

City, private water district owner wrestling over site

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The Fresno Bee

(Updated Sunday, November 14, 2004, 6:59 AM)

For the past five years, Tim Bakman has fought City Hall over the cleanup of a dangerous chemical plume that oozes toward the wells of his private water district and his 9,000 customers.

But he says even the lawsuit he filed three years ago may not help him if Fresno officials play their trump card on his Bakman Water District, near Fresno-Yosemite International Airport.

The city in August began investigating eminent domain -- taking over the district for the public good. If the staff recommends it, the City Council would consider the option after a public hearing.

City officials say their reason for the takeover would be to replenish the ground water that Bakman is pumping out. They say the district doesn't manage the underground water supply.

Bakman says he does contribute to a ground-water replenishment program, and the city is just looking for a reason to take him over. He fears losing his 56-year-old family business.

"They've dragged their feet on this cleanup for years," he says. "They've been trying to break me. Now they're trying to swallow me."

Bakman's battle has the aura of a David-vs.-Goliath epic. The family business, started by his father, Richard, in 1948, is priceless for him. It's not for sale.

He has been resisting a city takeover since the 1980s, when the Fresno water system was absorbing many smaller districts. In the past five years, he says, the city has again tried to buy the 12-well district.

Meanwhile, he says he's spending thousands of dollars in a court case against the city, trying to force a cleanup of the plume. The trial phase of the case is expected in spring.

Though contamination has entered his 5-square-mile system, Bakman's water is not fouled. It easily meets state standards and remains safe to drink. Still, it's not his mess. Bakman wants it cleaned up.

"No matter what we do, nothing seems to happen," he says.

The cleanup has been bogged down in a slow-moving, triangle discussion that goes well beyond the city of Fresno. The city is one of three major parties responsible for the plume.

The other two are Boeing International and the Army Corps of Engineers. All have been discussing the plume in a committee and working with the state Department of Toxic Substances Control.

Nothing has happened quickly because millions of dollars in cleanup costs are at stake and issues are complex. Officials privately say it is not uncommon for such negotiations to take years, even with state involvement.

Wading through the committee process since 1994, the state took nine years to devise a plume cleanup schedule and feasibility study. The cleanup plan was finished in May.

The measures would include a system to extract chemical vapors from the soil as well as the use of an oxidant to wipe out the contamination in the underground water. The contaminant is a probable carcinogen called trichloroethylene, or TCE.

"We've really been able to pick up the pace in the last three years," said project manager Peter MacNicholl. "By the end of 2006, the cleanup outlined in the plan will start up."

But the problem dates back perhaps 50 years or more.

It comes from solvents and degreasers used by a predecessor to Boeing in renovating aircraft at a U.S. military site called Hammer Field in Fresno from the 1940s to the 1970s. Chemicals leaked into the underground water supply.

In 1989, long after the military left, city officials encountered contamination in their well at McKinley and Peach avenues, near thousands of residents. The contamination was 20 times higher than the allowable limit for TCE.

The city shut down the well until 1999, when sophisticated water treatment was installed. The well now pumps about 1,800 gallons a minute. The water is filtered and sent to residents.

City officials said the well-pumping stopped the advance of the plume, which is 2.5 miles long and a half-mile wide. They say the committee is prepared to spend \$15 million on the cleanup.

But the committee's job would be less complicated if the city owned the small district, says Bakman. "There's no doubt in my mind that the eminent domain is related to my lawsuit."

Martin McIntyre, director of public utilities, says city officials are looking at the bigger picture of managing the underground water table for 450,000 residents. Fresno relies on well water.

"They don't do any ground-water recharge in Bakman," he says. "They pump groundwater for a profit and don't replenish it. Fresno spends \$15 million a year buying water and recharging the underground supply."

Bakman has been involved in a limited way with Fresno Irrigation District's ground-water recharge efforts since the early 1990s. FID officials confirm Bakman has been contributing a modest amount of about \$5,000 annually to recharge efforts.

Bakman says he has plans to expand his efforts, but he says the city has not responded to his letter requesting guidance in managing the ground water.

"We are planning much more ground-water recharge," says Bakman. "But I've gotten zero cooperation from the city."