

Fresno's water future is full of regulators

By George
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Former Fresno County Supervisor Doug Vagim, a critic of Fresno Mayor Ashley Swearengin's \$429 million municipal water project, dismisses City Hall warnings about the specter of bigger bureaucracies forcing Fresno's hand: "What you hear is the city crying wolf." CRAIG KOHLRUSS — The Fresno Bee [Buy Photo](#)

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There's a key besides money in Fresno's struggle to fix its water mess. We're talking government regulators.

Mayor Ashley Swearengin wants to modernize Fresno's crumbling water system with a project pegged to cost \$429 million. She's been trying for nearly two years, yet the plan remains in political limbo.

Fresno now finds itself in a remarkable Proposition 218 protest vote on proposed rate hikes to pay for Swearengin's plan. More than a week remains in the election. It all could come to a head on Feb. 5, which is when the City Council might again debate water rates.

Cost has been the hot issue so far. But regulation, much of it originating farther up the governmental food chain, is also driving events. If Fresno can't handle its business, Sacramento could step in with a solution. City officials call this



the “boot in the seat of the pants” option.

Here’s a look at three areas in which regulatory pressures bear on Fresno: clean water, groundwater, and green space.

Former Fresno County Supervisor Doug Vagim, a critic of Swearingin’s project, dismisses City Hall warnings about powerful bureaucrats with thick rulebooks.

“What you hear is the city crying wolf,” he says.

[Public Utilities](#) director Thomas Esqueda says the project is the only way to keep regulators at bay and maximize Fresno’s control of its water.

“We have a solution,” Esqueda says. “It’s right there in the plan.”

The wages of seepage

Sometimes what goes down shouldn’t come up.

City officials say about 80 of Fresno’s approximately 260 water wells contain a chemical called [1,2,3-trichloropropane](#), or TCP.

The chemical was once used in a popular farm fumigant. By all accounts, TCP is highly toxic. Studies link it to cancer.

State and federal regulators have known for decades that parts of the central San Joaquin Valley are plagued by TCP. But no agency has set a standard for what constitutes a safe level of TCP in drinking water.

Esqueda says a standard is coming, perhaps this year. Such a standard will set in motion a lengthy process of implementation for cities with contaminated wells.

For the current water debate, Esqueda says, it’s enough to note that the standard almost certainly will put Fresno in a tight spot: Shut down the bad wells or clean up the water from them. Either option would have consequences to water reliability and customers’ wallets.

Swearingin’s plan calls for Fresno to almost eliminate its use of groundwater and rely, instead, on water from the San Joaquin and Kings rivers. Fresno has legal rights to an abundance of this water. In normal rain years, the water is there for the taking.

The hangup is surface water treatment plants. Fresno has one in operation, but it’s not nearly enough to handle all the river water needed to get Fresno off its addiction to groundwater. Swearingin wants to build another plant, this one in southeast Fresno.

This plant would be the most expensive piece of the \$429 million project.

Vagim says Fresno can find other ways to handle the TCP problem without the higher water rates needed to foot the new plant’s construction bill.

Swearingin’s plan, Vagim says, “is going to cost a lot of money. A lot of people may not be able to afford it.”

Esqueda says there’s only one good answer: “Stop using groundwater. Start using surface water.”

Putting straws away

Fresno had reason to ignore treatment plants: When it came to water, we were rich.

Stick a straw in the ground just anywhere and, presto, there was water.

Then two things happened. Everyone else in the fast-growing Valley did the same thing, putting a big dent in the aquifer. And Sacramento lawmakers, spurred by a historic drought, decided to get involved.

The result was the [Sustainable Groundwater Management Act](#), signed by Gov. Jerry Brown in September.

“We have to learn to manage wisely water, energy, land and our investments,” Brown said at the signing ceremony.

Mark W. Cowin, director of [California’s Department of Water Resources](#), said in a recent letter to City Hall that the state supports Swearingin’s plan. The Sustainable Groundwater Management Act focuses on local solutions and local action, he said.

However, Cowin added, the state will step in when “local agencies fail to exercise their responsibilities as set forth in this legislation.”

Esqueda says the new law is complex. For example, it requires creation of a groundwater sustainability agency that must come up with a long-range water plan.

City Hall points to Swearingin’s plan as the best answer. Officials say the existing surface water treatment plant (in northeast Fresno) and the new plant will deliver plenty of water to a growing city. At the same time, they say, conservation will produce enough water to enable a slow but steady recharge of the aquifer.

When the next drought hits and river water is scarce, city officials say, a revived aquifer is there to save the day — with the state’s blessing.

“It all makes sense,” Esqueda says.

Vagim agrees that the new state law changes everything. But, he adds, look around. Fresno is surrounded by cities and the county, each to reap the benefit of an aquifer made whole by a project whose cost is borne solely by Fresno ratepayers.

Says Vagim: “Why aren’t we doing this together?”

Discipline by stages

When water disappears, even City Hall can’t fight City Hall.

City officials last summer gathered at a pumping station in southeast Fresno to announce that local conservation efforts were moving from stage one to stage two.

The general response: Stages? Who knew we had them?

But it’s true. City officials hate sending out the water police to pester folks for using the yard sprinkler on the wrong day. Yet they have no choice when a resource vital to public health grows scarce.

City regulations identify four stages of mandatory restrictions. Stage one seeks a 10% cut in consumption, largely through public education. Stage four aims for a 50% reduction. No one is watering the front yard when stage four hits. Fresno’s hard-won green space would turn brown.

Vagim sees talk of city regulations as unnecessarily threatening.

“The jackboot of government is always a threat to citizens,” he says. “This doesn’t need to be an alarmist discussion.”

Esqueda says Fresnans can handle the facts. He says Fresno’s failure to fix its water problems could, in a long drought, lead to big cutbacks on consumption. Yet much of the water division’s fixed cost (employees, maintenance, debt) would remain.

“You’re going to use less water,” Esqueda said, “and it’s going to cost you more.”

Those who blanch at the thought, Esqueda adds, should embrace the mayor’s water plan.

Call to action

The next month could be pivotal.

The Proposition 218 protest vote will end at 5 p.m. on Thursday, Feb. 5. The arcane process boils down to this: If 66,674 valid protest ballots come in, then proposed residential and commercial rate hikes die.

The typical single-family residence could see its monthly bill go from about \$25 to about \$50 in five years, depending on consumption. Even at \$50 a month, city officials say, Fresno’s rates would compare favorably with other large California cities.

As of Thursday, the city had received 36,813 ballots that, if valid, would apply toward that benchmark. Thousands of ballots were arriving daily in December. That number is now in the several hundreds.

Swearingin’s plan goes to the City Council if the protest vote falls short. There’s no guarantee that will be on Feb. 5 after votes are counted.

Council Member Steve Brandau, who could be the swing vote on the dais, says he won’t vote until the city exhausts every chance at reducing the burden on local ratepayers.

Brandau says he expects city officials on Friday to meet with staff members of state lawmakers to review funding options. He said Assembly Member Henry T. Perea, D-Fresno, one of the architects of the recently approved \$7.5 billion state water bond, could be there.

A second meeting with Sacramento officials could come in February, Brandau said.

This water saga has often appeared close to a climax. Something always pops up to keep it going.

Swearingin says City Hall has understood the pivotal role of river water to Fresno’s future for at least a quarter-century. The political will to act on sufficient scale just wasn’t there, she says.

“I think 25 years is enough,” Swearingin says. “Now is the time to take action. It is the right thing to do for our community.”

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