

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
September 18, 2013

## **Troubled Waters: From Amoebas to Pharmaceuticals, Water Managers Are Facing Tough Challenges**

Delivering drinking water to millions of people is a big job and the fact that most of us are able to turn on our taps, drink what we want, and pay pennies for it is a testament to how well our nation's water managers normally do their jobs. The job of delivering water people can trust is complicated by aging infrastructure, growing water demand, and water rates that our out of scale with the demands of water treatment and delivery. There is also the fact, unnoticed by many, that the contaminants in our waters are not the same as they once were. Two reminders of how important water purification still is have crossed our desks recently. The first comes from St. Bernard Parish, Louisiana (just south of New Orleans) where a "["brain-eating" amoeba](#)" somehow got into the water supply system where it led to the death of a four-year old boy. The amoeba is the sort of dangerous pathogen that chlorine based water treatment can handle, but in systems with breaks and infiltration there is always the possibility that contaminants can outflank the treatment system. That may have been in case in St. Bernard and if it is, it is a risk shared with many broken under-maintained water systems around the country and world. At the least we are reminded that maintenance matters and that while maintenance may be expensive so is the cost of not having a water supply that people can trust to be safe.

The second item comes from a different point on the water supply horizon and it deals with "pharmaceutical and personal care products" (PPCPs for short). Not so long ago water that was well treated with chlorine would knock out troublesome bacteria and amoebas and live would be good. In most systems, they still do that, but things may not be so good. That is because there is growing concern the growing concentrations of PPCPs in our waters may be have important impacts on human health and genetics. Simply put, the trace amounts of medicines, hormones, cosmetics, and other chemicals that we all use may be combining to produce changes in human reproduction and gender. More simply put, what we are drinking may be changing who we are and producing fewer males.

This is not really news in the science community but it is becoming real enough that water [managers are taking increasing note](#) with an eye toward tomorrow's drinking water standards and the purification technologies that may be needed. Then again, a world with fewer men may not be such a bad thing to some ways of thinking.

## **Wading in the Water (and Wetlands): EPA and Corps Take a Mulligan on Clean Water Act Guidance, Moves Ahead with Rulemaking**

The scope of the federal government's reach under the Clean Water Act has been a point of confusion since the U.S. Supreme Court ruled against an expansive reading of the Act in two landmark cases in 2001 and 2006. The Obama Administration has been working to

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:

September 23-26, 2013

U.S. Water Alliance

[One Water Leadership Summit](#)

Los Angeles, LA

October 19<sup>th</sup> 12:00pm – 4:00pm

[Second Annual Anba Dlo Water Symposium](#)

New Orleans Healing Center

New Orleans, LA

October 24-26, 2013

Lake Pontchartrain Basin Foundation

Basics of the Basin 2013

New Orleans, LA

February 21-23, 2014

Tulane Environmental Law Summit

New Orleans, LA

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develop guidance and regulations that restore some semblance of order (though not likely broad agreement) to the world of wetlands protection and regulation. On September 17, EPA [announced](#) that it and the Army Corps of Engineers were proceeding with the development of those regulations that its Science Advisory Board had released an extensive science [report](#) upon which the [new rule making](#) will be based. The report is open for public comment for 45 days. The announcement also effectively withdrew a draft “guidance” document that had become bogged down. Whether those who liked the more expansive jurisdictional approach to wetlands protection that the withdrawn guidance offered will be content remains a question. The early returns from those who favor a lighter regulatory hand clearly are indicating that the move leaves them [no happier](#) than before and that they are prepared to oppose the whatever regulations the Administration tries to issue.

### **Water Efficiency Crowd Urges Senate to Flush Amendment that Would Limit Water Efficiency Measures**

These days it is not easy to forge deep and broad consensus behind water efficiency measures or against a piece of legislation but Kentucky Senator Rand Paul seems to be achieving that rare feat. A fascinating collection of water utilities, water managers, water advocates, plumbing supply manufactures have sent a [letter](#) opposing Senator Paul’s amendment (# 1913) S 1392 (the Energy Savings and Business Competiveness Act) that is now pending before the Senate. The amendment would repeal the national plumbing efficiency product standards set back in 1992. (Senator Paul has apparently had a [long-standing issue](#) with low flow toilets and energy-efficiency appliance mandates).

### **Dateline Lake Michigan: The Badger to Sail On, But With Less Coal Ash**

The Edmund Fitzgerald came and went but since 1953 the SS Badger has made the 4 hour round trip voyage from Ludington MI to Manitowoc WI (twice a day in the summer). The 410 foot long car/truck ferry is the last of its kind on Lake Michigan and also the last of the coal fired steamers on the Lake. Anyone who has spent time in Ludington (as we have) knows the nostalgic sound of the Badger’s horn. Folks are [not so nostalgic](#) about the dumping of toxic coal ash from the ship. After lots of wrangling and nearly 8,000 public comments it now appears that a [deal](#) has been worked out between EPA and the Badger to bring an end to the coal ash discharges by the end of the 2014 sailing season. Even the Edmund Fitzgerald had converted away before its ill-fated and [storied last voyage](#) in 1975.

### **2014 Greater New Orleans Water Challenge Opens for Submissions**

The [Idea Village](#) and the [Greater New Orleans Foundation](#) are once again teaming up for the fourth year of the [Water Challenge](#). The Challenge is looking to “harness the entrepreneurial expertise found within our dynamic delta system to address flooding, water quality, and coastal restoration.” Applications for the challenge which culminates in a \$50,000 prize are open until October 11.