

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
August 16, 2017

## As the [Screw Pump Turns](#)...

When federal levees failed following Hurricane Katrina, it was a come-to-Jesus moment for hurricane protection in Southeast Louisiana. When the world economy went in the tank in 2008, it was a come-to-Jesus moment for Wall Street ([just kidding](#)). Now, in the fallout from the Sewerage and Water Board of New Orleans's handling of a downpour (not to mention the incredibly timed [turbine fire](#) a few days later) two weeks ago, water management in the city could be having its own come-to-Jesus moment. Where the city goes from here will be telling, but we have several issues to examine:

1. Political – a few years ago, Mayor Mitch Landrieu led an effort to [reorganize the SWBNO](#) that removed City Council's role overseeing the body and left the Mayor as president of the board. The Mayor may want to take [a do-over](#) on that one, but these are not [winter rules](#). There is no question where the buck stops, and it is not with a [civil servant or the president-pro tem](#) who actually sat in for the Mayor at board meetings (apparently). Some may be calling for a return to the old configuration, but that set-up was in place for decades – decades during which many of the problems with SWBNO grew—so it is hard to imagine that the path to better water management aims backwards.
2. Management – one of the first steps Mayor Landrieu has taken is opening up the idea of third-party management. The city has [hired CH2M](#) to make emergency repairs to the system for the short term. They are going to accept bids from third parties to study just what went wrong during this summer's floods. Veolia has been managing SWBNO's wastewater operations since 1991 (it's on year two of its most recent ten year contract), so this is not entirely new territory, but where it all goes from here is what we're all watching for.  
There are those calling for [complete privatization](#). Others call for [ending SWBNO's semi-independence](#) and bringing them entirely under city hall's control. Entirely privatizing a public water utility is [often a regrettable decision](#), but, clearly, changes have to be made. The need for changes at SWBNO isn't new. After all, that was why it was restructured in the first place. Obviously, it wasn't enough, and with a mayoral and

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 8, 2017**

[Fourth Annual River Symposium—Teche-Vermilion Watershed: Building on Regional Progress](#)

Vermilionville  
300 Fisher Road  
Lafayette, LA

**Wednesday, August 30, 2017**

[Louisiana Water Resources Commission](#)

11:00 a.m.

LaSalle Building  
617 North LaSalle Street  
Baton Rouge, LA

**September 14, 2017**

[Mayoral Forum on Flood Risk](#)

5:30 p.m.

New Orleans Jazz Market  
1436 OC Haley Blvd

## Water jobs:

[Director of Freshwater and Marine](#)

The Nature Conservancy, Texas  
Austin, TX

[Legal Fellow](#) (position # 12226431-071817)

National SeaGrant Law Center  
Oxford, MS

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City Council election coming up in November, the stakes have been raised. Its up to all of us in the city to [play your part](#) and make sure that the path SWBNO ends up on is both proficient and transparent.

3. Transparency & Communication – It was the lack of transparency and communication that was so [galling](#) and really lead to the firings last week. Since then, all parties involved seem to be doing their best to remedy the utility’s opacity. Good – even if it means the entire city getting [3:00 am emergency texts](#). The city is putting out [press releases](#) and [unveiling websites](#) it should have had a while ago, and SWBNO is even putting [cramped spreadsheets](#) about capacities out there for the public. These are the kinds of changes that we need to see continuing from our local government and utility, but we need to stay tuned-in and keep demanding this even after all the [insurance claims](#) have been paid off.
4. The Big Picture – For New Orleans, like so many other cities, water is both an asset and a risk, but how we manage our water is a complicated mess. Water from the Mississippi River is held back by levees built and maintained by the Army Corps of Engineers at a 1 in 1000 year level. Water that could be delivered from the Gulf of Mexico is held back by a system built by the Army Corps of Engineers to the 1 in 100 year level, but operated and maintained by a flood protection authority that spans parts of three parishes that don’t act (or fund) in unison. Protecting us from water from the skies at a 1 in 10 year level is (one of) SWBNO’s job(s), that really means getting rid of water once it’s on or in the ground, but actually managing our groundwater has been [one step beyond](#). That’s why our roads don’t last, SWBNO’s own pipes break, and our low-lying areas keep [lying lower](#). It’s a management patchwork that follows political boundaries and not hydrology. It’s why our neighbors in [Jefferson Parish](#) were so upset about SWBNO’s rough few weeks, too.

Maybe, just maybe, this month’s circus will be enough to make fundamental changes as to how we deal with our cities water resources and water threats. Ideas for doing that are already out there – [Living With Water](#), [the Front Yard Initiative](#), and [Resilient NOLA](#). To Mayor Landrieu’s and SWBNO’s credit, they had embraced these efforts, but it was clearly too little, too late to overcome deeper issues. Going forward it is not a few government officials who are going to have to get “water smart” but every New Orleanian has to have skin in the game – to keep the pressure for reform on, to support changes with both votes and dollars at the local, state, and federal level.

First things first, campaign season is in full swing, and this Institute is proud to be one of the sponsors of a mayoral candidate forum focusing on flood risk and environmental adaptation. The forum will be on [September 14<sup>th</sup> at 5:30 pm at the New Orleans Jazz Market](#). Come one, come all—and hope it doesn’t rain. And, candidates, remember that [with great power comes great responsibility](#).

### **Got a Super Cool Idea for State of the Coast 2018? Make a Proposal!**

Next week we’ll return to our regularly scheduled programming, but, since time is of the essence, we want to make sure everyone knows about the upcoming deadline for [session proposals for State of the Coast 2018](#). The conference is May 30 to June 1 in New Orleans, and the deadline for session proposals is September 11. So, [don’t Bogart your good ideas, my friend!](#)