



FACT SHEET: ENFORCEMENT OF BEST MANAGEMENT PRACTICES RETROFIT PROGRAM

BACKGROUND

In May of 2002, the Tahoe Regional Planning Agency's (TRPA) Governing Board adopted a streamlined Best Management Practice (BMP) enforcement procedure. This required amending Article IX of the Rules of Procedure and also established a penalty matrix for BMP retrofit violations (see matrix below). This regulatory-based tool is aimed at encouraging non-responsive property owners to install necessary water quality and erosion control BMPs to protect Lake Tahoe.

While all property owners in the Lake Tahoe basin are required to have BMPs, this program is specifically focused on private developed properties including residential, commercial, and industrial uses.

PENALTY MATRIX

Violation	Penalty
Non-Compliance for one year	\$1000
Non-Compliance for two years	\$2500
Non-Compliance for three years	\$4000

KEY ELEMENTS OF THE BMP ENFORCEMENT PROGRAM

The following action will be taken on Priority One Watershed properties that are past due on BMP installation, and properties that do not meet federal and local water quality discharge standards:

1. A Notice of Failure to Implement Water Quality Protection Measures will be sent via certified mail to the property owner. The property owner has 30 days to file a response to the Notice, or submit a BMP Retrofit application, Plan and Implementation Schedule to TRPA.
2. If the owner fails to respond to the Notice or submit the application, plan and implementation schedule within 30 days. TRPA will send settlement information (offer letter) to the owner including the penalty levied. The property owner must still submit a BMP Plan within 30 days.
3. If TRPA does not receive a response to the offer letter, TRPA counsel may initiate litigation seeking civil penalties and compliance with the BMP Retrofit program

FUTURE IMPLICATIONS FOR IMPROVING WATER QUALITY

The streamlined enforcement procedure, as outlined in the memorandum, is essential to mitigate the impacts of storm water runoff and to continue the success of the BMP Retrofit Program.

For additional information please contact the TRPA Erosion Control Team at 775-588-4547 extension 202.