

EAST COACHELLA VALLEY: WATER POLICY

EXECUTIVE SUMMARY

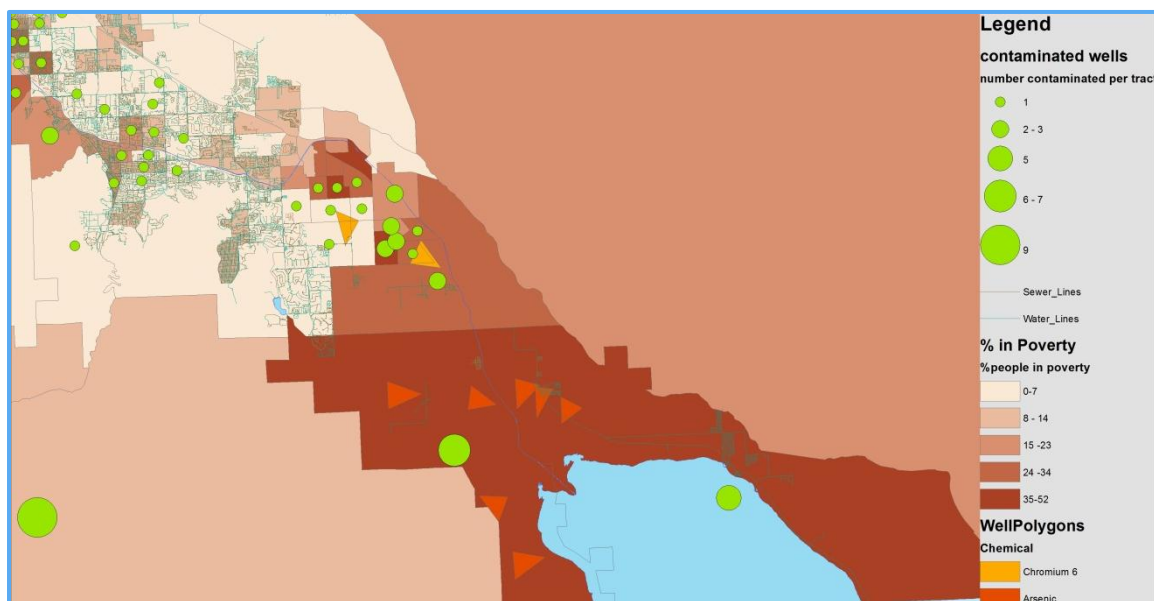
Residents in unincorporated areas of the Coachella Valley have very little access to municipal water sources and waste water disposal infrastructure. Greater focus and more resources are needed to truly address the issues that exist. Access to both clean drinking water and the ability to dispose of waste water affect the health of residents. Communities that are not connected to municipal water are exposed to contaminants in well water, either naturally occurring or man-made. Lack of the ability to dispose of wastes also exposes rural community members to health risks. Addressing the needs of unincorporated communities is essential to create a healthy and just region. Some action has been taken to treat contaminated well water through legislation addressing contamination abatement at two sources: point of entry and point of use.ⁱ Additionally, residents living in mobile home parks can now get restitution for water overcharges. However, infrastructure needs to be expanded to increase access to safe, clean water and to alleviate sewage disposal problems in unincorporated communities.

STATEMENT OF THE ISSUE

There are two major challenges with regard to water management in unincorporated areas of the East Coachella Valley. They are: 1) provision of safe, clean drinking water *at an affordable price* to residents and 2) disposal of waste water in a safe and regulated manner. In unincorporated areas, water quality is difficult to manage since there is limited connection to municipal water and sewer infrastructure. Many residents in unincorporated areas of East Coachella Valley live in mobile home parks and it is in these less regulated residences that water quality is worst (see data points on the map that indicate high levels of contamination) and costs may not be regulated since this infrastructure is both private and primarily unregulated.ⁱⁱ In addition to lack of access to clean water, disposal of waste water is also a problem in these communities that are cut off from municipal resources.

CONTAMINATION

Both hexavalent chromium and arsenic have been documented at levels above Maximum Contaminant Level (MCL) in locations shown on the map below. Arsenic is naturally occurring but may become more mobile and concentrated in groundwater as the aquifer is depleted. To represent well contamination data on our maps, using six years of data, we calculated an average concentration by well for six chemicals: arsenic, lead, manganese, nitrates, Chromium 6 and perchlorates. We selected the wells that had an average concentration above MCL for any of the six chemicals. We then determined the number of these wells that were located within 2 miles of a census tract and assigned the count to those tracts. These data are shown as yellow and orange triangles on the map. In addition, the number of contaminated wells per census tract is shown on this map using graduated dots to represent values.



DISPOSAL

As the map indicates, municipal sewer lines do not extend into most unincorporated communities in the East Coachella Valley. Septic systems in unincorporated areas of the East Coachella Valley are either non-existent or poorly maintained. This is interrelated to soil-based septic filtration systems being installed at sites with inadequate or inappropriate soils, excessive slopes or high ground water tables. As a result, there are some communities where sewage is exposed in ponds and sinks at the surface of the ground. Residents of some trailer parks flush their sewage into overloaded septic tanks and cesspools. Raw sewage may back up into shower drains, and effluent puddles on the ground outside residences. According to Riverside County Environmental Health ⁱⁱⁱ unpermitted mobile home parks usually have substandard septic systems that were installed without permits. The septic systems are “grossly undersized” and result in a higher rate of septic failures. Within the East Coachella Valley, estimates of unpermitted mobile home parks range from 70 to 200.

COST

Throughout California are thousands of small rural community drinking water systems (with less than 3,300 customers) and wastewater systems (with less than 10,000 customers) whose residents are predominately economically disadvantaged (defined as being less than 80% of the state median household income). The East Coachella Valley has multiple communities that meet these criteria. What is significant about these rural water systems is that “96% of all health-based violations occur at systems serving less than 10,000 people.” ^{iv} Thousands of these small systems need help, in particular those serving communities defined by the State as disadvantaged, including people living or working in federal Indian Country and some rural communities. “Small water systems can rarely afford the financing required for infrastructure improvements, nor can their water users afford to fund improvements through increased water rates or bonding. This stalemate imposes an ugly choice on rural unincorporated water users: either residents can report water quality violations and risk eliminating all access to residential water, or they can choose not to report violations and risk exposure to unsafe water.”^v Further, the cost of accessing water in these communities is particularly high as a fraction of total household income.^{vi}

EXISTING POLICIES

The California Safe Drinking Water Act, provides for the operation of public water systems, and requires the State Department of Public Health to adopt regulations for these purposes. Under existing law, regulations adopted by the department must include requirements governing the use of point-of-entry and point-of-use treatment by public water systems in place of centralized treatment.

PUBLIC WATER SYSTEMS: POINT-OF-USE TREATMENT (AB2515) was introduced by V. Manuel Pérez and passed into law in September 2010. It authorizes the Department of Public Health to develop emergency regulations governing the permitted use of point-of-entry and point-of-use treatment by public water systems.^{vii} This was updated in 2012 with AB983 to provide disadvantaged communities the opportunity to apply for state grants to fund the entire cost of water infrastructure.

LUCAS D. HERNÁNDEZ MOBILEHOME PARK RESIDENT PROTECTION ACT was also introduced by V. Manuel Pérez and passed into law in September 2012. The law provides restitution to residents of mobile home parks who have been overcharged for water.^{viii}

ACCESS TO SAFE DRINKING WATER ACT ^{ix} was enacted by Governor Jerry Brown in September 2012, as part of the Human Right to Water bill package including AB938, AB1221 and SB244.^x

THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (prop 84) provides bond funding for water projects. One of the water-related items of note in Governor Brown’s 2013 budget is a \$12.1 million increase in Proposition 84 funds for a pilot project that will restore up to 1,200 acres of habitat at the Salton Sea. The project would build ponds fed solely by agricultural runoff in areas left exposed by evaporation.^{xi}

ADVANTAGES OF EXISTING POLICIES

The first two laws cited give residents of mobile home parks two different avenues for mitigation. In the first case, the Department of Public Health now has the authority to develop regulations and funding for water treatment in communities without access to municipal water services. In the second, residents of mobile home parks are given the ability to gain

restitution water overcharges in the past. The State Public Utility Commission will be authorized to order reimbursement for an unjust water rate, taking the enforcement of violations out of the hands of local agencies and mandating penalties for violations at the state level.

The recent Access to Safe Drinking Water Law establishes *as state policy* that every Californian has a human right to safe, clean, affordable and accessible drinking water and also requires that all relevant state agencies consider that policy when creating regulations.

In Riverside County \$2,000,000 of Proposition 84 bond funds were appropriated by the Department of Water Resources (DWR) for allocation to an integrated water quality and wastewater treatment program plan to address drinking water and wastewater needs of disadvantaged communities in the unincorporated areas of Riverside County. It requires the county plan to primarily address arsenic contamination of drinking water.

POLICY OPTIONS

The long-term solution to East Coachella Valley water quality is a pipeline connecting to the west valley where water supplies are centrally treated that can also be constructed to include sewer services. Costs to bring unpermitted mobile home parks into compliance would be substantial and would include engineering reports, plan check fees, and construction costs. Patti Reyes of the East Coachella Water District estimates the cost for a 90 unit housing development located fairly close to existing pipes and a water reclamation plant at \$230 per foot of pipe and a total cost of \$2,970, 550.^{xii}

Current municipal water lines are shown on the map above. According to the Coachella Valley Water District, expansions and improvement to the wastewater collection system and reclamation plants are taking place throughout the Coachella Valley. Until this is completed, sewage treatment facilities can be improved in these same communities either by revamping and improving existing leach fields and septic systems. District officials speculate the infrastructure and operational expenses of a chromium-6 removal system could cost the district more than \$275 million and raise water rates by an estimated 74 percent.

Allow access to funds for the creation of centralized water treatment facilities for unincorporated communities or settlements, particularly mobile home parks, which currently fall below the criteria for funding. Currently, there is no funding available for individuals or for settlements with fewer than 15 connections or 25 individuals. Since the legislation for farm worker housing limits units to 12 on one site, all of these mobile home parks that exist on private land for farm workers fall below that limit. Currently, it is estimated that there are more than 200 of these mobile home parks in the Eastern Coachella Valley.

Grant funding needs to be earmarked specifically for communities in poverty.

Increase stakeholder representation decision-making entities. The Coachella Valley Water District representatives are currently elected “at large” rather than as representatives of specific districts. As a result of the elections, members of this entity are entirely from regions other than the East Coachella Valley. These regional representatives prioritize water projects in a way that is unfavorable to the ECV.

Allow for the use of funds for water and septic rehabilitation by non-profits and local community based organizations as grants rather than contracts for reimbursement only. Non-profits in disadvantaged communities may not have the ability to apply for funding that only allows for reimbursement of costs. However, they may be the most appropriate entities to utilize these funds.

POLICY ADVANTAGES

Connection of unincorporated communities to centrally treated water supplies is a positive solution that will alleviate lack of access to clean water in East Coachella Valley small unincorporated communities. Since most customers in the Coachella Valley Water District also receive sewer services from the water district, completion of sewage services for these communities can be included in the construction of the water pipeline.

Building awareness within communities to encourage regional collaboration on grants could help lower the cost per connection by including a larger number of residences.

POLICY DISADVANTAGES

Connecting small unincorporated communities to municipal water is expensive and the planning and implementation of such an endeavor will take many years for completion. The existing funding structure is prohibitive to new infrastructure development. Coachella Valley Water District is barred from increasing rates for current customers in order to pay for extension of services to parts of the Valley without water and sewer service. Potential new customers are required to pay out-of-pocket for the costs of building new pipelines and increasing treatment plant capacity to accommodate the increase in output needed. With scarce grant funding (often on a cost-reimbursement basis), new infrastructure development is prohibitive to anyone other than well-funded private developers. Individual community projects may be poor contenders for competitive grants because the cost-per-user amount is high in the ECV due to the distance of extending services.

Until the pipeline is undertaken, residents will have to take a proactive role in advocating for themselves with regards to structural changes. Local agencies may need to mandate septic system improvements to protect public health before the pipeline is completed. John Benoit of the Riverside County Board of Supervisors represents the Eastern Coachella Valley and believes that the county spends a “disproportionate amount of time trying to meet the needs of disenfranchised communities. We have come in after multiple decades of neglect. It’s frustrating. But you have to deal in reality, which is that some of these communities may be 15 miles from a water source, and it costs a million dollars a mile to connect.”^{xiii}

END NOTES

ⁱ A Point-of-Entry water treatment system is installed on residence side of the water meter with the express purpose of treating all of the incoming water before it goes into the individual supply lines that feed laundry, bathrooms and faucets. They are sometimes called “pre-filters.” A Point-of-Use water treatment system is installed on an individual source line ahead of any or all of the building’s taps, faucets or other dedicated outlets used to dispense water for drinking, cooking or bathing.

ⁱⁱ The Farm Labor Housing Protection Act (AB3526) aka “Polanco Bill” passed in 1992. By law, these parks must be occupied by farm workers and cannot exceed 14 units. To build a trailer park meeting these regulations, a developer is not required to obtain entitlement through Planning Department or clearances from Environmental Health, Fire, and Building and Safety.

ⁱⁱⁱ MHP Challenges in East Coachella Valley, presentation October 15, 2012 Mark Abbott, Riverside County Department of Environmental Health, Environmental Protection and Oversight.

http://www.waterboards.ca.gov/coloradoriver/water_issues/hot_topics/docs/rc_enviro_health_mhp_challenges.pdf

^{iv} EPA

^v Drinking Water and Exclusion: A Case Study from California’s Central Valley. Camille Pannu. California Law Review. Volume 100, Issue 1, Article 5. 2-28-2012

^{vi} In some households, these costs are as high as 10 percent of monthly income. Phoebe Seaton, CRLA, Presentation on Central Valley Drinking Water at the Environmental Justice Symposium, University of California, Berkeley, School of Law (Feb. 2009)

^{vii} In lieu of centralized treatment this act would require that these emergency regulations remain in effect until the earlier of January 1, 2014, or the effective date of the required nonemergency regulations. This bill authorizes the department to award a grant for point-of-entry and point-of-use treatment, in lieu of centralized treatment, by a public water system that serves a severely disadvantaged community, as defined. This bill was written by V. Manuel Pérez to specifically address water quality issues in the East Coachella Valley. Included in the bill is a mechanism for emergency funding for the purchase of point of use and point of entry treatment filters that range from \$135 to \$300 per household. The bill remains in effect as a short-term solution with grant money available until January 2014.

^{viii} This law authorizes the Public Utility Commission, to order the mobile home park to reimburse the complainant and any other current and former tenants affected by an unjust water rate. The law specifies that a current or former tenant may complain and requires the mobile home park to provide written notice to each of the mobile home park’s tenants to inform those tenants of their right to file a complaint with the PUC about the water rates charged or the service provided by the mobile home park. Because a violation of an order or decision of the commission is a crime, this bill imposes a state-mandated local program creating a new crime.

^{ix} http://www.huffingtonpost.com/2011/10/13/california-clean-drinking-water-bills_n_1010014.html

^x <http://www.ejcw.org>; <http://blogs.alternet.org/danbacher/2011/10/08/brown-signs-bills-supporting-human-right-to-water>

^{xi} <http://www.acwa.com/news/state-budget-fees/education-health-care-win-big-brown%E2%80%99s-budget-proposal>

^{xii} East Valley Mobile Home Park Waste Discharges. Presentation, October 15, 2012. Patti Reyes, Coachella Valley Water District.

http://www.waterboards.ca.gov/coloradoriver/water_issues/hot_topics/docs/cwvd_mhp_workshop.pdf

^{xiii} <http://californiawatch.org/health-and-welfare/neglected-decades-unincorporated-communities-lack-basic-public-services-15635>

