

# Chapter 82

## WATER QUALITY MITIGATION

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82.0 Purpose: The purpose of this chapter is to implement the Goals and Policies, Goal #4, Policy 1, Development and Implementation Priorities Subelement, Implementation Element, and specifically the requirement that new residential, commercial, and public projects completely offset their water quality impacts.

82.1 Applicability: The provisions of this chapter are applicable to all projects and activities which result in the creation of additional impervious coverage.

82.2 Required Offsets: All projects and activities which result in the creation of additional impervious coverage shall completely offset the potential water quality impacts of the project through one, or a combination, of the following methods:

82.2.A Mitigation Projects: Implementation of offsite water quality control projects or stream environment zone restoration projects as a condition of project approval, and pursuant to TRPA guidance on identification, design, and effectiveness of offsite mitigation projects. Applicants who wish to exercise this option shall include plans for the offsite mitigation project with their application. TRPA shall approve the offsite mitigation plans in conjunction with the approval of the project. Before issuing an approval, TRPA shall find that the offsite mitigation proposal completely offsets the expected impacts of the project.

82.2.B Water Quality Mitigation Fund: Contribution to a water quality mitigation fund established by TRPA for implementing offsetting programs. The amount of contribution is established in Section 82.3.

82.3 Fee Schedule: A fee shall be assessed for each square foot of additional land coverage created. The current fee of \$1.54 per square foot shall be increased to \$1.86 per square foot. § §§

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§ Amended 04/24/02

§§ Amended 11/26/07

82.3.A Mitigation Fee Credit: If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:

- (1) The prior project approval was granted within the same project area as the project approval for which a credit is sought;
- (2) The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and
- (3) A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.

82.3.B Mitigation Fee Refunds: Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.

82.4 Exemptions: The following projects and activities which create impervious coverage shall be exempt from water quality mitigation requirements:

82.4.A Transfer: Impervious coverage permitted as a result of transfer of coverage.

82.4.B 208 Projects: Capital improvement projects for erosion and runoff control and stream environment zone protection and restoration projects as described in TRPA's Water Quality Management Plan for the Lake Tahoe Region.

82.4.C Limited Exception For Additional or Transferred Development Within Adopted Community Plans: Additional or transferred development located within an adopted community plan, the water quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirement of Section 82.2 provided TRPA finds that the implementation element of the community plan, as a whole, meets the standards of Section 82.2.

82.5 Use And Distribution Of Mitigation Funds: TRPA shall deposit water quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on water quality mitigation projects or water quality planning. TRPA shall keep track of the amount of funds collected for each local jurisdiction and shall disburse funds to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Water Quality Management Plan. Accrued interest may be used for water quality planning in the Region. TRPA shall encourage the local jurisdictions to use funds as expeditiously as possible.

- 82.6 Stream Zone Restoration Program: To provide financial resources for implementation of the stream environment zone restoration program, at least 25 percent of the water quality mitigation funds collected for each local jurisdiction shall be used for stream environment zone restoration projects included in the TRPA's Water Quality Management Plan. This jurisdictional set-aside shall be individually evaluated and may be waived if TRPA determines that there are no more SEZ restoration projects left to do in a given jurisdiction.
- 82.7 Water Quality Revolving Fund: TRPA shall establish a separate fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and voluntary contributions. TRPA may make grants from this fund to local governments and other public entities for abatement and control of water quality problems, by the same procedures as set forth in Section 82.5.

