

# Tackling Legal Barriers to Drinking Water and Wastewater Access in Rural Unincorporated Communities

*Moderator: Dave Owen\**

*Panelists: Elias Rodriguez,\*\* Leticia Casillas-Luquin,\*\*\* Nataly Escobedo Garcia,\*\*\*\* Kristin Dobbins\*\*\*\*\**

**Austin McNichols:** Okay, folks, let's come back to order here for our last panel of the day: "Tackling Legal Barriers in Unincorporated Communities."

**Dave Owen:** Okay. Thank you all for being here. Thank you for sticking around. What we're going to do is just a brief set of introductions, and then we'll get into the issues of the panel. And I'll just say real briefly, I'm Dave. I teach at U.C. Law San Francisco, and I went here and was an *ELQ* Editor-In-Chief. I have very, very warm, fond memories of my time in that role, even though there was a lot of footnote checking. So I'm glad to see you here. It's always an honor to be asked back and to be part of the community here again.

**Elias Rodriguez:** Thank you. Hi everyone. My name is Elias Rodriguez. I am a staff attorney with California Rural Legal Assistance. Thank you to Austin and Jordan and all the *ELQ* members for having us today.

**Nataly Escobedo Garcia:** Hi everyone, my name is Nataly. I'm a water policy manager with Leadership Counsel. I'm Ashley Marie's colleague, who you just heard speak.

**Leticia Casillas-Luquin:** Hey everyone, my name is Leticia Casillas-Luquin, and I'm a staff attorney with California Rural Legal Assistance.

**Kristin Dobbins:** Hi, everyone. Thanks for being here. I'm Kristin Dobbins. I'm an assistant professor of cooperative extension here on campus in the

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**Dave:** So we're going to start out the panel by—this is a panel about water and wastewater issues in unincorporated communities—and we're going to start out by talking about some specific communities, just to give you a more concrete sense of some of the issues and challenges that these communities can face. So, we're basically going to just—well, not quite run down the line—but we'll start with Elias. He's going to tell the first story.

**Elias:** Sure, yeah. So, I'm going to give a quick case study on San Lucas, California. It's a town in southern Monterey County. I'm going to give an overview of the town, its population, some of the issues that it faces, both water quality and other issues, and then explain some of the advocacy that the community has engaged in to secure infrastructure resources in their community.

So, a little bit about the town. On this map, this is a map of Monterey County, and San Lucas sits on the southern end. And the nearest incorporated area to San Lucas is about ten miles away. It's the city of King City. The town is populated by around three hundred people, mostly farmworkers in this town, unincorporated as the theme suggests. For a long time, it has been disinvested. A lot of infrastructure issues, including water. And first I wanted to highlight some of the community.

We started working with the community a few years ago, but even before that, the community had been fighting for a lot of basic infrastructure resources. They fought to bring a public transit stop to their community. They fought for a small library building in their community. And they even, as we heard earlier on the panel, they didn't have paved roads. And so, in the past around ten years, they got the main roads paved in the town. And that made it pretty hard at the time for their water deliveries, as you'll hear.

So, water has been the main issue in San Lucas for decades, but around 2011, the county issued a do-not-drink order for the community of San Lucas because of nitrate contamination. The wells started testing high for nitrate contamination, and so they issued a "Do Not Drink" order.

If you'll indulge me on a brief tangent about contamination, I can explain what nitrate contamination is and how it affects the health and well-being of communities. So nitrate is a chemical compound, and it reaches groundwater percolating through the soil, from the over-application of mostly synthetic fertilizers, the nitrogen in the fertilizer. And as a result, areas in and around agricultural fields have high nitrate levels in their water.

When humans are exposed to nitrate, it can have both chronic and acute effects. One of the more serious acute effects is a condition called blue baby syndrome, and it can sometimes be fatal. It's a condition that cuts off the oxygen or oxygen-carrying capacity in the blood. In the long term, this has cancerous

health effects. Miguel talked about nitrate contamination plaguing a lot of communities in the Central Valley and Central Coast earlier.

In San Lucas, the wells in their public supply well were testing at around 10 to 15 milligrams per liter. But in irrigation supply wells nearby, the levels are testing at about around 40 milligrams per liter. And the EPA has determined that water is safe to drink at around 10 milligrams per liter. So, in some instances, it's around four times what the EPA has determined is safe to drink.

How did this happen in San Lucas, and how common is it in California? It happened in San Lucas because of one particular grower. The grower who was operating on the land above what supplies their water source, changed their crops from a crop that does not require as much nitrogen or fertilizer to a crop that does. And the regional water regulator was able to tie that specific land use change in order to hold that grower responsible. Although identifying one responsible grower is rare, nitrate contamination across the Central Coast and Central Valley is widespread.

Communities who rely on shallower wells and communities, smaller municipal systems that rely on fewer wells have a harder time meeting these levels because if it's in a holding tank, the water providers aren't able to dilute the levels of nitrate.

So there's a long history about nitrate contamination that we can't get to today. But what is important to understand in the context of San Lucas is that there's many communities, many community organizations who are fighting to reduce nitrate contamination across the state.

Like the story of nitrate contamination, the story about San Lucas' pursuit of clean water is long and expansive, and it's hard to capture the fifteen-year history. I'll explain just some of the advocacy issues that they engaged in and why they're important—why the community thought they were important.

So, recently, a community group organized and formed in the community, and they partnered with an academic institution as well as some community organizations to file a Title VI complaint, alleging discrimination, racial discrimination, racial and ethnic discrimination under the Civil Rights Act of 1964. The community also created this visual too and engaged in media advocacy to bring attention to the issues that were plaguing their community, and that's live if anyone wants to visit their story map and hear some of their story. They also invited the regional administrator from the U.S. EPA when there was a more favorable federal administration. San Lucas has some very urgent drinking water needs. They're still on a Do Not Drink order to this day.

And these strategies are very long-term, but they saw it as worthwhile because when they don't have a sustainable water source, that means the regional housing agency cannot grant any permits, any housing permits there in the community, and then that's connected to education funding as well and other

infrastructure resources. So they saw protecting their water resources as vital to the community.

In addition to the do-not-drink order, this is some of their short-term drinking water options.

The Central Coast Regional Board or the Regional Water Regulator also required the responsible party to provide both short-term and work towards long-term water supplies for the community. This order requires them to provide about five five-gallon water bottles each week for each household. Twenty-five bottles often isn't enough, especially in an area that is in the lower Salinas Valley, so temperatures can reach up to 100 degrees. Sometimes residents will need to travel to King City, about ten miles, to refill their bottles.

Then their long-term solutions are complicated as well, San Lucas is a more rural community, like even further out than one of these outside fringe communities, near the sphere of influence. What complicates the long-term drinking water options in San Lucas is, as I mentioned, the nearest incorporated city is ten miles away. So, they've been proposed to either build a pipeline, which the state has not indicated any support in, and/or just a local treatment center.

As you can see with the water quality issues on the map, the red area indicated on the right is actually from a recent report that came out a couple weeks ago, identifying what the water quality is and what the long-term water quality supply that the community has access to. And so, it's limited, you know? They're going to have to even build a pipeline out to the new well that can supply water for the community.

So those are just some of the issues in advocacy that I wanted to highlight, and I think we're on to our next panelist. Thank you.

**Nataly:** Hi, everyone. As I mentioned, my name's Nataly. I work at the Leadership Counsel with Ashley Marie, who you heard from on the last panel. I'm going to give a little bit more of a high-level presentation on our work on water and wastewater, and then during the actual discussion, we'll talk a bit more about one specific community that I'll highlight in the presentation.

So, you already heard what we do, but basically, we work in Merced, Madera, Fresno, Tulare, Kern County, and Eastern Coachella Valley. We almost exclusively work with disadvantaged unincorporated communities (DUCs), but we also work with some disadvantaged communities within cities. My work primarily focuses on water, both access to drinking water and extension of sewer service, as well as groundwater protection. The communities we work with are almost 100% dependent on groundwater, so a big part of my work is ensuring that our resources are protected so they have access to it.

If you were here earlier for Professor Camille Pannu's opening statement, she actually went over these definitions. But essentially, a disadvantaged unincorporated community comes from SB 244, passed in 2011. It defines an unincorporated community as a fringe, island, or legacy community in which the

median household income is 80 percent or less than the statewide median household income.

It then goes on to break down what a fringe, island, and legacy community is. Fringe is defined as an inhabited, unincorporated territory that is within a city's sphere of influence. An island is an inhabited and unincorporated territory that is surrounded or substantially surrounded by one or more cities, or by one or more cities and a county boundary, or the Pacific Ocean. And then a legacy community means a geographically isolated community that is inhabited and has existed for at least fifty years. Here I gave a couple of examples. Sorry, the South Merced should say island, not fringe.

The community of Lanare, which is serviced by the Lanare Community Services District, is a fringe community in Fresno County. They're pretty small, and they are currently dependent on septic, and also are dependent on a system that's at risk of failing. Their well has secondary contaminant issues, and their backup well unfortunately has arsenic issues. The backup is really just there in case groundwater levels drop and they have to depend on that second well.

Next to that is South Merced. Ashley Marie talked about South Merced quite a bit, but in the map, as you can see, it's literally these pockets in the southern part of Merced that, for whatever reason, the city chose not to fully plan out to those areas. But Marie actually did a lot of work surveying those pockets, and we often found that for water and wastewater, sometimes you already have, like, existing main pipelines where you would just need to extend a lateral to connect a home. But for whatever reason, the city chose not to. So, we ran into situations where somebody has a well, and then their neighbor is connected to the city. So very odd urban planning.

Then we also work with the community of Fairmead, who is a legacy community. Fairmead is in Madera County. Ashley and Marie also talked about this community. They are on a small water system that is run by Madera County, and they are currently dependent on septic, but we are working on an extension of wastewater services project with the City of Chowchilla.

So, I wanted to set the context for what happens at the state level when we're trying to invest in these communities. As has been mentioned a lot today, often we have a lot of hesitation locally for any type of investment in these communities.

Part of our work also entails working at the state level, because if we really can't find a solution locally, that is not the end of our work. We will find some avenue to make sure that communities' needs are being met, so often we turn to the state. In the case of the state work, a lot of the funding for communities like Fairmead, Lanare, and South Merced, comes from either the Drinking Water State Revolving Fund, which is essentially bonds, general fund, and federal funds that the State Water Board has to be able to invest in these communities. A big portion of that is also our Safe and Affordable Funding for Equity and

Resilience (SAFER), super long name. This was SB 200 passed in 2019. It guaranteed 130 million dollars annually until 2030, specifically to invest in disadvantaged unincorporated communities or disadvantaged communities.

I put a little caveat here. Some funky stuff happened last year when the Cap-and-Trade program was being renegotiated—now Cap-and-Invest. Essentially, SAFER comes from the Greenhouse Gas Reduction Fund. When the program was renegotiated last year, originally when we drafted the language, we had a backstop that if GGRF did not have the funding for the full 130, it would come from General Fund. Somehow that clause magically disappeared in the negotiation, so we're currently in negotiation with the Assembly, Senate, and the Governor's Office to get that reinstated. So hopefully we are able to have that backstop through 2042.

And then on the wastewater side, most of the funding comes from the Clean Water State Revolving Fund. This is focused on water quality projects. But I do want to note that wastewater is just not funded at the same capacity as drinking water. There's a lot of different reasons as to why that's the case, but one thing that we do actively find is that wastewater problems are not well understood in California. I think there tended to be a lot of assumptions that we might not necessarily have those problems here. So, I think unfortunately, that leaves a lot of communities without their issues being highlighted and their priorities being represented in our state budget.

And then there is also some federal funding that sort of still exists. There are some of the projects that we work on that are funded by the U.S. Department of Agriculture, specifically the Rural Development Program. And then it is important to note that both our Drinking Water State Revolving Fund and Clean Water State Revolving Fund are managed through our state's intended use and fund expenditure plans. This is important to know because it's one thing to have SAFER in the law, but it's another thing to actually see what it looks like on the ground. For example, getting a septic to be removed from a home and be paid for by the state, those were all changes that we had to advocate for through the intended use plan and expenditure plan to ensure that that funding was there and the cost didn't come end up on the home.

Just a little bit about some of the high-level issues in rural communities, in particular in California. So, on the drinking water side, we currently have 411 systems that are failing, with another 661 that are at risk of failing, and about 22,000 people receiving interim drinking water, whether that be bottled water or being on hauled water.

On the wastewater side, we have a lot of aging infrastructure that also hasn't been invested in. We often deal with sanitary overflows. Here is a picture of an overflow at a mobile home park in the Eastern Coachella Valley. We were actually out there doing water testing, and we ran across this septic that

overflowed pretty badly because you have three, sometimes four mobiles all connected to one septic, and the septic doesn't quite have that kind of capacity.

And then when you have these issues, you run the risk of contaminating groundwater, which again for us is a big problem because most of the communities we work with are 100 percent dependent on groundwater. One cool thing that California is doing, and it should be wrapped up next year, is we're actually going to get a wastewater needs assessment, a statewide assessment. Our SAFER funding comes accompanied by a drinking water needs assessment. We are now going to have one that in some ways mirrors the drinking water on the wastewater side. So, we're also going to have a better idea of how widespread some of these issues are in California.

And then just generally, some challenges and opportunities.

Funding. Unfortunately, our state budget has been in deficit for three years now. And the Greenhouse Gas Reduction Fund can only do so much as well. Sadly, we've also come across issues with the federal government in getting some of those funds down to the communities that we work with.

Also, holding responsible parties accountable. This one is particularly important for the groundwater-dependent communities. We saw wells go dry in the 2012–2018 drought. We also saw a lot of wells go dry in the 2020–2022 drought, and we even saw wells go dry during wet years. So, wells went dry in Madera County in 2023 when we had a lot of rain.

Domestic wells fall in this funky area in our law where, in theory, after the Sustainable Groundwater Management Act passed, you did have a responsible party who was in charge of managing your water. And if they were managing groundwater in a way that was going to be protective of all stakeholders, they should, in theory, be responsible for making sure that if a domestic well goes dry, they are able to provide services to that well, whether that be connecting them or deepening that well.

This is unfortunately pretty up in the air. Some groundwater sustainability agencies have set up some level of mitigation programs, but with a lot of caveats. Some have insisted that they need to cut off certain wells because of their age. Others are choosing that their programs are only going to work after they were established in like 2022 or 2023. And how well either the state or these groundwater sustainability agencies can respond to domestic wells is about to be tested as we're heading into another year of drought, of dry conditions.

Then a lot of these projects, because they are state-funded, they take a very, very long time. The State Water Board has to ensure that your tax dollars are being properly used. But that, unfortunately, also sometimes comes with really, really long timelines. Sometimes it can take anywhere between six to twelve months to get a funding agreement in place. And then politics, of course. It's always an issue. Unfortunately, lots of locals just really don't want to extend services. Sadly, sometimes it comes down to either prejudice, because it's a low-

income community, or racism. Then of course, we're up against the clock with climate change and emerging contaminants like PFAS and hex chrome.

But there are opportunities—we have gained new legal tools over the years in California. SB 88, amended in SB 508, and then one more time, amended in SB 403, gives the State Water Board the authority to mandatorily consolidate, either physically or managerially, a failing or an at-risk of failing water system, as well as domestic wells. So, the State Water Board now has tools that they could use to deal with some of these parties that are unwilling to extend.

And, we actually have a mirror power in the regional boards. They have the authority to mandate extension of sewer services. Lanaire, which you saw earlier, they have been wanting to be connected to drinking water and wastewater services with the city of Lanier for years now. Unfortunately, we've had a lot of obstacles making this happen. Right now, we're actually weighing the pros and cons of petitioning a mandatory extension of wastewater services, which would be the first time this gets tried in the state if we decide to move forward with it.

Then of course, we're just getting a better understanding of our water systems. The drinking water needs assessment has helped us better understand the needs of water systems, and we'll soon better understand wastewater needs. Then of course, just better data, which helps us make better management decisions.

**Kristin:** Thanks, Nataly. That was a great setup because I'm going to pick up with two case studies, both of which relate to consolidation, which Nataly just touched on. And I'm picking up kind of on two communities, West Goshen and Mesquite, that are both fringe communities.

Before I talk about these communities specifically and what's happened over the last five to ten years, a little bit of thinking about consolidation. So, I've been working on water system consolidations as kind of a big part of my research since about 2021, mirroring the state's increased interest in water system consolidation. What I mean by consolidation is basically taking two or more systems and merging the functions. Sometimes that means merging the actual physical infrastructure of the systems to make one larger system, connecting a pipeline over, and sometimes that just means managerially operating those two systems as one. This has become kind of a hot topic and a big state priority for particularly addressing disadvantaged unincorporated community water issues.

So I've been working on this for several years, and we've recently done a bunch of case studies, and one of the things we're finding is the kind of nuance and diversity across the community context and how this plays out. So, the reason I wanted to do two is to compare and contrast. So, I'll start with West Goshen.

West Goshen is in Tulare County. It is a fringe community to Visalia. And I'll say I think at least I'm fast and loose with this, and I think we're all kind of fast and loose. Fringe community formally is defined as being within the sphere

of influence. I think sometimes sphere of influence and city boundaries that are adjacent to it are coterminous. So I sometimes use fringe when it's not actually in the sphere of influence, but it's extremely close to the community. So, I'm just making that nuance. I am not an attorney, so I get to do that.

Fringe for me is quite close to the city. So in this case, West Goshen I don't think they are. They might be in the sphere of influence, but I don't think they actually are. But they're very close to the city of Visalia. And so West Goshen, historically, it's maybe about two hundred or one hundred fifty houses.

Historically they had a small mutual water company that provided water to about one hundred houses, and then they had domestic wells that provided water to another fifty to a hundred, fifty to sixty. And in 2014, in the heart of one of our most historic droughts, the mutual water company well failed. Actually, prior to that, they had contamination issues, but it failed, and the solution was an emergency consolidation of that mutual water system with the City of Visalia system, which is actually operated by an investor-owned utility. So it's operated by California Water or Cal Water.

In that case, that consolidation moved forward pretty fast. It was an emergency situation. There's some unique things we can talk about of why that consolidation moved faster than a lot of others. But that still left about fifty to sixty households in that vicinity on domestic wells, and they were just there, but we knew they had contamination issues in their wells, and then their wells started to go dry.

Often with these projects, we have these phases of failure, and kind of we solve one thing, and it's kind of whack-a-mole, so we just kind of keep going down the line. Community residents in West Goshen organized, West Goshen Water for Life, working with Community Water Center, and really organized for their solution, which was consolidation to the City of Visalia water system. They themselves determined, just like their neighbors had been consolidated. Although, a little bit, it wasn't against their will, but it was done kind of in an emergency situation. It wasn't driven by community interest.

In this case, they looked to their neighbors and they said, "We too want to join this water system." They were able to get a grant through emergency drought funding through the kind of general fund budget process in 2022. The project was finalized connecting those households in 2025. So that may actually sound like a long project, but that is one of our fastest consolidation projects.

This is a unique and exciting and successful story because also, as Nataly mentioned, domestic wells historically have been almost impossible to fund with state funding. We consider them private property. There's all these concerns about a gift of public funds to private benefit. And it's been a huge roadblock. And really, one of the things that's so innovative about the SAFER program that passed in 2019 is creating new flexibility about how we can use funding.

This wasn't funded through SAFER, but really acted kind of on this growing momentum that we can indeed fund solutions for individual households, which when I started in this work was not something we would ever do, and the state would look at you bug-eyed if you suggested that that was a possibility. So that's huge progress in this time.

We were able to connect those systems on, but also, they were able to get SAFER funding for technical assistance. So at the same time the grant was moving forward through the Department of Water Resources, they had community engagement through the Community Water Center, which was knocking on doors, because every single household has to sign a consolidation agreement. They're all individual property owners. Every parcel had to have a legal agreement with the water system to move forward, and that's a huge amount of boots on the ground time, a huge amount of relationships.

This has been successful. It's been about a year, and people are pretty happy, I'll say. Community Water Center was also able to help people get signed up for the low-income rate assistance program through Cal Water. So investor-owned utilities, unlike our publicly owned and operated water systems, are able to subsidize rates for low-income residents. So, Cal Water has one such program. In signing them up for Cal Water service, they were also, for those eligible, able to sign them up for the low-income rate assistance program. And their bills are, I think, thirty-six dollars, forty dollars a month, which also is very low in the context of these communities. So that's one, West Goshen.

Mesquite is in Coachella Valley, and so Mesquite is outside the city of Coachella. This is actually within the sphere of influence here. And Mesquite is a seventeen-connection mutual water company, or actually, at the time that we found out it wasn't even a mutual water company, it was just a collection of homes operating a water system themselves with no legal basis. So, in the process of this consolidation project, they actually had to incorporate the mutual water company in order to then dissolve it, to dot your I's and cross your T's per the state grant process. It was a bizarre process. Mesquite served seventeen houses off of a shared well. They basically were just doing it themselves. No staffing, nothing. When something went wrong, they did a collection between the houses and they dealt with it. It's right on the vicinity of Coachella as Coachella has grown.

Sometime prior to 2014 or 2015, I think it was 2014 or so, the County of Riverside gave them a compliance order for their water system. They were out of compliance with water quality standards. In this case, they are such a small system, and they're in Riverside County, which operates as a local primacy agency under the Safe Drinking Water Act, so the county is the regulator of the system, not the State Water Board. The county gave them a compliance order, a violation of water quality, and before they could even figure out how to deal with

it, their well just collapsed. So, they were left without water at seventeen households. There was, again, this whole scramble. Like, what do we do?

What ended up happening is there was an emergency interconnection that went to the City of Indio, but then through negotiations between the City of Coachella and the City of Indio, they decided that actually, in terms of planning boundaries, and we go back to general plans, it actually made more sense to connect them to the City of Coachella. And that was a kind of a negotiation that happened between the cities with some LAFCO guidance.

So, they had originally done an emergency interconnection to Indio, and they ended up turning that one off and switching it to the City of Coachella. And for years, this community operated off of a fire hose that ran above ground over a subdivision wall and was connected via fire hydrant. And that is how they received water for years while they moved through the formal consolidation process. In this case, that well failure was in 2015. This project wasn't finished until 2025, and this is a more typical process for us on consolidations. It's a big ten-year process.

I want to think just quickly about the kind of successes and challenges here, and we'll dig more into it in our discussion. So, in both of these cases, we can think about them as successes. Both communities have access to safe drinking water that is pretty sustainable, as far as we can tell. Probably as sustainable as it gets in these contexts. Whether it's affordable or not, it's kind of hard to say, but generally there aren't huge affordability complaints from either community, and both are pretty happy to be being served by their neighboring city.

In both these cases, we also had a willing service provider. Cal Water in Visalia, as an investor-owned utility, they're just happy to have more customers. Like, they're not worried about the kits, so they're like, "Sure, you can join."

In Coachella, we have a public works director in the City of Coachella who is deeply invested in the unincorporated communities of this region. He's one of, like, a prominent Latino leader in that area, and he was really willing to put his time and effort into this out of service to the community, right. And so, those are both cases where we had a willing partner, but as Natalie said, that's often not the case.

But just to point out a few challenges here. Both take a lot of time, a lot of resources. There's a lot of barriers. In both cases, neither of these communities have any representation when it comes to their drinking water provision. One is under an investor-owned utility, and one is served by a city, but they don't vote in that city. And so, neither have representation, which for me would be the ideal. Neither addressed questions of annexation. So, in the Mesquite one, that's on the table, annexation is. In West Goshen, it's not really on the table.

But just by extending water services, there's a whole breadth of other services that are unaddressed by these questions, including wastewater. So, neither of these cases addressed wastewater. And yeah, I'll leave it there.

**Leticia:** I love how we're all building off of each other. It's great.

So I'm going to provide two case studies. The first one's going to show you all, when we're talking about political will, who's willing to do it, how, why, and all those questions. But then the second one is sort of how do you continue protecting communities that keep having to deal with polluters essentially.

So let's start with the first community, West Park. So West Park is in the red. But essentially the community of West Park is two miles away from the city. When we were talking about general plans and sort of planning in general, the community was overlooked and they didn't get any community input, and so they didn't have any sewer, but somehow had water.

So, the way that this started, and I'm going to go on a little tangent, but the way that we started in this community is that we received a call, and so we were like, "Great, cool. Let's do a needs assessment." So we're doing a needs assessment, and this was a lesson in lawyering because we identified that there were some housing issues, but once we went, they said, "We don't care about that. We want wastewater. Like, we want a connection to wastewater." Because they're on septic tanks. And so, we said, "Okay, let's do it."

So, my predecessors worked really hard with the city and the county, because it was also a situation where they were receiving city water, and so they were trying to figure out who's going to handle the maintenance and operation of the sewer system. It was a team effort. There was a lot of love thrown into this project, and Self-Help Enterprises was in it. We worked with various other partners on this. It got to the point where we received funding for it, and so it was almost there. And then, because of politics, Fresno City and Fresno County decided that neither of them wanted to take responsibility for the maintenance and operation of this. So then that money went to another community.

Now they're still relying on septic tanks. And now they're saying, "Well, we also want sidewalks, and we want more infrastructure investment." So now, because of how we talked about, there's not a lot of opportunities for funding for wastewater projects, we're sort of pursuing a stormwater project now, and then in hopes of trying to bring this topic up again.

And this is another reality and something that I didn't think about, and please tell me to stop if I'm doing too much. But a lot of folks that are fighting for these things, these projects take a long time, and so the folks that we're specifically working with are getting older and they're getting cancer. They're getting all these kinds of illnesses, and it's sort of like almost starting over again. Because you had a group of people that were working towards something, and because of politics it just didn't happen. But it's still pushing on. The community's still fighting, and on the other hand though, now we have polluters.

So the case study that I want to talk about here is Terra Bella. In Terra Bella, there's this pistachio facility that's right next to the community. This is the pistachio facility, and then this is a citrus facility. It's the Porterville Citrus Plant.

And so, the community of Terra Bella is right here. And so most folks here are connected to water systems. But these folks over here, . . . there's homes over here, all around the facility, that are on groundwater. Basically, this pistachio facility processes pistachios, so they have a system where they wash the pistachios, pistachio water turns to wastewater, it goes through a system, and then they irrigate the land. So, it's sort of like this facility is like a factory and a farm. It's sort of a weird situation.

Essentially, the land application areas, which are areas where they spray the wastewater, are all over the community. And so that also includes areas where we talked about how this was a facility and Terra Bella was on this side. There's a lot of homes in this area. This particular facility for the longest time is essentially a bad actor. I'm going to call it right now. I'm just going to call it. They're a bad actor. And they were creating noxious odors for a very long time and you know, it's really inspiring what community members will do.

There was a community member who was hospitalized. She's amazing . . . She got out of the hospital and got, like, 200 signatures and started a petition the very next day, and it was hot, and she was getting stalked by this man. Okay, I'm not going to go into the drama now, but essentially the water board issued a cease and desist order to stop the odor nuisances, and then a couple years ago they said, "Okay, you guys are fine now." But now they want to update their wastewater discharge permit. It was adopted in 1992. It's 2026, right. And this facility is sneaky, so they've been sort of like expanding and increasing their wastewater to the fields through these monitoring reports.

Now we've had the opportunity to provide public comment. And in thinking about how we protect communities and protect their drinking water, but also protect them against nuisances, we provided public comment on this wastewater discharge permit. But I think it's one of those things where we're going to have to keep fighting. We provided some legal basis, so it would include arguing that they didn't meet the objectives in the basin plan, and so the basin plan basically sets out what the standards are supposed to be. We're also saying that it violates this policy, it's called an anti-degradation policy. And so, they're making the groundwater worse. Because the groundwater is considered a high-quality water.

We made other arguments about transparency, but it's sort of that thing where you're just kind of waiting and seeing, and it's a little reactive sometimes. So shout out to Leadership Counsel and everybody else who's doing policy out there.

Yeah, so I think together, I think if you notice, this is a group effort, and it takes everyone to sort of contribute to this so we can make something happen.

**Dave:** So I'm going to ask a couple of questions for the panelists, and then . . . we will also go to audience questions as well, so be thinking about what you might want to ask.

So, the first question I wanted to ask all of you is, as you step back from thinking about individual communities and look at the overall trajectory of the state of California, with water access challenges and unincorporated communities, how do you think we're doing? This issue became a whole lot more prominent, I would say about fifteen years ago, with things like the passage of the Human Right to Water and a drought that really raised alarms, and that's led to a bunch of different legislation and administrative initiatives that you've talked about, but we're also dealing with climate change and continued groundwater decline. So, I wonder if you could give a big picture assessment of whether we're moving forward or backwards or treading water where we are.

**Elias:** I can give it a try. I think my work mostly focuses on one contaminant. I think, Nataly, you might focus on a wider breadth of contaminants.

With respect to nitrate, I think there's a little progress, but not much. I think as you heard today, there's a really important public workshop happening about limits on fertilizer because the Central Coast Regional Board, about five years ago, set limits, first in the nation limits on fertilizer use. And that's the state. The state walked that back and told the Central Coast Regional Board that there was not yet enough evidence to set those limits and created this expert panel to ask if there is enough evidence. The limits are now in court, and whether the state was able to walk that back, and we're arguing that the Central Coast Regional Board did have the authority.

So, there is a little bit of progress in the sense that a Central Coast or a regional regulator was willing to set hard limits to change grower practices so that they could protect the drinking water resources in these communities. But, you know, whether it was political will at the state, all state water board members voted in favor of walking those back. So whether it be political will or the law, it's slow. It's really slow, the progress.

**Nataly:** Well, I kind of will answer this from two different perspectives. From a policy perspective, and now having worked in water for a little bit over a decade, we have made tremendous progress in the past decade. We have far better legal tools in place now than we did in 2012 when the drought first hit.

From a community perspective, we're not moving remotely fast enough. I kid you not, with these timelines, they are so long. I think the fastest one that I've worked on is in the community of Tombstone. They were a cluster of domestic wells. Wells were going dry or wells had nitrates in them because they're also in an area that was impacted by nitrates. And they will hopefully get connected, their water was literally about to get turned on this month. We started working on this in 2019. So it's a very long time to have people on limited water because they're on a tank because they don't have water or they're dependent on bottled water. So yes, I can definitely give kudos to the state water board and the regional boards for the progress that they've made and our state legislators for

passing really important laws, but it's unfortunately just never going to be fast enough for community because you're also talking about making up for decades of the state not doing something.

So yes, we've made progress, but from a community side, we're still far too behind, and we're really going to, when we go into the next drought—because it's coming, it's not an if—it's really going to put to test a lot of the tools that we've put in place the last decade.

**Leticia:** I think, in terms of wastewater, I would agree that it's not fast enough. While I was engaging with the Central Valley Water Board, it's the regional board in the areas where I work, they said that they were going to look at five wastewater discharge permits a year, which you can only imagine how many facilities are out there. And it's very technical.

And so even though, I guess, the bright side of this is that the Central Valley Water Board and just the State Water Board in general wants to be more transparent about the information, but this information is very technical. We raised this like, "Okay, this is transparent, but how are people supposed to read this?"

And so, I think it's really slow, but there's good intentions out there.

**Kristin:** What else, what other novel things do I have to add? I mean, I agree with my fellow panelists. We are making progress. It is far too slow, and I think, yeah, when you work, community members are so frustrated when you have community members die before the project's over. Like, it's so discouraging. So I think it's not fast enough, and we have to be doing more.

The thing I might add is that we have made so much progress. Just to echo that I've been in this for long enough now to have seen the discourse and of the state change in the time I've been working in this. And I don't think we should kudo the Water Board or the Regional Water Board or anyone. It's organizers. It is the organizations here that have done all of the work to put it on the agenda. Because when I started this work, the fact that a million Californians didn't have access to safe, affordable drinking water was not a common knowledge. And I would sit on presentations right out of college and share that fact and talk about what a DUC was, right. And we were so low on understanding, and the state rhetoric has shot up in big part thanks to the human right to water as an organizing tool to build discourse.

And so, what that's done is create all these new laws, these new regulatory programs. We wouldn't have the Sustainable Groundwater Management Act, probably if we didn't have [environmental justice] (EJ) organizers putting groundwater on the map. I mean, that's not to say there are not other organizations and other issues that are also important, but it's been a huge sea change.

And the other big thing, and I think Camille mentioned this this morning, is data. Like, we can't do anything when we don't have the data and information

to kind of back up the concerns and put them in front of policymakers. And that's the other huge improvement we've seen on the drinking water side, and why I think wastewater is so far behind because we don't have the data to back it up.

With the new wastewater needs assessment, I hope and predict—I'm a forever pessimist or optimist—that we will also see, hopefully, some more progress there too. Because as soon as we have the data, we can put it in front of—organizers can put it in front of—legislators and get that progress. So it's too slow. We have to do far more. And I would just credit all of the progress we've made really to the environmental justice organizations in the state who have done the work. It's all of them that have been here today.

**Dave:** So next question is a bit of a different direction. In the case studies that you've talked about, it seems like there's a lot of variety, there's a lot of different stories. And I think, Leticia, I'm going to start with you for this question, just because you mentioned coming into communities and doing needs assessments. And I'm wondering if you can say a little bit about whether when you do that, every time is a completely new set of circumstances and discoveries, or are there things that are pretty consistent that you deal with over and over and over again across communities? And of course, the other panelists may want to chime in as well.

**Leticia:** It depends, I guess.

So, most of the time when we do needs assessment, there's a lot of call for infrastructure improvements, so sidewalks, rain gutters, and all that other good stuff. But when we start actually talking to community members and building that trust and sort of building relationships with them, we find different things.

And so, for instance, I know for us, we work in Fresno, but in Del Rey we were told that some building was made out of asbestos and they took it down, and they were supposed to move folks into hotels, but they didn't. And now, all of a sudden, a lot of people got sick, a lot of people got cancer. I don't know if there's any connection to that, but you start hearing stories from community members, because they say like, "My dad was doing this. This was happening here."

We also found out about an airstrip, and POM Wonderful is adjacent to the community. They have an airstrip, so now we're like, "Oh, wow, let me look into this," and now I'm deep in environmental documents. And someone else, actually from I think it was Harvard, reached out to us. Was it? It was at Yale. And they were talking about how there was this methane bubble that occurred in 2022, and there was only two in the world, one in Texas and one in Del Rey. And we're like, "What's happening here?"

So now we have more research to do, but we wouldn't have known that if community members didn't talk to us, if we weren't engaging with them and being friendly with them. So most of the time, it's consistent in what folks want

in their communities, but sometimes you get to learn more when you're engaging with them and they trust you and they want to talk to you.

**Kristin:** I'll add, because when I was thinking about this question, for me it's really one of the things that goes back to empowered community leadership and that as being kind of a secret for where you can make progress is so critical. And I think paired with capacity, and so that capacity comes in many forms.

Sometimes it comes from nonprofits and environmental community organizations that are there. Sometimes it comes from the local water district that has a good general manager who can put the time in. Sometimes it comes from different places. Sometimes it comes from residents who have the skills and time to put it in. But you kind of need both of those. Where I see progress is often where you have both of those things, because you can have leadership, but if you have no capacity, nothing moves forward. But also, if you have capacity but have no leadership, nothing also moves forward. And so, the themes across the projects I really see is those two things.

**Nataly:** Yeah, usually in either a drinking water or wastewater project, because we obviously want them to qualify for state funding, we have to make sure that there's documentation for community support. So oftentimes you start with just general surveying. Are you interested in a project? Yes or no? If you are, what are your concerns? So we have to do multiple levels as we're moving through a project. And I will say having strong community relationships helps with dealing with those really lengthy timelines.

One example, Fairmead, who is going to have wastewater services extended to them from Chowchilla, we did initial surveying years ago to capture interest in wastewater. They're actually a very interesting group. They got creative in terms of addressing their wastewater needs. High-speed rail is going to be passing right by them, so when the environmental documents came up, they challenged the environmental impact report and negotiated a pretty solid community benefits agreement that kicked in money for their project plus ten years of rates. So, once they get connected, they're gonna get wastewater for free for ten years. Yeah, they're pretty cool.

But as we were moving through the phases of the project, we then had to go out and get right of entry. Engineers need to go onto the property to be able to do the spec work, to make sure all aspects of the project are included. And because we have such a great working relationship with Fairmount Community and Friends, they actually went out door-knocking with us. So it really helped. One, so folks didn't think these were just some strangers out there asking them for nonsense. But then two, to make sure we captured almost the entire community. I think we were able to get 95% of the community. So that's not a very easy thing to do in a rural area where it's hot most of the year. It took us about a year to get to that 95%.

But we're about to go back out because now service agreements need to be signed. So, speaking of annexations, Fairmead is not interested in being annexed, and Chowchilla's not interested in annexing them. So they are putting in place an out-of-territory service agreement to be able to extend services out to them, but that's going to come with service agreements that then need to go to the state.

We're actually wrapping up negotiations on that service agreement to go back out to do door knocking. But rest assured, we're going to be depending heavily on Fairmead and Friends to join us again, just to make sure that the community feels like we're a trusting partner. And we also do our due diligence to explain those documents to residents, because they can be really intimidating. They're like five pages long sometimes, a lot of legalese language. So, we'll put together one-pagers that really distill the information. We'll knock on that door again and again and again and again. We'll say, "You know what? Here's the agreement. Feel free to read it over. We'll come back again."

At one point for a different project, the property owner lived in Madera, but the project was in Fresno. I drove to Madera to get that thing signed to make sure that their renter got that service. So, we really go out of our way to make sure that one resident knows a project is coming, and then do everything we can to make, one, trust that we're moving the work forward with them and then, two, trust that their best interests are going to be represented. And we wouldn't be able to do that if it weren't for all the community meetings that we do.

As Ashley Marie mentioned, we spend a lot of time in community. I'm there because of water, but my counterparts are there for housing, for land use, for energy. So we're actively with them, which I think really helps with keeping morale up, especially in these really, really lengthy timelines.

**Elias:** I'm not sure. It's a big question. I'm not sure if I'll have much value to add, because I think part of the question was like, what are we seeing most that the communities need in the surveys? And in our experiences, housing is always at the top. I think our Governor is pretty apparent about that.

And so, what we've just tried to do is ensure that we're using the housing work that we are doing in working on the general plan and the housing element to align that with other infrastructure. I guess this isn't in the general plan, but advocating that the counties are complying with SB 244, which requires them to analyze their infrastructure resources. And identifying projects like rail projects or transportation hubs and making sure that those are aligned with some of the resource needs that the communities have.

And so, yeah, I guess housing is.

**Audience Member:** Thank you so much for being here today. I'm learning so much. Y'all are all so cool.

Several of y'all mentioned that a lot of these communities are entirely dependent on groundwater, and so I was wondering what compliance with the Sustainable Groundwater Management Act (SGMA) looks like for

unincorporated communities, and if there are concerns in making sure that those communities' needs are reflected in GSPs that are maybe countywide or not managed by those communities.

**Nataly:** A side quest of mine, I got my PhD two years ago now, and my dissertation was focused on SGMA in the Central Valley, so I spent a lot of time with SGMA.

So, the way some of this shook out, and on the advocacy side, what we did as plans were going in in 2020, first we spent like a good two years actively providing feedback to groundwater sustainability agencies about whether their actions were going to be protective or not of community. We worked with researchers that helped us add technical reports to our letters showing that their actions were not going to protect their groundwater from being depleted or have impacts to water quality.

What we saw happen, when we turned in those same letters to the Department of Water Resources, we actually included all the different ways in which the GSA was also not only not complying with SGMA, but was not complying with other laws like public trust or like anti-deg. So we added everything we could there. But the other piece of what we added to the Department of Water Resources letter in particular was whether they were going to comply with the human right to water or not. So, we argued that in order to comply with the human right to water, the Department of Water Resources needed to take that into consideration in the decisions they were making.

So, the first round of plans go in in 2020. In 2022, we get initial determinations on those plans. We get a large tranche that gets deemed incomplete, which then sets off this timeline of about six months to address the corrective actions, return them back to the state for another round of review. From there, it was either going to be approved or deemed inadequate.

I am mostly a pessimist, unfortunately, and I didn't anticipate the state was going to deem anybody inadequate. But to my surprise, we had six different basins get deemed inadequate, which then triggered the state regulatory backstop that moved them into the State Water Board. And a lot of that was focused on how those management actions weren't going to protect all stakeholders. Some of them are still in the process with the State Water Board. Tulare Lake, Tule are still with the State Water Board. Some have gone back.

The Kaweah Subbasin, I think, is the shining example of what happens when you do listen to community needs. They probably have the strongest mitigation program I've seen, but then we did a lot of work to make sure that they also understood that that was their Plan B. Plan A is you really have to work on demand reduction and other tools to make sure that you don't have to use that Plan B, because those Plan Bs are also not cheap. You're talking about some GSAs were proposing to spend, like, upwards of \$22 million to be able to move forward a mitigation program, because that many wells were going to be put at

risk to go dry. And that was just the domestic wells. That doesn't even cover the small water systems. So they had a really strong mitigation program, coupled with a lot of changes to their sustainable management criteria.

In terms of how well they protect communities, I still think it's a mixed bag, and I really think we're going to see how well they're going to do this as we head to a dry year because we're actually going to start seeing those mitigation programs tested. The nice part about the way that SGMA is set up is that the Department of Water Resources can trigger a review at any point. They don't have to wait for the five-year increment period for periodic evaluation to reassess the basin.

They have to turn in annual reports. So we do on an annual basis know how levels are, how conditions are locally. So, if the Department of Water is looking at a basin and saying, "Hey, you know what? You are actually putting quite a bit of stakeholders at risk. You're not going to meet that 2040 deadline," they could act sooner. Whether they will or not, I think it's still a little bit up in the air. But I think we'll get to see how well those plans were set up in the coming dry years.

**Dave:** Can I just follow up on one piece of that? When you reviewed those plans, you gave them grades, right? Or some sort of score?

**Nataly:** We didn't give them a score, but we actually created a Human Right to Water scorecard, but it wasn't like a grade. It was more like you did or you didn't. Most didn't.

**Dave:** Yeah. But I mean, there's an advocacy lesson, I think, here, especially for a room full of people who are going to be lawyers. If you can reduce things to a simple metric, it gets people's attention. If you talk to water GSA directors, they know what their score was. And the one who did not get a failing grade in the San Joaquin Valley, he'll tell you about it. So, I mean, it was an effective strategy.

Others want to talk about SGMA?

**Kristin:** Nataly did a great job. I'll just add to the little part of your question, how are they represented in GSAs? Which is basically, they're not. There's probably a handful of cases where disadvantaged unincorporated communities have their own groundwater sustainability agency in the state. And I don't want to set that up as the ideal because actually that's a lot of money and time. So, there's a good reason why they weren't opting in to be GSAs.

We have a very small number of disadvantaged unincorporated communities that have their own GSA, so mostly they're covered by other groundwater sustainability agencies, whether it's the Madera County one, or it's irrigation districts. And so, it's caused, as Nataly articulated, a disconnect between users who are running the show who are very focused on one thing, which is to avoid as much supply reduction, to avoid supply reduction at all costs, right? And then drinking water users who might want to see increased supply reduction or pumping reductions are not well-represented. So it's been a good

lesson when the legislature said, “Here, local agencies, form your groundwater sustainability agencies.”

Anyone with any kind of understanding of particularly the Central Valley knew that what was going to happen was not everyone was going to be involved. So there’s no blank slate ever in any legislation or any policy or program. You’re always starting where you are, and we were starting with very uneven power dynamics.

**Dave:** And I’m just going to say, in case there are people in this room who are like, “What are you guys talking about? I’m a 1L, I haven’t heard of any of this.” SGMA is the Sustainable Groundwater Management Act. It’s a state law that was passed in 2014. And it’s designed to get California to a point where groundwater is sustainably managed in the state, and sustainability is defined in complicated ways. The oversimplified version is we’re not going to keep depleting our groundwater further and further.

There are many interesting features of the law, but one interesting feature is that it assigns responsibility for coming up with plans to achieve sustainability to local government entities. And these local government entities come up with sustainability plans, and the local government entities basically got to bring themselves into existence. So it’s a lot of what many of the people, well, most of us at this table have been studying or working on in one way or another, is try to figure out how this system is actually working.

Other questions?

**Audience Member:** Hi. Thank you all so much for being here. My question is a little like emotional intelligence. I’m just really curious how when working with communities on this topic that’s incredibly technical and takes a really, really long time, how do communities keep—especially within these really small, tight-knit communities—how do they keep morale up about wanting to do this? And then, what is your role in that as a person with a lot of technical knowledge and experience in how this goes about setting expectations clearly, keeping morale up, and making sure that people want to go through this? Or is there a point when it’s your job to say, “Actually, has this gotten too hard? Do we not want to do this?” How do you work through that?

**Nataly:** I mean, definitely. Understandably, folks go through waves. And I’m going to be transparent. I’ve had residents yell at me because they were frustrated, with every reason in the world to be frustrated. This happened to me in Tooleville. I called a resident. Hex chrome was about to get an MCL, maximum contaminant level. We wanted folks to come out to the water board to give comment, and I had called residents of Tooleville to see if anybody wanted to join us.

Yeah, we were still in the process of negotiating their consolidation agreement. The state had issued a six-month letter to Tooleville and Exeter to either voluntarily negotiate or the state was going to mandate. So we were still

negotiating the consolidation agreement while we were working on the hex chrome MCL, which they were impacted by hex chrome.

And he started to yell at me because he's like, "How are you asking me to do this? Like, we still don't have clean water here. Like, you've been telling us for years that you're working on it, but we don't see progress." And honestly, I just let him vent. I just sat there and let him get everything he needed out, and I just said, "You know, I hear where you're coming from. I just wanted to offer this opportunity. You know, if you'd also prefer we take a break from actively calling you, I'll make sure to make a note of that." To his grace, he then apologized for screaming, which I didn't expect him to, and I didn't need him to. Like, it was okay. It wasn't the first time this has happened to me, to be honest. But a part of it is also just meeting folks where they're at.

I think I get lucky on the water side that because I have counterparts in housing, land use, and energy, they're actively working with community on other things where I get to reap the benefit of that. And we're still actively in the community without me personally or my team having to be there to have to actively give some kind of update on either water or wastewater.

So that is a big part of it for me. I think I'm in a cushy place in a lot of ways that I can lean on the work that my other colleagues do in community to keep morale up. And then we've also started to celebrate the little wins a lot more. Part of what we do when we're explaining a consolidation project is we do distill a lot of the project milestones into small one-pagers.

We actually worked on a bilingual glossary with Community Water Center and Self-Help Enterprises that explains a lot of technical language in easier terms and with visuals. We actively bring those with us to community. We just remind folks of some of the more complicated language. And then we go over all of the dynamics with them, whether that be what's going on locally, what's going on with the state. We explain to them even the difference between the Division of Financial Assistance, the Division of Drinking Water, the SAFER unit, so they also can see that there are multiple parties that they're dealing with, which can often lead to further delays. But a lot of keeping morale is that we'll also look for other ways to address things where there's possible avenues.

With Tuleville, SB 403 was a law that we had to get changed. The mandatory consolidation originally did not include at-risk systems and it only included failing systems. And at the time in Tuleville, hex chrome didn't have a maximum contaminant level. So we worked on getting the law changed. Senator Lena Gonzalez ran that bill for us to make that possible.

So, I think morale is also kept up because we're always willing to get creative with the solutions. I had mentioned earlier that we are weighing the odds of petitioning a mandatory extension of wastewater because I think the community's already tried in so many ways to voluntarily communicate with Riverdale and we're getting nowhere. So it's time for our team to really start

introducing other tools. But on top of weighing the odds of a petition, we're also currently working on getting their municipal service review updated. So, we are actively trying to take every step possible to either address the timeline or address other issues happening in the community.

**Elias:** I can go really quickly. It's along the same lines of what Nataly had to say. And I hate to be Western about it, but the law school outlines really got my mind thinking into processes and putting processes in place to filter information to still comply with our duty to keep clients informed. You know, put processes in place to make sure that we're not proposing a crisis to residents. It's well thought out. The risk and benefits are there.

**Leticia:** I think along similar lines. I think managing expectations at the very beginning is just like, "Hey, you know what? This might take ten years. This might take twenty years. And I just want to be very transparent with you all, and this is probably what it's going to look like in terms of timelines and what processes we're going to have to take, who we're going to have to talk to, how often we're going to have to talk to them."

I think another thing, too, that we started doing recently was sort of celebrating the small wins as well. And so I'm making a big deal out of very small things, and I'm happy about it because then they're happy, and then we get to move forward together. Because the disillusionment does really impact the movement.

And I know there's dips, but sometimes those dips last a long time. To give an example, I was talking about West Park—those folks, the community group is amazing. Actually, one of them graduated from U.C. Berkeley, and he was really active during the Chicano movement. But he's older now, and sometimes he forgets things, and sometimes he just doesn't want to do something, which is fine. And so I'm like, we have to celebrate as much as we can and just keep the momentum going.

I think the other thing is sort of along similar lines, but our program sort of does everything. I know y'all used to be like that, too. And so we try to go on side quests. Can we do a community cleanup here? Can we provide some level of education that will inspire people to do more? Can we try to get creative about what we're doing, too, just to keep the ball rolling.

**Kristen:** The only thing I'll add is I think in addition to all of the really great things people said, I've seen it be really powerful where communities can celebrate the wins of other communities nearby. And I think that the coalitional work that happens, particularly in the Central Valley, is so powerful because you might be in a ten-year process, but how beautiful and exciting to see another community get their project done and be able to celebrate that win.

I think in my own research, I research all across the state and work with communities all across the state to be able to share wins and to also commiserate

challenges between communities. So at least they feel like they've been in it for fifteen years, and they have, and they're struggling.

Sometimes it's also really validating and empowering or reassuring to hear of other communities who are also kind of in the trenches with them. So, I think the sharing between communities is also really helpful.

**Audience Member:** Thank you all. A thread that I heard throughout all of your experiences is just that these things take a long time. And I'm wondering, what are y'all's ideas of how to speed up that process? Is it just resources, or are there things that you wish were happening that would make these take not ten to fifteen years?

**Nataly:** This is going to be extremely technical, so I apologize. So, within the State Water Board on the drinking water project, I'm dealing with both the Division of Financial Assistance staff and the Division of Drinking Water staff. And sometimes we run into hurdles where contracts need to be updated, or work plans need to be updated.

I don't have access to the contract staff looking at those contracts, and I've tried because sometimes it'll just get stuck there for six months. And I really only have either the person of the Division of Drinking Water, who can maybe ask questions, or the Division of Financial Assistance staff, who can maybe ask questions. But I've asked multiple times—we have monthly stakeholder meetings to make sure those projects are moving forward—I've asked to either have contract staff, or when their legal teams are reviewing, to have their legal team or whoever or whatever attorney is reviewing the contract join our meetings. Because sometimes we'll come to some kind of agreement between the essentially like the three or four parties, and then it'll get to contracts and it's like we never spoke to each other, which can be really frustrating because that could hold things up for another month or another two months.

So, I would really love contracts and legal staff to either have to join our calls or keep up with how the project is going, to not run into some of those roadblocks.

I mean, there's other things. I mean, we need money. That would be great, but I can't make that one happen right now.

**Kristen:** I'll add the opposite to Nataly's very high-level thinking.

In my work, and particularly salient on consolidations, is the capacity of the community to carry and move the project forward. So often, sometimes we have the money—and with SAFER, we've had the money recently—but sometimes things get really stuck because there is literally no one to carry the project locally.

And like Allensworth—Camille mentioned this morning—Allensworth has local leadership. Tooleville and Seville, and this is a community in Tulare County that's struggled with safe drinking water for more than two decades now, they have local leadership. They have so many organizations in the area that they

work with, but their water district, who has to carry the projects, has no staff, and they're like, literally, you can't move projects forward if the community service district has to sign off on it, and if you can't have meetings, if you don't have quorum on this community service district board. So, some things just get so stuck because you can't locally. I think San Lucas has similar capacity issues with their board.

So my big picture vision is how do we, and this is a question about how we resource rural communities to have the capacity to carry, because they have the vision and they have the ability to do it, but they structurally have been, eked of the capacity to carry any of these projects forward.

**Dave:** All right, if there's no other questions, I'm gonna throw, I think I might throw two in. So the first one, I'm gonna totally break protocol and potentially call an audience member, but I'll start with you all.

The first question is, we have talked entirely about rural communities, or fringe communities that are sort of at the fringe of rural and more urban areas. And so you might, in the audience, be getting the impression that we're talking about this distinctive world of water challenges that is unique to rural California. Is that true?

Kristen, maybe you want to start.

**Kristen:** No, definitely not true. As Camille talked about this morning, we have plenty of disadvantaged unincorporated urban communities. Los Angeles (LA) County is a great example. LA County has about two hundred water systems in the county itself. Many of those are mutual water companies, totally island communities. So we have huge drinking water challenges.

Often in my work, I'm a rural person. I predominantly think of myself as rural work, but I think the overarching theme is small systems, because we have small systems in all environments from rural to urban. So there's that . . . the issues are certainly there.

**Elias:** Yeah, and another issue, seawater intrusion. Salinas—don't know what the population is, has to be over one hundred thousand—but their wells are at risk of seawater intrusion. And so, the more rural Castroville faces a more urgent threat, but Salinas as well. And I think even on the peninsula, communities of Monterey.

**Dave:** All right, so next question. I'm guessing that some of you in the audience have been hearing this panel and maybe the whole day and thinking, "I think I'm hearing about environmental law practice as I never really thought about it before." Like, this is not going to Earthjustice and litigating over spotted owls. And if I did this, I wouldn't just be writing supervisor memos assessing potential litigation outcomes.

So, what I'm wondering—and I'm going to start with the two attorneys on the panel—can you tell us a little bit more about what this practice is like on a day-to-day basis? What kinds of things are you doing? What kinds of skills are

you drawing upon? And what law school courses set you up well or would have set you up well? And courses could be, you know, externship experiences, for the kind of work that you're doing now.

**Leticia:** So, I didn't even know I was going to do environmental justice law. My background was sort of in immigration and some other workers' rights. But when I graduated, I told myself I didn't want to be a lawyer anymore, and that I quit on life, and I did the whole thing. And I think I went somewhere. I traveled somewhere. I think I went to Mexico or something. And I got a phone call from a friend and she said, "Are you interested in policy advocacy? You should apply to this nonprofit." And I did. And it was Leadership Counsel.

After a couple of months, I think it was like six months, I was doing the work in Madera and Merced, and I was like, "I want to sue Madera County." And I was like, "Oh, I should probably be a lawyer." And so, I will say that for me, I think the experience was a little different.

I don't have the background. For me, it definitely was a learning curve. I also don't have a science background, so that was interesting, and it continues to be interesting for me.

I think, in terms of the day-to-day, I think, again, it just depends, just because I feel like sometimes we try to plan as much as we can, but sometimes things just fall out of our radar. There's always capacity issues. For example, I'm working with my community worker on the day-to-day, and so we try to brainstorm together. She checks me. In case I have my attorney hat on, and she's like, "Hey, the community needs this." And I'm like, "All right. You're right. My bad. I'll back off." So then we plan accordingly, but sometimes something else happens in another community, and now we're like, "Okay, we have to respond to this public comment. We have a month. Now we have to reprioritize things." We're sort of running around. It's a little chaotic sometimes, to say the least.

But other days, we are facilitating conversations between community members and local politicians, or we are talking to figure out what's going on. We do research. So we do a little bit of everything.

And honestly, I think for California Rural Legal Assistance, I think it's sort of true for all the nonprofits that are here, we also do the outreach as well. We have a really close relationship, even as attorneys, with community members, which I think is really important and valuable for them and for us because we're getting insight and we're showing that we're there together. So, yeah, we do a little bit of everything. Sometimes it's chaotic, sometimes it's chill and we can plan. But yeah, I don't know if you want to add anything to that.

**Elias:** Similar feelings. Optimist is, it's exciting. It's very exciting. There's never a dull moment. Pessimist is, it's exhausting sometimes. But working with the community members is very worth it. I do appreciate the closer relationship we get to have the community members.

As far as law school classes, I guess I would view it more in an experiences way. And along the themes of what our panelists, especially Kristin was talking about, is just trying to seek out experiences where we listen to the community and what their needs are. I think we learn as attorneys how to spot issues, how to mitigate risks, how to propose solutions. But if we force ourselves into situations where we need to listen to communities because they know what's best for their community, they know what community they're trying to build, I think that can build our skills to become better attorneys and build a better legal system as well.

Before law school, I worked for an agency down in San Diego for adults and youth experiencing homelessness. One experience shows the importance of listening to community. And I think we're far enough away from lunch to tell this story, I hope. Back in, I think this is around 2015, 2016, there was a hepatitis B outbreak in San Diego, and in an urban area. Researchers were trying to figure out what it was. They found out that it's being spread in human feces. There's so many that are homeless in San Diego that it's being spread in human feces. And so, if we listen to the community, we learn that there's not enough bathrooms in downtown San Diego for a person, if they are living on the street, to go and do their business, so that way we're not spreading or causing a public health concern. It just shows the importance of listening to communities.

Then also, if we do have the privilege, because these jobs often don't pay well, if we do have the privilege to make sure that we are extending ourselves to those communities as well.

**Dave:** So, I'm going to ask a sort of similar question to Kristin and Nataly. I've found over many years that often people who are not attorneys, but work with attorneys a lot or work in policy spaces, have pretty good advice for young attorneys about how to do their job well. So, I'm wondering from your perspective as somebody who sees attorneys probably at their best and at their worst, what advice would you have to young soon-to-be lawyers who are about to go, or perhaps going to go work on EJ issues involving water?

**Kristin:** Totally not qualified for this, but I do work with a lot of attorneys. I mean, a couple things come to mind. I think one is—and I think this applies to any profession—but I think it's like any time you get a kind of a high-powered title and are told you know a lot. It's easy to then assume you know a lot and kind of skim over details. And I think PhDs are equally as guilty of this, so I speak of my own kind.

But I think about the number of times I have interacted with attorneys in California who don't know the details of special district law, for example, in California, and are equating community services districts with county water districts, and they're not the same thing. And I'm a trainee of Camille's who really thinks about institutional diversity. But I think really taking the time to understand the nuance and not letting yourself get convinced that you know

because you've been told that you know. Because many practicing attorneys, even in the water space in California, don't know these differences, and so there's always more we can learn.

And then the flip side of that is, there is how it's supposed to work on paper, and there's how it works in real life, and knowing that. I use special districts because I work a lot on them, right. Just because a county water district is supposed to have five board members who are elected, that doesn't mean it's actually how it plays out in practice.

And so, in the Elinor Ostrom world, we talk about rules in use, and really thinking about how there's institutions in form, and there's institutions in use. And I think that that is a key understanding both those things, and you need to know the first part. You need to know what on paper is supposed to happen, but you also have to understand how things actually play out, which is often very different.

**Nataly:** Yeah, at our organization, every job includes outreach and engagement. Every job description has it on there. Everyone's required to go out and do door knocking, regardless of your position. So yeah, oftentimes we have our legal team also join us on, like, the day-to-day engagement with community, so they can spend time with community, and community can get to know them as well.

I think one thing that has been interesting, I work with attorneys a lot, mostly on the water side, but I actually ended up in a particularly unique case down in the Coachella Valley where I originally entered the work with a community in a mobile home park. We were engaging with them because they had pretty bad arsenic violations. We eventually figured out that they were on what's called allotted land, which is essentially land that is given to one Tribal member. So they were under the EPA's jurisdiction, not the state water board's.

We ended up having to really start to learn other areas of law because, even though water was the main concern, we also quickly learned that there were so many other issues at the park. The park was overcharging them for energy. There was habitability problems. The septic issues—the picture that I showed was from that park—were pretty bad.

Even though that was really out there, I've also been in these situations, like in typical cases where I wouldn't have thought. I tend to work in mobile home residency law a lot, even though I have no training and all of my study has always been within the world of water law because I work with a lot of folks who live in mobile home parks. When they're getting transitioned to drinking water, wastewater services, a big concern is how they're going to get billed. I quickly learned that mobile home residency law doesn't quite cover this very well, and there are some gaps there.

So I think really being open to, like, you might have specialized in this, but because of what's going on in the community, you're going to quickly have to

shift to understanding something you would have never thought you were going to have to touch. I never thought I'd even open something up on mobile home residency law, but here I am.

**Dave:** So, thank you all. We are at time. Please join me in thanking the panel. Thank you.

**Austin:** Yes, thank you so much, Professor Owen, and to this last panel here: It's been incredible to have you cap off our day.

First of all, thank you to everyone for coming today. I hope you feel like you learned something and have come away with a greater understanding of the complicated issues surrounding development in California and a greater connection to those working on these collaborative solutions to these problems that have been created over time.

And as I quickly conclude, I would like to say thank you to everyone that made this possible today. Thank you to *ELQ* leadership—especially Jordan Perry, Abby Neal, Ashlie Andrade, Alexa Viola, Nick Porsborg, Isabelle Eby—for volunteering and logistical support today. Thank you to Rena McCroy as well for designing our program. Thank you to Kira Abrams for booking the travel. Thank you very much to my Assistant Symposium Editors, Madeline Nielsen and Lauren Witt, for being incredible support throughout the year.

And thank you so much to all of the panelists today for taking the time to come here and educate us about these issues from very far away for a lot of them.