

MINUTES OF THE
BIG BEAR LAKE TMDL TASK FORCE MEETING

January 6, 2010

Agency

Regional Water Quality Control Board
Regional Water Quality Control Board
Regional Water Quality Control Board
San Bernardino County SW Program
San Bernardino County Flood Control
Big Bear Municipal Water District
City of Big Bear Lake
California Department of Transportation
US Forest Service
California Department of Transportation
Floating Islands West
Brown and Caldwell
Risk Sciences
Santa Ana Watershed Project Authority
Santa Ana Watershed Project Authority

Participant

Heather Boyd
Hope Smythe
Michael Perez
Matt Yeager
Janet Dietzman
Scott Heule
David Lawrence
Gian Villareal (RBF)
Robert Taylor
Cathy Jochai
Darrell Smith
Nancy Gardiner
Tim Moore
Rick Whetsel
Regina Patterson

Call to Order & Introductions

Big Bear Lake TMDL Task Force meeting was called to order at 9:35 a.m. at San Bernardino County Public Works, 825 East Third Street, San Bernardino, California.

Approval of September 23, 2009 Minutes

The September 23, 2009, Big Bear Lake TMDL Task Force meeting minutes were presented for approval. Hearing no comments, the meeting minutes were received and filed as presented.

Discussion: TMDL Requirements in the Draft MS4 Permit

Tim Moore provided an excerpt from the San Bernardino County MS4 Permit reporting that he is currently awaiting final confirmation from Michael Adackapara and Attorney David Rice. It is assumed that the wasteload allocations were in the permit as numeric effluent limitations. The way the permit is written today, for the next five years, that is no longer true. From the time the permit is adopted until it expires at the beginning of 2015, the permit requirement is that the permittees must implement best management practices (BMP) designed to achieve compliance with the wasteload allocation to implement monitoring plans to validate/assess the effectiveness of it. The permittees will have to prepare a BMP plan that describes the specific actions they intend to take to achieve compliance with the wasteload allocation. Providing documentation for why they believe those actions will be effective, provide a monitoring program to demonstrate effectiveness once the BMP plans are implemented, and provide a schedule of implementation. All of these elements become enforceable requirements in the permit. Failure to submit a plan, failure to implement BMPs, and failure to monitor effectiveness would all be permit violations. If all items are provided, the way the permit is presently written, the Regional Board would likely adopt that plan, schedule and monitoring program as a final water quality based effluent limit. They would adopt the procedure as the limit effective 2016 and beyond. If the program is not submitted or approved, then on January 1, 2016 the wasteload allocations become the final water quality based effluent limit. As stated in the fact sheet of the permit, Big Bear is currently in compliance with the wasteload allocation for dry weather.

Status Update: Big Bear Lake Management Plan

Mr. Moore discussed the deadline for submitting the Lake Management Plan. Our deadlines are governed by receiving a 60 or 90 day notice from the executive officer that it is time to provide a report. The dates are all

intended to be 60 days after whenever the permit is adopted. The February 15, 2010 deadline for the TMDL annual report will not change. The Lake Management Plan has three pieces that will be done in one month intervals, 1) an aquatic plan; 2) a modeling plan; and 3) a sediment nutrient reduction plan. The February 26, 2010 deadline is for a draft of the Lake Management Plan and all three of its elements. They expect the final to be submitted by March 31, 2010 along with a final Watershed Monitoring Plan. The results of the first model update are due mid-February 2011.

Mr. Moore discussed trying to hit the response targets (chlorophyll a, DO and macrophytes), not the causal targets (nitrogen and phosphorous). The causal targets are there because we have not found a way to meet the response targets separately. An aggressive aquatic plant management plan may allow us to get native plant incorporated in that would be a repository sink for the nitrogen and phosphorous and thereby prevent it from being available to the algae. Apart from the issue of whether EPA will accept this going forward, the Lake Management Plan itself didn't meet the Regional Board's expectations for substantive documentation to support the claims made. The permit came out and made it clear that the measure of attainment was to be the wasteload allocation. In addition, the agency responsible for preparing the Lake Management Plan became concerned about what was going to be done to meet the chemical limitations. There is reluctance to be responsible for writing the plan that is intended to assure compliance with an NPDES permit, if compliance is to be measured as pounds of phosphorous and nitrogen. Discussion ensued.

Mr. Moore said the three things that need to be done are 1) an aquatic plant management plan; 2) a model update plan; and 3) a watershed update plan. This will be done in phases with each being due 30 days after the other beginning one month after the permit is adopted. As with Lake Elsinore, we would run the model as is, predict what the expected values were and compare them. TetraTech will be asked to compare the output of their model to the predictions of the COE's model.

Heather Boyd requested that something be written explaining who is to do what and what it will include. Mr. Moore said he will describe tasks, deadlines and identify the responsible agency. The plan can be in by the March deadline and the results done by the end of 2010 allowing three months for revisions if needed.

Status Update: Watershed-wide Nutrient Monitoring Program

Nancy Gardiner reported they have been monitoring since July. The first two months were as part of training 15 people. Beginning in September San Bernardino County Flood Control District took it over and has been going out the third week of the month collecting samples from a limited number of creeks. As reported by Janet Dietzman, Grout Creek was collected in the last measurement.

Ms. Gardiner said the sampling information is coming directly from Babcock. She suggested that Flood Control keep a copy and forward the originals to her at Brown and Caldwell to compile. Ms. Dietzman suggested that if a form could be provided, the field measurements can be entered on the laptop while in the field. Ms. Gardiner said she will create a form for their use.

The Task Force briefly discussed using certified laboratories. Mr. Moore said we put in the record that there is no certification at the required level, but because we are required by a TMDL, they will be flagged non-certified. Ms. Gardiner said she will provide a summary at the next meeting. Mr. Moore said until then, we will make sure the annual report acknowledges that requirement, explains the attempts to meet it, talks about our discussions and approvals with them and what was done instead.

Ms. Gardiner said regarding the wet weather sampling and depositing, it was decided that total nitrogen, total phosphorous and TSS will be collected every hour over the entire hydrograph and analyzed discreetly. All other constituents would be collected as grabs then composited over the entire storm. This is consistent with what TetraTech needs for the model. Mr. Moore suggested the lab preserve enough of the discreet samples to run ions later if needed. TetraTech may have budget for the cost, but summarizing the district data is not in their current scope. Therefore, we will need an estimate and a revised scope to authorize them to spend

the money that way. He also suggested that Ms. Boyd provide declarations to categories for 2005 through 2009. Ms. Boyd said she will verify what was used to determine if tributary inflows are needed.

Discussion: U.S. Forest Service Legacy Roads Funding

Robert Taylor provided a map and PowerPoint presentation of the Legacy Roads Program reporting the Washington Watershed Restoration Initiative (WWRI) has established a lobbying group and a web site <http://www.ecy.wa.gov/pubs/0710023.pdf>. He reported there is a \$300M backlog of road maintenance in Washington State and an estimated \$10B backlog of National Forest Service road maintenance. He discussed the congressional response and the San Bernardino National Forest road maintenance budget, miles of roads in the forest and average road maintenance costs.

In summary, Mr. Taylor concluded the following for the Big Bear Lake TMDL:

- Baseline annual road maintenance funding is \$125 per mile
- Watershed costs in FY08 were \$390,000 (4 miles in Grout Creek area)
- Watershed costs in FY09 were \$360,000 (4 miles of Polique Canyon Road)
- Watershed costs in FY10 with potential for \$600,000 (4.7 miles of Metcalf Creek and North Creek area - Boulder Bay)
- FY10 – Reducing illegal recreation user trails as part of \$700,000 decommissioning of 600 openings
- Literature indicates type of road work being used reduces erosional sediment delivery by a minimum of 70%

Scott Heule requested Forest Service provide a list stating what projects can be done if funds become available. Mr. Taylor said he will inquire about it.

Status Update: Task Force Administration

Schedule of Task Force Deliverables

Rick Whetsel referenced deliverables that are due February 15th, stating that Nancy Gardiner/Brown & Caldwell will be working in coordination with Scott Heule and Tim Moore on the preparation of the Annual Water Quality Report. A contract change order will be done if necessary.

Draft FY 2010-11 Budget

Mr. Whetsel provided the 2010-11 draft budget stating that the Task Force agreement states the budget is to be done by the end of December, but because of the permit issues and anticipated changes or additions it will remain in draft until completed.

An email was received from Cathy Jochai stating she has received authorization for payment of the first invoice covering 2007-08 and 2008-09, which provides an additional \$47,000 to being received. Funding at the end of 2008-09 was approximately \$150,000 with the allocation for 2010 of \$190,000. With the funds anticipated, there should be no issue with funding for the 2009-10 budget year. The compositing of water quality samples by Brown and Caldwell saves the Task Force approximately \$8,200. Currently the Task Force account has a balance of approximately \$290,000. However, there is no current contract for services with Tim Moore. Mr. Moore said he will prepare a scope of work. Mr. Whetsel invited the Task Force members to provide a matrix of what tasks are being worked on and the estimated costs so that he can include it in the 2010-11 budget. The next iteration of the budget will be provided in approximately one week.

Mr. Whetsel discussed the method used for the breakdown of percentages stating that the breakdown is currently 10% to CalTrans, 84% to SBC Flood Control and 6% to Big Bear Resorts as an allocation. He invited feedback for a preferred approach. Cathy Jochai stated that her agency has asked that she renegotiate their 10% downward in the future. She said that FY 2008-09 and 2009-10 could remain as budgeted. Matt Yeager reminded the Task Force that there is no formula for determining percentages. Ms. Jochai

recommended discussing the option of setting a minimum contribution amount for the stakeholders based on acreage and loading.

Status Update: 303(d) Listing for Mercury

Tim Moore referred to page 57 of the permit stating the monitoring programs, aerial deposition and submission of all data are all done. All of Phase 2 work is done.

Michael Perez reported that two of the three Air Quality Management Districts have agreed to be reviewers of their part in regards to air deposition. According to them, all of their permittees are in compliance. Mr. Moore said he thinks the fight over the permit of the wasteload allocation numeric effluent limit will change how TMDLs are addressed in the future making the next round of TMDLs more difficult for everyone. Hope Smythe said the mercury TMDL will be a test case. There needs to be a translation between air quality standards and how those translate to aquatic life impact. Air quality districts look at human health, not aquatic life.

Mr. Perez further reported he was given a sampling plan for what fish to sample and how much of each to get a comprehensive data background to do for fish consumption advisory by OEHHA. Results from the sampling done in June by Fish & Game are pending. Ms. Smythe said she would like to see a draft early February.

Other Business

None.

Future Scheduled Meeting

The next Big Bear Lake TMDL Task Force meeting is scheduled for Wednesday, February 10th at 1:30 p.m. at San Bernardino County Public Works located at 825 E. Third Street, San Bernardino, CA 92415.

Adjournment

There being no further business for review, the meeting adjourned at 12:53 p.m.

Handout(s)

1. Excerpt from San Bernardino County's MS-4 Permit
2. Legacy Roads Program: presentation, email and map
3. Implementation Plan/Schedule
4. Task Force Budget
5. Task matrix, lab and consultant costs – Brown and Caldwell