



CENTER ON RACE, POVERTY & THE ENVIRONMENT

5901 CHRISTIE AVE, EMERYVILLE, CA 94608 TEL 415-346-4179 FAX 415-346-8723
1012 JEFFERSON STREET, DELANO, CA 93215 TEL 661-720-9140 FAX 661-720-9483
WWW.CRPE-EJ.ORG

Testimony of Caroline Farrell on House Natural Resources Committee's Water, Oceans, and Wildlife Subcommittee's hearing on H.R. 5347, Disadvantaged Communities Drinking Water Assistance Act

Chairman Huffman, Ranking Member McClintock, and Subcommittee Members

Thank you for giving me the opportunity to testify on H.R. 5347. Over the last twenty years, I have assisted low income predominately farmworker communities in the San Joaquin Valley access clean, safe, and affordable drinking water. I am the Executive Director of and an Attorney with the Center on Race, Poverty & the Environment (CRPE). CRPE is a thirty-year-old environmental justice non-profit organization. Our mission is to achieve environmental justice and healthy sustainable communities through collective action and the law. We combine community organizing, legal representation, policy advocacy, and coalition building to assist low-income communities and communities of color identify issues and develop solutions for environmental problems affecting them.

Water is of concern to many of the communities we work with in Kern, Kings, and Tulare Counties. That is true throughout the San Joaquin Valley. There are several other non-profit organizations assisting local communities on water issues in the region including the Community Water Center, Leadership Counsel for Justice and Accountability, and Self-Help Enterprises which provide legal and technical assistance to grassroots community groups and water districts interested in securing affordable safe clean drinking water for their communities.

CRPE's Background on Water

One of the first projects CRPE worked on in the San Joaquin Valley in the early 1990's was assisting residents in an unincorporated community within the city limits of Shafter connect to the city's water supply. We have also helped residents in the unincorporated community of Alpaugh secure funding from the State of California to drill a new drinking water well when the water did not meet the MCL for arsenic. We facilitated and translated water board meetings in the small unincorporated community of Allensworth to help residents know their rights and help the Community Services District fulfill its legal responsibilities as a water provider. We worked with residents in the small city of Arvin secure \$2.3 million from the US Environmental Protection Agency to mitigate drinking water well closures from plume caused by a Superfund site. We provided governance trainings to members of the Public Services District in the unincorporated community of Lamont to ensure members understood their roles and responsibilities. We have also worked with residents to challenge water rate increases in City of

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE

RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997

LUKE W. COLE (1962-2009) EXECUTIVE DIRECTOR 1997-2009

Delano that raised water bills by 75% over a five-year period for infrastructure improvements, but that did not deliver drinkable water.

Community Challenges

Throughout our work, we have observed that Valley Cities and unincorporated communities face several similar challenges to securing safe, clean and affordable drinking water. These include water that does not meet drinking water standards, insufficient supplies of water, and a smaller number of water users that must absorb the costs of improvements lacking economies of scale.

Water Quality

In terms of water quality challenges. Several small water systems in the Valley are out of compliance with drinking water standards for naturally occurring arsenic, nitrates from agricultural sources and septic tanks, and most recently 1,2,3, (Trichloropropane), which was an ingredient in commonly used fumigant. While the fumigant been reformulated to remove 1,2,3 TCP as an active ingredient, its presence in the water supply has persisted over the decades and remains a challenge for small water systems to treat. Several Cities in the San Joaquin Valley sued Shell and Dow, the companies responsible for including 1,2,3 TCP, for the contamination. Many of these cases settled, including the one filed by the City of Delano. However, the funds from the settlement are insufficient to pay for the cost of treating the water. The City is exploring treatment options and the possibility that water rates may need to increase in order to pay for those treatment options.

Water Quantity

In addition to water quality challenges, San Joaquin Valley communities faced water quantity challenges during the recent drought. Public and private wells ran dry in East Porterville and several other communities particularly on the east side of the Valley. The Community Water Center worked with the State of California to secure bottled water, temporary water tanks, and portable showers in the short-term. As a long-term solution, private domestic well users were able to connect to the City of Porterville's water system. However, water quantity issues have existed before the drought. Prior to the drought, fire services in Allensworth have not been able to put out fires because of insufficient water pressure attributed to low water quantity in the community's wells. To remedy this, the community of Allensworth explored the possibility of consolidating with two other water districts in the area. They needed to undertake a feasibility study to support this project which was funded through by the California Strategic Growth Council. Because of the nature of the funding program and Allensworth's status as an unincorporated community, the applicant was the County of Tulare.. Consolidation was considered and explored, but eventually rejected by the communities involved. The two communities are moving forward with individual projects.

Water Affordability

The communities we work with do not typically have water treatment plants. They rely on finding groundwater that meets water quality standards at greater depths or blending water that does not meet standards with water that does to provide potable drinking water. However, this

requires funds to pay for feasibility studies to find potable water, drill for new water wells, and improve water pipes and infrastructure to ensure that contamination does not occur from the system itself. To drill a new well at the necessary depth could cost a small water system a couple of million dollars. For an individual it might be several hundred thousand dollars. This is cost prohibitive for low income communities and residents.

Water affordability is typically measured as a percentage of median income, ranging from 1.5%-3%.¹ In Delano, a city of 50,000 with over 10,000 water connections, a recent five-year water rate increase saw residential bills increase from an average of \$85 per month to \$150 per month over a five year period which concluded last year. In 2018, the median income in Delano was \$41,549.2 In terms of water affordability, on average Delano residents are spending 4.3% of their annual income on water which exceeds all measures of affordability. Compounding this issue, the water did not meet water quality standards for arsenic. Residents in communities that do not have safe drinking water are often faced with a choice of drinking water from the tap that does not meet health-based standards or buy bottled/vended water in addition to paying water they could not drink.

H.R. 5347 Solutions to Challenges

HR 5347 does several things to address the on-going water challenges communities face:

- 1) The bill applies to both public and private water systems. The San Joaquin Valley has a patchwork of governance models from private domestic wells to small non-profit mutual water companies to municipal public water systems to agricultural irrigation districts. All face similar contamination, quantity, and affordability issues. Creating a fund that does not distinguish between them for eligibility allows for more comprehensive and cross-jurisdictional solutions.
- 2) Focusing on smaller water systems and communities with populations under 60,000 is very important. Often small water systems are at a disadvantage to larger systems when competing for funding. They do not have the same economies of scale. They do not have the full-time professional staff or grant writers to complete applications. So, their issues persist creating greater demands on State and Federal funds when emergencies occur.
- 3) HR 5347 allows for funds to be used on a range of water solutions from emergency water supplies to long-range solutions such as consolidation and treatment systems. This range provides flexibility and allows the fund to respond to the variety of needs all at play in the region. Allowing funds to be used to fund costs related to an application for additional funding is very important. Often water districts are required to undertake feasibility studies prior to receiving a grant or loan from another program. Water districts may forgo an opportunity because they struggle to meet these upfront costs. This fills an important gap in current programs.
- 4) The Bill allow for funds to be used for operation and maintenance as well as capital costs. This is crucial for small water systems which often do not have reserve funds to remedy unexpected repairs.
- 5) The Bill recognizes the relationship between water affordability and treatment options.

1 Christian-Smith, Juliet, *et al.*, ASSESSING WATER AFFORDABILITY: A PILOT STUDY IN TWO REGIONS OF CALIFORNIA (2013) p. 8. (Available at <https://pacinst.org/wp-content/uploads/2013/08/assessing-water-affordability-1.pdf>)

2 <https://www.census.gov/quickfacts/delanocitycalifornia>

While water districts may qualify for loans, the terms of the loans may require a substantial water rate increase. Tying affordability to prioritization is an important step in ensuring lasting sustainable solutions to the water quality issues in the San Joaquin Valley.

Conclusion

Thank you for your attention to this important issue and for considering our views on the Disadvantaged Community Drinking Water Assistance Act. We are hopeful that Congress can enact a bill that that helps low-income communities gain access to safe, clean, and affordable drinking water. We look forward to working on it with you on this important issue.