

Area-Wide Water Quality Treatment

Overview:

This information sheet addresses BMP Compliance Working Group discussion item #6 to facilitate and promote area-wide treatment and in lieu fees. It provides background data, analysis of options to address the topic and advances recommendations from TRPA staff and the EIP Parcel Specific Working Group. The BMP Compliance Working Group is focused on advancing recommendations that guide TRPA's efforts and limited resources to the most effective stormwater management strategies in a manner that is consistent with the Regional Plan, local Area Plans and TMDL load reduction plans.¹

TRPA requires all properties in the Lake Tahoe Region to meet BMP requirements. Area-wide water quality treatment facilities and funding mechanisms are an alternative approach to meeting certain parcel specific BMP requirements. In many situations, area-wide treatment provides greater water quality benefits compared to individual BMP retrofits and facilitates more effective maintenance over time. Prior to the 2012 Regional Plan, area-wide treatment projects focused on constrained properties unable to meet infiltration requirements. The Regional Plan expanded the applicability of area-wide treatments, when approved as part of an Area Plan. Meeting Lake Tahoe TMDL load reduction requirements also provides greater incentive for local jurisdictions to explore area-wide treatments because of the economies of scale for installation and on-going operations and maintenance.

Example area-wide treatment projects underway include the Bijou Erosion Control Project and Harrison Avenue Water Quality Improvement and Streetscape Project in the City of South Lake Tahoe, and the Cave Rock Area Wide Stormwater Treatment Basin Retrofit in Nevada. The City and Cave Rock General Improvement District (GID) administer unique funding mechanisms for each project that address construction and/or long term operation and maintenance costs. TRPA partners with local jurisdictions to facilitate participation by sending joint notification letters to contributing private properties. See Attachment A for more detail.

TRPA anticipates certain Area Plans currently under development will identify additional area-wide treatment projects that offer multiple environmental benefits, such as the Tahoe Valley Greenbelt project and the Meyers Erosion Control project. These multifaceted projects have better opportunities to secure funding from a wider variety of sources. Coordination between TRPA and local jurisdiction staff will facilitate and promote area-wide treatment by identifying opportunities consistent with TMDL Load Reduction Plans and incorporating them into Area Plans.

Recommendation Summary:

1. Refer the topic of area-wide treatment to the EIP Parcel Specific Working Group to review staff recommendations and identify any additional opportunities as part of developing final recommendations.
2. Use existing grants funds to coordinate with local jurisdictions on BMP enforcement of private properties contributing to area-wide treatments.
3. Identify opportunities for Area-Wide Treatment and incorporate them into Area Plans currently under development.

¹ BMP Compliance Options Working Group Meeting #1 – Meeting Notes, March 12, 2014

Background

2012 Regional Plan

Water Quality Policy WQ-3.11 states that area-wide treatment facilities and funding mechanisms may be implemented in lieu of certain site specific BMPs where they can be shown to achieve equal to or greater water quality benefits.

TRPA Code of Ordinances

Section 13.5.3 of TRPA Code outlines requirements for area-wide water quality treatments and funding mechanisms proposed as part of an Area Plan. Chapter 60 details other BMP requirements.

Local Area Plans

TRPA adopted the South Shore Area Plan in Douglas County and the City of South Lake Tahoe Tourist Core Area Plan (TCAP) since adoption of the Regional Plan in 2012. The TCAP includes the Bijou Erosion Control Project, which is an example of an area-wide treatment for constrained properties. Other draft Area Plans under development call for area-wide water quality treatment projects in areas where they can be more effective or provide multiple benefits.

TMDL and Load Reduction Plans

The City of South Lake Tahoe Pollutant Load Reduction Plan (PLRP) identifies the area-wide Bijou Erosion Control Project as one of their strategies to meet load reduction requirements and obtain credit through the Lake Clarity Crediting System. The project is located in a high pollutant loading catchment, where it conveys stormwater from the public right of way and constrained private properties to an infiltration facility further inland from the Lake.

The Douglas County Stormwater Load Reduction Plan (SLRP) under development identifies the Cave Rock watershed as a directly connected catchment. The Cave Rock Estates GID Stormwater System Retrofit Project intends to rehabilitate an existing detention basin installed in 1991 to treat stormwater runoff from both the Cave Rock Estates GID right of way and all of the private properties within the watershed. This was verified through a baseline and expected conditions PLRM Model for the entire watershed.

Data Needs

The BMP Compliance Working Group requested information on the Environmental Improvement Program cost share. The working group raised concern over reductions in private contributions to the EIP since area-wide treatments are public-private partnerships. Funding sources for the EIP are approximately onethird each for the Federal, state and local, and private shares.² In lieu funding mechanisms for private properties contributing to area-wide treatments is considered a private contribution to the EIP cost share and is not expected to significantly impact the distribution of contributions between the three sectors.

Options and Analysis

Area-wide treatments can offer greater water quality benefits than certain parcel specific BMPs by providing holistic design and facilitating maintenance over time. Projects can require considerable public funding, but often produce a more effective outcome. When multi-faceted environmental benefits, such

² TRPA report: Restoration in Progress, Environmental Improvement Program Update, Planning Horizon through 2018, p. 81.

as sensitive land restoration, dedicated public open space and bicycle and pedestrian facility improvements, are factored into the projects, they have better opportunities to secure funding from a variety of sources. They offer an integrated approach for areas to meet both TMDL and TRPA requirements. Coordination of agency and local jurisdiction staff can help identify opportunities for area wide treatment consistent with TMDL load reduction plans and ensure they are integrated into Area Plans currently under development.

Recommendations:

1. Refer the topic of area-wide treatment to the EIP Parcel Specific Working Group to review staff recommendations and identify any additional opportunities as part of developing final recommendations.

The EIP Parcel Specific Working Group is made up of state and federal agency and local jurisdiction staff implementing and enforcing stormwater management programs to meet TRPA and TMDL requirements. Due to the large number of topics to address and the technical nature of area-wide treatment, TRPA staff recommends referring this topic to the EIP Parcel Specific Working Group to review staff recommendations and identify any additional opportunities as part of developing final recommendations by August 20, 2014. Four members of the BMP Compliance Working Group serve on the EIP Parcel Specific Working Group and can communicate between the groups.

1. Use existing grants funds to coordinate with local jurisdictions on BMP enforcement of private properties contributing to area-wide treatments. Use EIP Parcel Specific Working Group meetings as the forum for coordination. TRPA's partnership with local jurisdictions helps implement area-wide treatments and coordinates compliance efforts in areas that support the greatest load reduction.
2. Identify opportunities for area-wide treatment and other multifaceted projects and incorporate them into Area Plans currently under development. Integrate with TMDL Load Reduction Plans to meet both TRPA and TMDL requirements. Use EIP Parcel Specific Working Group meetings as the forum for coordination.



City of South Lake Tahoe

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Bijou BMP Retrofit Program – Documents due April 28, 2014

Dear Property Owner,

The City of South Lake Tahoe (City) and the Tahoe Regional Planning Agency (TRPA) are excited to tell you that the Bijou Erosion Control Project (Project) will be completed this year and that the timeline has been finalized for joining the Community Facilities District (CFD) to obtain a TRPA BMP Certification of Completion for your property.

Background

Property owners have been provided a TRPA Best Management Practices (BMP) compliance deadline, and TRPA enforcement of the private property BMP requirement in the Bijou area has begun. In an effort to assist local property owners in complying with these requirements, the City is nearing completion of the Bijou Project which includes a comprehensive regional water quality treatment system to treat both public and private runoff, protecting the clarity of Lake Tahoe.

The City's goal in creating this Project is to ensure it will be cost effective for all eligible properties in the Bijou project area to achieve BMP compliance.

Town Hall Meeting

The City held informational meetings on February 27, 2014 to discuss the specific details of the program and estimated costs for individual properties. At the meeting, the following points were made:

- BMPs are a regional requirement and will be enforced per Chapter 60: *Water Quality* of the TRPA Code of Ordinances
- TRPA temporarily suspended enforcement of BMPs in the Bijou Commercial Core Area in advance of the City's Project; now that a cost effective BMP option is available for property owners, enforcement will continue.
- Recent private BMPs constructed by property owners have averaged \$1.27 per square foot, but for commercial properties installing BMPs under asphalt, costs have been \$3.00 per square foot of parcel area. These costs do not include lost parking and development opportunity, or ongoing private BMP maintenance costs.
- The program being offered by the City is extremely cost effective, costing properties \$0.10 per square foot of runoff generating surface each year.
- Total cost of the Project is close to \$15M. The Project construction is publically funded at no cost to you. The Project is 50% constructed and will be completed in 2014.
- The annual cost to maintain the system is \$112,500 per year over a 20 year period. The City proposes to split the annual maintenance cost with property owners.
- Property owners participating in the program pay a portion (based on the impervious square footage of their property) of the annual maintenance. *Please contact Greg Davidson at (800) 676-7516 for your property costs.*

- A Community Facilities District (CFD) is being formed to collect the property owner's portion of the annual maintenance costs. A CFD is a financing mechanism that would result in a line item on your property tax bill equal to your portion. In order to approve the CFD, an election occurs via interested landowners as detailed below under Next Steps.
- Eligible properties are those within an approximate 42 acre area of the Bijou Commercial Core that directly contribute stormwater runoff to the system via impervious surfaces (e.g. parking lots, roofs, concrete patios and sidewalks).
- The initial cost to form the CFD is being covered by the City, the cost to join the CFD in future years will be the responsibility of the joining property owner(s). The estimated cost to join the CFD at a later date is approximately \$5,000, reflecting the administrative costs of annexation.

Next steps

We are currently in contact with multiple owners interested in participating in the CFD. If you are interested in participating, the next step is to contact the City's representative, (Greg Davidson with NBS, 800-675-7516), to express interest and request the documents to complete and return. *The initial paperwork is called a "Petition" and must be returned by April 28, 2014.*

Expressing interest and returning the required paperwork to join is critical for property owners wishing to join without paying future annexation costs.

Based on the responses received from property owners by April 28, 2014, the City Council will then consider a Resolution of Intention to form the CFD on June 3, 2014. Following this meeting, ballots asking property owners to confirm that they wish to join will be distributed, with a final hearing planned for the July 8, 2014 City Council meeting.

For property owners joining the CFD and obtaining BMP Retrofit compliance, future property tax bills, starting 12/10/2014, will include a line item for the CFD for as long as the system is in operation.

If you have general questions regarding the Bijou project, please contact Trevor Coolidge by calling 530-542-6042 or emailing tcoolidge@cityofslt.us or visiting <http://cityofslt.us/bijouproject> to learn more.

To take advantage of the CFD and achieve TRPA BMP Retrofit compliance without paying the formation costs, please contact Greg Davidson by calling 800.676.7516 or emailing g davidson@nbsgov.com to request a petition for your property.

Sincerely,

/sig/
Sarah A. Hussong Johnson
Director of Engineering
City of South Lake Tahoe

/sig/
Brian R. Judge
Principal Environmental Specialist
Tahoe Regional Planning Agency