

Chapter 25

BEST MANAGEMENT PRACTICE REQUIREMENTS

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25.0 Purpose: This chapter sets forth the requirements for installation of Best Management Practices (BMPs) for the protection or restoration of water quality and attainment of minimum discharge standards.[§]

25.1 Applicability: BMPs, as described in the Handbook of Best Management Practices (Volume II of the Lake Tahoe Basin Water Quality management Plan), or equivalent practices approved by TRPA, shall be applied to all public and privately owned lands.

25.2 Project Compliance Program: TRPA shall enforce the following project compliance programs:

25.2.A Temporary BMPs: Temporary BMPs in accordance with the Handbook of Best Management Practices, and as required in Chapter 62, shall be implemented on construction sites and maintained throughout the construction period until winterization and permanent BMPs are in place.[§]

25.2.B Permanent BMPs: Application of required permanent BMPs within the parcel or entire project area boundaries, whichever is greater, shall be a condition of project approval. Standard requirements are set forth in sections 25.4 and 25.5.[§]

(1) Conditions of project approval shall set forth a schedule for installation of permanent BMPs on the project area, but in no case shall be scheduled later than the date set for the completion of the project (see Chapter 4).

(2) Retrofitting of the project area outside the construction site boundary with BMPs, also shall be made a condition of project approval.

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- (a) If the project area involves more than one parcel, the entire project area will be treated as one parcel for purposes of this chapter.
 - (b) TRPA shall keep track of the status of retrofitting of project parcels, and or project areas, as provided in Chapter 38.[§]
- (3) The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the requirements of Subsection 25.2.B(2):
- (a) Installation of erosion control facilities. (b) Restoration of disturbed areas.
 - (c) SEZ restoration.
 - (d) Underground storage tank removal, replacement, or maintenance.
 - (e) Hazardous waste spill control or prevention facilities.
 - (f) Sewage pump-out facilities for RVs or boats.
 - (g) Minor utility projects pursuant to Subparagraph 20.5.B(6).

25.3 BMP Retrofit Program: Persons owning property not subject to a retrofit requirement prior to January 1, 1993, under Section 25.2, or a discharge permit under Subsection 25.3.C, shall install and maintain BMPs on their property with existing uses in accordance with the following provisions:

25.3.A Priority System: Properties with existing uses shall install BMPs in accordance with Table E-1, Appendix E, Chapter 37, and the following watershed priority system:[§]

- (1) Priority Group 1: Properties with existing uses in watersheds with a point score less than or equal to 30, shall install BMPs not later than October 15, 2000.
- (2) Priority Group 2: Properties with existing uses in watersheds with a point score of 30 to 46, inclusive, shall install BMPs not later than October 15, 2006.
- (3) Priority Group 3: Properties with existing uses in watersheds with a point score of 47 or greater shall install BMPs by October 15, 2006, or not later than October 15, 2008 pursuant to a fee schedule to be developed for BMP inspections, evaluations, and certifications.
- (4) Disclosure of a property's BMP status and provision of a copy of the disclosure form to TRPA shall be a requirement of sale.
- (5) Parcels and unpaved roadways without appropriate BMPs in place pursuant to the dates described above are subject to enforcement under Article IX Compliance Procedures, Section 9.2, of the Rules of Procedure for violation of Chapter 25.

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- 25.3.B Disclosure Requirements: Effective January 1, 2003, owners of property for sale shall, prior to sale, disclose to a purchaser the property's BMP status on a TRPA approved form. The purchaser of the property shall provide the disclosure form to TRPA within 30 days of sale.[§]
- 25.3.C Discharge Permits: Not later than December 31, 1992, TRPA shall notify property owners with existing uses in the following categories of the requirements of this subsection. Not later than March 31, 1993, the persons so notified shall inform TRPA that: (1) they have an existing valid state or federal stormwater discharge permit, (2) they will apply for a state or federal stormwater discharge permit, or (3) they will submit to TRPA a remedial action plan pursuant to Chapter 9 of the Code of Ordinances. Not later than June 30, 1994, all persons so notified shall have either a valid state or federal stormwater discharge permit or an approved remedial action plan pursuant to Chapter 9. Such permits and action plans shall be consistent with the provisions of the Water Quality Management Plan for the Tahoe Region.
- (1) Commercial Uses: Retail or entertainment facilities, greater than one acre; storage yards.
 - (2) Recreation Uses: Downhill ski areas, marinas, golf courses.
 - (3) Public Service Uses: Transportation routes, corporation yards.
- 25.4 Priority for Installation of Retrofitting Measures: Schedules for BMP compliance shall include the measures proposed for each year and the estimated cost for those measures. The estimated cost shall be based on unit costs established by TRPA. Unless otherwise approved by TRPA, a schedule that phases BMP compliance shall implement the BMP measures in the following order:
- (a) Pave legally established roads, driveways and parking areas;
 - (b) Install drainage conveyances;
 - (c) Walkways and cut and fill slopes;
 - (d) Vegetate denuded areas; and
 - (e) Treat surface runoff from land coverage.
- 25.5 Standard BMP Requirements: Pursuant to section 25.2, standard conditions of approval for projects shall meet the following requirements:
- 25.5.A Runoff Water: Runoff water from impervious surfaces shall meet the discharge standards of Chapter 81 and shall be controlled as follows:
- (1) Infiltration Requirements: Except as provided in section 25.7, infiltration facilities to discharge runoff to groundwater shall be required. Infiltration facilities shall be designed to accommodate the volume from a twenty year, one hour storm. An average intensity of 1 inch per hour can be used for this calculation. Infiltration facilities shall be designed utilizing the methodology set forth in the BMP Handbook. The bottom of infiltration trenches or

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dry wells shall be a minimum of one foot above the seasonal high water table. If TRPA finds that the runoff from impervious surfaces from a twenty year, one hour storm will infiltrate naturally on the parcel, TRPA may waive the requirement to install infiltration facilities.[§]

- (2) Excess Runoff: Runoff in excess of that infiltrated pursuant to paragraph (1) above shall be controlled in accordance with the methods and design standards in the Handbook.
- 25.5.B Cut And Fill Slopes: Cuts and fills with slopes greater than 2:1 shall be stabilized with methods consistent with the BMPs.
- 25.5.C Denuded Areas: All denuded areas, including slopes less than 2:1, shall be vegetated with approved species listed in the Handbook.
- 25.5.D Drainage Conveyances: Drainage conveyances through a parcel shall be designed for at least a 10 year, 24 hour storm. Storm drain culverts and drain channels shall be designed by a qualified professional. Drainage conveyances through a SEZ shall be designed for a minimum of a 50 year storm.
- 25.5.E Roads, Driveways, And Parking Areas: All roads, driveways and parking areas proposed for year-round use shall be paved in accordance with Chapter 24.
- 25.5.F Protection Of BMPs: After installation, all BMPs shall be provided with adequate protection to prevent damage from vehicles.
- 25.6 Additional Requirements: In addition to the standard requirements of section 25.5, project conditions of approval shall list any other appropriate required BMPs to meet minimum discharge standards[§]. Construction in stream environment zones or Land Capability Districts 1 through 3, inclusive, normally will require special conditions of approval because of the sensitivity of those areas to disturbance.
- 25.7 Special Circumstances: Where special circumstances occur, alternative BMPs may be approved to meet water quality standards. Special circumstances may include, but not be limited to, streets, highways, and bike trails, existence of high ground water table, unusual up stream or downstream flow conditions, proximity to drinking water sources^{§§}, and presence of unusual concentrations of pollutants.
- 25.8 Maintenance Of BMPs: BMPs shall be maintained to ensure their continued effectiveness.

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