

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2003-0032A1
WDID NO.6A090033000

AMENDED WASTE DISCHARGE REQUIREMENTS

FOR

HEAVENLY SKI RESORT

El Dorado & Alpine Counties

The California Regional Water Quality Control Board, Lahontan Region (Water Board or Regional Board) finds:

1. Facility and Dischargers

The California portion of Heavenly Ski Resort is the Facility from which the discharge occurs. The Facility is located south of Lake Tahoe. More than 90% of the California portion of the ski area, including the California Base area, is in El Dorado County within the South Tahoe Hydrologic Area of the Lake Tahoe Hydrologic Unit. The remaining portion of the Facility is in Alpine County within the Woodfords Hydrologic Area of the West Fork Carson River Hydrologic Unit.

Heavenly Valley Limited Partnership (Heavenly), a subsidiary of Vail Resorts, Inc., operates the Heavenly Ski Resort and support facilities on lands owned or administered by the United States Department of Agriculture Forest Service-Lake Tahoe Basin Management Unit (LTBMU) and Heavenly. Heavenly owns the California Base lodge and parking lots, a small portion of the adjacent ski lifts and slopes, and the Gondola Base station. For the purpose of this Order, Heavenly and the LTBMU are the “Dischargers.”

2. History of Previous Regulation by the Water Board

The Water Board has regulated the Facility with Waste Discharge Requirements (WDRs) since 1970. On July 9, 2003 the Water Board adopted Updated WDRs (Board Order No. R6T-2003-0032). The Updated WDRs established compliance dates for the Dischargers to develop and implement a California Base Area Facilities Retrofit Plan and for storm water discharges from the California Base area to meet effluent limits applicable to surface waters.

The Updated WDRs included the following:

PROVISIONS

Section II. D. 3 - California Base Area Facilities Retrofit Plan:

*... The Dischargers will submit the draft plan for Regional Board staff review by **March 1, 2005**. The Dischargers will incorporate Regional Board staff comments into a final plan that will be submitted for the Executive Officer's acceptance. The Dischargers will submit the final plan by **June 1, 2005** or **30 days following receipt of Board comments**, whichever date is later. ...*

... The Facility Retrofit Plan will become final upon the acceptance by the Executive Officer. Upon such acceptance, the Executive Officer will propose amendments (if necessary) to incorporate the plan and schedule of improvements into these Waste Discharge Requirements. ...

Section II. D. 4 - California Base Area Retrofit Implementation:

*The Dischargers will implement the California Base Area Retrofit Plan to comply with effluent limitations, receiving water standards and other waste discharge requirements upon acceptance of the plan by the [Water] Board Executive Officer. The Dischargers will complete plan implementation no later than **October 15, 2006** or **by the completion date for Heavenly Ski Resort Master Plan Upgraded Facilities project to replace the California Base Lodge, whichever date comes first**. A report certifying this work as complete must be submitted by **December 1, 2006**. ...*

DISCHARGE SPECIFICATIONS

Section I. A. 1 - Effluent Limitations – Lake Tahoe Hydrologic Unit:

... The effluent limits for discharge to surface waters shall be effective for discharges from the California Base area on November 30, 2008, at points of compliance established pursuant to the Executive Officer's acceptance of the California Base Retrofit Plan as provided in Section II.D of this Order.

3. Reason for Action

Heavenly submitted a draft California Base Area Facility Retrofit Plan for Water Board staff review on March 1, 2005, proposing two alternative treatment systems. Water Board staff reviewed the draft plan, met with Heavenly personnel, and found both of the proposed alternative treatment systems to be generally acceptable. Water Board staff send written comments to Heavenly on November 18, 2005 requesting Heavenly submit the final plan no later than December 23, 2006. On November 23, 2005, Heavenly wrote to request a one year extension to October 15, 2007 for full implementation of the retrofit plan. In the November 23, 2005 letter, Heavenly noted that written Water Board staff comments had just been received, and, therefore, Heavenly had been unable to determine which of the two proposed treatment alternatives would be selected.

Heavenly reported that they would not be able to finalize detailed plans, specifications and contract documents and identify and resolve construction-related design issues in time to bid, award, and complete implementation by October 15, 2006. Due to the complexity and size (14 acres) of the California Base area, Heavenly also cited the difficulties in completing construction of the Retrofit Plan during one building season, and noted that a similar parking lot retrofit project at their Boulder Lodge parking lot (in Nevada) was constructed in three years. Heavenly's request for an extension proposed that Heavenly would construct approximately 50% of the retrofit plan in 2006 and complete the retrofit plan by October 15, 2007.

Heavenly submitted a final retrofit plan, incorporating Water Board staff comments, on December 23, 2005. Heavenly submitted additional detailed plans for 2006 and 2007 construction phases on March 23, 2006, and expects to implement the first phase of construction in 2006 and complete full implementation by October 15, 2007.

This amendment extends the compliance date for full implementation of the California Base Area Facilities Retrofit Plan by one year to **October 15, 2007**, and requires the start of construction during 2006. Since delay in implementing the Retrofit Plan was not due to lack of diligence by the Dischargers, it is appropriate to amend the schedule for fully implementing the Retrofit Plan in Section II.D.4 so that the Dischargers are not hindered, by circumstances not within their control, from maintaining compliance with WDRs. Though the amendment proposes a one-year extension for completion of construction, the amended Board Order does not propose extending the November 30, 2008 compliance date in Section I.A.1 for discharge specifications for the California Base parking lot discharges to surface waters in the Bijou Park Creek watershed.

4. California Environmental Quality Act Compliance

The amendment is an action taken by a regulatory agency for the protection of the environment and is therefore exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3, Section 15308.

5. Notification of Interested Parties

The Water Board has notified the Dischargers and interested parties of its intent to amend Waste Discharge Requirements for discharges associated with the Facility.

IT IS HEREBY ORDERED that Provision II. D. 4. of Board Order No. R6T-2003-0032 be amended to read as follows;

The Dischargers will implement the California Base Area Retrofit Plan to comply with effluent limitations, receiving water standards and other waste discharge requirements. The Dischargers will start construction during 2006 and will complete plan implementation no later than **October 15, 2007**. A report certifying this work as complete must be submitted by **December 1, 2007**.

The Dischargers will continue to maintain all constructed facilities and continue to implement the management controls identified in the Plan after the compliance date established in this section.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on May 11, 2006.

A handwritten signature in blue ink, reading "Harold J. Singer", is written over a horizontal line.

HAROLD J. SINGER

EXECUTIVE OFFICER