

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

[October 25, 2019](#)

As the Maui County Clean Water Act Case Turns

About a month ago, [TUWaterWays informed you](#), dear reader, not to worry about *County of Maui v. Hawai'i Wildlife Fund*, because the county council voted to settle the case and avoid going before the Supreme Court. Sorry! Because the mayor of Maui County has different ideas, and has [not agreed](#) to a settlement. Both sides wrote letters to the US Supreme Court and, it seems, that the case is going forward. There will be oral arguments on [November 6th](#)! The question before the Court is whether a discharge (from the sewage treatment plant) that pollutes the ocean via groundwater needs a Clean Water Act permit. Because this case has been going along at the same time as attacks on the extent of the Clean Water Act ([the whole WOTUS saga](#)), this case has become a measure of not just this one issue in Maui, but the entire extent of the federal government's ability to regulate pollution into water. A wide array of interests have lined up on both sides of the case and have submitted friend of the court briefs. One such [brief](#) was submitted by [beer brewers](#), who fear that the main ingredient in their beer will be degraded by the wrong SCOTUS decision. Do any of the Supreme Court Justices even like beer? [Oh, right](#).

If You Build It, They Will Come

If by "it" you mean a subdivision in Arizona, and by "they" you mean people, but maybe not if by "they" you mean water molecules. You see, [all that sprawling amazingness that is the Valley of the Sun](#) gets almost all of its water from the Central Arizona Groundwater Replenishment District. The GRD takes water from the Colorado River via the Central Arizona Project and injects it into the aquifers below Phoenix. Well, as [reported](#) in a [new study](#) by researchers from the Kyl Center for Water Policy, the number of subdivisions dependent on the GRD has continued to grow while the amount of water in the aquifers might not be able to keep up. A lot of these subdivisions have come [back from the dead](#) once already, but, in the face of climate change and decreased allocations from the Colorado River, finding ways to extend their lives could be, as the researchers say, "elusive." As everyone's favorite Arizona girl would say, "[Holy motherforking shirtballs](#)."

If You Build It, They Will Be Left with Nothing

If by "it" you mean dams on the Colorado River, and by "they" you mean poor and indigenous Mexicans who traditionally depended on the bounty provided by the Colorado River Delta. If those subdivisions in Arizona do lose access to water, they won't be the first in the basin (more likely than actually losing water is having to pay more for water

The **Tulane Institute on Water Resources Law and Policy** is a program of the Tulane University Law School.

The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and stewardship of water.

Coming up:

[K-12 Educator Workshop: Rescuing the Rainforest](#)
October 26, 2019; New Orleans, LA

[Public Input Meeting re state's Action Plan for CDBG Mitigation Funds](#); October 29, 2019; Mandeville, LA

[LA Watershed Initiative Regional Capacity Building Grant Program Webinar](#); October 30

[Coastal & Estuarine Research Federation Conference](#)
November 3-7; Mobile, AL

[The Green New Deal Talk](#); November 4; New Orleans

[Governor's Advisory Commission on Coastal Protection, Restoration and Conservation](#)
November 6, 2019; New Orleans, LA

Manchac Swamp Reforestation Planting Events
November 8 & 9, 2019; Akers, LA

[Rising Sea Levels & Climate Change | How Tulane is helping!](#) November 13, 2019; New Orleans, LA

[Virginia Resilience Conference](#) and [Virginia Aquaculture Conference](#)
November 15 & 16, 2019; Williamsburg & Newport News, VA (respectively)

Water jobs:

[Postdoctoral Fellowship in Climate Change Law](#); The Sabin Center for Climate Change Law at Columbia University; New York, New York

[Freshwater Project Manager](#) or [Stormwater Retention Project Manager](#); The Nature Conservancy; Harrisburg, PA and Bethesda, MD (respectively)

[Postdoctoral Fellowship](#); National Socio-Environmental Synthesis Center; Annapolis, MD

[Director](#)
Red River Management Institute; Shreveport, LA

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of lesser quality). The Colorado River is [one of the most managed and overtaxed rivers in the world](#), and it's all happened via laws and treaties. Most notable for the people at the bottom of the basin is the US-Mexico treaty in 1944 that left Mexico with claims to very little water, of which most goes to agricultural interests, with nothing left for the delta itself. If the delta gets nothing, neither do the [indigenous people who fished the river](#) for generations before it ceased to reach the Gulf of California. TUWaterWays has been running for long enough that we [covered](#) the one time the river has reached the ocean in decades; in 2014 an experimental pulse of water was released out of the bottom dam on the river (at the US-Mexico border where it shunts most of what's left in the river into a canal for agriculture in the Imperial Valley). That pulse resulted in a boom in trees, birds, and fish, but it hasn't been followed by any other pulses, though hope exists that another could happen in 2021 or 2022. How much can a slug of water once every seven or eight years really help? Well, there's only one way to find out. As the kids were singing back when the last pulse flowed, [let it go!](#)

[A French Accent](#) Makes Everything Sound Better – Like Learning About Plastic Pollution

How would you like to come to Tulane Law School on November 7th at 5:00pm for the screening of an award-winning documentary, *Oceans, the Mystery of Missing Plastic*? You would like to come? What if I told you that the event was put on by the French Embassy and Tulane University? You would really like to come? What if we told you that Institute director Mark Davis, the [Jack Benny](#) of law and policy, was moderating a panel of researchers discussing the film and plastic pollution? You would really, really like to come? Well, good news! You're invited! [You can even register for free!](#)