

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

[March 27, 2020](#)

## The Water Stops in (Rural) Nevada

In Nevada, a state judge has once again [blocked](#) the Southern Nevada Water Authority (“SNWA”) from pumping billions of gallons of groundwater per year through a 300-mile underground pipeline, hopefully killing the project for good. The proposal for this pipeline is over thirty years old, originally proposed in 1989 but stalled over the years due to legal challenges and controversies. The pipeline would pump billions of gallons of water per year from rural Eastern Nevada into the more populous Las Vegas area.

Judge Estes, who wrote the order denying the SNWA’s appeal and effectively rejecting the proposal, called it “[illogical, contrary to state law, as well as arbitrary and capricious.](#)” This ruling establishes that the SWNA has no legal rights to use the water in this manner, and thus is a major [victory](#) for those opposed to the plan. This includes a variety of different groups, including the Great Basin Water Network, groups of regional Native American Tribes, the Church of Jesus Christ of Latter-day Saints, and multiple Utah and Nevada state counties. These groups, along with others, have argued over the past thirty years that allowing the SNWA to pump such a great amount of water and build such a large underground pipeline would significantly hinder much needed water resources in Southern Nevada, as well as harm biodiversity and ranching practices in the region. For now, the ruling leaves the proposal and project dead in the water, so to speak.

## Time is Like Water Down a Drain

Add [delays causing public health and environmental noncompliance](#) to the list of the myriad problems stemming from the COVID-19 outbreak. As many water utility and wastewater companies must wait out potential employee sickness and quarantines to ensure their output of water quality meets permitted levels during this pandemic, delays may become the norm. Therefore, many states have announced that they will be using greater discretion in enforcement for permit noncompliance for such companies throughout this time. In these states, including Oregon, California, Virginia, New York, and Oklahoma, pandemic-caused delays that result in noncompliance will not be penalized for the time being. However, this is not a total [get out of jail free card](#) for all companies during the pandemic- these delays must be “justified and documented.” The most common reason for such delays would be staff shortages. Employees who monitor or analyze water quality may not be able to go into work due to quarantining.

Other companies and cities have also asked the Environmental Protection Agency, or relevant state agencies, to relax enforcement throughout the pandemic, calling for [activation of their “Act of God”](#)

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:

[Abstract Submission Deadline for EPA Drinking Water Workshop](#); March 26

[CLIMATE2020 online climate conference](#); now – March 30

[Louisiana SciComm Virtual Summit](#); March 27

[Drinking Water Webinar: Drinking Water Regulations 101 and Best Practices for Training Utilities](#); March 31

[LA Watershed Initiative Grant Program: Local & Regional – Round 1 funding opportunity: Deadline for Eligible Applicants to Watch Pre-Recorded Webinar and E-mail Certification of such](#); March 31

[National Wildlife Federation EcoCareers virtual conference](#); April 1-2, 2020

[Application Deadline: Small Center Request for Project Proposals from Community-Based Organizations](#); April 1

[Solve Climate, “Climate Solutions for Louisiana” Webinar](#); April 7

[PFAS Webinar: Advanced Discussion of Site Investigation Challenges and Best Practices](#); April 7

[A Studio in the Woods Scholarly Retreat Application Deadline](#); April 13

[Public Comment Deadline for Certain CA Groundwater Sustainability Plans](#); April 15

[Public Comment Deadline for “Strengthening Transparency in Regulatory Science” Proposed Rule](#); April 17

### Water jobs:

[Attorney Advisor](#); U.S. Department of the Interior, Office of the Solicitor General; Atlanta, GA

[Climate Engineering Fellow](#); UCLA School of Law; Los Angeles, CA

[Idaho Director](#); Western Watersheds Project

[Rachel Carson Environmental Organizing Fellowship for Students](#)

[Various Positions & Locations](#); Earthjustice

[Executive Director](#); Washington Water Trust; Seattle, WA

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[provisions](#) as reasons for extensions in compliance. In response, an EPA spokesperson announced that the agency will be evaluating such claims on a case-by-case basis. This method all sounds well and good, but the EPA and state environmental quality agencies [are not immune](#) to staff shortages at this time, so extra work analyzing claims and ensuring that noncompliance is justified seems implausible and counterproductive, but hey, [who can say](#) how it will all play out?

### **Back in the Nile**

The United States has become involved as a sort of mediator (or interferer from [Ethiopia's standpoint](#)) in the contentious Nile dam project, reportedly to no avail. As a [refresher](#), Ethiopia has been constructing the [Grand Ethiopian Renaissance Dam](#), which would be the largest dam in Africa, on the Nile River. Ethiopia is doing so in order to produce electrical power and stimulate their economy. Egypt has historically been opposed to the project because of the importance of the Nile River to its citizens. It argues that this mega-dam will too quickly fill reservoirs with Nile River water that its citizens need in daily life and operations.

Now, the project is about 70% complete and Egypt is still opposed to it due to the potential consequences its citizens will face upon completion. So, last year Egyptian President Abdel Fattah el-Sissi asked the U.S. and greater international community, including the World Bank and [Sudan](#), to help find a solution for all of the involved nations to which Ethiopia would agree. Ethiopia believes that President Trump favors Egypt in the matter, as the U.S. put pressure on Ethiopia to get on board and sign a deal with Egypt and Sudan with regards to the contentious dam and its water usage. Therefore, Ethiopia did not attend most of the talks on the deal earlier in the year and is refusing to sign said deal. Gedu Andargachew, Ethiopia's foreign minister stated that the U.S. and World Bank cannot force the deal, and thus Ethiopia has begun drafting its own deal to resolve the deadlock between the three nations. [Many worry](#) that if an agreement is not reached soon, tensions may escalate and the region will devolve into [violence](#).

### **Looking for Lead in America**

To end on a positive note, EPA has done something good, in granting funds for lead testing in school drinking water. So far this year the EPA has issued [grants](#) amounting to over \$10 million and will be issuing up to [\\$26 million](#) for states to test their schools' drinking water for lead. This money is offered under the Water Infrastructure Improvements for the Nation Act in order to reduce lead contamination in drinking water in schools and childcare facilities, specifically in low-income communities. The EPA has been allotted approximately \$44 million and used this money to award grants to all 50 states since the beginning of 2019. Hopefully the [\\$1.19 million given to Michigan](#) can alleviate some of Flint's notorious lead problems and that community can finally access clean drinking water.

### **Have some extra time on your hands?**

The Environmental Film Festival, which was scheduled to be held in Washington, D.C. earlier this month but was canceled amidst the pandemic, has made more than 70 environmental films available online through March 31. Most of the films are free to the public. Some videos may be accessed for free on Vimeo with a password, while others require accounts with third-party providers such as Netflix, Amazon Prime Video, or Hulu. A list of all available videos can be found [here](#). The following films require a password on Vimeo:

- "Under Thin Ice." Password: Galafilm
- "80° North." Password: ice
- "Into the Dark." Password: Tromso
- "Our Own House." Password: PG
- "INBUILT — A Question of Environment & Price." Password: Inbuilt\_Widmer