

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
March 3, 2023

Meating Standards

EPA [plans to update water pollution rules for meat and poultry plants](#) for the first time in two decades. The announcement comes on the [heels of a proposed consent decree](#) from a lawsuit alleging that the Agency failed its Clean Water Act duties to revise guidelines and pretreatment standards for animal-industrial facilities. These facilities are major emitters of phosphorous and nitrogen (aka nutrient pollution). On top of that, 74% of meat plants that discharge wastewater are within a mile of predominantly low-income, minority communities, raising significant environmental justice concerns. According to EPA's timeline, the new standards wouldn't be final until August 2025. It's a long way off, but as much as we want it to be the case, when it comes to environmental regulation, faster isn't always better.

It may seem like we're [obsessed](#) with Clean Water Act, but we can't help but write about it when it's in the national spotlight. Members from both chambers are using the [Congressional Review Act \(CRA\)](#) to block the new "Waters of the United States" rule. The CRA is a mechanism by which Congress can roll back regulations with lower voting thresholds than your typical legislative process. And it's not the only environmental rule being challenged under the CRA. On Wednesday, the Senate voted to block a [retirement investment rule](#) that would allow investors to weigh climate and environmental considerations in their portfolios. President Biden has threatened to veto it, which would be his first exercise of that power.

To round out our coverage of this week's D.C. drama, the [House Committee on Natural Resources held a legislative hearing](#) this past week on a [proposed bill](#) that would limit environmental review of federal projects under [NEPA](#). Despite some [bipartisan support](#) for permitting reform, the likelihood of it proceeding past the Senate and President's desk seems slim. For now, it's [still just a bill](#).

When It Comes to SCOTUS, Sometimes No News Is Good News

Recent development in a decade-long jurisdiction battle gives final word. The [U.S. Supreme Court declined to hear an appeal from oil companies](#) of the 5th Circuit's recent ruling ordering a coastal damage lawsuit to proceed in state court. While this represents a victory for coastal parishes, how many (if any) of the 42 cases now in the balance will proceed to trial on the merits remains to be seen. All eyes will be on Cameron Parish, as its suit has a [trial date set](#) for November. The parishes hope these cases will force these companies to pay damages to the tune of a billion dollars for environmental degradation across Louisiana's coast from canal and pipeline operations.

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 legal stewardship of water.

Coming Up:

[Cookoff for the Coast](#); March 11; New Orleans, LA

[28th Annual Tulane Environment Law & Policy Summit](#);
March 17-18; New Orleans, LA

[Blue Carbon Law Symposium](#); May 17-18; Athens, GA

[2023 State of the Coast Conference](#); May 31-June 2; New Orleans, LA

Water jobs:

[Senior Research Fellow](#); Tulane Institute on Water Resources Law & Policy; New Orleans, LA

[Assistant General Counsel – Water](#); Sandia Resort & Casino; Albuquerque, NM

[Water Policy & Legislative Specialist](#); The Freshwater Trust; Portland, OR

[Water Quality Technician](#); Pontchartrain Conservancy; Metairie, LA

[Associate Attorney, Senior Attorney, and Paralegal](#);
Earthjustice; Multiple Locations

[Legal Fellow](#); Bayou City Waterkeeper; Houston, TX

[Policy and Partnerships Manager](#); Bayou City Waterkeeper; Houston, TX

[Legal Director](#); Orange Country Coastkeeper; Costa Mesa, CA

Restore America's Estuaries; [Program Director](#); [Consultant](#);
Multiple Locations

[Governor's Fellows Program](#); Baton Rouge, LA

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Given projections of continually intensifying hurricane seasons, funding coastal projects is a top priority in Louisiana. Our [representatives in Washington are rising to the occasion](#) by proposing an increase in state shares from offshore energy revenue in the hopes of creating a stream of funds for coastal work and project to reduce hurricane risk. This urgency is highlighted by [recent data showing increased risks projected for inland states](#) as far north as Illinois. The report raises the issue that homeowners in these landlocked areas are likely not prepared for what's to come. Projected damages and existing insurance markets are likely not prepared either. [Let Louisiana serve as a warning](#).

Feeling Overworked and Misunderstood?

Maybe even a little salty? You might be the [Southern Hills Aquifer](#). The problem? Excessive pumping has lowered the water table, putting this valuable underground resource at risk. It's undergoing a [slow](#) contamination from intrusion of underground saltwater into the recharge area. The concern? Over 650,000 people rely on the aquifer for drinking water. The response? The Capital Area Ground Water Commission is making an effort to better conceptualize groundwater depletion and saltwater intrusion by installing meters to gauge municipal and industrial usage rates (users currently self-report pumping which determines what they pay to the Commission). To finance this monitoring plan, the Commission raised rates and plans to use individual data to determine user fees. The catch? Baton Rouge Water, a private utility and the aquifer's largest user, [sued the Commission, alleging the metering is unconstitutional](#). And the company's president has been nominated to serve on the Commission that it's suing. Delayed action on the matter is cause for concern. Three years ago, the [Office of Conservation concluded](#) that saltwater intrusion was causing unacceptable environmental damage. But for [now, we wait](#).

While Louisiana's wishing for a little less saltwater, Utah's desperate for a lot more as the [Great Salt Lake continues its disappearing act](#). A new [report](#) estimates that the lake could be empty in five years if usage isn't slashed by 50%. On top of that unsettling outlook, the contents of the Lake's bed could release an array of toxic pollutants into the air, threatening the surrounding region. However, Utah leaders have shown commitment to [water conservation policies that will complement new federal legislation](#).

Feeling Lucky?

It might be the fact that two of the biggest green events of the year are just around the corner. You heard correctly—it's time for the [28th Annual Tulane Environmental Law & Policy Summit](#)! It'll be held at Tulane Law School March 17 and 18. In addition to [good times](#), CLEs will be available. [St. Patrick](#) might try, but he can't top everyone's favorite student run environmental law event.