



MAILING ADDRESS:
 STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF FINANCIAL ASSISTANCE
 UST CLEANUP FUND
 P.O. BOX 944212
 SACRAMENTO, CA 94244-2120

PHYSICAL ADDRESS:
 STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF FINANCIAL ASSISTANCE
 UST CLEANUP FUND
 1001 I STREET
 SACRAMENTO, CA 95814

PERMIT WAIVER REQUEST FORM FOR CLAIMS FILED BETWEEN JANUARY 1, 1994 AND DECEMBER 31, 2007

	CLAIM NO.:
CLAIMANT NAME:	
SITE ADDRESS:	

Claimants who were subject to the permit requirement but failed to comply, can request the State Water Resources Control Board (State Water Board) to waive the requirement as a condition for eligibility. For claims between January 1, 1994, and December 31, 2007, the State Water Board may waive the permit requirement if the four requirements listed below have been met. **Please note: for claims that are filed between January 1, 1994, and December 31, 2007, waivers are limited to permits required by January 1, 1990; a waiver may not be used to excuse permit non-compliance that occurred after January 1, 1990, unless the *Kelsoe Opinion* applies.** (See reverse side for an explanation of the *Kelsoe Opinion*.) Where the State Water Board grants the waiver, the deductible (level of required financial responsibility) is twice the amount otherwise required. In this case, the above-named claimant will be responsible for the deductible amount (determined by USTCF staff) of eligible corrective action costs before Fund coverage begins.

I, _____, HEREBY REQUEST THE STATE WATER BOARD TO GRANT A PERMIT WAIVER. TO QUALIFY FOR THIS WAIVER, I AM SUBMITTING DOCUMENTATION SHOWING THAT THE FOLLOWING FOUR PERMIT WAIVER REQUIREMENTS HAVE BEEN MET:

1. The claimant was unaware of the permit requirement prior to January 1, 1990, and did not intend to avoid the permit requirement or the associated fees.
DOCUMENTATION: Provide a brief history of the UST(s) and an explanation as to why the claimant did not obtain UST permits when the claimant became subject to permitting requirements (when the claimant became the owner and/or operator of the USTs or when the local regulatory agency began issuing UST permits, whichever occurred later). Explain when and how the claimant became aware of the law requiring a permit to own or operate the UST(s). (Attach additional sheets as necessary.)

2. Prior to filing a claim, the claimant has complied with the financial responsibility requirements of Section 25299.31 of the Health & Safety Code (H&SC).
DOCUMENTATION: Attach a copy of the Certificate of Financial Responsibility that is on file with the local regulatory agency.

3. The claimant has obtained and paid for all currently required permits.
DOCUMENTATION: If you owned or operated the UST(s) at the time of submitting the claim application, **attach** a copy of the permit to own or operate the UST(s) or a copy of the application to the local agency for a permit indicating that you are diligently pursuing the acquisition of a permit. If the UST(s) were removed prior to submitting your claim application, **attach** evidence that the UST(s) were removed, and the local regulatory agency notified, and a copy of the removal permit.

4. The claimant has paid all UST fees imposed by Section 25299.41 of the H&SC, due on and after January 1, 1991 for the USTs that are the subject of the this claim.
DOCUMENTATION: If any of the USTs owned or operated had product placed in them on or after January 1, 1991, **attach** the most recent copy of the UST Fee Return Form filed with the State Board of Equalization with proof of payment.

CLAIMANT SIGNATURE: _____

PRINT SIGNATURE: _____ DATE: _____

**PERMIT WAIVER REQUEST FORM
FOR CLAIMS FILED BETWEEN JANUARY 1, 1994 AND DECEMBER 31, 2007**

KELSOE V. STATE WATER RESOURCES CONTROL BOARD (KELSOE OPINION)

Pursuant to the *Kelsoe* Opinion, claimants may seek a UST permit waiver for permit noncompliance that continued beyond January 1, 1990, but only if all of the following are met:

1. The claim was filed on or after January 1, 1994, but before January 1, 2008.
2. The claimant was subject to UST permit requirements (i.e., owner or operator of UST) before January 1, 1990.
3. After a period of noncompliance, the claimant obtained a UST permit issued under H&SC section 25284.
4. After obtaining the H&SC section 25284 UST permit, the claimant complied with UST permitting requirements for a substantial period of time.
5. The claimant paid thousands of dollars in UST storage fees into the Fund.

If a claimant falls within this fact pattern and the claimant satisfies the criteria for a permit waiver contained in H&SC section 25299.57, subdivision (d)(3)(B)(i)-(iii), then permit noncompliance that occurred before and after January 1, 1990, may be waived. If the claimant is seeking a waiver for permit noncompliance that continued beyond January 1, 1990, complete the following:

1. When was the claim filed? _____
2. When did the claimant become subject to UST permit requirements of H&SC section 25284 (when did the claimant first become an owner and/or operator of the USTs that are the subject of this claim)? _____
3. When did the claimant first obtain a UST permit issued under H&SC section 25284 (the permit required to either own or operate the UST)? _____
4. After obtaining a permit issued under H&SC section 25284, how long did the claimant continue to comply with these UST permitting requirements? Please provide the number of years and/or months that the claimant held a permit under H&SC section 25284. _____
5. What is the dollar amount of UST storage fees that the claimant paid? Report the amount of UST fees imposed pursuant to H&SC sections 25299.41 and 25299.43 for the USTs that are the subject of this claim. _____