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**Central Valley Regional Water Quality Control Board**

6 May 2016

Dave Myers  
Vail Resorts Management Company  
P.O. Box 1  
Kirkwood, CA 95646

**CERTIFIED MAIL**  
**91 7199 9991 7035 8363 2803**

***NOTICE OF VIOLATION AND INSPECTION REPORT, VAIL MOUNTAIN RESORTS,  
KIRKWOOD MOUNTAIN RESORT, AMADOR AND ALPINE COUNTIES***

On 27 April 2016, Central Valley Water Board staff inspected the Kirkwood Mountain Resort in Kirkwood in response to a complaint. The complaint stated that asphalt road grindings used by Vail Resorts to resurface resort parking lots were being deposited in and around Kirkwood Creek.

During the inspection, Board staff confirmed that asphalt grindings are widely deposited outside of the parking lots as a result of snow removal operations. Staff is concerned about the water quality impact of the asphalt grindings may have on surface water, including Kirkwood Creek, and on groundwater. This letter is your notice of the Board's on-going investigation and provides you with our initial inspection report, which is enclosed for your information. The discharge of waste into surface waters or wetlands without a permit is a violation of the Clean Water Act.

Based on observations made during the inspection, staff requests that Vail Resorts provide the following information to the Board by **31 May 2016**:

- The total amount of asphalt grindings, in cubic yards or tons, that was brought to the resort to resurface the parking lots, and the dates that the material was delivered.
- The source of the asphalt grindings and the name and contact information for the provider(s) of the asphalt grindings.
- How and when Vail Resorts plans to use the asphalt grindings. Include where the grindings were placed when they were brought into the resort, and where they were placed prior to winter.
- A map showing the extent of the asphalt grindings. Include all parking lots where the grindings were used and any areas outside of the parking lots where asphalt grindings were deposited. Also include the total area, in acres, impacted by the asphalt grindings.
- The actions which Vail Resorts has taken to prevent the movement of the asphalt grindings off of the parking lots.

- Any analytical results from groundwater, stormwater or asphalt grinding samples taken by Vail Resorts.
- Explain how future snow removal will prevent “cinders” from moving off of the parking lots.
- The actions and timeline which Vail Resorts proposes to take to remediate the impact to surface waters and wetlands. Include the contact information for the environmental consultant you have retained to assist you in this matter.

This is a very serious matter, and Vail Resorts is subject to additional enforcement actions, which could include penalties of \$10,000 / day of violation.

If you have any questions, please email me at [Richard.Muhl@waterboards.ca.gov](mailto:Richard.Muhl@waterboards.ca.gov).



RICHARD MUHL  
Senior Environmental Scientist

Enclosure: 27 April 2016 Inspection Report

cc: Carol Oz, California Department of Fish and Wildlife, Rancho Cordova  
Joshua Nicholas, California Department of Fish and Wildlife, Fairfield  
Ryan Hanson, California Department of Fish and Wildlife, Sacramento  
Michael Sharp, Kirkwood Meadows Public Utility District, Kirkwood  
David Boyers, Office of Enforcement, State Water Resources Control Board

# Storm Water Industrial General Permit Inspection Report

## Central Valley Regional Water Quality Control Board

Insp. Date & Time:	04/27/2016	Inspected By:	Rich Muhl
WDID #	NA	Site County:	Amador and Alpine
Operator Name:	Vail Resorts Management Company		
Facility Name:	Vail Resorts Management Company		
Facility Address:	Kirkwood, CA 95646		
Facility Contact:	Dave Myers, Senior Mountain Operations Director, Vail Resorts		

Inspection Type: X Complaint

SWPPP on site? NA	SWPPP Implemented/Updated? NA
Photos Taken? Yes	Appropriate Monitoring Program? NA
Weather: Overcast	Evidence of SW or Non-SW Discharge? Yes

### Inspection Summary / Comments:

On 27 April 2016, Central Valley Regional Water Quality Control Board staff inspected Kirkwood Creek and certain parking lots and roads in the Kirkwood Mountain Ski Resort area in Kirkwood. The inspection was conducted in response to a complaint regarding asphalt road grindings in and around Kirkwood Creek. Staff talked with the Kirkwood Meadows Public Utility District General Manager, Michael Sharp and Assistant Manager for Operations, Rich Ansel. Mr. Sharp and Mr. Ansel explained that asphalt grindings were brought to the site by Vail Resorts to resurface the resort's parking lots. During snow removal operations, the asphalt grindings were pushed or blown from the parking lots into surrounding areas, including drainage swales, intermittent channels and Kirkwood Creek. Mr. Sharp and Mr. Ansel expressed concern about the potential surface water and ground water impacts of the asphalt grindings. Mr. Ansel drove staff around the impacted areas.

During the inspection, staff observed that the asphalt grindings had been spread out on several parking lots of the ski resort. The asphalt grindings were also observed in and around the constructed drainage swales and the intermittent channels which flow into Kirkwood Creek. Additionally, staff observed asphalt grindings mixed with snow directly adjacent to Kirkwood Creek in several areas. The Kirkwood area had recently received snow fall and a significant amount of the asphalt grindings were covered by snow or mixed with ice and snow. The recent snow fall and cold temperatures made it difficult to visually identify all of the areas impacted by the grindings. However, staff clearly observed that a significant amount of the asphalt grindings had been pushed, blown or flowed into several direct tributaries to Kirkwood Creek. Staff also observed that asphalt grindings in the riparian areas along Kirkwood Creek (see inspection photograph #1 to #5).

After the inspection, staff requested assistance from the California Department of Fish and Wildlife. Because asphalt is an oil based product, staff also requested assistance from the California Department of Fish and Wildlife Office of Spill Prevention and Response Unit.


Signature 	Date 05/04/2016	Date Entered: _____ Entered By: _____ Senior Review: _____
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Photo 1. Asphalt grindings mixed with snow adjacent to one of the parking lots



Photo 2. Asphalt grindings mixed with snow directly adjacent to Kirkwood Creek



Photo 3. Large pile of asphalt grindings and snow pushed directly adjacent to the creek



Photo 4. Asphalt grindings and snow pushed or blown into a tributary of Kirkwood Creek



Photo 5. A mixture of asphalt grindings and snow pushed or blown into a tributary of Kirkwood Creek