

THE FRESNO BEE

How drought pressured California to mandate consolidation, drinking water for Tooleville

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Life in Tooleville wasn't easy before the latest drought.

Residents of this tiny, two-road farmworker community, tucked into the edge of the Sierra Nevada foothills in eastern Tulare County, have been living on bottled water since 2014 because its two wells are contaminated with hexavalent chromium.

Then in July, one of those wells started to dry up, thanks to plummeting groundwater levels. State Water Resources Control Board officials agree Tooleville's other well will likely hit sand in a matter of months. After 20 years of stutter-stepping toward a lasting solution, this latest twist in Tooleville's long water saga was almost too much.

"It's just like a punch in the gut," said Tooleville resident Cindy Enloe of the well going dry. "It finally happened."

If — some say when — Tooleville goes dry, the only saving grace is that it may have been the catalyst that finally spurred action toward a long-term solution of consolidation with the nearby city of Exeter.

In fact, on Aug. 23, the state Water Resources Control Board sent a letter to Exeter officials, notifying them it has taken the first step toward mandatory consolidation.

THE LONG HAUL

Michael Claiborne, directing attorney for advocacy nonprofit Leadership Counsel for Justice and Accountability, had hoped the desperate situation of Tooleville's dwindling wells would push the state to make an exception and force the consolidation. It appears his hopes have been realized.

"We thank the State Water Board for beginning the mandatory consolidation process, and urge it to move quickly to complete the process and ensure safe, affordable, and climate-resilient drinking water in Tooleville," Leadership Counsel tweeted Tuesday, after the Water Board's letter to Exeter was released.



A water well shown behind locked fencing, Friday, April 12, 2019 in Tooleville, CA.

Tooleville's groundwater is laced with hexavalent chromium, also known as chromium-6, a toxic chemical that has been linked to cancer. It occurs naturally but can also come from industrial manufacturing.

In 2014, California became the first state in the nation to set a maximum contaminant level for chromium-6, adding it to the list of chemicals that would be regulated in water supplies. The state Water Resources Control Board set the level at 10 parts per billion. Tooleville's water is consistently at 11 to 14 parts per billion, which prompted the Water Board to put the town on bottled water in 2014.

Then in January 2016, the California Manufacturers and Technology Association and the Solano County Taxpayers Association sued, claiming the state Water Board did not do an adequate economic analysis when it set the chromium-6 level.

In May 2017, the Superior Court of Sacramento County ruled against the state Water Board, and chromium-6 went back to being unregulated.

FALLOUT

That ruling proved consequential for Tooleville.

Residents and Leadership Counsel had been pushing for Tooleville to be consolidated into the nearby city of Exeter's water system since 2001, according to Claiborne.

The state Water Board was in favor of consolidation and had money to pay for it.

"Any time a small water system can consolidate to a larger water system, that is a benefit for that small water system that we look highly on," said Bryan Potter, Tulare district engineer for the state Water Board's Division of Drinking Water.

But Exeter was not on board.

The last time consolidation was formally discussed was in 2019, when the Exeter City Council voted unanimously against consolidation.

There are too many problems with Exeter's own system and too many complications with consolidation, said Adam Ennis, city administrator of Exeter, in mid-August before the state sent the letter. Tooleville is in Tulare County's jurisdiction, but outside Exeter city limits, which makes maintenance, enforcement and bill collections more difficult, Ennis said.

"There's a lot of things with this consolidation that don't really add up well, and there's a lot of potential future issues," even with state funding, Ennis said.

In its Aug. 23 letter to Daymon Qualls, Exeter's director of public works, the state Water Board gave the city six months to negotiate a voluntary consolidation with Tooleville. If that doesn't happen, the state will move forward with a forced consolidation.

Ennis and Qualls did not respond to calls and emails seeking comment.

FORCING THE ISSUE

In the midst of the 2012-2016 devastating drought when wells in rural communities were drying up in record numbers, Senate Bill 88, giving the state Water Board the authority to force consolidations

under certain conditions, was passed. One of those conditions is that the beneficiaries of such consolidation must be over the limit for a regulated contaminant.

Tooleville met that condition until the chromium-6 ruling “pulled the rug out” from under Tooleville, said Potter. He told SJV Water in mid-August that the Water Board was considering various options for Tooleville as part of its emergency drought response.

SHOCKING GROUNDWATER DROP

Consolidation could be the answer Tooleville has been searching for these past 20 years. But that’s just one small community in a vast landscape suffering from critical groundwater depletion as farmers lean more heavily on the aquifer during times of drought.

Though the state also passed the Sustainable Groundwater Management Act (SGMA) during the 2012-2016 drought to try and get a handle on dropping water tables, Claiborne worried it would not be enough to protect vulnerable communities.

“Even if the state does its job, we’re not going to be able to prevent these drinking water emergencies from arising if the local jurisdictions, the GSAs (groundwater sustainability agencies), the counties, don’t do their job to protect sources of drinking water,” said Claiborne. “And that’s not what we’re seeing right now.”

SGMA mandated the creation of groundwater sustainability agencies to restrict pumping and bring water basins into balance. But it doesn’t take full effect until 2040.

“We’re overdrafting, that’s where the problem is,” said Ralph Gutierrez, Tooleville’s water operator. “All water levels are dropping in the Valley.”

Gutierrez oversees water systems in Tooleville, East Oroshi, Okieville, Woodville and Lindsay in rural Tulare County. He tests the water quality, checks water levels and maintains the systems.

He was shocked to discover that groundwater levels had dropped nearly 100 feet in Woodville, about 20 miles southwest of Tooleville, between March and July.

“What was the point in doing SGMA if we’re going to drop the water the way we are?” Gutierrez asked.

Water levels in wells in the Tooleville area were six to eight feet lower this past spring, compared to spring of 2020, according to data from the East Kaweah Groundwater Sustainability Agency.

DEEPER AND DEEPER

Some residents of Tooleville are taking matters into their own hands.

Eunice Martinez, who has lived in Tooleville since 1973, said when she turned on the faucet to wash her hands on the morning of July 21, only a trickle came out.



One of two water wells, background, is located behind fencing between a private home at the end of Morgan Road, a gravel road one block long, and a canal delivering water south.

"I knew right then something was not right," Martinez said. "Reality hit."

Martinez is convinced the wells will be out of water soon. To be safe, she's working on getting a 250-gallon tank installed at her home, out of her own pocket.

"The well's just barely hanging on," said the state Water Board's Potter. "Doing the math, there's not very much room near the bottom of the well to drop those pumps."

The state Water Board is working with local nonprofits, such as Self-Help Enterprises, to install water tanks for the community should the wells go completely dry.

"We're just getting into this deeper and deeper and deeper. I don't see where it's going to stop and I don't know how to stop it," Gutierrez said. "Make no mistake, this is affecting everybody."