

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
November 30, 2012

BREAKING NEWS: New Orleans Sewerage & Water Board will Release 2013 Budget

Sewerage & Water Board has scheduled a [public meeting for Friday Nov 30 at 6PM](#) to present its 2013 Budget. Details in next week's edition of TU Waterways.

Sunsets on the Beach: Now with Less E. Coli and Enterococci... Maybe

U.S. EPA has recommended [new water quality criteria for beaches](#), a change that has been long overdue now for over two decades. Drafts for the criteria published earlier this year were met with harsh criticism from Natural Resources Defense Council, but the recent recommendations received a warmer welcome. One check in the plus column thus far is a narrower time period for states to average monitoring results. Second, the criteria extend the definition of illness to include illnesses without fever. One solid negative according to Steve Fleischli, senior attorney at NRDC, is states have the choice between two contamination limits with varying standards for E. Coli and Enterococci; varying standards can lead to inconsistency in water quality along state coastlines.

UNO Professor Nominated to MS River Commission

President Barack Obama recently [nominated](#) University of New Orleans professor Norma Jean Mattei to the Mississippi River Commission. Her new role, once confirmed by the U.S. Senate, will last nine years and concentrate on overseeing the Mississippi Drainage basin, essentially 41 percent of the nation.

The Cost of Catastrophes: Insurance Companies Respond by Revamping Policies & Passing On the Cost

Ringling in at \$50 billion, Hurricane Sandy was an expensive reminder of the costs associated with extreme weather events. The Stafford Act allows federal funds to be used to repair schools, hospitals, roads, bridges, utilities and transportation services, with 25 percent of the bill being picked up by state and local governments. But what about everything else? Families and businesses have come to rely on insurance to assist with the financial costs of catastrophes, but the increasing amount of drastic weather events is taking its toll on the insurance companies. The New York Times look into state developed options known as ["wind pools"](#) that are helping close the financial gap.

If They Build it, New Orleans Must Maintain It

With an average of \$1 billion left to complete the protection system of gates, walls, and armored levees, the Army Corps is breathing easier while the under-staffed offices of New Orleans' flood-control leaders begin to feel the pressure. The Associated Press reports that once the work to revamp the city's flood protection is complete, [New Orleans will be responsible](#) for the \$38 million a year it will cost for upkeep, maintenance, and operation costs. Current funding levels predict revenue sources would tap out within a decade; thankfully the tax levy was approved so millions of dollars should be available for annual levee maintenance. Questions and eyebrows are being raised as to whether Orleans Parish Levee Board is ready for the task.

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:

[December 5, 2012](#)

Louisiana Water Resources Commission
617 N. 3rd Street
LaBelle Room
Baton Rouge, LA

[December 6, 2012](#)

America's Wetland Foundation
"Big River Lives"
St. Louis, MO

[January 17, 2013](#)

America's Wetland Foundation
"Big River Provides"
Minneapolis/St. Paul, MN

[February 22-23, 2013](#)

18th Annual Tulane Environmental Summit

[February 27-28, 2013](#)

America's Wetland Foundation
"Big River Moves"
Chicago, IL

Job Opportunities:

University of Wisconsin-Madison Freshwater Institute, Center for Water Policy

- [Assistant/Associate Professor](#)
- [Assistant Director for Center Coordination](#)
- [Research Manager](#)

National Wildlife Federation, Mississippi River Delta Restoration

- [Senior Policy Specialist](#)

Tulane Institute
on Water Resources Law & Policy

6329 Freret Street, Suite 155G
New Orleans, LA 70118
504-865-5982

<http://www.law.tulane.edu/enlaw/>

Studies Show Antarctica & Greenland Continue to Melt, Sea Levels Continue to Rise

The New York Times published an [article](#) on rising sea levels and vanishing coastlines, citing a study by the Nature Climate Change. The [study](#) showed that no matter what is done to cut pollution, even if it were to end immediately, we are unlikely to stop the fact that seas will rise *at least* five feet. With more than six million Americans living on land less than five feet above the local high tide, the effects could be devastating. NBC World news has also [reported](#) on rising sea levels, citing a second study published in the journal Science, which also came out with similar projections. The [study](#) cited the fast-paced melting of Antarctica and Greenland as reasons for changes in sea levels.

While Sea Levels Rise, Lake and River Levels Continue to Drop

While sea levels continue to rise, lake and river levels across our nation are seeing record drops in water levels. Atlanta Journal-Constitution [reports](#) Lake Lanier, located just outside of Atlanta, is battling a historic drought; if rain doesn't come soon, the city will face immediate water restrictions. The Detroit News [reports](#) the Great Lakes have also been affected by the national drought and rising temperatures. Lake Michigan and Huron have fallen to near-record lows and Erie, Ontario and Superior have already fallen below their historical averages. The effects are seen by way of heavy economic losses in transportation as well as recreation. Meanwhile, The New York Times [reports](#) water levels in the Mississippi River, which were already at record lows and impacting transportation, are in the middle of the Army Corps annual process of reducing the amount of water flowing from the upper Missouri River into the Mississippi. The process, which seems counterintuitive when the river is already low, is part of the Corps' master plan for maintaining irrigation systems and satisfying the region's water needs (*see Louisiana's objections below.*) The Columbus Dispatch [reports](#) Ohio officials are facing similar issues, but are citing the gas industry as the reason for river levels dropping. While drillers and Ohio officials claim there is water for everyone, critics fear the 161 new permits in Carroll County will place a strain on the area's freshwater supply.

Louisiana Officials Object to Corps Following Status Quo for Missouri & Mississippi River

It is not new. Every year the Army Corps reduces the amount of water flowing from the upper Missouri River into the Mississippi River to maintain irrigation systems and to balance the interests of agriculture and navigation. They are effectively "winterizing" the river in preparation for ice buildup and winter flooding. The problem, as seen by Louisiana officials, is that now is not the time to follow status quo. Mississippi River levels have already reached historic lows, financially impacting navigation in a way that is hard to ignore. Monique Farmer, a spokeswoman for the Corps, has responded by stating the Corps does "not have the legal authority to operate the Missouri River solely for the benefits of the Mississippi River." Some might and in fact do disagree. The New York Times [reports](#) the financial burden will be felt not just by industry, but by consumers when the cost of shipping materials goes up. State Agriculture Secretary Mike Strain has formally [asked the Corps not to reduce water flow](#). Meanwhile, river shipping trading groups have also weighed in and asked President Obama and FEMA to declare an emergency and prevent the Corps from reducing water flow.

A Good Week to be a Wetland: CWA Settlement Protects West Virginia Wetlands while Louisiana's Bayou Bienvenue Reclamation Project Sees Progress

U.S. EPA entered into an administrative consent agreement and final order ([CAFO](#)) with PDC Mountaineer, LLC (PDCM) for Clean Water Act violations included filling, relocating and placing culverts in streams and filling wetlands. The affected areas were "headwater streams," which means the starting point of a river; in this case the West Fork River. They store floodwater, reduce sediment and provide the cornerstone for freshwater dilution downstream. The company will pay a penalty of \$177,500 and complete mitigation projects at the four affected sites, but as part of the settlement terms will not admit to violating CWA. Meanwhile just outside of New Orleans, tangible progress is being made with [the Bayou Bienvenue Wetlands Triangle reclamation project](#). There has been a 50 percent drop in salinity after closing Mississippi River Gulf Outlet; the next phase will focus on restoration projects such as rebuilding cypress forests and protecting shorelines along Lake Pontchartrain and Lake Borgne. Wetlands are rare in West Virginia, occupying less than .4 percent of the state's land surface. Like all wetlands, they provide a natural filtration system, serve as important fish and wildlife habitat, and help prevent river flooding after storms.

Your BP Weekly Roundup:

It's been a busy media week for BP. U.S. EPA temporarily suspended BP from engaging in new federal contracts due to its ["lack of business integrity"](#) and criminal proceedings resulting from the Deepwater Horizon disaster. BP responded with a press release issued late Wednesday afternoon, explaining the suspension ["relates only to future potential contracts"](#) with the U.S. government and would have no effect on its existing contracts. However less than 24 hours later, Jeffery Woodward, Senior Director at Fitch Ratings is already declaring this ban to be ["short-lived."](#) Meanwhile, the three BP well site leaders on Deepwater Horizon have pled ["not guilty"](#) to the criminal charges stemming from the oil rig disaster. Robert Kaluza, Donald Vidrine, and David Rainey remain free on bond after their arraignments in federal court. Charges include manslaughter of the 11 rig workers due to their disregard of abnormally high pressure readings. Rainey is additionally charged with concealing information from Congress by lying about the amount and rate of oil leaking from the well. Meanwhile, Louisiana officials met on November 27 to discuss how to allocate BP money from the RESTORE Act, Criminal fines, and NRDA. The Louisiana Coastal Protection and Restoration Authority selected [certain major restoration projects](#) to begin the approval process from both federal agencies and non-governmental organizations; most but not all of the selected projects stem from the state master plan.