

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
April 4, 2019

## If I Say It Does it Make it So?

Despite, what certain politicians and entertainers might have you believe, the answer is “no”, as the cautionary tale of one Mr. Timothy Peel demonstrates. Mr. Peel once owned the Mountaineer Village Utility water treatment plant near Ridgley, West Virginia on the banks for the North Branch of the Potomac River. Yes, George Washington’s Potomac River. The basic job of a water utility is to turn dirty water into clean water. It does that to give us water to drink and it does that to turn sewage back into clean (enough) water so it can be returned to our waterways as our colleagues [Sir Sludge, Hungry Mama, and Captain Gobble explain](#). That was Mr. Peel’s job and that is what he was doing, at least on paper. But saying it doesn’t make it true, and in Mr. Peel’s case it wasn’t. [MVU was in fact dumping untreated sewage into the Potomac and got caught](#). To be honest, treating water is hard work, and things can go wrong. When they do, the right thing to do is admit it and fix it. Because the time you save by fudging the facts is more than offset by the time you might spend in jail. As Mr. Peel may soon learn. Also, if you own up to your mistakes, people might think you have a [strong personality!](#)

## If EPA Says It Does It Make It So?

Okay, maybe it is not so hard to figure that telling lies does not change the truth. But what happens if you are discharging stuff into rivers and streams (and bayous, if you are from around here) and some regulator says it is okay. Does that make it so? Not necessarily, as the students and clinical faculty at the Tulane Environmental Law Clinic just reminded EPA. A while back, the EPA gave the State of Louisiana permission to allow more discharges (including treated sewage) that reduce aquatic dissolved oxygen levels to levels that threaten fish and wildlife. [Whoa Nelly](#), said environmental group Healthy Gulf which then turned to Tulane to challenge the EPA action. [And they won. After a trial, the federal court ruled against EPA finding that by its own admission it had ignored the requirement of the Endangered Species Act to consult with other agencies about the impacts the heightened pollution might have](#). Absent an appeal, it is back to the drawing board for EPA. [Make it so](#).

## For Heaven’s Sake, If an Ad Says It, Surely that Makes it So, Right?

Has it really come to this? Isn’t there something we can place our faith and confidence in to tell us something and have it be so. Maybe not corporate records and executives, maybe not government agencies, but something--[like maybe advertising?](#) Surely that refreshing bottle of Poland Springs Water (now owned by Nestlé) comes from springs in Poland, right? Not exactly. First, let’s be clear

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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:

[Pointe-au-Chien Living Shoreline Project](#)  
April 12 and 14, 2019  
Pointe aux Chenes Reserve Boat Launch, LA

## Water jobs:

### [Fellowship](#)

Environmental Protection Agency  
Washington, DC

### [Associate Director, Resilient Communities and Watershed](#)

Sonoran Institute  
Denver, CO

### [Sector Analyst](#)

Water.org  
Kansas City, MO

### [Wisconsin Water Resources Science-Policy Fellowship with a focus on groundwater-surface water interactions](#)

University of Wisconsin Water Resources Institute  
Madison, WI

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that the Poland in question is Poland, Maine, not the country. Let's also be clear that, at least at one time, there was a flowing natural spring near Poland (the town, not the country which we presume has any number of springs). That spring is not actually used for bottling, [as the Poland Spring Water website makes clear, but nearby springs are](#). So far so good. But what if those nearby springs are not really springs at all [as a pending class action lawsuit claims](#). Have you been deceived? Have laws on labeling and truth-in-advertising been violated. Are people getting less watery refreshment than they bargained for? We don't actually know, but an effort by Nestlé to have the suit dismissed was recently rejected by the court in New York. The search for the truth will continue for a while longer. In many ways, this may be a tempest in a teapot since, for the most part, water is made up of water, and no one type of water is inherently better than another, assuming it meets basic quality standards. And there is the rub. What advertising does is create the impression of value and quality so higher prices can be charged, prices that some people almost certainly should not be pressured into paying and prices that can induce demands on some water resources that might better be used for things like growing crops, brewing beer, and supplying local homes and communities. Fair questions, just don't expect the law to answer them for you. But don't despair, there are [things to believe in](#).