

MINUTES OF THE  
BIG BEAR LAKE TMDL TASK FORCE MEETING

October 15, 2008

**Agency**

Regional Water Quality Control Board  
Regional Water Quality Control Board  
Regional Water Quality Control Board  
Big Bear Mountain Resorts  
Big Bear Municipal Water District  
Brown and Caldwell  
California Department of Transportation  
California Department of Transportation  
City of Big Bear Lake  
City of Chino Hills  
Risk Sciences  
San Bernardino County  
San Bernardino County Flood Control District  
Santa Ana Watershed Project Authority  
Santa Ana Watershed Project Authority  
Santa Ana Watershed Project Authority

**Participant**

Heather Boyd  
Hope Smythe  
Michael Perez  
Karl Klouzer  
Scott Heule  
Nancy Gardiner  
Cathy Jochai  
Gian Villareal (RBF)  
Joe Cylwik  
Tad Garrety  
Tim Moore  
Edward Varga  
Matt Yeager  
Mark Norton  
Rick Whetsel  
Marie Jauregui

**Call to Order & Introductions**

Big Bear Lake TMDL Task Force meeting was called to order at the San Bernardino County Public Works office, 825 East Third Street, San Bernardino, California.

**Approval of August 27, 2008 Minutes**

The August 27, 2008, Big Bear Lake TMDL Task Force minutes were unanimously approved.

**Discussion: FedEx Third Party Charges**

Copies of BBMWD's FedEx invoice were distributed. Scott Heule said that the Forest Service was supposed to arrange to have the Atmospheric Deposition costs transferred to them along with the shipping costs. Unfortunately, BBMWD was invoiced for two months' costs. He asked for direction and a guarantee from the Task Force that it would be a Task Force incurred cost. The charges have been accrued in August and September. SAWPA will find the minutes where this was discussed and forward it to Robert Taylor. BBMWD will pay for the shipping charges, but expects to be reimbursed for the costs.

**Status of Task Force Agreement Approval**

A clean version of the most recent *Task Force Agreement*, along with the *List of Comments Received to date* was distributed. Cathy Jochai discussed Caltrans' comments received on October 9. The comment on page 11, Section X to "provide for notice by fax or email" can be disregarded. The second comment was on page 12, Section XIV will be held until later for resolution. Their concern with Section XIV is that because of the way that it is written, it would potentially apply to confidential communication between attorneys and Task Force parties. Matt Yeager does not see an issue with Caltrans' comment. His legal counsel said that confidential items can be called out as such and handled differently.

Mr. Yeager discussed San Bernardino County Flood Control District's (SBCFCD) comments received on October 14. The acronym SWAMP will be spelled out on page 6, Section II, Item A6 of the Agreement. Their comment on page 7, Section III, Item A was to change the first sentence to read "...adopted by a majority vote of voting members of the TMDL Task Force..." It was pointed out that the non-voting members are identified elsewhere in the Agreement. However, Mr. Yeager feels that the sentence is unclear. Because SBCFCD's comment to have a more specific submission date (page 8, Section III, Item

D) was only a suggestion, the Task Force decided to leave it out. Section III, Item F on page 8 will be updated. It currently refers to fiscal year 2008-09 in future terms. It was decided that SBCFCD's comment on page 8, Section III, Item G to specify a "not less than" amount for the reserve balance not be included because the reserve balance will vary based on the course of work during the fiscal year. To resolve SBCFCD's comment on page 9, Section III, Item I regarding FY 2008-09, the first and last sentence of the section will be deleted.

SBCFCD's legal counsel asked what would happen in the event that a majority of the voting members did not approve the budget/costs. It was noted that the Regional Board would intercede. Because this is addressed in the TMDL, the comment will be disregarded. It was decided to remove "up to" from the third sentence on page 10, Section V as a means to resolve and simplify SBCFCD's comment (change to read "...additional term of one year not to exceed a total of five years after this Agreement shall become effective by written..."). Rather than modifying the sentence on Section VII, Item C on page 10, the Task Force decided to delete it as it is unnecessary. SBCFCD suggested changing the last sentence of page 10, Section VII, Item C to read as "...to be created or exists under the terms of this Agreement." The Task Force thought that it would be easier to change the sentence to read "No new joint or several liability..."

SBCFCD's legal counsel suggested changing the second sentence on page 12, Section XI to read as "...shall be held by a court of competent jurisdiction to be... permitted by law, unless the purpose of this Agreement is frustrated." After brief discussion, the Task Force decided to keep the first part of the suggestion. Because Section XVI – Attorneys and Consultants Fees is atypical for agreements, the Task Force decided to delete the section. Ms. Jochai will check with her legal counsel.

It was noted that the Task Force agencies' legal counsels will resolve the issues with Section XV – Indemnification. Mr. Norton requested that all the agencies provide him with contact information for their legal counsel so a teleconference can be scheduled. Version No. 9 of the Task Force Agreement will be drafted, showing all the changes made since Version No. 8 in tracked changes mode with the sections where consensus was not reached being highlighted. Version No. 9 will be distributed to the Task Force and each agency's legal counsel via email.

### **Watershed and Lake Monitoring Program Status**

Nancy Gardiner is still working on the contract with CDM and SBCFCD. SBCFCD is preparing a purchase order. There is a contract language issue, which will be resolved within the next week. The purchase order will be in their Purchasing Department after the issue is resolved. It was anticipated that the training for sample collection begin in mid September, but Brown and Caldwell is waiting for the contract to go through.

The draft Lake Management Plan will be submitted by the end of this month. It was originally due on August 31, 2008. Hope Smythe suggested that SAWPA write a letter on behalf of the Task Force indicating the status report of this deliverable.

Karl Klouzer commented that Big Bear Mountain Resorts may not be able to help with the sampling because of the delivery issue. They are willing to do the sampling, but will not allow their employees to travel down the mountain to deliver the samples due to safety issues. It was noted that Brown and Caldwell can use a courier service, as that is what they have done in the past.

### **New business**

Tim Moore asked if there were any new listings for Big Bear Lake or Big Bear Lake Watershed. Michael Perez said that they hope to present a CEQA scoping meeting for a mercury TMDL in mid-December. The Regional Board plans to discuss what they found and where they plan to go. The CEQA scoping meeting was scheduled for 10:00 a.m. on December 9 at BBMWD.

Mr. Moore said that the Lake Elsinore/Canyon Lake TMDL soon will be addressing the same issue as the Big Bear Lake TMDL – natural background. It may be more cost effective to combine the two efforts to address natural background on a conceptual level. A set of questions that would not be watershed specific could be developed in the beginning, and become more watershed specific in the future. Hope Smythe commented that the two Task Forces could develop region-wide definitions. Mr. Yeager commented that combining the two efforts for this task would be worthwhile, provided that there are commonalities.

### **Schedule Next Meeting**

The next meeting is scheduled for Tuesday, November 18, 2008, at 2:30 p.m. at San Bernardino County Public Works.

A CEQA meeting has been scheduled for Tuesday, December 9, 2008, at 10:00 a.m., and the Task Force meeting will commence thereafter at BBMWD.

### **Adjournment**

There being no further business for review, the meeting adjourned at 3:24 p.m.