

**California Regional Water Quality Control Board
Santa Ana Region**

Resolution No. R8-2009-0011

Resolution Authorizing the Signature of the Big Bear Lake Total Maximum Daily Load (TMDL) Task Force Agreement and Delegating Authority to the Executive Officer to Execute all Functions under the Agreement and to Consider Further Proposed Amendments to the Agreement

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

1. The Big Bear Lake Nutrient TMDL for Dry Hydrological Conditions (hereinafter referred to as the "Big Bear Lake Dry Nutrient TMDL") was approved by the California Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) on April 21, 2006 (Resolution No. R8-2006-0023); the State Water Resources Control Board (State Water Board) on April 3, 2007 (Resolution No. 2007-0013) and the California Office of Administrative Law (OAL) on August 21, 2007. On September 25, 2007, the U.S. Environmental Protection Agency, Region IX, approved the Big Bear Lake Dry Nutrient TMDL.
2. The City of Big Bear Lake, the County of San Bernardino, the California Department of Transportation, the United States Department of Agriculture - Forest Service, the San Bernardino County Flood Control District, Big Bear Mountain Resorts, the Big Bear Municipal Water District, and the Santa Ana Watershed Project Authority developed an Agreement to form the Big Bear Lake TMDL Task Force.
3. The purpose of the Task Force is to provide technical guidance and input to TMDL Task Force tasks, review and comment on draft and final deliverables and reports, and satisfy the study and reporting requirements described in the Big Bear Lake Dry Nutrient TMDL implementation plan.
4. The Task Force Agreement specifies that the Regional Water Board will participate on the Task Force and serve as a non-voting and non-funding member.
5. The Regional Water Board's representative would fully participate in Task Force meetings, but will have no voting rights except as to further amendments to this Agreement. The Regional Water Board would have no obligation to make any financial contributions, or any financial obligations under this Agreement.
6. Regional Water Board participation as an advisory member of the TMDL Task Force would facilitate timely compliance with the TMDL requirements.

7. It is appropriate to delegate to the Executive Officer authority to execute all functions under the Agreement and any further proposed amendments to the Agreement.
8. The Regional Water Board Executive Officer's signature to the Task Force Agreement neither connotes nor denotes a commitment by the Regional Water Board to implement the results and recommendations of the Task Force studies regarding revisions to the Big Bear Lake Dry Nutrient TMDL or any future TMDLs. Rather, the Executive Officer's signature denotes commitment to meaningful participation in considering revisions to the TMDL, developing appropriate strategies to address the impairment in Big Bear Lake and ensuring that all named dischargers participate in the TMDL implementation process. The Regional Water Board does not relinquish any rights or obligations as a result of its participation on the Task Force.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Executive Officer is authorized to sign the Agreement to form the Big Bear Lake TMDL Task Force in the same form as the document attached to this Resolution. The Executive Officer is authorized to accept and approve non-substantive changes to the Agreement.
2. The Regional Water Board authorizes the Executive Officer to perform all functions under the Agreement and to approve future necessary amendments to the Agreement consistent with this Resolution.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on January 23, 2009.

A handwritten signature in black ink, appearing to read "Gerard J. Thibeault", written over a horizontal line.

Gerard J. Thibeault
Executive Officer

IN WITNESS WHEREOF, the PARTIES hereto have executed this Agreement entitled "AGREEMENT TO FORM THE BIG BEAR LAKE TMDL TASK FORCE" as of the day and year first above written.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION

BY 

DATE 1-23-09

Gerard J. Thibeault
Executive Officer

APPROVED AS TO FORM

By 

David Rice
Legal Counsel