

# THE SUN GAZETTE

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## Tooleville wells nearly run dry, state begins consolidation with Exeter

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### **Tooleville's ground water wells go all but dry, new solutions are on the horizon after State Water Board forces Exeter and Tooleville to begin consolidation negotiations**

TOOLEVILLE – Maria Olivera's house sits on a dirt road that dead-ends at the Friant Kern Canal, the 152-mile aqueduct quenching the endless thirst of the San Joaquin Valley crops that feed the country. She's called Tooleville home since 1974, where residents have been fighting to attain the basic human right to clean drinking water for the better part of two decades.

"Our life is not normal," said Olivera, who instead of turning on the faucet to fill her pots to cook dinner, she uses her drums of state-issued water. "Nobody helps."

Nitrates from farming fertilizers and old septic tanks and a cancerous heavy metal, hexavalent chromium (chrom-6), have rendered the water undrinkable in Tooleville, and the unincorporated community of under 400 is dependent on bi-weekly water deliveries. Olivera serves on the board of the Tooleville Mutual Nonprofit Water Company, which attempts to service about 77 connections.

Most recently, one of the unincorporated area's two active wells stopped producing water as of July 21, throwing the community into crisis midway through a brutally hot summer in the Central Valley and the beginning of another drought in the West.

Bryan Potter, a senior water resources engineer with the Tulare district of the State Water Resources Control Board, said since the initial outage of the Alfred Street well, both wells have been pumping water and keeping up with demand after the Tooleville water board implemented water restrictions and the ability to fine residents for not following ordinances.

Potter said an investigation of the Alfred Street well showed that the pump is even with the well's standing water level. He concluded that the pump should be dropped down as much as possible to increase the level of water above the pump. The Morgan Street well, the second of two wells, is also producing little water.

Although the wells are producing, Tooleville is still on a boil water notice due to the water system falling below 50 psi, which is where the water pressure no longer self-seals cracks or leaks which allows for bacteria to get into the system. Low water pressure poses another safety issue for the many Tooleville residents because many use swamp coolers located on their roofs. If pumps can't create enough pressure, it renders the A/C units essentially useless.

The state, Tulare County and Self-Help Enterprises—the Valley nonprofit that works with low income families to build and sustain healthy homes and communities—are currently devising a plan to install a 10,000-gallon storage tank for Tooleville. But they are still working out some challenges such as where and how to get the tank into the community, because the street and well is locations are too narrow to get a truck through.

“Currently, there’s no water storage in the community of Tooleville,” Potter said. “So there’s no way for those wells to shut off and kind of recoup some water level.”

Lowering the Alfred Street well pump and installing a storage tank may be band-aid fixes for now, but Tooleville is in desperate need of sustainable, long-term solutions, and options are running thin. Consolidation with neighboring Exeter’s water system has been on the table for years, but comes with its own set of challenges.

Challenges or not, as of Aug. 23, the State Water Board has deemed Tooleville’s struggle for drinking water to be the bigger problem, and has informed the City of Exeter it has six months to negotiate a voluntary consolidation with Tooleville, or face a mandatory consolidation ordered by the state.

### **WHOSE PROBLEM IS IT ANYWAY?**

On Adam Ennis’ first day on the job as Exeter’s city manager, city staff held a luncheon on the second floor of the Exeter Historical Museum & Courthouse Gallery. Ennis, a civil engineer by degree and the former public works director in Visalia, was properly introduced to the water woes of the city of around 10,000.

“I looked down and I see our public works crew all down standing around a spot on 65 in front of the high school,” Ennis said, “come to find out that was a water line leak out there where the following weekend we had to shut down the entire city water system to repair. So that was my introduction right off the get-go into the water system.”

Exeter sits about a mile west of Tooleville. Clean water flows to its residents, but not without challenges. When Tooleville came knocking to consolidate their water system with their neighbor’s in September 2019, Exeter’s city council turned them down. Just a month prior, Exeter published their water system master plan, which identified some serious shortcomings in the city’s water infrastructure.

“Infrastructure doesn’t happen overnight. It’s years in the making most of the time, especially when you’ve got to go back and look at funding and budgeting,” Ennis said. “It was very obvious that there were some real changes that needed to be made to even get us in a spot to be able to do anything. And so that’s when the rate increase came around.”

Exeter identified about \$15 million in short-term and long-term capital improvement projects—replacing all of the old, leaky water pipelines in the city, drilling new wells and repairing old ones, to name a few—in the water master plan during a time where the city’s revenues were struggling to keep up with their \$2.7 million spending plan, with just 3% in reserves and their sewer and water funds in the red. In order to pay for these projects, the city passed a rate increase at the end of 2019, which will effectively double the price of water, from a base rate of \$24.46 per month for a single-family residence to \$47.74 per month over five years.

Ennis said the engineering study used to gauge the potential of consolidation between Tooleville and Exeter used the city’s old water rates, and unfortunately did not provide a realistic picture for how to pay for such a project in a manner that Tooleville’s residents get a bill they can afford.

While Ennis acknowledged that Exeter may be able to get funding from the state to do a voluntary consolidation project, along with millions in incentive monies toward fixing Exeter’s own water system woes, his financial concerns were long-term.

“A lot of times you can pull off the initial investment or do things through the state, but what really is the troublesome part usually is the ongoing [costs] after that happens,” Ennis said. “There’s a lot of the business side, the actual running of and daily stuff you’ve got to do, and you’ve got all these conflicts you run into that make it harder.”

Ennis said Tooleville sits outside of Exeter’s “sphere of influence,” meaning there are county roads and land that sit in between the two communities that create jurisdictional issues for consolidating the two water systems.

“The whole system is under county roadways,” Ennis said. “Anytime you want to do anything with the system, you’ve got to dig through a county roadway. So now you’ve got that coordination and you’ve got to get a permit from the county.”

The sewer system also lies under the same county roadways, and is currently run by the county.

“Now you’ve got a whole other agency with another system that you’ve got to try to work with, whereas here in the city, we cover all of it,” Ennis said.

Exeter’s city council also has no jurisdiction in Tooleville, Ennis said, and they would not be able to enforce upcoming groundwater sustainability agency requirements, collect on delinquent accounts or pass a Prop. 218 rate increase that accommodates for Tooleville residents’ share of water usage and the construction of a pipeline for consolidation.

“I can’t charge Exeter residents for that pipeline, because they get no benefit from it,” Ennis said. “Under Prop. 218, your rates have to be set to charge customers for the cost of providing them the service. The Exeter residents don’t need that 16-inch pipeline for them to get service.”

The state seems to disagree with Ennis, as it has given the city six months to negotiate a voluntary consolidation with Tooleville, or face a mandatory consolidation order with much less cooperation.

Ennis’ financial and jurisdictional concerns are legitimate, but not without solution. California State Assembly Member Devon Mathis (R-Visalia) said there were talks during then-Supervisor Kuyler Crocker’s 2016-2020 term to build up Exeter’s water infrastructure with state funding and lay a pipeline out to Tooleville with a master meter to track how much water is being pumped from Exeter to Tooleville.

“The county is already administratively handling Tooleville’s sewage,” Mathis said. “The county, through that administrative district, could handle the [water] administrative costs and billing side of it to make sure the residents of Tooleville are getting billed properly.”

Mathis questioned if it made sense to try and force the city of Exeter to build out their system with a pipeline to Tooleville and adopt the administrative overhead costs, all of which the residents of Tooleville would have to pay for.

“When the county of Tulare has the ability to administratively do some of these things, they need to step in,” Mathis said. “Tooleville is on county land, so [Tooleville residents] need to be having that conversation with the county, which I’ve advised them.”

Unfortunately for the residents of Tooleville, the project was not seen through during Crocker’s term. His successor, Supervisor Larry Micari—who defeated Crocker in the November 2020 general election—said the county continues to support Tooleville through the water tank grants and bottled water program grants that are helping tide Tooleville residents over, but broke with Mathis on whose responsibility it is to talk consolidation.

“Tooleville has their own governing agency on their board and their own governing entity, and so does the city of Exeter,” Micari said. “Obviously, I would help support whatever I could to help meet the needs of everybody, but that is between those two governing agencies...It’s not like they’ve been forgotten. We’re doing what we can on our side as far as the county.”

Denise England, water resources program director for Tulare County, said the county is working with the state and local nonprofits to identify and implement short- and long-term solutions in Tooleville, but also held back on the county’s responsibility in consolidation talks.

“Because the county doesn’t have the water authority, the county’s not responsible for the water system,” England said. “The authorities are Exeter and Tooleville Mutual [Nonprofit] Water Company. And certainly the state has some authority to initiate a mandatory consolidation order.”

Mandatory consolidation through Senate Bill (SB) 88 generally requires a water quality issue, which by current state regulations Tooleville does not technically have, despite receiving bi-weekly bottled water deliveries and Self-Help Enterprises saying drilling new wells is not an option. The chrom-6 contaminant in their water is currently unregulated by the state after being struck down in court on an appeal from manufacturer and taxpayer associations.

“Technically, anyone that receives the bottled water has to have contaminated water. However, because the bottled water program is not only being used for water quality folks, it’s also being used for drought impacts, the State Water Board was very generous and kind of thought outside the box,” England said. “They provided a map that just kind of painted the general areas that may have contamination based on well results over a long time period, and basically most of Tulare County is painted with ‘may have a water quality issue.’”

However, because Tooleville is currently on a boil water notice, England said that would qualify as a water quality issue, but said it would not be a type of water quality issue that typically raises a consolidation order.

Tooleville’s recent well production issue has spurred the potential for another avenue toward mandatory consolidation: access to a dependable and safe supply of drinking water, as stated in SB-88. Losing production in one of their two active wells brings into question whether a case could be made that Tooleville lacks a dependable supply of drinking water. The state has now taken the first step toward action.

To ice the layered-cake of confusion, even if the county was willing to take over administrative duties of Tooleville’s water system, Olivera said the Tooleville Mutual Nonprofit Water Company isn’t interested.

“The county charges too much, because they took over the sewer, and just for the sewer we pay \$60 a month which is too much for just sewer,” Olivera said. “That’s why we said we don’t want the county to take over because it will be so high.”

## **TIME IS MONEY**

Tooleville’s plight is an example of the hotter, dryer future for many small communities in Tulare County, which lies at the center of California and the West’s water crisis of both quality and quantity issues. Communities like Tooleville are in need of both immediate relief and long-term sustainable, affordable solutions, but progress is moving too slowly.

England said for the county, the blueprint is there for solutions without needing to reinvent the wheel, it's just a matter of funding.

"We have successful projects that we've completed in the 2014 to 2016 drought, so we know some of the things to solve both the interim and the long term, it's just whether or not there's money available and programs available to do that," England said.

Though the state has given Tooleville and Exeter a timeline to sit at the negotiation table, funding will still have to be hashed out there. England said during the last major drought, the county's efforts were largely funded through the California Disaster Assistance Act (CDAA), and other state and federal grant programs to fund projects like the East Porterville consolidation. No CDAA funding has been opened up in 2021, although England said the county is advocating for such funds to become available.

The state has budgeted \$5.1 billion for water infrastructure and drought response as part of the \$100 billion California Comeback Plan, but England said the funds have been allocated to various state departments and it remains unclear how the funding will roll out.

"In theory, there's money, but we have no idea how that's going to come and we're anxiously awaiting some sort of decisions on how that's going to work out and how we will funnel it to the communities that need it most," England said.

Joe Karkoski, deputy director of the division of financial assistance with the State Water Resources Control Board, said they've been funding Self-Help Enterprises in their efforts to provide communities water solutions.

"Basically after the last drought we knew the San Joaquin Valley and counties covered by Self-Help Enterprises had long-term impacts from the drought, and we knew they'd be most vulnerable during the next round," Karkoski said.

Jessi Snyder, program director for Self-Help Enterprises—the nonprofit providing technical assistance to Tooleville Mutual Nonprofit Water Company—said they're operating for the most part under a funding agreement with the State Water Board's Safe and Affordable Funding for Equity and Resilience (SAFER) program. Birthed by SB 200, the fund is designed to help disadvantaged communities get their drinking water systems compliant, reliable and affordable.

"[The state] identified technical assistance as a key vehicle to actually get money out the door and into communities where it will help," Snyder said. "As a technical assistance provider, we said, 'heck yeah, we would love to do that.'"

After submitting a proposal to the state laying out funding possibilities, as of March 2021, Self-Help entered into a roughly \$21 million agreement with SAFER, with \$14.7 million budgeted to go to consultants.

"That's the key piece, the modern concept of technical assistance in the state of California that is really important to understand," Snyder said. "It's a way for water systems to accomplish the planning phase of their projects without having to go through the planning grant phase that can take a pretty long time."

Self-Help has standing contracts with engineering firms, environmental review firms, attorneys, CPA's and planners to work directly on behalf of communities to get them to a point where they qualify for construction funds.

“The consultant can be on the ground, analyzing the needs of the specific community within four to six months from when we first hear from them,” Snyder said. “That shaves years off the planning phase.”

Solutions may still be moving too slow now, but the luxury of third-party consulting was not always so. Back in 2006, when two people made up the community development program at Self-Help, the state awarded Self-Help with a State Revolving Fund contract, which essentially consisted of funding to help water systems do funding applications to the State Revolving Fund, which at the time was under the umbrella of California Department of Public Health.

“We would be preparing planning applications which would then go to the state and sit there for a very long time,” Snyder said. “The planning grants timeframe, which was initially intended to be 18 months, became more like three years routinely. And then they were routinely extended and the planning phases were extended to like five years after they were funded. It was working, but it wasn’t efficient or fast in any way.”

Self-Help’s second funding opportunity came with Proposition 1 in 2014, a \$7.5 billion general obligation bond to fund ecosystems and watershed protection and restoration and water supply infrastructure projects. The bond opened up the possibility for Self-Help to do the planning work directly by using technical assistance money to hire engineers and other consultants to work on behalf of community water systems.

“Said another way, we would assume the cash flow problem, and we would assume the contracting responsibility with the consultants and coordinate the planning work in such a way that even though we were paying the bills, we wanted the consultants to be responsive to the community,” Snyder said. “That’s been a really important piece of the technical assistance for us, because we don’t want to be the ones calling the shots. It’s been critical to our mission and ethos from the very beginning that we’re here to support projects that communities want.”

Snyder said there lies part of the delays in action: finding the right course of action that communities can get behind.

“That’s certainly the case of Tooleville and Exeter,” Snyder said.

Another snag in getting prompt solutions to communities that need them is the lag time between invoicing contractors and consultants and the time it takes for the state to reimburse a grantee for expenses.

“You’d have to turn around and tell your consultant or even during construction, your contractor, ‘Thanks for the good work, we’ll pay you in six months,’” Snyder said. “We’ve been around for almost 60 years, and we can handle the cash flow, so we do. That’s another thing that’s really greased the wheels in the planning process.”

As a part of the SAFER March 2021 agreement, the state has fronted half-a-million dollars for Self-Help to pay emergency project invoices immediately, so no one has to wait for a funding agreement or draw down any money. Self-Help also has \$1 million operation and management and \$1.5 million capital project bridge loans available, which essentially set up a line of credit as a middle-man between the state and communities who would have an issue with cash flow while waiting for grant reimbursement.

Funding opportunities to expedite getting solutions to communities that need them come in all different shapes and sizes, and Snyder said solving the water crisis in the Central Valley is no different.

“Every single water system has its own set of problems, its own cocktail of contaminants, its own local issues that prevent what seem like might be obvious things like consolidation with a nearby water system,” Snyder said. “They all have to be worked through one by one...it’s different for every single water system, and therefore the solutions are different. They all have to be individually designed and engineered, there’s just no one size fits all solution.”

Snyder said she understands Ennis’ concerns with consolidation, but is confident the parties can figure it out. All she asked for was a seat at the table.

“If we could sit down again with city council and city staff, I think everything is on the table,” Snyder said. “We can figure something out.”

After the state’s Aug. 23 letter to Exeter, Snyder and the residents of Tooleville are going to get that chance.