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June 25, 2009

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

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John Robertus
Executive Officer
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Comment Letter, Tentative Order No. R-92009-2002 NPDES No. CAS0108740

Dear Mr. Robertus and Members of the Board:

I am a homeowner in the Trabuco Highlands Association in the City Trabuco Canyon, CA. Although the Tentative Order applies directly to the County of Orange as Principal Permittee and the many south Orange County city Co-Permittees, I will be impacted as I will be required to pay for the cost of implementing measures to assure that the permittees remain in compliance. It is from this perspective that these comments are offered in response to the Tentative Order, No. R-2009-2002 NPDES No. CAS0108740.

1. Adoption of the Tentative Order will require my Association to incur added costs which may result in higher assessments charged to homeowners and trigger a chain-reaction of events that will have devastating consequences to the Association, our homeowners and the City as a whole.

Our community is reeling from the consequences of the current state of the economy, and an ever increasing number of the owners and members of my Association are facing financial collapse and the loss of their homes. Under the terms of the Tentative Order, as the City implements and enforces the mandatory requirements, the Association will be subject to fines and penalties and other administrative actions. In order to respond to these new mandates and to avoid penalties and fines, my Association will be required to implement new administrative procedures and make capital improvements and renovations to existing infrastructure. *My Association will be forced to increase dues and assessments charged to the homeowners to provide for these new services and improvements. I will be required to pay more dues and assessments to my Association and may be required to pay for homeowner improvements to assure that the City remains in compliance.* These added costs will pose extraordinary hardship upon me and my neighbors and there is an increasing likelihood that I cannot or will not be able to pay increased assessments or the costs of homeowner improvements. The financial burdens imposed by the Tentative Order could be the tipping point in my financial situation and my Association, leading to catastrophic consequences.

Faced with ever increasing debt obligations, I and my neighbors will be forced to prioritize the debts we pay, and when we pay them, and unfortunately, my situation requires that I consider delaying payment of assessments. I am already financially challenged by the amount of taxes, homeowner maintenance costs, monthly mortgage payments and existing levels of assessments I pay. If my obligations increase I may face expensive legal fees, foreclosure and bankruptcy. I cannot afford to pay all of the costs which may result from the adoption of the Tentative Order and all of the other costs I pay for my daily existence. I do not have the resources to pay fines or penalties imposed by the City or the Board.

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If the Tentative Order is adopted, my property values will decline and I will be unable to sell my property for a fair price as buyers will be driven away from purchasing property in my city and my Association, choosing instead to purchase property elsewhere to avoid the threat of penalties and fines levied by the City and the Board and increased assessments charged by the Associations to cover the added costs. Homes will sit empty and fall into disrepair, thus decreasing property values and threatening the safety and welfare of our community associations and the homeowners they serve.

The costs of implementing and enforcing the Tentative Order will trigger a financial maelstrom such that I may have inadequate resources to continue to meet my obligations.

The primary objective the Tentative Order is designed to achieve will be frustrated and delayed by the financial collapse of the organizations and homeowners like me who are most capable of making a positive difference in enhancing water quality. There is no evidence that in crafting the Tentative Order, the negative economic consequences were considered and properly addressed.

The Tentative Order should be revised to address and overcome negative economic consequences of implementation. The Tentative Order should support and compliment, and not detract from, the financial stability of the City, my Association and the homeowners like me that they serve.

2. Adoption of the Tentative Order will unnecessarily create adversity and barriers to the implementation of successful strategies and will divert resources needed to achieve the ultimate objectives of NPDES frustrating and delaying the implementation of successful programs.

The Tentative Order will require the City to adopt a much more strident enforcement posture. I am fearful that the City will be forced to implement strategies using its police powers, rather than achieving favorable outcomes based upon education, mutual cooperation and alignment of systems and processes based upon alliances with me, my Association and my neighbors. This new direction will drastically alter the climate of mutual cooperation and support homeowners and the Association and the City have worked so hard to achieve. This change will result in unnecessary adversity and controversy which will delay and generate resistance to the process of making real progress in achieving the prime objective of enhancement of water quality.

Equally alarming is the change in relations between me and my Association and my neighbors which will result from the adoption of the Tentative Order. The Association will be required to pass increased costs of compliance through to the homeowners. This will enhance the debt burden imposed upon the owners by my Association, and create unnecessary hardship and tension between the Association and homeowners. Increasing dues and assessments in the current economic environment will create significant controversy, paralysis in the implementation process, and dysfunction within the community. The Association and homeowners will be caught in the cycle of ever increasing legal involvement to assure funding for the added costs which will result from adoption of the Tentative Order.

