

California Regional Water Quality Control Board
Santa Ana Region

Cleanup and Abatement Order No. R8-2009-0066

The Dock Club at Pine Knot Landing
A Non-Profit Home Owners' Association

Pine Knot Landing Marina Expansion Dredge and Fill Project, Big Bear Lake
City of Big Bear Lake, San Bernardino County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. The Board issued Waste Discharge Requirements Order No. 99-003 to Pine Knot Landing, LLC, for the expansion and upgrading of the existing Pine Knot Landing Marina on the southern shore of Big Bear Lake, at Knickerbocker Creek. This work involved dredging approximately 61,000 cubic yards of lake-bottom sediments. Approximately 31,000 cubic yards of this material was then returned to the lake, along with about 7,000 cubic yards of imported riprap, to extend the west jetty into an L-shaped breakwater and to modify the launch ramp area. Dredging and filling operations occurred between late November 1999 and late January 2000. The Dock Club at Pine Knot Landing (hereinafter, discharger) is the owner of Pine Knot Landing. The dredging project was reported to be completed, and Order No. 99-003 was rescinded in 2007.
2. The dredging activities proposed in 1999 at Pine Knot Landing had the potential to increase turbidity and depress ambient dissolved oxygen in the receiving waters. The discharger used a silt curtain around the immediate dredging area to limit these impacts.
3. A revised Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) became effective on January 24, 1995. The Basin Plan identifies water quality objectives and beneficial uses of waters in the Santa Ana Region. The beneficial uses of Big Bear Lake include:
 - a. Water contact recreation,
 - b. Non-contact water recreation,
 - c. Municipal and domestic supply,
 - d. Agricultural supply,
 - e. Groundwater recharge,
 - f. Warm freshwater habitat,
 - g. Cold freshwater habitat,
 - h. Wildlife habitat, and
 - i. Rare, threatened, or endangered species

A total maximum daily load for nutrients discharged to Big Bear Lake during dry weather was added to the Basin Plan in 2006.

4. On October 12, 2009, Regional Board staff was notified that some sections of silt curtain that had been deployed during the 1999 – 2000 dredging project at Pine Knot Landing were still in place and nearly buried at the mouth of Knickerbocker Creek, and that the remaining curtain sections, and sediment and other debris that had accumulated behind the curtain, needed to be removed immediately. This urgency is prompted by a forecast of intense rain expected to hit the Big Bear Lake area in the next several days, and by the concern that the curtain and debris that has accumulated behind the curtain will be washed into Pine Knot Landing Marina and Big Bear Lake by high flood flows from Knickerbocker Creek.
5. Regional Board staff views the situation described above as threatening to discharge waste to waters of the state in violation of the Basin Plan and the California Water Code (CWC). CWC Section 13304 provides that in circumstances such as these, the Regional Board may issue a Cleanup and Abatement Order requiring the necessary remedial action to abate the threat of discharge.
6. This action is being taken for the protection of the environment, and is therefore exempt from the provisions of the California Environmental Quality Act, pursuant to 14 CCR 15308, "Actions by Regulatory Agencies for the Protection of the Environment."
7. The requirements contained in this order are necessary to implement the Basin Plan.

IT IS HEREBY ORDERED that, pursuant to Section 13304, Article 1, Chapter 5, Division 7, of the California Water Code, the discharger shall take necessary remedial action to abate the threat of waste being discharged or deposited where it is, or probably will be, discharged into wastes of the state, as follows:

1. The discharger shall remove (dredge) and properly dispose of the sediment and other debris behind the silt curtain in order to prevent the silt from discharging into Big Bear Lake.
2. The discharger shall remove the sediment no later than October 19, 2009.
3. Dredging or filling activities shall not cause the background natural turbidity (in Natural Turbidity Units, NTUs) in the receiving waters to be increased by values greater than the following at a distance of 100 feet from the dredge or fill activity:

<u>Natural Turbidity</u>	<u>Maximum Increase</u>
0-50 NTU	20%
50-100 NTU	10 NTU
Greater than 100 NTU	10%

4. Dredging or filling activities shall not cause a nuisance or pollution as defined in Section 13050 of the California Water Code.
5. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.
6. The discharger has obtained an emergency 404 Permit from the Army Corps of Engineers (Regional General Permit No. 63) for this project.
7. Dredging or filling activities shall not cause the dissolved oxygen in the receiving waters to be depressed below 5.0 mg/l. When natural dissolved oxygen concentrations are less than 5.0 mg/l, the discharge shall not cause a further depression.
8. No activity associated with the dredging procedures nor deposition of fill shall cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board, as required by the Federal Water Pollution Control Act and regulations adopted thereunder.

Failure to comply with the terms and conditions of this order may result in the imposition of civil liabilities, either administratively by the Regional Board or judicially by the Superior Court in accordance with Section 13350 of the California Water Code, and/or referral to the Attorney General for such action as may be deemed appropriate.

Ordered by



Gerard J. Thibeault
Executive Officer

October 12, 2009