

**TRPA
APC
PACKETS**

**AUGUST
1984**

Counter Copy
DO NOT REMOVE

208 - 11 pp.

AUG 84 APC

NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on August 8, 1984 at 9:30 a.m. in the TRPA Office at 2155 South Avenue, South Lake Tahoe, California, the Advisory Planning Commission of said agency will conduct its regular meeting. The agenda for said meeting is attached to and made a part of this notice.

Dated: June 4, 1984

By: David A. Ziegler
for Gary D. Midkiff
Acting Executive Director
Tahoe Regional Planning Agency

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

August 8, 1984
9:30 a.m.

PRELIMINARY AGENDA

- I CALL TO ORDER AND DETERMINATION OF QUORUM
- II APPROVAL OF AGENDA
- III ADMINISTRATIVE MATTERS
- IV PUBLIC HEARING
 - A. Draft Water Quality Ordinance, Chapter 7
 - B. Draft Transportation/Air Quality Ordinance, Chapter 8
(Sections 8.00 to 8.05 only)
 - C. Washoe County Plan Area Statements
- V PLANNING MATTERS
 - A. Regional Plan Status Report
 - 1. Litigation
 - 2. Progress of Plan Area Statements
 - 3. Progress of Ordinances
 - B. Presentation: TTD Short Range Implementation Plan
 - C. Proposed Amendments to TBAG MOU Regarding Projects Subject to the Allocation System
- VI REPORTS
 - A. Staff
 - B. Legal Counsel
 - C. Public Interest Comments
 - D. APC Members
 - E. Other
- VII RESOLUTIONS
- VIII CORRESPONDENCE
- IX PENDING MATTERS
- X ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896
South Lake Tahoe, California 95731

2155 South Avenue

(916) 541-0246

MEMORANDUM

August 1, 1984

To: The Advisory Planning Commission
From: The Staff
Subject: Draft Water Quality Ordinance, Chapter 7

Attached for your review is an August 1 redraft of the water quality and water resources provisions of the code of ordinances. This draft is complete and incorporates changes made in response to comments from the water quality committee, Caltrans, and TRPA staff. For your convenience, new material is underlined and deleted material is dashed out.

The staff asks that the APC, after holding a public hearing and making appropriate revisions, recommend this draft of Chapter 7 for Governing Body consideration.

Attachment

DZ:jf
8/1/84

AGENDA ITEM IV A.

CHAPTER 7

7.00.00.0 WATER QUALITY AND WATER RESOURCES PROVISIONS: Along with portions of Chapters 2 and 4, this chapter carries out, as appropriate, the water quality subelement and portions of the Public Services and Facilities element of the Regional Plan. This chapter also implements, in part, the Agency's programs to attain and maintain federal, state, and local water quality standards, under Article V(d) of the Tahoe Regional Planning Compact.

7.01.00.0 WATER POLLUTION CONTROL:

7.01.01.0 Discharge Limitations: The intent of this Section is to set forth standards (environmental thresholds) for the discharge of runoff water from properties in the Tahoe region, and to prohibit the discharge of domestic, municipal, or industrial wastewaters in the region. These standards and prohibitions apply to discharges to both surface waters and groundwaters. The Agency presumes that compliance with the requirements of the Regional Plan, including ~~requirements for~~ the application of "best management practices" (or "BMP's") will allow all persons to meet the runoff thresholds, until and unless monitoring tests prove otherwise. State water quality agencies will also issue discharge permits in the region under state and federal law, in accordance with the water quality management plan.

7.01.01.1 Applicability: All discharges to the waters of the region shall not exceed the following standards:

- a. Surface Runoff: Pollutant concentrations in surface runoff shall not exceed the following readings at the 90th percentile:

<u>Constituent</u>	<u>Maximum Concentration</u>
Dissolved Inorganic	
Nitrogen as N	0.5 mg/l
Dissolved phosphorus as P	0.1 mg/l
Dissolved Iron as Fe	0.5 mg/l
Grease and Oil	2.0 mg/l
Suspended Sediment	250 mg/l

- 1) If the constituent levels of water entering a site from upstream areas are of a superior or equal quality to the above, those waters should meet the quality level listed above prior to discharge from the site.

2) If the constituent levels of waters entering a site do not meet the above, there should be no more than a 10% increase in the concentrations of these constituents in water discharged from the site, based on a 24 hour average.

- b. Discharges to Groundwaters: Waters infiltrated into soils should not contain excessive concentrations of nutrients which may not be effectively filtered out by soil and vegetation and shall not exceed the following maximum constituent levels:

<u>Constituent</u>	<u>Maximum Concentration</u>
Total Nitrogen as N	5 mg/l
Total Phosphate as P	1 mg/l
Iron	4 mg/l
Turbidity	200 JTU
Grease and Oil	40 mg/l

Where there is a direct and immediate hydrologic connection between ground and surface waters (i.e., saturated flow conditions), discharges to groundwater shall meet the standards for surface runoff. This part includes maximum turbidity values to protect infiltration devices from siltation. Persons shall utilize sediment traps consistent with the Handbook of Best Management Practices upstream of infiltration devices which may be subject to excessive levels of siltation.

- c. Prohibition of Wastewater Discharge: The discharge of domestic, municipal or industrial wastewater to Lake Tahoe, its tributaries, the groundwaters of the Tahoe region, or the Truckee River within the Tahoe region is prohibited, except for existing discharges under alternative plans for wastewater disposal approved by the state agency of appropriate jurisdiction.

1) Holding Tanks and Other No-Discharge Systems: To avoid a discharge of wastewater that is prohibited under Subsection 7.01.01.0, holding tanks or other no-discharge systems may be used, only in the following instances:

- i. As a temporary measure associated with a temporary use, including but not limited to sporting events, community events, and construction.
- ii. As a permanent measure associated with remote public recreation sites, including but not limited to trailheads and undeveloped walk-in campgrounds.

7.01.02.0 Runoff Controls: To meet the runoff discharge standards of Subset 7.01.01.1(a) and (b), all persons who own or manage land within the region shall apply best management practices as generally set forth in the Handbook of Best Management Practices. BMP's consistent with the Handbook shall specifically be applied to all compacted areas, denuded areas, cut slopes, and fill slopes. In cooperation with other agencies, such as the Conservation Districts, the Agency shall provide technical assistance to all persons who require it for the application of BMP's. ~~During the first five years of Regional Plan implementation, application of BMP's shall be voluntary, with certain exceptions noted below.~~ Application of BMP's shall be mandatory for all new development. With respect to existing development, the Agency shall require BMP's as set forth in 7.01.02.4. After five years, however, all persons who own or manage land within the region must either have BMP's in place, and maintain them, or have agreed to a schedule of compliance. The Agency shall develop a program to certify compliance with these requirements.

7.01.02.1 Best Management Practices: Best management practices as described in the TRPA Handbook of Best Management Practices shall include, at a minimum, the standards of Subset 2.05.05.2. Where special circumstances obviate the need for standard BMP's, the TRPA Executive Director shall prescribe required BMP's based on best professional judgment, after consultation with appropriate experts.

7.01.02.2 Other Management Practices: For situations not covered in the Handbook of Best Management Practices, the TRPA Executive Director may define required BMP's based on best professional judgment, after consultation with appropriate experts.

7.01.02.3 Off-site BMP's: Where, for technical reasons, the application of BMP's on the property is infeasible and all feasible alternatives have been exhausted, the property owner or managing public agency may propose off-site BMP's of equal or greater effectiveness, subject to the approval of the TRPA Executive Director. Required easements or purchase of additional property for offsite application of BMP's shall be the discharger's responsibility and not binding on the Agency. Such off-site BMP's shall directly treat the runoff of the property in question.

7.01.02.4 Compliance with Application of Best Management Practices (BMP's): Application of BMP's shall be mandatory five years after the adoption of this Ordinance, unless there is a approved schedule of compliance which sets a different deadline. For projects included in the Water Quality Capital Improvements Program, the schedule shall be consistent with with 20-year CIP. In addition, application of BMP's may will be required as follows:

- a. Under a mandatory action required to abate pollution from a gross violation requiring immediate action, pursuant to Subsection 1.16.00.0 of this Code.
- b. As a mandatory condition of approval for ~~any project~~ all new development approved by the Agency.
- c. Under a clean-up order from the state agency of appropriate jurisdiction.

7.01.02.5 Maintenance of BMP's: All BMP's shall be maintained as described in the Handbook of Best Management Practices. For situations not covered in the Handbook, the TRPA Executive Director may prescribe appropriate maintenance practices, based on best professional judgment, after consultation with appropriate experts. Failure to maintain a BMP shall constitute a violation of this ordinance.

7.01.02.6 Vegetation Protection: All property owners and public property managers shall protect the vegetation on their property from unnecessary damage in accordance with the provisions of Chapter 6 of this ordinance.

7.01.03.0 Snow Disposal: All persons conducting public, commercial or private snow removal operations in Tahoe Region shall dispose of snow in accordance with site criteria and management standards in the Handbook of Best Management Practices, the design review guidelines, and the criteria below. The TRPA shall enforce these requirements consistent with the provisions of part 7.01.02.4.

a. Snow Removal: Removal of snow shall be limited to structures and paved areas unless a permit for such activity is issued by the Agency. State and local highway maintenance crews may clear snow from unpaved road shoulders as necessary to provide safe turnouts for slow or disabled vehicles, subject to the provisions of (c), below. No vegetation shall be removed nor shall any grading occur in the act of snow removal. The TRPA will encourage all persons to utilize appropriate provisions to confine snow removal to structures and paved areas.

b. Snow Storage: All new development shall provide areas sufficient to contain the expected volume of snow. Plans for new development shall designate snow storage areas sufficient to contain the expected volume of snow. These areas shall be stable or gravelled areas with infiltration systems of sufficient capacity for the anticipated snow melt volume. Acceptable storage areas shall not include areas adjoining streams or the shoreline of lakes.

c. Highway/Street Clearing: Public agencies involved in highway and street snow removal operations shall not grade road shoulders in the process of clearing roads unless such activity is authorized by the Agency. To control air quality problems caused by re-entrained dust, sand, cinders and other materials shall not be allowed to accumulate and shall be removed utilizing highway vacuum equipment or other equally-effective techniques for controlling dust.

7.01.04.0 Salt and Abrasive Control: Salt and abrasives used to control ice on streets, highways, and parking areas shall be regulated in accordance with the following standards:

a. Storage Areas: Storage areas for deicing salt shall be in conformance with the TRPA Handbook of Best Management Practices.

- b. Reporting: The Highway Departments and other large users of salt identified by the TRPA Executive Director shall initiate a tracking program to monitor the use of deicing salt in their respective jurisdictions. Annual reports shall be presented to the Agency on June 1st and shall include information on the rate, amount, and distribution of use. This information shall be presented in a format developed by TRPA, and must be verifiable.
- c. Restrictions: The use of deicing salt and abrasives may be restricted where damage to vegetation in specific areas can be linked to their use, or where their use results in other environmental impacts. After consultation with salt and abrasive users, and after consideration of public safety concerns, the Agency may require mitigation for the use of road deicing salt or abrasives. Such mitigation may include requirements to use alternative substances, or changes in distribution patterns, frequency of application, and amount of application. Revegetation of some sites will be required where evidence indicates deicing salts have caused vegetation mortality.

7.01.05.0 Sewage Spills: Sewage collection, conveyance, and treatment districts entities shall have spill contingency, prevention, and detection plans approved by the TRPA at least every three years.

7.01.05.1 Cooperative Plans: Such agencies may join together to develop cooperative plans, provided that the plans clearly identify those agencies covered by the plan and are agreed to by each agency.

7.01.05.2 Spill Plan Criteria: Spill contingency, prevention, and detection plans shall comply with the criteria set forth by the Agency. Such plans shall include provisions for detecting and eliminating sewage exfiltration from sewer lines and facilities.

7.01.06.0 Pesticide Use: The use of insecticides and herbicides within the Tahoe Basin shall be consistent with the Handbook of Best Management Practices. In general, the Agency shall discourage pesticide use for pest management. Prior to applying any pesticide, potential users of pesticides shall consider integrated pest management practices including alternatives to chemical applications, management of forest resources in a manner less conducive to pests, reduced reliance on potentially hazardous chemicals, and additional environmentally sound pest management tactics. Areal application, application on areas greater than one-quarter acre, and application within 100 feet of an SEZ shall require a TRPA permit.

7.01.06.1 Criteria for Agency Review:

- a. Registered Chemicals: Only chemicals registered with the Environmental Protection Agency and the state agency of relevant jurisdiction shall be used and only for their registered application.
- b. Alternatives: Alternatives to chemical application must be employed where practical.
- c. Stream Environment Zones: No detectable concentration of any pesticide shall be allowed to enter any stream environment zone unless approved for use in accordance with a TRPA permit.

7.01.07.0 Vessel Wastes: See provisions of 4.07.02.0.

7.01.08.0 Fertilizer Management: See provisions of 6.06.02.0.

7.01.09.0 Off-Road Vehicles: See provisions of 6.05.03.0.

7.02.00.0 WATER QUALITY MITIGATION:

7.02.01.0 Required Offsets: New residential, commercial, and public projects in the Tahoe region shall offset 150% of the water quality impacts of the project through one of the following methods:

- a. Mitigation Projects: Implementing off-site water quality control projects as a condition of project approval and subject to Agency concurrence as to effectiveness. Should the applicant wish to exercise this option, the plans for the offsite project must be included with the project application and be approved in conjunction with the project; or
- b. Mitigation Fund: Contributing to a fund established by the Agency for implementing offsetting programs. The amount of such contributions is established in Sub-section 7.02.02.0.

7.02.02.0 Fee Schedule: When a person or public entity responsible for a new residential, commercial, or public project elects to offset the water quality impacts by contributing to a fund established by the Agency for implementing such offsets, a fee shall be assessed in accordance with the table below. Such fees must be received by the Agency within 30 days of project approval or when the permit is issued, whichever is sooner. Mitigation fees are not refundable except when an approval is invalidated, or when the applicant requests revocation of the approval within three years of the approval date.

- a. Base Fees: The base fee of \$.25 shall be assessed for each new square foot of land coverage (net for the site) created within the limits of the coefficients set forth in Subsection 2.02.04.0, Limitations on Land Coverage.
- b. Fees Where Coverage Exceeds the Bailey Coefficients: The following fees shall be assessed for each new square foot of land coverage when the total coverage created exceeds the limits of the coefficients set forth in Subsection 2.02.04.0:

	<u>Land Capability</u>	
	<u>4-7</u>	<u>1-3</u>
Total coverage less than 30%	\$.45	\$.80
Total coverage exceeds 30%	\$.85	\$1.15

- c. Multiple Land Capabilities: The Agency will assess fees for addition of impervious coverage on parcels with multiple land capabilities based on the actual coverage located on each specific land capability class.

7.02.03.0 Exemptions. The following activities which create impervious coverage shall be exempt from water quality mitigation requirements:

- a. Activities where there is a net reduction of coverage which existed prior to development of the proposed project and total resulting coverage is less than allowable coverage. (This rule shall apply to approved redevelopment plans under Section 9.05.00.0.) For the purposes of this section, coverage is defined as the footprint of existing structures and pavement.
- b. Impervious coverage which is permitted as a result of transfer-of-development-rights.
- c. Public projects included in the Agency's water quality Capital Improvements Program.

- 7.02.04.0 Use and Distribution of Mitigation Funds: The Agency shall collect and administer mitigation fees based on the offset requirements and such fees shall be known collectively as the Water Quality Mitigation Fund. The mitigation fees shall be deposited into commercial bank accounts, liquid asset funds, and/or purchase of certificates of deposits.

Water Quality Mitigation Funds shall be disbursed to the counties or city upon request for expenditure on remedial erosion control projects within the jurisdiction of origin for such funds as set forth in the Regional Plan and with the approval of the Agency. However, in no case shall any local jurisdiction (except Carson City, Nevada) receive less than 5% nor shall any local jurisdiction receive more than 50% of the total mitigation funds disbursed in any TRPA fiscal year, provided that the jurisdiction has applied for such funds within the fiscal year.

- 7.02.05.0 Monitoring Set-Aside: To evaluate the effectiveness of water quality mitigation measures, 5% of collected mitigation funds will be spent on water quality monitoring under the Interagency Tahoe Monitoring Program, for carrying out, in part, the Monitoring and Evaluation Program of the Regional Plan.

- 7.02.06.0 Administration Set-Aside: One-half percent of the total Water Quality Mitigation fund balance per month will be utilized for the TRPA administration of the fund. However, at no time shall such administration costs exceed 1/2 of the monthly investment income.

- 7.02.07.0 TRPA Revolving Fund: The TRPA shall also establish a fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and contributions. The TRPA may make grants from this fund to units of local government, and other public entities as appropriate, for abatement and control of water quality problems in the Tahoe region.

7.03.00.0 WATER SUPPLY AND CONSERVATION:

- 7.03.01.0 Water Conservation Devices: All new development shall employ appropriate measures to conserve water and reduce energy consumption. Existing development shall be retrofitted voluntarily in conjunction with a public education program operated by the water purveyors and the utility districts. (See also the Design Review Guidelines, Water Conservation Element.) Implementation of these measures shall, however, be completed within 5 years of plan adoption.

7.03.02.0 Water Rights Demonstration: No additional development requiring water shall be allowed in any area unless it can be demonstrated that there is adequate water supply for that development with an existing water right. Where the adequacy of a water supply or water right is challenged by Agency staff or any other person or party, the water purveyor shall provide documentation of adequate rights and supplies prior to the issuance of a permit by the TRPA. No water purveyor shall supply or cause to be supplied water to any proposed or existing development so that the total gross diversion as stated in the Nevada-California Interstate Compact (1969) is exceeded.

7.03.03.0 Storage and Distribution Requirements: No additional development requiring water shall be allowed in any area unless there exist adequate storage and distribution systems to deliver adequate quantity and quality of water for domestic consumption and fire protection. The Agency shall not accept applications for new developments without adequate proof from the appropriate fire protection agency. Proof of adequate water supply and distribution systems is addressed in Subset 3.06.02.2.

7.03.05.0 Reporting Requirements: The TRPA, water purveyors, and the states shall monitor the use of water within the Tahoe region and evaluate conformance with the California-Nevada Interstate Compact (1969) which addresses water diversions in the Basin. The water purveyors and the states shall observe the following reporting requirements:

7.03.05.1 Water Purveyors. All water purveyors shall report their total gross diversion for use for the previous water year (October through September) to the TRPA and the states by February 1 each year. The TRPA will make available to the purveyors the desired format of this report.

7.03.05.2 State Agencies. The California State Water Resources Control Board and the Nevada State Engineer shall report to the TRPA on the total gross diversion for use within the Tahoe region by June 1 of each year. The TRPA will make available to the state agencies the desired format of this report.

TAHOE REGIONAL PLANNING AGENCY

P.O. Box 8896
South Lake Tahoe, California 95731

2155 South Avenue

(916) 541-0246

MEMORANDUM

Date: August 1, 1984

To: TRPA Advisory Planning Commission

From: Barbara Maco, Senior Air Quality Planner *BM*

Subject: Air Quality Provisions of Chapter 8, Code of Ordinances

Attached please find the portions of Chapter 8 which pertain to the implementation of the air quality elements of the Regional Plan. On July 19, 1984, your subcommittee on air quality and transportation recommended that these ordinances be submitted to you for review and action. Staff will present the transportation sections at a later date.

The air quality sections have been noticed for public hearing at your August 8, 1984 meeting.

BM:bl
8/1/84

AGENDA ITEM IV B.

CHAPTER 8

8.00.00.0 AIR QUALITY/TRANSPORTATION PROVISIONS

- 8.00.01.0 General
- 8.00.02.0 Documents

8.01.00.0 INSPECTION AND MAINTENANCE

- 8.01.01.0 General
- 8.01.02.0 Agency Responsibility

8.02.00.0 GAS HEATERS

- 8.02.01.0 Emission Limitations
- 8.02.02.0 Certification
- 8.02.03.0 Testing
- 8.02.04.0 South Coast Air Basin Certified Heaters
- 8.02.05.0 List of Approved Heaters
- 8.02.06.0 Enforcement
- 8.02.07.0 Exemptions
- 8.02.08.0 Extensions

8.03.00.0 WOOD HEATERS

- 8.03.01.0 Emission Limitations
- 8.03.02.0 Other Limitations
- 8.03.03.0 Labelling
- 8.03.04.0 Testing/Certification
- 8.03.05.0 Colorado and Oregon Certified Heaters
- 8.03.06.0 List of Approved Heaters
- 8.03.07.0 Enforcement
- 8.03.08.0 Modifications of Wood Usage

8.04.00.0 OPEN BURNING

- 8.04.01.0 Prohibitions
- 8.04.02.0 Exemptions
- 8.04.03.0 Performance Standards
- 8.04.04.0 Review Procedures
- 8.04.05.0 Enforcement

8.05.00.0 STATIONARY SOURCE REVIEW

- 8.05.01.0 Program Requirements
- 8.05.02.0 Enforcement

8.06.00.0 AIR QUALITY/TRAFFIC MITIGATION PROGRAM 8.06.01.0 Traffic Reports

- 8.06.02.0 Environmental Impact Statements
- 8.06.03.0 Mitigation Fees
- 8.06.04.0 Mitigation Funds Management

8.07.00.0 TRANSPORTATION SYSTEMS MANAGEMENT

8.07.01.0 TSM Measures for New Development

8.07.02.0 TSM Measures for Existing Uses

8.07.03.0 TSM Measures for Redevelopment

8.08.00.0 AVIATION FACILITIES

8.08.01.0 General

8.00.00.0 AIR QUALITY/TRANSPORTATION PROVISIONS

8.00.01.0 General: The purpose of this chapter is to establish rules for the improvement and protection of air quality within the Tahoe region and to comply with the thresholds and Regional Plan policies and goals adopted by the Tahoe Regional Planning Agency (TRPA). In part, to meet the requirements of the Clean Air Act for assessing Reasonable Further Progress in achieving the federal ambient air quality standards, implementation of these rules shall be evaluated annually. If they have not been implemented or they are not achieving the emission reductions or changes in vehicular activity necessary to attain the thresholds, contingency measures will be developed, adopted and implemented.

8.00.02.0 Documents: All references cited in this Chapter are available at the TRPA office for review and reproduction.

8.01.00.0 INSPECTION AND MAINTENANCE: Both the 1982 Air Quality Plan and the Regional Plan Goals and Policies direct the TRPA to establish an automobile inspection and maintenance (I/M) program to achieve the carbon monoxide, nitrate, ozone and visibility thresholds. The Agency intends for the states of California and Nevada to implement this program in their respective portions of the Basin. If the states fail to implement the program, the TRPA will carry out an I/M program, in accordance with the provisions in 8.01.02.0:

8.01.01.0 General: The purpose of this Section is to implement an I/M program for motor vehicles registered in the Tahoe region to reduce emissions of nitrogen oxides, carbon monoxide, and hydrocarbons. The program for carbon monoxide and hydrocarbons will be implemented in each state under the provisions of applicable state law. Each state shall implement a program for nitrogen oxides as soon as practicable, or the TRPA shall implement such a program if either state fails to act. An underhood inspection for nitrogen oxides control equipment shall be implemented as part of the initial testing program in each state.

8.01.02.0 Agency Responsibility. The Agency shall work with the states and the responsible county agencies to achieve the necessary legislative authority for an I/M program. If required, after legislative approval, the Agency will request the appropriate state to implement an I/M program in the Basin within 60 days after the applicable law(s) come into effect. If either state fails to obtain authority for an I/M program for carbon monoxide, hydrocarbons, and NOx underhood inspections by December 1, 1985, the TRPA shall proceed to implement a program by July 1, 1987.