Testimony before the U.S. Senate Committee on Energy and Natural Resources, Subcommittee on Water and Power

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Water Affordability and Small System Assistance

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Introduction and Background on Community Water Center

Chair Wyden, Ranking Member Risch, Members of the Subcommittee, thank you for the opportunity to present testimony as part of this informational hearing.

I am here today to share with you information and our perspectives on the challenges and solutions regarding access to safe drinking water and sanitation for communities in California in the face of increasing droughts across the West due to climate change.

As background, Community Water Center (CWC) is an Environmental Justice nonprofit founded in 2006 who works on the ground in Visalia, California, in the Southern San Joaquin Valley and Watsonville, California on the Central Coast. The vision of CWC, is to ensure all communities have access to safe, clean, and affordable water. CWC works as a catalyst for community-driven water solutions through organizing, education, and advocacy in California's San Joaquin Valley and Central Coast. We build grassroots capacity to address water challenges in small, rural, low-income communities and communities of color, and also engage on California and federal drinking water policy. CWC also serves as a core member of the Water Equity and Climate Resilience Caucus, a national network of organizations who work to build a shared analysis and understanding of the problems, codify policy strategies, and enable members to deliver on water equity results for their communities.

The communities we work with are primarily farmworker communities who lack clean, safe, and affordable drinking water. While previous investments in Western water supply have focused on water for irrigation, too little has been provided to support the workers in the fields who feed families across the nation.

CWC believes that access to safe and affordable drinking water is a basic human right, not a privilege. Yet each year, more than one million Californians are exposed to unsafe drinking water from the taps in their homes, schools, and communities. Although water problems exist statewide, they disproportionately impact low-income communities and communities of color. Without access to safe and affordable drinking water, communities do not have the opportunity to develop and grow like other communities across the country.

Many Small, Rural, and Low-Income Water Systems Lack Access to Safe Drinking Water

Small, rural, and economically disadvantaged water systems face many challenges in providing safe and affordable drinking water for residents across the country. In California, 395 small water systems, providing water to 808,875 people are failing due to contamination, inadequate supplies, or unaffordable water rates.[1] Hundreds of other systems serving just under three million Californians are either at-risk of failing or potentially at-risk of failing.[2] Further, over 180,000 domestic wells in California are failing or at-risk of failing.[3] A 2021 analysis found that

[1] State Water Resources Control Board, SAFER Dashboard, (2023), *available at* https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/saferdashboard.html.
[2] *Id*.
[3] State Water Resources Control Board, 2023 Drinking Water Needs Assessment, (Apr. 2023), p. 26, *available at*

California needed almost $10 billion to bring safe drinking water to all Californians. Those numbers are likely much greater today due to inflation and the increased number of failing and at-risk systems.[4]

Often, failing and at-risk small water systems disproportionately serve low-income communities and communities of color, who are forced to deal with higher water rates and poorer health outcomes. We routinely work with community partners who face nitrate contamination, which is undetectable by sight or smell and can lead to the fatal blue baby syndrome. Other community partners' water sources have been polluted with 123-TCP, which is a carcinogen that increases in toxicity when heated and inhaled, making daily showers toxic. It is unconscionable that these communities suffer such high health impacts for basic services we take for granted daily.

Droughts, climate change, and other water supply stressors only exacerbate the challenge. Water supplies have become more scarce and costly. The west is undergoing aridification that is depleting groundwater supplies that were already being overpumped by unsustainable agricultural practices. And new studies are demonstrating that water shortages concentrate pollutants.[5] California has found that small water systems will require over $4.5 billion in additional infrastructure upgrades to ensure that they will be resilient in the face of the changing climate.[6]

Despite the massive infrastructure needs for small water systems to address contamination and water supply issues, these systems often struggle to access state and federal resources that can help make water safe and affordable. While we appreciate the historic investments from the Bipartisan Infrastructure Law, we note that there's an annual need of $109 billion for the next 20 years to meet all of the water infrastructure demands in the United States.[7] Further, state and federal infrastructure funding tends to be easier to access by larger water systems who can more readily develop shovel-ready projects, leaving small water system needs unmet.

Many small water systems, particularly those who are at-risk of failing or failing, lack technical, managerial, or financial capacity to operate their systems safely and effectively. If these systems have identified water solutions, technical assistance is critical to ensure they can navigate funding processes for their projects. However, many systems lack the ability to even develop

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https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2023needsassessment.pdf.

[4] State Water Resources Control Board, 2021 Drinking Water Needs Assessment, (Apr. 2021), p. 22, *available at* https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2021_needs_assessment.pdf.

[5] Levy, Jurgens et al., Critical Aquifer Overdraft Accelerates Degradation of Groundwater Quality in California's Central Valley During Drought, Geophysical Research Letters, (Sept. 1, 2021), *available at* https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2021GL094398.

[6] State Water Resources Control Board, 2022 Drinking Water Needs Assessment, (April 2022), p. 22, *available at* https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2022needsassessment.pdf.

[7] Emily Simonson, What it Means to Support Equitable State Investments in Water Infrastructure, US Water Alliance, (May 16, 2022), *available at* https://uswateralliance.org/resources/blog/what-it-means-support-equitable-state-investments-water-infrastructure.

long-term solutions and more assistance is needed so that a pipeline of projects to benefit small water systems can be developed to receive funding. In fact, many water systems in this country only have 1-4 employees and lack the capacity to develop needed projects.

Further, traditional infrastructure funding methods, such as the Clean Water and Drinking Water State Revolving Funds (SRFs) or general obligations bonds, do not fund ongoing operations and maintenance (O&M) costs. In 2019 in Lanare, California, the community received funding to construct a treatment plant to address the high levels of arsenic in the community's groundwater. Unfortunately, funding did not cover O&M and the community lacked the resources to keep the plant going, forcing it to be shuttered while the community went back to untreated tap water.

Finally, the communities most impacted by unsafe drinking water were for decades continuously and deliberately excluded from full participation in their local water decision-making governance. And there are still challenges in ensuring adequate participation by local communities in water governance, resulting in solutions that may not meet all community needs. We know through experience that if you give communities a seat at the table, and empower them with the information they need, that they can meaningfully participate in the decision-making process– and that the solutions that result will better reflect the needs of communities.

Community Experience with Drought and Groundwater Overdraft

As mentioned above, drought exacerbates the challenges faced by small, rural communities. They are often served by shallow sources of groundwater and face contamination threats from naturally occuring and agricultural related contaminants. As surface water supplies are reduced from drought, the agricultural industry increases groundwater pumping, which can dewater shallow wells and increase contamination of existing groundwater resources. Further, as new wells go in, they can cause well interference problems for domestic wells, dewatering wells that would normally have been deep enough to withstand drought. A homeowner with a dry well cannot easily get relief without government assistance. A new well in California costs over $60,000 and a home without a water supply lacks any equity to borrow against.

Emergency relief for drought comes in the form of bottled water and tanked water supplies for many. Thankfully in California we have been able to set up programs and work with technical assistance providers who have been able to help with the most recent drought and effectively provide emergency relief for residents. However, long-term solutions are still difficult to come by. There is currently a backlog of over 1,000 wells that need to be replaced in the San Joaquin Valley and relief is slow to come by. Further, more resources are needed to support community-driven infrastructure solutions to reduce the number of communities without secure access to water and connect domestic well communities to nearby water systems.

Solutions to Help Promote Drought Resilience

To support states like California, the federal government should support efforts on the ground to maintain access to water and drought-proof communities. In the short-terms this could include funds to support emergency water supply and well replacement programs. During wet years, supplies like water tanks can be prepositioned in areas where drought is likely to occur to ensure adequate supply during emergencies.

We also need more resources to support technical assistance for planning for droughts. CWC worked to pass Senate Bill 552 in California, which asks counties to plan for droughts by identifying at-risk communities, emergency service providers, well impact mitigation, and consolidation opportunities. However, without resources and assistance to local governments, planning is not moving fast enough.

We also need more resources to support disadvantaged communities developing infrastructure projects that meet their needs. This includes funding for technical assistance, funding for community engagement, and funding for ongoing O&M so that projects can be sustained over the long term without increasing rates beyond what a community can afford. We also need resources to support making long-term solutions climate resilient by ensuring supplies can withstand expected droughts and there is redundancy in place so that if a well goes out, a community is not left without access to water.

We should also look at how more programs for water supply can be made more accessible for disadvantaged communities. As with infrastructure, this will take resources for technical assistance and community engagement, but can result in projects designed with community needs in mind. This could include groundwater storage projects near communities that can create a buffer from agricultural practices and improve local water quality.
Finally, we should try to see how treating water for disadvantaged communities could be treated as a public benefit for funding projects. We are proud to support Senator Feinstein's RAIN Act, which allows for water for disadvantaged communities to be treated as a public benefit as long as those benefits are quantified and have the support of the community.

Conclusion

Access to safe, clean and affordable drinking water is a basic human right. Securing this right is within reach if we muster the political will and back it with needed funding investments and prioritize small and rural water systems. We urge Congress to join with us to ensure that all Californians, and Americans, have access to safe and affordable drinking water. We cannot continue to fail to meet everyone's basic needs and cannot let droughts fueled by climate change make the existing drinking water crisis worse.

This means Congress must provide more funding for communities to withstand droughts and drought proof themselves. Resources must be made available for technical assistance and community engagement so that solutions can truly be community-driven and O&M subsidies must be considered so that water does not become even more unaffordable than it already is.

Thank you again for the opportunity to present as part of this hearing, and please do not hesitate to reach out if we can ever be a resource or of assistance.

Thank you.