

TUWaterWays

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

Won't You Join Us?

A whole lot of new, newness in this issue, so buckle up. We've recently released a couple of new [white papers](#). Did you see them and think, "I wish it was me writing super cool white papers like that"? Well, if you're finishing up law school this semester or finished up last year, it could be you writing super cool papers with us over next two years. That's because [the hiring process for our next postgraduate research fellow has begun!](#) The next fellow will join our team in August and be a vital contributor to our work for up to two years. Because it is intended as a postgraduate career launcher position it is only open to recent law school grads (including graduating this spring), so apologies if that's not you, but please share the posting with someone you know who fits the bill.

No, Really, Come Join Us

What if you're *not* a recent law school graduate looking for a fellowship, but you *are* interested in increasing your bona fides in environmental law or energy law without necessarily becoming a lawyer? We can help with that to!

Say what? Well, several years ago, Tulane launched an online Master of Jurisprudence program in Labor and Employment Law. It has been so successful that the [powers](#) that be decided to expand our offerings to include [Environmental Law](#) and [Energy Law](#), and last semester those programs were put under the [devastatingly handsome](#) leadership of professors [Davis](#) & [Dalbom](#). In the interest of helping them out, [the team here](#) at TUWaterWays agreed to let you, the fine readers of this very newsletter, know about this exciting new offering from Tulane Law School. Feel free to reach out to those guys if you've got any questions about it. They'd surely love to hear from you. Even if you [call them Shirley](#).

Not One, But Two New Studies Find Pollutants in Louisiana's Water and Soil

New Orleans' [Water Collaborative](#) recently published a [report](#) from [a project testing for pollutants](#) including PFAS and volatile organic chemicals in the Mississippi River's Industrial Corridor, aka Cancer Alley, where there has been a large amount of air testing, but little water testing. The project did find the pollutants at multiple testing sights, and they're not things you want to find anywhere. But, honestly, it feels like that junk is everywhere, and it was something of a relief the study results weren't even worse than they were. Of course, that in no way means we should just accept the situation at those sites where alarmingly high levels were found. Luckily, the study was set up to be just the first step in heightened community

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:

[Tulane Environment and Energy Law Society's Environmental Law Summit](#); March 17 and 18 New Orleans.

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

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

Water jobs:

[Communications Director](#); Healthy Gulf; Multiple Locations

[Assistant Professor of Marine Affairs: Fisheries Management and Policy](#); University of Rhode Island; Kingston, RI

[Restoration Programs Director](#); Coalition to Restore Coastal Louisiana; New Orleans, LA

[Regional Watershed Coordinator](#); Capitol Region Planning Commission; Baton Rouge, LA

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

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

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understanding and involvement in addressing pollution. How we support those communities going forward will be the real test. Not of the study's value but for all of us.

The national advocacy group [Environmental Integrity Project](#) also [tested for \(and found\) water pollution in Louisiana](#) as part of [a national study of the pollution entering waterways from 81 different oil refineries](#). The study found disturbingly high amounts of water pollution from the refineries and took to task the EPA and state agencies for not doing their job to properly regulate the refineries nor enforce their regulation. Unfortunately, it's an example of a situation that we see far too often: an agency is charged with a duty and given legal authority, but the reality is that they lack the political power to actually carry them out, and those who could have that power aren't interested in spending it fighting politically plugged-in industries. That, sadly, isn't new.

What's Next for the Colorado River?

Something else that isn't new: there's simply not enough water in the Colorado River to meet all the demands upon it. Last year, the Bureau of Reclamation told the seven states party to the Colorado River Compact that the federal government could act unilaterally if the states didn't come to an agreement for using the river as it actually exists and not the way it was a century ago. Well, this week [six of those seven states reached an agreement](#) over [a framework that they forwarded](#) on to the Bureau. And the seventh? If you've been paying attention to the Colorado River battles, it probably won't surprise you that it's California, the state with the most senior water rights, and it turns out that they're not interested at all in giving up those rights that form the basis for water use rights in the American West. Later in the week, the Golden State [forwarded their own framework](#) on to the Feds. Along with those proposals, the two sides also engaged in some sniping in the media. Someone from the six states [let the press know](#) that during negotiations California proposed a model that cut off water supplies to Las Vegas and Phoenix while maintaining those senior rights for California agriculture. On the other hand, California's [negotiator pointed out](#) that any cuts in water to California agriculture would harm poor agricultural laborers the most. Noted joiner Senator Kyrsten Sinema of Arizona called on California to join the team of the other six states so they don't all have to be at the mercy of the federal government for which she works.