

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
September 28, 2018

[How Can I Miss You When You Won't Go Away?](#)

The seas have calmed, and most of the [reporters](#) and [patriots](#) have found other winds to lean into, but for lots of people in North and South Carolina the [water just stays and stays](#). In point of fact, in some places the waters are still rising and the [nasty realities](#) of what is in some of that water is just now becoming clear. Which brings us to a point we have been meaning to make for quite some time.

Can we all show water a little more respect? Sure, hurricane winds are a thing, and, thanks to the [Saffir-Simpson scale](#), we can credential their power. But it wasn't wind that left thousands homeless in the Carolinas (2018) or Houston (2017) or Baton Rouge (2016) or New Orleans (2011). That was water. Water from rain and water influenced by [rising seas](#), or both. It was often water without a named storm attached to it or anything for the hurricane hunters to fly into. The point here is not that the dangers of hurricane winds are overemphasized but that the risks posed by acute rain events and chronic sea level rise are underemphasized. Way underemphasized. As a result, too many people and communities end up surprised and unprepared for the volumes and duration of floods. No one can be prepared for everything, and 30 inches of rain will be rough to manage no matter what you do. But if we are not planning to better manage occasional big water, then we are planning to be victims of it. Just know that and know that doing better [will be a work of will](#).

Out of Sight, Out of Mind, Out of Our Minds?—Ground Water in Michigan

[The envelope, please](#). If awards were given for bi-polar treatment of water, then [Michigan](#) just might be looking at blue ribbon. On one hand, the Great Lakes State can rightly claim some of Americas blue treasures. On the other hand, is there a place more infamous for rivers so polluted they burn or poison an entire city than Michigan? We didn't think so, but the [competition is stiffer than one would hope](#). Michigan's water troubles run deeper than the [Rouge River](#) and the Flint River—literally deeper—into the state's vast groundwater system. Long viewed as a nether-world beyond the reach of pollution or pollution control, Michigan's groundwater is now facing a significant pollution driven water crisis according to a [report from FLOW](#), a water advocacy and stewardship group. What can be done and what will be done are open questions, but the clear lesson is that the time to value water is before you lose it. Just ask [Cinderella!](#)

A Matter of Discretion

Sometimes it seems that the law has it in for groundwater. It has been described as so "occult, secret and concealed" as to defy legal

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:

[CPRA Board Meeting](#)
October 17, 2018
Cameron, LA

Water jobs:

[Executive Vice President/Executive Director](#)
American Water Resources Association
Middleburg, VA

[Mississippi River Network Policy Manager](#)
Mississippi River Network
Chicago, IL or location near MS River

[Postdoctoral Fellow](#)
River and Coastal Science & Engineering at
Tulane University
New Orleans, LA

[Assistant Professor, Environmental Law and Policy](#)
Colorado College
Colorado Springs, CO

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administration, even though it plainly isn't, at least any more. It has been largely [called out](#) of the [Waters of the United States](#) rules for the Clean Water Act as being too indirect a basis for linking waterways. Now it is accused of being "indiscreet", at least in the [4th](#) and [6th](#) Federal Circuits. The [9th](#) Circuit, on the other hand, finds groundwater to be plenty discreet—not with [secrets and personal affairs](#) mind you—but as a conduit for pollution into surface waters. At stake is whether the Clean Water Act's pollution discharge rules apply to water that moves into surface water via ground water instead of through a pipe. This split in the Circuits sets things up for the [Supremes](#) to decide whether such pollution should stop in the name of law and not just [in the name of love](#).

You Say You Want a Revolution, We're All Doin' What We Can

Water and climate are linked. Linked hydrologically, linked meteorologically, linked economically and linked politically. As a political topic, climate change has gotten shriller and more polarized in recent years, but the same does not appear to be true economically. Readers of TUWW know that insurers, bond raters and financiers are embracing the need to plan for rising seas and a changing climate. This week they were joined, at least sort of, by "Big Oil". At a meeting organized by the [Oil and Gas Climate Initiative](#), thirteen of the world's largest oil and gas firms (private and sovereign) [pledged to reduce their methane emissions](#) while simultaneously warning about moving too fast. Of course, the line concerning too fast and too slow is up for debate. More notable than the fact of the pledge is maybe the fact that Exxon, Chevron, and Occidental joined the OGCI shortly before the pledge and are covered by it. [Reactions have varied](#) but at the least [now that there is a resolution we would love to see the plan](#).

One More Time! Feels Like It's Time for Another Playlist (In Case You Missed it Last Week)

Besides talking about and thinking about water, there's nothing we like here at Chateau D'Eau more than talking about and thinking about music. We've managed to funnel that interest, along with TUWaterWays readers' help, into [a bevy of playlists](#) about our world of water. So here it is: a call for suggestions for our newest playlist. This one is going to have a theme of storms and hurricanes. Now, it can be difficult to parse out what is a storm song and what isn't. Storms have got to be in songwriters' top 10 favorite metaphors. So, let's say that a song about a metaphorical storm is okay, as long as the storminess is front and center. Take Garth Brooks' "[The Thunder Rolls](#)." The storm is a metaphor but there's also an actual storm, ya know? So, it's in. But Bob Dylan's "[Hurricane](#)" is only as stormy as a dude's nickname. So it's out. You've got your marching orders. Go down your YouTube and Spotify rabbit holes, and email your suggestions to Chris at cdalbom@tulane.edu. Good luck and good hunting!