

Chapter 32

REGIONAL PLAN AND THRESHOLD REVIEW

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32.0 Purpose: The purpose of this chapter is to identify the means and time schedules by which environmental threshold carrying capacities ("thresholds") and applicable local, state, and federal air and water quality standards ("standards") shall be attained or maintained, pursuant to the requirements of the Tahoe Regional Planning Compact and the Goals and Policies. This chapter also sets forth the procedures for determining the status of progress on attainment of thresholds and standards; identifying supplemental measures to ensure progress on attainment of thresholds and standards; and reviewing projects in light of progress on attainment of thresholds and standards.

32.1 Applicability: The provisions of this chapter implement and monitor the Regional Plan package, including, but not limited to, the Goals and Policies, Plan Area Statements, and this Code. This chapter also applies to the findings required for approval of any project, or to amend the Regional Plan, as set forth in Chapter 6 of this Code.

32.2 Definitions:

32.2.A Additional factors: A factor related to attainment or maintenance of a threshold or standard which, unlike an indicator, does not have a direct, quantifiable relationship to attainment or maintenance of that threshold or standard. (Examples: allocations of residential development; funding commitments for erosion control projects.)

32.2.B Compliance measure: A program, regulation, or measure including, but not limited to, capital improvements; operational improvements; or controls on additional development, to reduce, avoid, or remedy an environmental impact of activities within the Tahoe Region or to promote attainment or maintenance of any threshold or standard.

- 32.2.C Indicator: Any measurable physical phenomena within the Tahoe Region whose status, according to the best available scientific information, has a direct relationship to the status of attainment or maintenance of one or more threshold or standard. (Example: traffic volume.)
- 32.2.D Interim target: A goal, expressed in terms of the applicable measurement standard, reflecting the status of a threshold or standard which TRPA expects to achieve at a major evaluation interval specified for that threshold or standard.
- 32.2.E Major evaluation interval: A fixed period of time during which TRPA will monitor and at the end of which TRPA will evaluate and report upon the interim status of a threshold or standard. Such intervals may be different for each threshold or standard.
- 32.2.F Measurement standard: A standard scientific unit for the measurement of the status of a threshold, standard, or indicator. (Example: for suspended sediment concentrations in a water body, milligrams per liter (mg/l).)
- 32.2.G Target date: A specific calendar date on which TRPA expects to attain a threshold or standard which is not now in attainment.
- 32.2.H Supplemental compliance measure: A compliance measure which is not being implemented at a given time, but which TRPA may employ to attain or maintain a threshold or standard at a later date.
- 32.3 Indicators of threshold and standard attainment and maintenance: The TRPA shall identify and apply indicators applicable to each threshold and standard according to the following provisions:
- 32.3.A Identification and monitoring of indicators: TRPA shall identify sufficient indicators for each threshold and standard so that, evaluated separately or in combination, the indicators will accurately measure, on a continuing basis, the status of attainment or maintenance of that threshold or standard, taking into account the impacts of both development in the Region and implementation of compliance measures. In monitoring and reporting on the status of indicators, as called for in this chapter, TRPA shall use the appropriate measurement standards for those indicators. TRPA shall use consistent measurement standards over time, so that reports will provide easily comparable data throughout the evaluation period.
- (1) Sub-Regional Indicators: Most indicators will have Region-wide applicability. However, where necessary to insure compliance with sub-regional thresholds or standards, sub-regional indicators shall be identified as well.
- 32.3.B List of Indicators: TRPA shall maintain and update from time to time a list of all indicators and the threshold or thresholds to which they apply.

- 32.3.C Identification of Current Status: Within 120 days of the effective date of the Regional Plan and as necessary thereafter to ensure adequate monitoring of progress toward attaining and maintaining thresholds and standards, but at least annually, TRPA shall report:
- (1) List the current status, expressed using the appropriate measurement standard, of each indicator for which TRPA has reliable data, and
 - (2) List those indicators for which TRPA lacks reliable data sufficient to identify current status, and a program, including an implementation timetable, to provide sufficient reliable data to allow TRPA to report, on a continuing basis, the status of that indicator.
- 32.3.D Reliance on Indicators: For so long as TRPA lacks reliable data sufficient to identify the current status of any indicator identified pursuant to subsection 32.3.A, TRPA shall not rely on that indicator to determine the status of, or progress toward, attainment and maintenance of any affected threshold or standard.
- 32.3.E Additional Factors: TRPA shall identify and report on the status of additional factors which may be useful as short-term or indirect measures of attainment or maintenance of thresholds and standards. Such factors shall not substitute for or override the indicators identified pursuant to 32.3.A, but may be used to evaluate progress toward threshold attainment or maintenance.
- 32.4 Threshold Attainment Schedules: TRPA shall identify the attainment status of each threshold and standard, and applicable target dates, taking into account compliance measures and expected development and supported by adequate evidence in the record, according to the following provisions:
- 32.4.A Listing of Attainment Status and Target Dates: Within 120 days of the effective date of the Regional Plan, TRPA shall list each threshold and standard which is then in attainment status. At the same time, TRPA shall establish a target date to achieve attainment of all other thresholds and standards. Thereafter, if TRPA finds that any threshold or standard is not in attainment, and without a target date for attainment, TRPA shall promptly establish a target date for that threshold or standard.
- 32.4.B Interim Targets: At the time of establishment of any target date, TRPA shall identify major evaluation intervals for each threshold and standard, whether in attainment or not. The major evaluation intervals for each threshold shall be correlated with interim targets for that threshold.
- 32.4.C Use of Measurement Standards: In establishing the dates and targets pursuant to subsections 32.4.A and 32.4.B, TRPA shall utilize the measurement standards applicable to the indicators for each threshold.

- 32.5 Compliance Measures: TRPA shall identify and evaluate compliance measures necessary to ensure attainment and maintenance of the thresholds and standards according to the following provisions:
- 32.5.A List of Compliance Measures: Within 120 days of the effective date of the Regional Plan, TRPA shall maintain a separate list for each threshold and standard of all compliance measures actually being implemented to attain or maintain that threshold or standard.
- 32.5.B Effectiveness of Compliance Measures: The list maintained pursuant to subsection 32.5.A shall include, for each compliance measure, a schedule showing how much and at what rate that measure is contributing, and is expected to contribute, to the attainment or maintenance of the affected threshold or standard. These schedules shall be at a level of detail consistent with the best scientific information available on cause and effect relationships. Each schedule shall be consistent with the dates and targets called for pursuant to 32.4.A and 32.4.B.
- 32.5.C Updating of Compliance Measure List: Based on the reports produced pursuant to subsection 32.5.C and other relevant data, TRPA shall periodically update the information set forth in the list of compliance measures maintained pursuant to subsections 32.5.A and 32.5.B.
- 32.5.D Adequacy of Compliance Measures: At all times, TRPA shall ensure that attainment or maintenance of thresholds and standards will be achieved in accordance with the target dates established pursuant to 32.4.A and 32.4.B, taking into account the actual and anticipated impacts of all projects permitted and expected to be permitted in the Region and the implementation of compliance measures listed in subsection 32.5.A and supplemented as necessary by measures listed in subsection 32.6.A. When a compliance measure listed in subsection 32.6.A, or any other measure, is actually implemented, it shall be added to the list maintained pursuant to subsection 32.5.A.
- 32.6 Supplemental Compliance Measures: To ensure attainment and maintenance of thresholds and standards, TRPA may employ supplemental compliance measures according to the following provisions:
- 32.6.A List of Supplemental Compliance Measures: In addition to the compliance measures implemented pursuant to section 32.5, TRPA shall maintain a list of compliance measures which it plans to implement, or could implement if necessary, to ensure the attainment and maintenance of all thresholds and standards, pursuant to subsection 32.5.D.

- 32.6.B Effectiveness of Supplemental Compliance Measures: The list maintained pursuant to subsection 32.6.A shall include, for each measure, a schedule showing how much and at what rate that measure will contribute to the attainment or maintenance of thresholds and standards. These schedules shall be at a level of detail consistent with the best scientific information available on cause and effect relationships. The expected contribution of each supplemental compliance measure shall be expressed, as to any threshold, in the applicable measurement standards.
- 32.6.C Updating of Supplemental Compliance Measure List: TRPA shall periodically update the information set forth in its list of supplemental compliance measures maintained pursuant to subsections 32.6.A and 32.6.B.
- 32.6.D Identification of Additional Compliance Measures: TRPA shall endeavor to identify additional compliance measures, to provide maximum flexibility in determining compliance with subsection 32.5.D. Whenever TRPA identifies an additional compliance measure appropriate for possible implementation pursuant to subsection 32.5.D, TRPA shall add that measure to the list maintained pursuant to subsection 32.6.A until it is removed from the list or implemented, in which case it shall be added to the list maintained pursuant to subsection 32.5.A.
- 32.7 Effects of Projects on Attainment and Maintenance of Thresholds and Standards: TRPA shall utilize the information developed pursuant to sections 32.4, 32.5, and 32.6 in the project review process according to the following provisions:
- 32.7.A Project Review: For each proposed project, TRPA shall, as part of its record of review, identify the nature, extent, and timing of impacts on any threshold which would be affected by the project, including mitigation measures required as part of the proposal. Positive and negative impacts shall be identified separately, using, wherever possible, measurement standards consistent with the indicators identified pursuant to subsection 32.3.A.
- 32.7.B Cumulative Account: Using the information identified pursuant to subsection 32.7.A, and in conjunction with the Tracking and Accounting provisions of Chapter 38, TRPA shall maintain a current cumulative account, for the purpose of assessing cumulative impacts on interim targets established pursuant to subsection 32.4.B, for projects approved after the effective date of the Regional Plan, of at least the following items:
- (1) Units of use: residential, commercial, tourist, and recreational allocations
 - (2) Resource utilization: additional vehicle miles traveled, vehicle trip ends, impervious coverage, water demand, sewage disposal capacity, area of SEZ disturbance

- (3) Threshold attainment and maintenance: value of investments in water quality, air quality, transportation and coverage mitigation programs; area of SEZ restoration

32.8 Reports: TRPA shall prepare periodic reports on the attainment and maintenance of thresholds and standards as follows:

32.8.A Periodic Progress Reports: No later than five years from the effective date of the Regional Plan, and every five years thereafter, and more frequently if necessary to ensure adequate monitoring of progress toward attainment and maintenance of thresholds and standards, TRPA shall issue a progress report. The report shall include, at a minimum:

- (1) A report on the amount and rate of actual progress toward threshold and standard attainment contributed by each compliance measure listed pursuant to section 32.5, and toward the interim targets established pursuant to Section 32.4, using the applicable measurements standards for each compliance measure,
- (2) A report on the current cumulative impacts on each threshold of projects approved by TRPA from the effective date of the Regional Plan and from the date of the previous periodic report, including but not limited to the information maintained by TRPA pursuant to subsection 32.7.B,
- (3) A report on the status of each of the additional factors identified pursuant to subsection 32.3.E,
- (4) A report on the extent to which the Region, or applicable sub-region, is making progress toward achieving each threshold and standard; the current status of any applicable indicators identified pursuant to 32.3.A; and the relationship of that status to meeting or failing to meet applicable target dates and interim targets established pursuant to section 32.4, and
- (5) Recommendations, as necessary, based on the information provided in (1) through (5), inclusive, for implementation of any supplemental compliance measures identified pursuant to section 32.6 or otherwise, or modification or elimination of compliance measures listed pursuant to section 32.5, to ensure that progress toward attainment and maintenance of all thresholds and standards is consistent with the target dates established pursuant to 32.4.A.

32.8.B Annual Reports: At least annually, TRPA shall issue a report on the status of each program identified by TRPA pursuant to subsection 32.3.C to ensure the provision of reliable and sufficient data for all indicators.

32.8.C Other Reports: State or federal laws may require TRPA to prepare evaluation reports on specific subjects and schedules (e.g., Reasonable Further Progress Reports under the federal Clean Air Act, triennial review of state 303(e) basin plans under the federal Clean

Water Act.) To the extent feasible, the TRPA will coordinate these reviews with the evaluation process and reports described herein, while still complying with the requirements of other agencies or state or federal law.

- 32.9 Local, State, and Federal Air and Water Quality Standards: Pursuant to Article V(d) of the Tahoe Regional Planning Compact, TRPA must provide for attaining and maintaining local, state, and federal air and water quality standards, whichever are strictest, in the portions of the Region to which they are applicable. To the extent that such standards are more stringent than the TRPA thresholds, TRPA will monitor and ensure the attainment and maintenance of such standards consistent with the provisions of this chapter.
- 32.10 Monitoring Program: Pursuant to the Goals and Policies and as required to implement this chapter, TRPA shall prepare and carry out a Monitoring Program, including a long-term monitoring strategy and short-term monitoring work plans. The monitoring program shall evaluate environmental quality, indicators, compliance measures, interim targets, and other related items by the specific methods set forth in the Monitoring Program.

