shall emphasize consultation with the person involved to achieve preparation of a voluntary remedial action plan.
- 9.5 Preparation of A Mandatory Action Plan: In the event TRPA adopts a problem assessment, TRPA may advise the responsible person and require the preparation of a mandatory action plan. Notice of the requirement to prepare shall be given in accordance with TRPA's Rules of Procedure
- 9.6 Approval Of Action Plans: Upon submittal of a remedial action plan, TRPA shall review and take action to approve, require modification, or reject the proposed plan. In the event of a rejection, TRPA shall prepare and approve an appropriate action plan.
- 9.7 Failure To Deliver A Mandatory Action Plan: Failure to prepare a mandatory action plan constitutes a violation of the Code. If a person fails or refuses to prepare and submit a mandatory action plan to TRPA within the time limits set by TRPA, TRPA may enforce the terms of this chapter pursuant to Chapter 8 and the Rules of Procedure.
- 9.8 Compliance With Action Plans: A person shall comply with all provisions of an approved action plan including, but not limited to, the schedule for implementation in the plan. TRPA shall monitor implementation of action plans and may provide technical assistance and guidance on implementation.
- 9.9 Other Requirements, Permits, Or Procedures: Approval of an action plan by TRPA shall be subject to other applicable chapters of the Code. An action plan shall be processed by TRPA as a project, pursuant to its applicable Rules of Procedure.
- 9.10 Relationship to Chapter 8: Nothing in this chapter shall be construed to limit TRPA's ability to enforce compliance with the Compact, the Goals and Policies, or the Code pursuant to Chapter 8.