

May 30, 2002

Arthur G. Baggett, Jr., Chair
State Water Resources Control Board
1001 I Street
PO Box 100
Sacramento, CA 95812

Re: Revision of California's Clean Water Act Section 303(d) Listing

Dear Mr. Baggett:

I am writing on behalf of the Southern California Water Quality Coalition, an ad hoc coalition ("Coalition"). Our firm represents the Coalition.

The membership of the Coalition currently consists of twenty organizations. This includes: the California Association of Community Managers, Inc. ("CACM"), the Community Associations Institute, Orange County Regional Chapter ("CAI/OC"), the Community Associations Institute, Greater Inland Empire Chapter ("CAI/GRIE"), the Apartment Association of Orange County ("AAOC"), the Apartment Association of the Greater Inland Empire ("AAGIE"), the Orange County Housing Providers ("OCHP"), the four corporations that comprise Leisure World/Laguna Woods: Golden Rain Foundation ("GRF"), Third Laguna Hills Mutual ("TLHM"), United Laguna Hills Mutual ("ULHM"), and Laguna Woods Mutual Fifty ("LWM50"), the Orange County Association of Realtors ("OCAR"), the South Orange County Regional Chambers of Commerce ("SOCRCC"), the Redlands Chamber of Commerce ("RCOC"), the Los Angeles Area Chamber of Commerce ("LAACC"), the Anaheim Chamber of Commerce ("ACOC"), the Building Industry Association of Southern California, Orange County Chapter ("BIA/OC"), the National Association of Industrial and Office Properties, Southern California Chapter ("NAIOP/SC"), the Orange County Business Council ("OCBC"), the Building Industry Association of Southern California, Baldy View Chapter ("BIA/BV"), the Building Industry Association, Riverside Chapter ("BIA/R"). These organizations work to provide the necessary infrastructure and support for business and residential needs throughout the state and, in particular, Southern California.

The membership of the Coalition has a direct interest in the revision of the Clean Water Act 303(d) listings. The following description of each organization in the Coalition will clearly demonstrate the widespread interest in the Board's actions on water quality.

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The CACM is a professional trade association, statewide in scope, whose membership consists of community association managers and association practitioners who service the over 33,000 community associations in California.

CAI/OC was formed in 1976 as the first CAI chapter and is one of the largest in the nation with more than 650 members including condominium and homeowner associations, cooperatives and association-governed planned communities of all sizes and architectural types; individual homeowners; community association managers and management firms; public officials; and lawyers, accountants, engineers, reserve specialists, builder/ developers and other providers of professional services and products for community associations.

CAI/GRIE was established in 1990 and represents 325 members including condominium and homeowner associations, cooperatives and association-governed planned communities of all sizes and architectural types; individual homeowners; community association managers and management firms; public officials; and lawyers, accountants, engineers, reserve specialists, builder/ developers and other providers of professional services and products for community associations.

The AAOC was established in 1961 and represents over 3,000 apartment owners and management companies.

The AAGIE, with over 1000 members, is dedicated to protecting the rights of residential income property owners and managers. Since 1967 AAGIE has worked as an educator and communicator for all rental housing issues, promoting high professional standards and sound business practices for the benefit of everyone in the industry.

The OCHP is a coalition of organizations dedicated to serving the housing needs of Orange County. OCHP members provide a broad range of housing types and prices including new and resale single family residential, apartments and manufactured homes. OCHP is committed to providing quality housing for all Orange County residents.

GRF is a California non-profit corporation that oversees the management and maintenance of the facilities and services within LW Laguna Woods which are shared by all residents.

TLHM is a California non-profit condominium housing corporation which includes over 6100 condominium memberships and governs the maintenance of common areas within designated boundaries.

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ULHM is a non-profit cooperative housing corporation consisting of over 6300 cooperative memberships and which owns and manages all real property within the original 21 cooperative mutuals.

LWM50 is a non-profit condominium housing corporation which consists of approximately 311 condominium memberships and which has special in-house services and an on-site manager.

OCAR counts over 6,000 real estate professionals in the Orange County area – from Huntington Beach/Fountain Valley to San Clemente as its members. The Association, through collective action, works to promote the preservation of real property rights and serves its membership by developing and promoting programs and services that enhances the members' ability to conduct their individual businesses successfully, with both integrity and competency.

The SOCRCC is 900+ members strong with five affiliated chambers in the cities of Aliso Viejo, Laguna Hills, Lake Forest, Mission Viejo and Rancho Santa Margarita.

The RCOC, currently comprised of 720 businesses, has been a leading trade organization in San Bernardino County for 108 years. Serving a community of over 63,000 people, the RCOC acts as a support and advocate for the Redlands business community.

The LAACC, with more than 1300 members, works to improve the business climate of Los Angeles by giving businesses the opportunity to thrive. The LAACC works with the local, state and federal governments to create the most beneficial environment for growing your business. It lobbies on behalf of issues effecting the businesses and community of Los Angeles. The LAACC also works to help its member businesses grow through numerous business-development programs that connect businesses with products and services and potential clients and partners.

The ACOC, with 900 members that represent over 100,000 employees, unites business people to positively influence the business climate of the area and increase the power of the business community as a legislative force. Through the Chamber's committees and task forces, it is able to communicate to elected officials at the local, state, and national levels.

The BIA/OC is a nonprofit trade association consisting of more than 1,000 companies and more than 60,000 employees in the business of providing homes to the residents of Southern California. The BIA/OC membership includes homebuilders, subcontractors, suppliers, title companies, engineers, architectural firms and other companies.

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The NAIOP/SC is part of a network of 46 chapters representing more than 9,000 commercial real estate members across the United States and Canada. The NAIOP/SC represents the interests of developers, owners, investors, managers, brokers, attorneys, architects, lenders, contractors and public officials in preserving and shaping the commercial real estate industry. The NAIOP/SC encompasses nearly 600 members making it the second largest NAIOP chapter in the country and the second largest real estate trade organization in Southern California.

OCBC is the leading business organization in Orange County, California. OCBC is an alliance of companies and public sector partners who represent hundreds of local enterprises from small businesses to multi-national companies. OCBC brings business together, often in conjunction with the government and educational institutions, to promote and invest in the economic growth and prosperity of Southern California.

BIA/BV is a nonprofit trade association consisting of over 240 companies in the business of providing homes to the residents of Southern California. The BIA/BV membership includes homebuilders, subcontractors, suppliers, title companies, engineers, architectural firms and other companies.

BIA/R is a nonprofit trade association consisting of over 300 companies in the business of providing homes to the residents of Southern California. The BIA/R membership includes homebuilders, subcontractors, suppliers, title companies, engineers, architectural firms and other companies.

Our comments rely also on our prior comments in our letter submitted to the Santa Ana Regional Water Quality Control Board dated April 26, 2002, which we have attached for your reference. We also want to commend the State Water Resources Control Board for adopting the approach recommended by the National Research Institute in creating a watch list status for water bodies in question. However, we remain concerned about the recommendations proposed by the Santa Ana Regional Water Quality Control Board as outlined in our letter referenced above.

→ Generally, the Coalition is concerned that the Regional Board applied inappropriate water quality objectives and designated beneficial uses to many of the proposed revisions. We believe that as beneficial use designations determine which water quality objectives will be applied to a given waterbody, suitable designations are essential to regulating water quality effectively and appropriately. The Coalition believes that the selection of beneficial uses should be made with consideration of the condition of a waterbody, the overall advantage of achieving a given designated use, and the cost of achieving a designated use. In particular, the Coalition questions

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the appropriateness of beneficial use designations for flood control channels, concrete-lined channels, and water bodies with limited access. An example of this includes the Delhi Channel in Santa Ana, listed for MUN, REC1, and REC2 uses. The Delhi Channel is a fenced, concrete-lined storm channel that drains a number of low-income Santa Ana neighborhoods in Orange County. Mandating that it and other similar waterbodies with limited access, or where access is illegal, meet drinking water and recreational swimming standard is, we believe, an inappropriate application.

→ Furthermore, the Coalition urges that the Board adopt an approach to regulating, maintaining, and improving water quality through measures which are as technically proficient as possible. Specifically, we ask that the State Board consider an economic analysis to evaluate the impact of implementing Basin Plan water quality objectives to nonpoint sources, including storm water and urban runoff. To ensure that designated uses are feasible and appropriate, we urge that the State Water board consider a use attainability analysis before developing any TMDLs.

→ We also ask that the State Water Board consider issues of economic efficiency and social impact in reviewing the recommendations of the Santa Ana Regional Water Quality Control Board. Particularly, we urge the State Board to ensure that any revisions to the 303(d) list are consistent with section 13241 of the State's water code in the following considerations:

- "Probable" future beneficial uses of any given waterbody
- Water quality conditions that could reasonably and efficiently be achieved through the coordinated control of all factors which affect water quality in this area
- Economic impacts of water quality standards except for treated wastewater discharges (coalition members will experience fines, abatements, orders, etc.)
- The need for developing housing
- The need to develop and use recycled water

In conclusion, we urge the State Water Resources Control Board to review each Region's Basin Plan, with particular focus on designated beneficial uses and water quality objectives, prior to adding waterbodies to the final 303(d) listings. The 303(d) process contains significant flaws, in large part because of needed improvements to beneficial use designations and water quality objectives. Until these flaws are remedied, the 303(d) process will lead to listings that are

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unreasonable and TMDLs that are difficult to meet, difficult to enforce, and that will have little effect on improving water quality in California.

Thank you for considering the concerns and suggestions of the Coalition.

Sincerely,



Christine Diemer Iger, Esq.
Partner

Cc: Coalition Members