

## **Other Topics of Interest**

### **Overview:**

This information sheet addresses BMP Compliance Working Group discussion item #9 to address additional topics of interest including Marina BMPs, connectivity, BMPs on vacant lots and parcels with subsurface contamination. It provides background data 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.

### **Marinas**

Fourteen commercial marinas exist in the Lake Tahoe Region, with two located in Nevada and 12 located in California. Several private marinas also exist region-wide. Marinas can provide water-oriented services, boat storage and support facilities and services for private boat fueling, sewage pump-out, engine repair and boat launching, as well as commercial tours and rentals. The Lahontan Regional Water Quality Control Board oversees and regulates both surface water and stormwater for California marinas under NPDES permit NO. CAG616003.<sup>1</sup> The Nevada Division of Environmental Protection (NDEP) regulates marinas in Nevada: marinas with fuel, boat cleaning, repair or maintenance facilities are subject to Phase I NPDES stormwater permitting requirements.

While only four of the 14 Tahoe marinas have a BMP certificate on record with TRPA, staff believes that a number of marinas may have already met BMP requirements through various development permits or as required by their NPDES stormwater permits, but may not have received a certificate from TRPA. This may be due to internal miscommunication between the BMP retrofit database and final inspections issued for current planning projects, or that property owners in compliance with NPDES requirements have not requested a final BMP inspection from TRPA. Many of these projects occurred before the BMP retrofit database and current planning final inspection processes were integrated. TRPA staff is confident that current planning projects completed today are adequately reporting BMP installations to the BMP retrofit database. Through coordination with Lahontan and NDEP, TRPA staff believes that many of the marinas may be eligible for BMP certificates. For those marinas out of compliance with requirements, TRPA staff suggests referring to the EIP Parcel Specific Working Group to consider them for prioritization during targeted enforcement.

### **Hydrologic Connectivity**

Hydrologic connectivity refers to the degree to which stormwater runoff generated on a parcel travels directly into Lake Tahoe. Stormwater runoff that drains to a pipe or tributary flowing to the Lake is considered directly connected, where runoff that either stays onsite or flows to an area where it is infiltrated into the ground before reaching the Lake is considered disconnected. Not all runoff poses the same risk to Lake Tahoe clarity and certain locations are higher priorities to address because of their hydrologic connectivity, land use, and/or soil type. Recognizing that a one size fits all parcel specific approach to BMP requirements does not take into account the importance of hydrologic connectivity, the Regional Plan Update advanced provisions allowing local jurisdictions flexibility to propose area-wide treatment facilities and in-lieu funding mechanisms in their local Area Plan. Local jurisdiction load reduction plans identify catchments that generate high pollutant loads and are highly connected to the Lake in order to prioritize their efforts and resources to address these areas of importance.

---

<sup>1</sup> Lahontan Marina General Permits -- ORDER NO. R6T-2011-0024, NPDES NO. CAG616003:  
[http://www.waterboards.ca.gov/lahontan/board\\_decisions/adopted\\_orders/2011/docs/r6t2011\\_0024.pdf](http://www.waterboards.ca.gov/lahontan/board_decisions/adopted_orders/2011/docs/r6t2011_0024.pdf)

### BMPs on Vacant Lots

The TMDL evaluated pollutant loads from forested lands and various ranges of vegetative cover on undeveloped urban lands and determined they generate the lowest pollutant loads. There is no data supporting the notion that vacant urban lots contribute any more pollutants than undeveloped forest lands.

### Subsurface Contamination

There are a wide variety of existing subsurface soils, groundwater contamination sites, and active remediation sites within the urbanized areas of the Lake Tahoe Region. There is not currently a connection between protecting the groundwaters that are a source for drinking water and the parcel specific BMP requirement applied to all parcels, regardless of subsurface contamination. There are situations where infiltration BMPs are required on top of sites with documented and undocumented leaking underground storage tanks (LUSTs) subject to voluntary and involuntary clean-up orders. Some sites include active MTBE or PCE soil vapor extraction remediation activities, which should not include onsite infiltration of the 20-year, 1 hour design storm currently required by the parcel based BMP regulations. The one-size-fits-all policy encourages the infiltration of surface water on parcels with subsurface contaminated soil and groundwater plumes in contradiction to efforts to extract, remediate, and contain subsurface pollutants and contaminated groundwater plumes.

### **Recommendations:**

1. Coordinate with Lahontan and NDEP to determine which marinas in compliance with NPDES requirements are eligible for BMP Certificate.
2. Refer prioritization of non-compliant marinas for targeted enforcement to the EIP Parcel Specific Working Group.
3. Focus resources and staff time on strategies that achieve the greatest pollutant load reduction including stormwater management in high loading and connected areas identified by TMDL load reduction plans, while minimizing risk of subsurface contamination to groundwater drinking sources.