April 5, 2013

Mike Livak, Environmental Vice President
Squaw Valley Resort, LLC
P.O. Box 2007
Olympic Valley, California 96146

ORDER NO. R6T-2013-0023, CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND 100-YEAR FLOODPLAIN WASTE DISCHARGE PROHIBITION EXEMPTION FOR THE SQUAW VALLEY RESORT'S IN-STREAM POND MAINTENANCE PROJECT, OLYMPIC VALLEY, PLACER COUNTY – WDID NO. 6A311207005

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and application filing fee for the In-Stream Pond Maintenance Project (Project) in Olympic Valley, Placer County. This Order for WQC hereby assigns this Project Waste Discharger Identification (WDID) No. 6A311207005. Please use this reference number in all future correspondence regarding this Project.

The Project consists of constructing temporary access ramps into, and removing sediment from, four in-stream ponds: Gold Coast Pond, Cornice II Pond, Cushing Pond, and Searchlight Pond. The Water Board previously issued an exemption from its Basin Plan prohibition against the discharge of waste within the 100-year floodplain of the Truckee River and its tributaries (October 16, 2006 letter enclosed and made a part of this Order). The exemption addressed sediment removal from the Searchlight Pond, Cornice II pond, Gold Coast Pond, and miscellaneous in-stream sediment retention basins (top hat sediment traps). The exemption did not address the construction of temporary ramps into the ponds to provide equipment access, nor did the exemption include the Cushing Pond.

The Project is necessary to restore the sediment retention capacity of the in-stream ponds, which will help reduce the sediment load into Squaw Creek. Squaw Creek is on the Clean Water Act section 303(d) List of water bodies impaired by excessive sedimentation. The Project will not increase the capacity of the ponds beyond previously approved capacities. The Project will temporarily impact 0.18 acres, combined, for all four access ramps into the four ponds, and will result in the permanent removal of 12,000 cubic yards of sediment from the four ponds.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

PROJECT DESCRIPTION

Table of Project Information:

WDID Number	6A311207005
Applicant	Mike Livak Squaw Valley Resort, LLC PO Box 2007 Olympic Valley, CA 96146
Agent	Katrina Smolen Hydro-Restoration PO Box 3196 Olympic Valley, CA 96146
Project Name	Squaw Valley In-Stream Pond and Sediment Basin Maintenance
Project Purpose and Description	Construct temporary access ramps into, and removing sediment from, four in-stream ponds: Gold Coast Pond, Cornice II Pond, Cushing Pond, and Searchlight Pond. The Project will restore the sediment retention capacity of the in-stream ponds. This action will help reduce the sediment load into Squaw Creek, which is on the Clean Water Act section 303(d) List of water bodies impaired by excessive sedimentation.
Project Type	Remove accumulated sediment from in-stream ponds to restore sediment retention capacity
Location (closest city and county)	Placer
Location Latitude/Longitude	Gold Coast Pond: Latitude: 39.188038° N, Longitude: -120.267474° W Cornice II Pond: Latitude: 39.192389° N, Longitude: -120.241392° W Cushing Pond: Latitude: 39.195475° N, Longitude: -120.237089° W Searchlight Pond: Latitude: 39.194157° N, Longitude: -120.234413° W
Hydrologic Unit(s)	Truckee River Hydrologic Unit 635.00; Truckee River Hydrologic Area 635.20
Overall Project Area	3 acres
Receiving Water(s) Name	South Fork Squaw Creek and un-named tributary to Squaw Creek
Water Body Type(s)	Intermittent Stream
Designated Beneficial Uses	MUN, AGR, GWR, REC-1, REC-2, COMM, COLD, WILD, RARE, MIGR, & SPWN
Area of Water(s) of the U.S. (WOUS) within the Project area	Gold Coast Pond is 1.75 acres. Searchlight Pond is 0.36 acres Cornice II Pond is 0.13 acres Cushing Pond is 0.25 acres.

Table of Project Information Continued:

Project Impacts (**Fill**) to Waters of the State, including Waters of the U.S.	**Waterbody Type**	**Permanent**			**Temporary**		
		Acres / Sq. Ft.	Linear Feet	Cubic Yards	Acres / Sq. Ft.	Linear Feet	Cubic Yard
	Lake	0	0	0	0.18/7,840	0	1,482
	Riparian	0	0	0	0	0	0
	Stream	0	0	0	0	0	0
	Wetland	0	0	0	0	0	0
Project Impacts (**Excavation**) to Waters of the State, including WOUS.	**Waterbody Type**	**Permanent**			**Temporary**		
		Acres / Sq. Ft.	Linear Feet	Cubic Yards	Acres / Sq. Ft.	Linear Feet	Cubic Yard
	Lake	2.49/108,464	0	12,000		0	
	Riparian	0	0	0	0	0	0
	Stream	0	0	0	0	0	0
	Wetland	0	0	0	0	0	0
Federal Permit(s)	The Applicant has applied for and received U.S. Army Corps of Engineers (USACOE) authorization to proceed under an ACOE Nationwide Permit No. 3, Maintenance, and Nationwide Permit No. 33, Temporary Construction, Access, and Dewatering - ID No. SPK-1992-00642 pursuant to Clean Water Act section 404.						
Non-Compensatory Mitigation	During construction of the Project, the Applicant will follow Best Management Practices (dewatering plan, sediment control BMPs, etc) designed to minimize the short-term degradation of water quality. Sediment removal will be accomplished using an excavator bucket, clamshell, or vactor hose staged near the edge of the in-stream ponds and sediment basins (staging areas). BMPs will be implemented and maintained at the staging areas to limit the area of disturbance and to prevent sediments and any sediment-laden water from migrating beyond the staging area and entering surface waters below the ponds. Lined trucks will be used to transport sediments needing to be dewatered to upland locations where dewatering activities can occur in a controlled environment without threatening surface waters. Staging areas will be mulched at the completion of sediment removal operations, except if the staging area is an existing road. Sediments removed from the ponds will either be disposed of and stabilized on upland areas at the Squaw Valley Ski Area, or transported off site to a legal disposal site. Furthermore, the Applicant must comply with the monitoring program prescribed in the Water Board's October 16, 2006 prohibition exemption, pursuant to Water Code section 13267.						
Compensatory Mitigation	None Required. The temporary impacts resulting from constructing the temporary access ramps will be adequately mitigated with the removal of over 12,000 cubic yards of accumulated sediment from the ponds.						
Applicable Fees	$2744						
Fees Received	$2744						

CEQA COMPLIANCE

Water Board staff has determined that the Project is categorically exempt from the California Environmental Quality Act, pursuant to title 14, chapter 3, article 19, section 15301 (Class 1 - Existing Facilities). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

WATER QUALITY CONTROL PLAN WASTE DISCHARGE PROHIBITION

The Water Board adopted the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) in which Chapter 4 specifies the following waste discharge prohibition for the Truckee River Hydrologic Unit:

> "4.(c) The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

The Project involves the threatened and actual discharge of earthen materials to tributaries of the Truckee River (i.e., South Fork of Squaw Creek, unnamed tributary to Squaw Creek).

100-YEAR FLOOD PLAIN WASTE DISCHARGE PROHIBITION EXEMPTION

In accordance with provisions of the Basin Plan, the Water Board may grant exemptions to prohibition 4.c. when the Project meets the following criteria:

1. The Project satisfies the exemption criteria set forth in the Basin Plan:

   a. *The Project is solely intended to reduce or mitigate existing sources of erosion or water pollution, or to restore the functional value of previously disturbed floodplain areas*

      Removing sediment (pollutant) from the in-stream ponds is solely intended to restore the sediment retention capacity of these facilities. Doing so reduces the sediment load to Squaw Creek and its tributaries.

   b. *There is no reasonable alternative to locating the Project or portions of the Project within the 100-year floodplain.*

      Squaw Valley Resort has committed to staging all equipment associated with removing sediments from the in-stream ponds in upland areas, and to use BMPs to limit the area of disturbance within and near the ponds. Such measures have minimized the amount of disturbance within the 100-year floodplains to the maximum extent practical.

c. *The Project, by its very nature, must be located within the 100-year floodplain.*

Sediment removal from in-stream ponds, by its very nature, must be located in the 100-year floodplain, since the sediments to be removed are located within 100-year floodplain. Furthermore, excavators cannot access the ponds from upland areas, and the temporary ramps must be constructed within the ponds to allow equipment access for sediment removal.

d. *The Project incorporates measures which will insure that any erosion and surface runoff problems caused by the Project are mitigated to levels of insignificance.*

Sediment removal activities will be conducted under dry-weather conditions, when there is no flow out of the ponds. The Project incorporates numerous BMPs to control erosion and runoff conditions for all elements of the Project (e.g. sediment removal, sediment transportation, dewatering). Dry ponds will be watered down to settle the disturbed ground surface following sediment removal, and standing turbid water will be removed prior to predicted storm events. Erosion and runoff problems will be mitigated to levels of insignificance by implementing BMPs and preventing turbid water from being flushed downstream during a storm.

e. *The Project will not, individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.*

The Project is designed to improve water quality by maintaining the sediment retention capacity of the in-stream ponds. Squaw Creek is currently identified as being impaired due to excessive sedimentation. Maintaining the sediment retention capacity of the ponds will help to reduce the sediment load to Squaw Creek and its tributaries. The Project also incorporates BMPs to prevent the potential degradation of water quality that could occur during or as a result of Project implementation.

f. *The Project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the groundwater flow treatment capacity.*

The Project will not affect any of the above-referenced characteristics.

EXEMPTION GRANTED

In accordance with Resolution No. R6T-2008-0031, the Water Board delegated its authority to grant exemptions to the Basin Plan waste discharge prohibition cited above, to the Executive Officer where: a. the Executive Officer has the authority to authorize the Project under an individual WQC Order; b. the Project meets the exemption criteria as set forth in the Basin Plan; and d. the Project's primary purpose is to reduce, control, or mitigate existing sources of erosion or water pollution.

The Project will be regulated under a Clean Water Act section 401 WQC, meets the exemption criteria set forth in the Basin Plan, and is solely intended to reduce existing sources of water pollution. The Project is hereby granted an exemption to the above-cited waste discharge prohibition. This Project is also subject to regulation under Board Order No. 6-93-25.

The Executive Officer notified the Water Board and interested members of the public of the intent to issue an exemption to a waste discharge prohibition a minimum of ten (10) days before issuing the exemption. A notice of exemption was also posted on the Water Board website and distributed through an electronic interested persons mailing list, allowing at least ten (10) days to submit comments on the exemption. No comments opposing the exemption were received.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

Section 401 of the Clean Water Act (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to WOUS, shall provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. Squaw Valley Resort has submitted a complete application and an application fee for WQC under Section 401 for the Project. The Applicant has applied for, and received, USACOE authorization to proceed under a Nationwide Permits Nos. 3 and 33, pursuant to CWA section 404.

California Code of Regulations (CCR) Title 23, Section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with Section 401 of the CWA. The Project qualifies for such WQC.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and CCR title 23, section 3867.

2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.

4. Neither Project construction activities nor operation of the Project may cause a violation of the Basin Plan, may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.

5. The Project must be constructed and operated in accordance with the Project described in the application for WQC that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including Project operation, must be submitted to the Executive Officer for prior review and written approval.

6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this certification and civil or criminal liability.

7. The Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the Project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the Applicant must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the Project authorized under this certification.

Additional Conditions

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. Equipment must be steam cleaned before starting work within the Project boundary and will be continually monitored for leaks.

2. An emergency spill kit must be at the Project site at all times.

3. The Project must comply with the conditions contained in the *Project Guidelines for Erosion Control in the Lahontan Region* (enclosed).

4. Water Board staff must be notified 48 hours prior to commencement of ground disturbance.

5. Water Board staff must be permitted to enter the Project site and sample any discharge.

6. Ponds and basins that are dry following sediment removal activities will be sprayed with water in a manner similar to that for dust control to settle the disturbed ground surface. Care will be taken to apply the water in a manner that avoids creating excess standing water, and that prevents turbid water from being released from the ponds and basins.

7. For ponds containing water prior to and following sediment removal activities:

   A. Prior to beginning sediment removal activities but no more than three days before, a water quality sample must be collected from the pond and analyzed for turbidity and total suspended solids. The sample results will establish pre-project water quality conditions, and the water quality conditions that must be met prior to releasing water from the ponds following sediment removal activities.

   B. Within three days following completion of sediment removal activities, a water quality sample must be collected from the pond and analyzed for turbidity and total suspended solids. If post-sediment removal monitoring results at a specific pond are equal to or better than pre-sediment removal results, Squaw Valley Resort is relieved of any further monitoring associated with that pond and of the need to remove the water from the pond before it overflows.

   C. If the sampling following the sediment removal activities indicates that the sediment removal created turbid water in the pond, then Squaw Valley Resort shall either allow the sediments in the water column to settle or remove the water from the pond.

      i. If Squaw Valley Resort removes the water from the pond, then:

         a. Squaw Valley Resort must advise the Water Board when the pond is essentially dry. This notification must be made within five working days of when the pond is essentially dry but no later than two days prior to any anticipated precipitation. Water Board staff may modify this two-day reporting requirement if the time between completion of dewatering activities and expected precipitation is

anticipated to be less than two days. If Squaw Valley Resort anticipates the need to request a modification of this reporting requirement, Squaw Valley Resort must contact Water Board staff immediately upon making this determination.

b. In the event that there is a discharge from a pond during or prior to turbid water-removal activities, Squaw Valley Resort must sample the pond discharge and analyze the sample for turbidity and suspended solids. This sampling shall occur within two hours of Squaw Valley Resort staff becoming aware of the discharge. However, Squaw Valley Resort can delay this sampling due to darkness or unsafe conditions.

c. At any time when Squaw Valley Resort is removing water from the pond, it may sample the pond or basin to demonstrate that the quality of the water has returned to pre-sediment removal conditions. If the results of this sampling are equal or better than the results of pre-sediment removal sampling, then Squaw Valley Resort may discontinue removing water from the pond or basin and is relieved of any further monitoring associated with this approval.

ii. If Squaw Valley Resort elects to allow the turbid water in the pond to settle as a means to remove the sediments from the water column, then Squaw Valley Resort must sample the pond and analyze the sample for turbidity and suspended solids when either of the following conditions occurs: the National Weather Service forecasts a 30 percent or greater chance of precipitation or the freeboard in the pond or basin is equal to or less than two feet. The results from this sampling will be used to establish either:

a. no further action is required by Squaw Valley Resort prior to releasing water from the pond or basin because turbidity and total suspended solids levels have returned to pre-project conditions and Squaw Valley Resort is relieved of any additional monitoring or BMPs relative to the specific pond or basin; or

b. Squaw Valley Resort must implement additional BMPs to remove and dispose of the water in the pond prior to the time the pond begins to overflow. The water that will be pumped out may be used for dust control, or watering existing vegetation or revegetation projects. The disposal shall be done in a manner that does not concentrate flow causing erosion or result in discharges to surface waters (ephemeral and perennial).

8. For ponds where (1) sub-surface water flows are intercepted during sediment removal activities, or (2) sub-surface water flows begin to collect within the affected pond or basin within 24 hours of completing sediment removal activities:

A. Pre-project turbidity and total suspended solids levels will be based on the most recent sampling results at the nearest up-gradient sampling location identified in Monitoring and Reporting Program No. 93-25, as amended, for the most recent spring runoff period. Squaw Valley Resort may collect a sample from this nearest up-gradient sampling location at the same time it takes the sample required in the following section (Item 8.B).

B. Within three days following completion of sediment removal activities, collect a sample from the pond and analyze the sample for turbidity and total suspended solids. These results will determine the need for further monitoring or action. If post-sediment removal monitoring results at a specific pond are equal to or better than the sampling results noted in "8.A" above, Squaw Valley Resort is relieved of any further monitoring associated with this approval and of the need to remove the water from the pond or basin before it overflows.

C. If the sampling in "8.B" above indicates that the sediment removal created turbid water in the pond then Squaw Valley Resort, has the option to either allow the sediments in the water column to settle or to remove the water from the pond or basin. Under these conditions, Squaw Valley Resort must implement the applicable monitoring requirements specified in "7.C.i.a" and "7.C.i.b" above.

9. By **December 1, 2013**, submit to this office documentation that the Project has been constructed pursuant to the plans reviewed by this office. This report must.

   A. The ponds from which sediment was removed and the time period (dates) sediment removal activities occurred for each pond.

   B. The estimated volume of sediment removed from each pond.

   C. The disposal locations for the sediment removed from the in-stream ponds.

   D. The methods used to stabilize the removed sediment when disposed of at a non-landfill/transfer station location.

   E. The name/location of the in-stream ponds, which were dry following sediment removal. The results of all sampling of each pond and a summary of Squaw Valley Resort's response to sample results.

   F. The name/location of the in-stream ponds that retained water following sediment removal. The results of all sampling of each pond and a summary of Squaw Valley Resort's response to sample results.

   G. The locations where and methods for disposing of turbid water remaining in each in-stream pond following sediment removal. State if sediment was allowed to settle out of water column in lieu of removing the turbid water.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

2. In response to a suspected violation of any condition of this certification, the State Water Board or the Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Section 401 Water Quality Certification Requirements Granted

I hereby issue an Order certifying that any discharge from the referenced Project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this WQC.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this WQC order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have any questions, please contact Eric Taxer at (530) 542-5434, or Scott Ferguson at (530) 542-5432.

Lauri Kemper for

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: October 16, 2006 Exemption Letter
Project Guidelines for Erosion Control in the Lahontan Region

cc (w/enc): Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9 (via email at R9-WTR8-Mailbox@epa.gov)
Krystel Bell, Project Manager, Regulatory Division, U.S. Army Corps of Engineers, Sacramento District
Bill Orme / State Water Resources Control Board, Division of Water Quality (via email at Stateboard401@waterboards.ca.gov)
Julie Newman, California Dept. of Fish and Game, Region 2
Michael Gross, Director of Planning, Squaw Valley Ski Resort
Stacy Wydra, Placer County Planning Department
Katrina Smolen, Hydro-Restoration

EJT/adw/T:/R6T-2013-0023 (Draft), Squaw Valley Resort In-Stream Pond Maintenance
File Room Under: 6A311207005 (new file)
Cross File: WDID No. 6A310118070

California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

OCT 16 2006

Michael Gross
Squaw Valley Ski Corporation
P.O. Box 2007
Olympic Valley, CA 96146

EXEMPTION TO A DISCHARGE PROHIBITION CONTAINED IN THE *WATER QUALITY CONTROL PLAN FOR THE LAHONTAN REGION*, VARIANCE TO THE OCTOBER 15 SOIL DISTURBANCE PROHIBITION, FOR SQUAW VALLEY SKI CORPORATION'S IN-STREAM POND AND SEDIMENT BASIN MAINTENANCE PROJECT, SQUAW VALLEY SKI AREA, OLYMPIC VALLEY, PLACER COUNTY, WDID NO. 6A310118070

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received information from Squaw Valley Ski Corporation (SVSC) to complete a Prohibition Exemption Request for the above-referenced project. Based upon the information provided, it is not against the public interest to issue the requested prohibition exemption.

PROJECT DESCRIPTION

The project involves periodically removing accumulated sediments from three in-stream ponds and numerous in-stream sediment retention basins, also known as top hat sediment traps, at the Squaw Valley Ski Area. The three in-stream ponds include:

- Searchlight Pond
- Cornice II Pond
- Gold Coast Pond

The in-stream sediment basins subject to this exemption are the top-hat-type and other sediment basins that are located within a stream/creek channel, rather than solely in a roadside drainage ditch that is conveying a combination of surface water flows from natural drainages intercepted by the roadside ditch, and storm water runoff from the road. A prohibition exemption is not required for removing sediments from the basins located solely within a roadside drainage ditch.

The project is necessary to restore the sediment retention capacity of the in-stream ponds and sediment basins, which will help reduce the sediment load into Squaw Creek, which is on the Clean Water Act section 303(d) List of water bodies impaired by excessive sedimentation. The project will not increase the capacity of the ponds or sediment basins beyond previously approved capacities.

Sediment removal will typically occur under dry-basin or dry-pond conditions. Sediment removal may, under limited conditions, occur when the basins or ponds are holding water, but are not releasing water downstream. Sediment removal will be accomplished using either an excavator bucket, clamshell, or vactor hose. Equipment will be operated from upland areas staged near the edge of the in-stream ponds and sediment basins (staging areas). BMPs will be implemented and maintained at the staging areas to limit the area of disturbance and to prevent sediments and any sediment-laden water from migrating beyond the staging area and entering surface waters below the ponds and basins. Lined trucks will be used to transport sediments needing to be dewatered to upland locations where dewatering activities can occur in a controlled environment without threatening surface waters. Staging areas will be mulched at the completion of sediment removal operations, except if the staging area is an existing road. Sediments removed from the ponds and basins will either be disposed of and stabilized on upland areas at the Squaw Valley Ski Area, or transported off site to a legal disposal site.

Ponds and basins may contain standing water or may be dry following sediment removal activities. There are specific BMPs that apply to each of these conditions.

Ponds/Sediment Basins with Standing Sediment-Laden (Turbid) Water

When ponds contain turbid water following sediment removal activities, additional measures shall be implemented to prevent the turbid water from being discharged downstream during future storm events. If time allows, the standing water can remain in the pond or basin providing time for the sediments to settle out of the water column. If a storm is predicted prior to the sediment settling out of the water column, the turbid water will be pumped out of the pond or basin prior to the onset of storm conditions. The water that will be pumped out will be used for dust control, or watering existing vegetation or revegetation projects. The disposal will be done in a manner that does not concentrate flow causing erosion or result in discharges to surface waters (ephemeral and perennial).

Dry Ponds/Sediment Basins

Ponds and basins that are dry following sediment removal activities can still pose a threat of discharging sediments during the next runoff event due to the highly disturbed condition resulting from sediment removal activities. Therefore, dry ponds will be sprayed with water in a manner similar to that for dust control. This will help settle the disturbed ground surface. Care will be taken to apply the water in a manner that avoids creating excess standing water, and that prevents turbid water from being released from the ponds and basins.

CEQA COMPLIANCE

Water Board staff has determined that the SVSC In-Stream Pond and Sediment Basin Maintenance Project is categorically exempt from the California Environmental Quality Act, pursuant to title 14, chapter 3, article 19, section 15301 (Class 1 - Existing Facilities). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

DISCHARGE PROHIBITION

The Regional Board has adopted a *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The Basin Plan specifies the following discharge prohibition:

> "4.(c) The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

EXEMPTION TO THE DISCHARGE PROHIBITION

The Regional Board has delegated authority to the Executive Officer to grant exemptions to the 100-year flood plain discharge prohibition in the Truckee River Hydrologic Unit for specific categories of discharges when certain criteria are satisfied.

The project satisfies the exemption criteria set forth in the Basin Plan:

1. *Projects solely intended to reduce or mitigate existing sources of erosion or water pollution, or to restore the functional value of previously disturbed floodplain areas.*

   Removing sediment (pollutant) from the in-stream ponds and sediment basins is solely intended to restore the sediment retention capacity of these facilities. Doing so reduces the sediment load to Squaw Creek and its tributaries.

2. *There is no reasonable alternative to locating the project or portions of the project within the 100-year floodplain.*

   SVSC has committed to staging all equipment associated with removing sediments from the in-stream ponds and sediment basins in upland areas, and to use BMPs to limit the area of disturbance near the ponds and sediment basins. Such measures have minimized the amount of disturbance within the 100-year floodplains to the maximum extent practical.

3. *The project, by its very nature, must be located within the 100-year floodplain.*

   Sediment removal from in-stream ponds and sediment basins, by its very nature, must be located in the 100-year floodplain, since the sediments to be removed are located within 100-year floodplains.

4. *The project incorporates measures which will insure that any erosion and surface runoff problems caused by the project are mitigated to levels of insignificance.*

   Sediment removal activities will be conducted under dry-weather conditions, when there is no flow out of the ponds and sediment basins. The project incorporates numerous BMPs to control erosion and runoff conditions for all elements of the project (e.g. sediment removal, sediment transportation, dewatering). Dry basins will be watered down to settle the disturbed ground surface following sediment removal, and standing turbid water will be removed prior to predicted storm events. Erosion and runoff problems will be mitigated to levels of insignificance by implementing BMPs and preventing turbid water from being flushed downstream during a storm,.

5. *The project will not, individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.*

   The project is designed to improve water quality by maintaining the sediment retention capacity of the in-stream ponds and sediment basins. Squaw Creek is currently identified as being impaired due to excessive sedimentation. Maintaining the sediment retention capacity of the ponds and sediment basins will help to reduce the sediment load to Squaw Creek and its tributaries. The project also incorporates BMPs to prevent the potential degradation of water quality that could occur during or as a result of project implementation.

6. *The project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the groundwater flow treatment capacity.*

   The project will not affect any of the above-referenced characteristics.

EXEMPTION GRANTED

Based on the information contained in the Prohibition Exemption Request, the Squaw Valley Ski Corporation In-Stream Pond and Sediment Basin Maintenance Project meets the above-referenced criteria. An exemption to Basin Plan prohibition 4.(c) is hereby granted.

This project is subject to regulation under Board Order No. 6-93-25. SVSC shall inform Water Board staff of its scheduled sediment removal activities on the above-referenced in-stream ponds and sediment basins on an annual basis pursuant to the waste discharge requirements specified in Board Order No. 6-93-25.

Pursuant to California Water Code (Water Code) section 13267, SVSC shall implement the following monitoring program for ponds and basins where SVSC has implemented sediment removal activities. The pond or basin water monitoring results must be submitted to the Water Board's South Lake Tahoe office by the 20th day of the month following the sampling event.

A. *Ponds or basins containing water prior to and following sediment removal activities*

1. Prior to beginning sediment removal activities but no more than three days before, collect a sample from the pond or basin, and analyze the sample for turbidity and total suspended solids. The results from this sampling will establish pre-project water quality conditions, and the water quality conditions that must be met prior to releasing water from the ponds or basins..

2. Within three days following completion of sediment removal activities, collect a sample from the pond or basin and analyze the sample for turbidity and total suspended solids. These results will determine the need for further monitoring or action. If post-sediment removal monitoring results at a specific pond or basin are equal to or better than pre-sediment removal results, SVSC is relieved of any further monitoring associated with this approval and of the need to remove the water from the pond or basin before it overflows.

3. If the sampling in "A.2" above indicates that the sediment removal created turbid water in the pond or basin then SVSC, as stated earlier, has the option to either allow the sediments in the water column to settle or to remove the water from the pond or basin.

   a. <u>If SVSC elects to remove the water from the pond or basin then:</u>

      (1) SVSC must advise the Water Board when the pond is essentially dry. This notification must be made within five working days of when the pond is essentially dry but no later than two days prior to any anticipated precipitation. Water Board staff may modify this two-day reporting requirement if the time between completion of dewatering activities and expected precipitation is anticipated to be less than two days. If SVSC anticipates the need to request a modification of this reporting requirement, SVSC must contact Water Board staff immediately upon making this determination.

      (2) In the event that there is a discharge from a pond or basin during or prior to turbid water-removal activities, SVSC must sample the pond or basin discharge and analyze the sample for turbidity and suspended solids. This sampling shall occur within two hours of SVSC staff becoming aware of the discharge. However, SVSC can delay this sampling due to darkness or unsafe conditions.

(3) At any time when SVSC is removing water from the pond or basin, SVSC may sample the pond or basin to demonstrate that the quality of the water has returned to pre-sediment removal conditions. If the results of this sampling are equal or better than the results of pre-sediment removal sampling, then SVSC may discontinue removing water from the pond or basin and is relieved of any further monitoring associated with this approval.

b. <u>If SVSC elects to allow the turbid water in the pond or basin to settle as a means to remove the sediments from the water column then:</u>

(1) SVSC must sample the pond or basin and analyze the sample for turbidity and suspended solids when either of the following conditions occurs: the National Weather Service forecasts a 30 percent or greater chance of precipitation or the freeboard in the pond or basin is equal to or less than two feet. The results from this sampling will be used to establish either: that no further action is required by SVSC prior to releasing water from the pond or basin because turbidity and total suspended solids levels have returned to pre-project conditions and SVSC is relieved of any additional monitoring or BMPs relative to the specific pond or basin; or, that SVSC must implement additional BMPs to remove and dispose of the water in the pond or basin prior to the time the pond or basin begins to overflow.

B. *Ponds or basins that intercept/collect sub-surface water flows during or within 24 hours of completing sediment removal activities* (The following monitoring is required only when (1) sub-surface water flows are intercepted during sediment removal activities, or (2) sub-surface water flows begin to collect within the affected pond or basin within 24 hours of completing sediment removal activities. Both conditions could produce sediment-laden water, which would need to be addressed either with adequate time for settling, or by removing such waters prior to releasing water from the pond or basin. The following monitoring requirements are intended to provide data that will be used to either demonstrate no further action is required, or to determine the necessary course of action to prevent the discharge of sediment-laden waters from the affected pond or basin.)

1. Pre-project turbidity and total suspended solids levels will be based on the most recent sampling results at the nearest upgradient sampling location identified in Monitoring and Reporting Program No. 93-25, as amended, for the most recent spring runoff period. SVSC may collect a sample from the sampling location referred to in the prior sentence at the same time it takes the sample required in the following section and use the results of the sample in lieu of the results noted in the prior sentence.

2. Within three days following completion of sediment removal activities, collect a sample from the pond or basin and analyze the sample for turbidity and total suspended solids. These results will determine the need for further monitoring or

action. If post-sediment removal monitoring results at a specific pond or basin are equal to or better than the sampling results noted in "B.1" above, SVSC is relieved of any further monitoring associated with this approval and of the need to remove the water from the pond or basin before it overflows.

3. If the sampling in "B.2" above indicates that the sediment removal created turbid water in the pond or basin then SVSC, as stated earlier, has the option to either allow the sediments in the water column to settle or to remove the water from the pond or basin. Under these conditions, SVSC must implement the applicable monitoring requirements specified in "A.3.a" and "A.3.b" above.

Pursuant to Water Code section 13267, SVSC shall also submit an annual report by December 1 of each year providing the following information:

a. The facilities from which sediment was removed and the time period (dates) sediment removal activities occurred for each facility.

b. The estimated volume of sediment removed from each facility.

c. The disposal locations for the sediment removed from the in-stream ponds and sediment basins.

d. The methods used to stabilize the removed sediment when disposed of at a non-landfill/transfer station location.

e. The name/location of the in-stream ponds and sediment basins, which were dry following sediment removal. The results of all sampling of each pond or basin and a summary of SVSC's response to sample results.

f. The name/location of the in-stream ponds and sediment basins that retained water following sediment removal. The results of all sampling of each pond or basin and a summary of SVSC's response to sample results.

g. The locations where and methods for disposing of turbid water remaining in the in-stream ponds and sediment basins following sediment removal[1].

Submitting the above-referenced information is necessary to ensure that waste earthen materials and sediment-laden water are being disposed of or managed in a manner that does not adversely affect water quality. The information will also assist Water Board staff in determining the sediment load that is being captured in the in-stream ponds and sediment basins. Enclosed is a Fact Sheet regarding submittals of technical reports required by Water Code section 13267.

[1] State if sediment was allowed to settle out of water column, in lieu of removing the turbid water.

VARIANCE

Board Order No. 6-93-25 contains a soil disturbance prohibition covering the period of October 15 – May 1. Due to delays in permitting this project, SVSC will need up to two weeks past the October 15 deadline to complete the above-referenced sediment removal activities for this year. The BMPs identified in the Prohibition Exemption Request will provide adequate water quality protection during the variance period.

A variance to the October 15 soil disturbance prohibition is hereby granted for removing and disposing of sediments from the above-referenced in-stream ponds and sediment basins, provided that you comply with the following conditions:

a. This variance allows the above-referenced soil-disturbing activities to be conducted through **November 3, 2006**. All soil disturbance activities must stop, and all project areas must be permanently stabilized or winterized by no later than **November 4, 2006**. "Winterized" means stabilized to prevent soil movement permanently or temporarily in a manner that will remain effective until May 1, 2007.

b. Soil-disturbing activities may not occur from **November 4, 2006** to **May 1, 2007** unless authorized by written variance from the Regional Board Executive Officer.

c. When adverse weather conditions are predicted by the National Weather Service, and prior to the onset of the adverse conditions, every reasonable measure shall be taken to complete winterizing all project areas. "Adverse" conditions refer to conditions that may threaten the ability to control erosion and siltation from the project, or may result in temporarily or permanently stopping work on the project due to a snowfall or rainstorm. Reasonable measures include, but are not limited to, scheduling activity such that work only occurs on those areas that can be quickly stabilized by available crews.

Water Board staff looks forward to continuing to work with you in your efforts to protect water quality. If you have any questions, please contact Eric J. Taxer at (530) 542-5434, or Scott C. Ferguson at (530) 542-5432.

HAROLD J. SINGER
EXECUTIVE OFFICER

Enclosure – Water Code section 13267 Fact Sheet

cc: all w/o enclosure
Squaw Valley Ski Corporation/Nancy Wendt
State Water Resources Control Board, Office of Chief Counsel/David Coupe
California Department of Justice, Office of the Attorney General/Janill Richards
California Department of Justice, Office of the Attorney General/Lynn Thorpe
Placer County Planning Department/Bill Combs
Placer County Department of Public Works/Matthew Bartholomew

SCF/dldT:/SVSC Sediment Removal Exemption – Exemption
[File Under: SVSC Squaw Valley Ski Area-WDID No. 6A310118070]
[x-File Under: SVSC CAO and WQIP Projects NPDES SW Const.]

LAHONTAN REGION
PROJECT GUIDELINES FOR EROSION CONTROL

In the interest of protecting surface water quality from unnatural or accelerated erosion caused by land development, the following guidelines shall be followed:

Guidelines Applicable To: **Little Truckee River Hydrologic Unit (HU No. 636.00)**
Truckee River Hydrologic Area (HU No. 635.20)
West Fork Carson River Hydrologic Unit (HU No. 633.00)
East Fork Carson River Hydrologic Unit (HU No. 632.00)
Mono Hydrologic Unit (HU No. 601.00)
Long Hydrologic Area (HU No. 603.10)

Temporary Construction BMPs

1. Surplus or waste materials shall not be placed in drainage ways or within the 100-year flood plain of surface waters.

2. All loose piles of soil, silt, clay, sand, debris, or earthen materials shall be protected in a reasonable manner to prevent discharge of pollutants to waters of the State. Material stockpiles should be placed on the upgradient side of excavation whenever possible. Stockpiles may also be protected by covering to prevent contact with precipitation and by placing sediment barriers around the stockpiles.

3. Dewatering shall be done in a manner so as to prevent the discharge of pollutants, including earthen materials, from the site. The first option is to discharge dewatering waste to land. A separate permit may be required if, due to site constraints, dewatering waste must be discharged to surface waters. Contact the Regional Board for information on discharging to surface waters.

4. All disturbed areas shall be stabilized by appropriate erosion and/or sediment control measures by October 15 of each year.

5. All work performed between October 15th and May 1st of each year shall be conducted in such a manner that the project can be winterized within 48 hours. Winterized means implementing erosion and/or sediment controls that will prevent the discharge of earthen materials from the site and the controls will remain effective throughout the rainy/snow season without requiring maintenance. In general, this requires stabilizing bare disturbed soils with mulch, erosion protection blankets, or other suitable materials, and installing perimeter sediment controls such as fiber logs or other similar materials that will remain effective during significant rain and snow events.

6. After completion of a construction project, all surplus or waste earthen material shall be removed from the site and deposited at a legal point of disposal.

7. All non-construction areas (areas outside of the construction zone that will remain undisturbed) shall be protected by fencing or other means to prevent unnecessary encroachment outside the active construction zone.

8. During construction, temporary erosion control facilities (e.g., impermeable dikes, filter fences, weed-free straw bales, etc.) shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.

9. Control of run-on water from offsite areas shall be managed (protected, diverted, treated, etc.) to prevent such water from degrading before it discharges from the site.

10. Where construction activities involve the crossing and/or alteration of a stream channel, such activities require a prior written agreement with the California Department of Fish and Game and shall be timed whenever possible to occur during the period in which streamflow is expected to be lowest for the year. Other control measures may be used as necessary to prevent adverse effects from work in surface waters.

Permanent Construction BMPs

1. Impervious surfaces should be constructed with infiltration trenches or comparable infiltration structures along downgradient sides to infiltrate the increase in runoff resulting from the new impervious surfaces. Infiltration structures should also be constructed to accept runoff from structural (roof top) drip lines. Other control measures may be considered if design and/or site constraints are such that construction of infiltration devices is infeasible. Additional specific design specifications are required for the Truckee, Little Truckee and Long Hydrologic Units/Areas (see specific requirements below).

2. Where possible, existing drainage patterns shall not be significantly modified.

3. Drainage swales disturbed by construction activities shall be stabilized by the addition of crushed rock or riprap, as necessary, or other appropriate stabilization methods.

4. Revegetated areas shall be regularly and continually maintained in order to assure adequate growth and root development. Physical erosion control measures (controls other than live vegetation) shall be placed on a routine maintenance and inspection program to provide continued erosion control integrity.

Additional Requirements for Specific Watersheds

Truckee River Hydrologic Area and Little Truckee Hydrologic Unit

1. Runoff from impervious surfaces shall be treated or contained onsite. For purposes of this requirement, the volume of water to be contained or treated is the 20-year, one-hour storm, which is equal to 0.7 inches of rain.

2. Except in the event of emergencies, land disturbance associated with project construction is prohibited between October 15th and May 1st of the following year. Exemptions may be granted by the Executive Officer on a case by case basis.

Long Hydrologic Area

Policy: (Contact the Regional Water Quality Control Board for information on permitting requirements delegated to the Town of Mammoth Lakes under a Memorandum of Understanding)

1. For Mammoth Lakes watershed at an elevation above 7,000 feet, drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site. A 20-year, 1-hour design storm for the Mammoth Lakes area is equal to 1.0 inch of rainfall.