

# BMP Compliance Working Group Meeting #3

August 20, 2014



# Governing Board Priority Setting

*Guide TRPA's efforts and limited resources to the most effective stormwater management strategies.*

# Outline

- Working Group Introductions
- Schedule & Process to Date
- Overview of Stormwater Management System
- BMP Action Plan

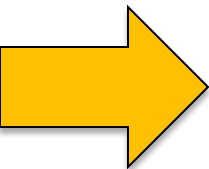
# Introductions

| Working Group Member                        | Representing                    |
|---|---------------------------------|
| Clem Shute                                  | TRPA Governing Board - CA       |
| Shelly Aldean                               | TRPA Governing Board - NV       |
| Dan Siegel, CA Attorney General's Office    | State of California             |
| Jason Kuchnicki, NDEP                       | State of Nevada                 |
| Karin Staggs, NTCD                          | Nevada Local Governments        |
| Jason Burke, CSLT                           | California Local Governments    |
| Sara Ellis, Nevada Realtors                 | Business Interests              |
| Shannon Eckmeyer, League to Save Lake Tahoe | Environmental Interests         |
| Woody Loftis, NRCS                          | Non-affiliated Technical Expert |

# Schedule

## BMP Compliance Options Priority Project Schedule

|                          |  |
|--------------------------|--|
| January 29, 2014         | RPIC endorsed process, schedule and working group members  |
| March 12, 2014           | Working Group meeting #1 – conceptual approach   |
| May 28, 2014             | RPIC review of conceptual approach   |
| May – July, 2014         | Staff research of data needs and development of preliminary recommendations for discussion topics; Coordination with the EIP Parcel Specific BMP Water Quality Working Group |
| July 8, 2014             | Working Group meetings #2  |
| July -August 2014        | Consolidated final recommendations into the BMP Action Plan.   |
| August 20, 2014          | Working Group meeting #3. Action requested.  |
| September-December, 2014 | TRPA review process: APC, RPIC, and Governing Board review and approval  |



# Previous Working Group Meeting Outcomes

## Meeting #1:

- Goals, Objectives and Feasibility Criteria
- Discussion Topics and Data Needs

## Meeting #2:

- Draft Enhanced BMP Disclosure Form
- Flow chart of BMP Compliance Process

# Stormwater Management Program Framework

| Land Use                  | % of Lake Tahoe Watershed | Average TSS runoff conc. (mg/L) | BMP Compliance                       |                     | BMP Compliance Mechanism |                     |                    |               |
|---------------------------|---------------------------|---------------------------------|--------------------------------------|---------------------|--------------------------|---------------------|--------------------|---------------|
|                           |                           |                                 |                                      |                     | Public EIP WQIPs         | Area-Wide Treatment | Permitted Projects | BMP Retrofits |
| Highways                  | 0.28%                     | 951.6 mg/L                      | 104 miles treated                    |                     | X                        | X                   |                    |               |
| Roadways                  | 1.34%                     | 150 mg/L                        | 550 miles treated                    |                     | X                        | X                   |                    |               |
| Forest Service Roads      | 0.15%                     | 1015.2 mg/L                     | Decommissioning and BMPs through MOU |                     | X                        | X                   |                    |               |
| Public Service            | 0.48%                     | 296.4mg/L                       | 730 BMP Certs                        | 1,186 parcels left  | X                        | X                   | X                  | X             |
| CICU                      |                           |                                 |                                      |                     |                          | X                   | X                  | X             |
| Multi-family Residential  | 0.38%                     | 150 mg/L                        | 7,055 BMP Certs                      | 3,886 parcels left  |                          | X                   | X                  | X             |
| Single Family Residential | 0.89%                     | 56.4mg/L                        | 8,597 BMP Certs                      | 22,016 parcels left |                          | X                   | X                  | X             |

# Roadways

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# Roadways



# Public Service & Commercial

| Land Use       | % of Lake Tahoe Watershed | Average TSS runoff conc. (mg/L) | BMP Compliance |                    | BMP Compliance Mechanism |                     |                    |               |
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# Public Service & Commercial



# Multi-Family Residential

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| Multi-family Residential | 0.38%                     | 150 mg/L                        | 7,055 BMP Certs | 3,886 parcels left |                          | X                   | X                  | X             |

# Multi-Family Residential

**LAKE TAHOE EIP**  
CONSERVATION. CLEARLY.

**TRPA Stormwater Management Program**  
Working with property owners, private businesses, and government agencies to advance effective BMP design and implementation on developed properties at Lake Tahoe

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## Multi-Family Residence

hover over a shaded area to learn more



# Single Family Residential

| Land Use                  | % of Lake Tahoe Watershed | Average TSS runoff conc. (mg/L) | BMP Compliance  |                     | BMP Compliance Mechanism |                     |                    |               |
|---------------------------|---------------------------|---------------------------------|-----------------|---------------------|--------------------------|---------------------|--------------------|---------------|
|                           |                           |                                 |                 |                     | Public EIP WQIPs         | Area-Wide Treatment | Permitted Projects | BMP Retrofits |
| Single Family Residential | 0.89%                     | 56.4mg/L                        | 8,597 BMP Certs | 22,016 parcels left |                          | X                   | X                  | X             |

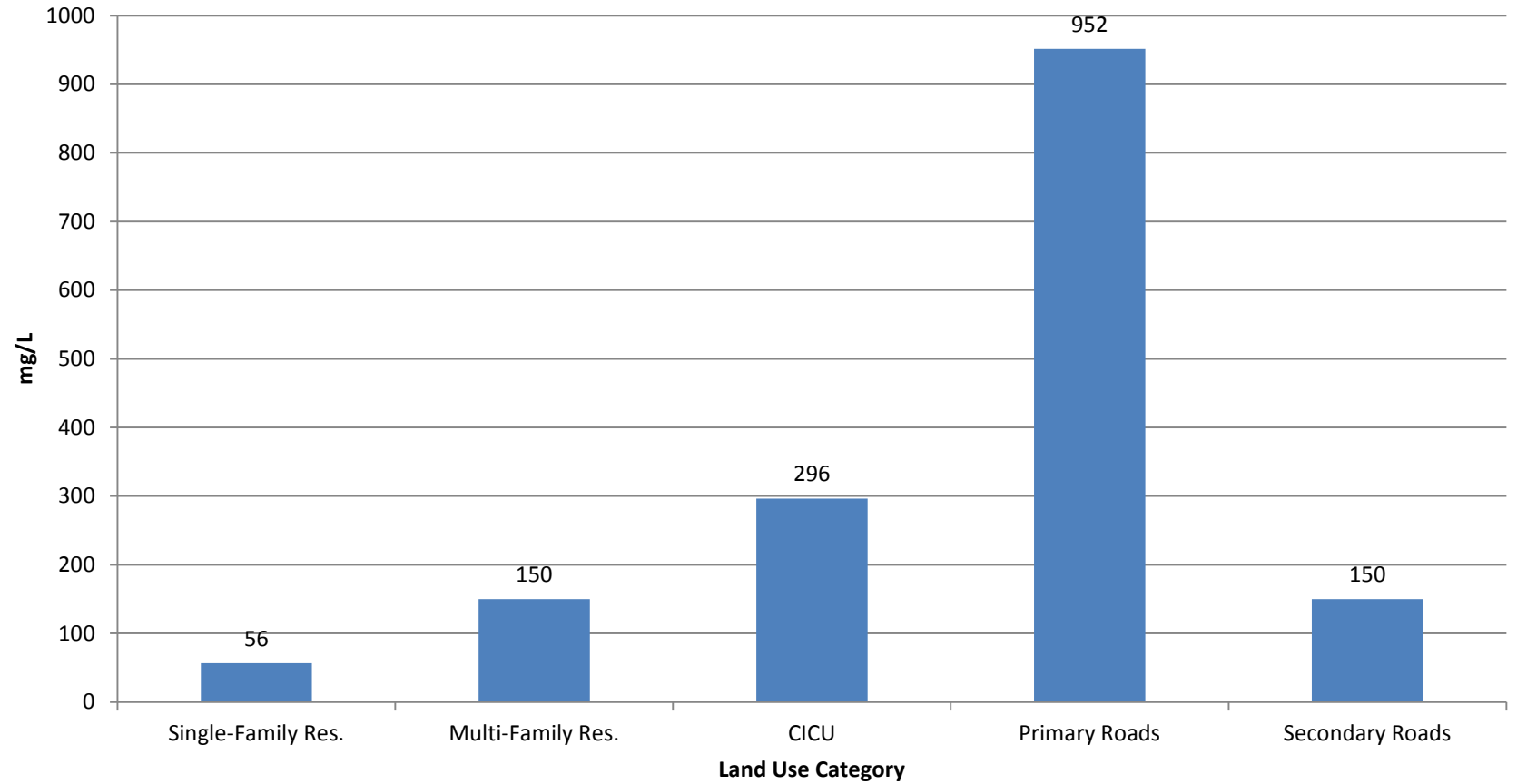


# Single Family Residential





### TSS Runoff Concentrations





# Requested Working Group Action

*Endorse the BMP Action Plan or identify the necessary revisions in order to endorse it.*

# BMP Action Plan Discussion Topics

1. Real Estate disclosure process
2. Require BMPs at the point-of-sale
3. Use of forfeited securities
4. Enforcement options, such as recording a notice of noncompliance to a property
5. Prioritize BMP implementation in coordination with Load Reduction Plans
6. Area-wide BMPs and in-lieu fees
7. Additional incentives/subsidies
8. BMP maintenance and adaptive management
9. Additional topics of interest

# Real Estate Transaction BMP Requirements

1. Real Estate disclosure process
2. Require BMPs at the point-of-sale

## Recommended Actions:

- 1.1 Enhance BMP Real Estate Disclosure form
- 2.1 Develop a robust disclosure process and BMP education and outreach at the point-of-sale
- 2.2 Support the TMDL with BMP Compliance Efforts

# Compliance Procedures and Enforcement Options

3. Use of forfeited securities
4. Enforcement options, such as recording a notice of noncompliance to a property

## Recommended Actions

- 3.1 Request TRPA Legal Committee review of Code amendments to provide greater flexibility in the use of forfeited securities.
- 4.1 Request Legal Committee review of Rules of Procedure amendments to record a notice of non-compliance to a property deed under certain circumstances.
- 4.2 Improve enforcement tracking and reporting

# Coordinate BMP Implementation with Load Reduction Plans

5. Prioritize BMP implementation in coordination with Load Reduction Plans

## Recommended Actions

5.1 Update the TRPA enforcement strategy

5.2 Update the Charter and Strategic Plan for the EIP Parcel Specific Working Group

5.3 Improve BMP Compliance Tracking and Reporting

# Area-Wide Water Quality Treatment

## 6. Area-wide BMPs and in-lieu fees

### Recommended Actions

- 6.1 Incorporate area-wide treatment opportunities into Area Plans
- 6.2 Track and report BMP certificates from area-wide treatment

# BMP Incentives

7. Seek funding for additional incentives to encourage BMP compliance, such as a robust subsidy program through reimbursements.

## Recommended Actions

- 7.1 Evaluate BMP incentives during four-year update and adapt as needed
- 7.2 Pursue new grant funds for incentive programs
- 7.3 Partner with entities like the League to Save Lake Tahoe to leverage communication and outreach efforts to increase use of incentives

# 8. BMP Maintenance and Adaptive Management

## Recommended Actions

- 8.1 Update maintenance section of the BMP Handbook to align with the TMDL
- 8.2 BMP Maintenance Plan for all permitted commercial and multi-family projects
- 8.3 Regional Plan adaptive management process



## 9. Additional Topics of Interest

Marinas, Hydrologic Connectivity, BMPs on Vacant Lots, Subsurface Contamination

### Recommended Actions

- 9.1 Issue BMP Certs for marinas in compliance with state NPDES requirements
- 9.2 Consider targeting non-compliant marinas in coordination with Lahontan and NDEP
- 9.3 Focus resources and staff time on strategies that achieve the greatest pollutant load reduction while minimizing risk of spreading subsurface contamination