

# State fines Kirkwood \$750K in contamination case

By Susan Wood

Kirkwood Mountain Resort has agreed to pay more than \$750,000 to settle a wetlands contamination case brought against the ski resort by the Central Valley Regional Water Quality Control Board and California Department of Fish and Wildlife.

The water board found through a complaint in April 2016 that the ski resort used asphalt grindings “for dust mitigation” in its unpaved parking lots.

The approximately 3-inch petroleum-based grindings measuring up to 1,840 cubic yards collectively were spread into sensitive zones in the Timber Creek, Nordic Center and Red Cliffs areas – which could have jeopardized Kirkwood Creek. Although petroleum hydrocarbons were found in samples from the creek, no fish kills were reported in the agencies’ inspections.

The following month after the complaint was filed the state issued a notice of violation to the “Heavenly Valley Limited Partnership dba Kirkwood Mountain Resort” for violating water codes. Kirkwood Creek, a tributary to Caples Creek, flows to the South Fork of the American River upstream of Placerville.

The flows may affect the municipal water supply, along with hydropower generation, water recreation and wildlife habitat downstream.



The slope north of the cross country ski area parking lot covered with asphalt grindings blown during snow removal operations in 2015-16. Photo/Provided

As recently as **last October**, parent company Vail Resorts may have been facing a \$4.44 million fine in civil liabilities for a violation of the Federal Clean Water Act and the California Water Code. Ski resort staff worked last fall until winter hit to clean up the sensitive wetlands. Last season's phenomenal snowfall delayed further cleanup.

The penalty was reduced to \$754,732 as a result of the ski resort's progress. There's more to do in five areas: Nordic Center, Red Cliffs Lodge, Kirkwood Meadows Drive, chair 9's Timber Creek lot and Kirkwood Creek near Snowkirk's chair 1 – which awaits the Army Corps of Engineers to supervise that part of the work plan.

The proposed settlement signed off by the water board last

week is due to become final in 30 days following a public comment period.

Water board Assistant Executive Officer Andrew Altevogt told *Lake Tahoe News* comments would be taken into account when the settlement becomes final.

"They've done most of the work required," Altevogt said of the administrative order signed off a few weeks ago by Kirkwood General Manager Doug Pierini, who came on board a few months after the complaint was made.

"I don't think they knowingly spread this stuff around (the streambed)," Altevogt said, adding it was the first time he had encountered a ski resort subject to this type of violation. Kirkwood has pledged to continue to work closely with the agencies involved to "remediate impacts to the environment" as well as conduct ongoing site assessments of the areas affected.

"Notably, third party test samplings that the agencies asked us to conduct did not demonstrate any impact on the surrounding groundwater," Kirkwood said in a statement issued through spokesman Kevin Cooper.

"Kirkwood Mountain Resort takes seriously our role in responsibly stewarding the environment and the public land in which we are entrusted. We have already altered our snow removal procedures and will seek opportunities for our employees and contractors to learn from this," the statement reads.

The contamination case, which in one area was referred to as "a black snow field," has served as a black eye to Vail Resorts – a giant in the ski industry.