

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
January 26, 2016

## Florida's New Water Law

As Flo Rida prepares to take the stage at the [2016 New Orleans Jazz & Heritage Festival](#), the state that bears his name has [overhauled](#) its water law. Despite calls from [environmental groups and former Governor Bob Graham](#) to veto the legislation, Governor Rick Scott refused to [drop it \(as if it were hot\)](#). He signed the [2016 Florida Springs and Aquifer Protection Act](#) into law last Thursday (Jan. 21).

Among other things, the law creates a new class of protected waters: "Outstanding Florida Springs." The law requires minimum flow levels (MFLs) to be adopted for designated springs. The MFLs should maintain a reliable [even flow](#), and prevent the spring water from getting too [low](#). [Down by the river](#) (the St. John's River, that is), the law affirms and supports the work of the Central Florida Water Initiative (CFWI) to develop a multidistrict water plan in an area where longstanding agribusinesses are getting [uptight](#) about scarcity. When [it's raining](#), the crops have water, but [when it's not always raining](#) farmers have to [pump it up](#) from the ground. Hydrologists believe the underlying Floridan Aquifer is [close to tapped out](#). The new law directs the CFWI to establish a management scheme to address these issues. Finally, the law establishes a pilot program to encourage development of alternative water resources by, for example, providing grants to businesses that take on the [dirty work](#) of wastewater reuse.

Some worry that the quality of the state's water resources will be the real [loser](#), as pollution protections once considered among the nation's best are [slip sliding away](#). [Critics](#) also point to "effusive" support from industry groups as evidence that while the new law pays lip service to conserving water, it's really designed to [give it away](#). [Others are worried](#) that the state has neither the funds nor the capacity to adequately enforce the new regulations. [Ready or not](#), the law takes effect July 1, 2016.

## Skinflints Burn Flint's Skin

Flint, MI, is in the midst of a water crisis that has caused acute health problems like [skin rashes](#), and exposed thousands of children to dangerously high blood levels of lead. Disturbingly, it appears that the crisis could have been mostly avoided for [\\$100 a day](#).

For decades, Flint purchased treated Lake Huron water from the City of Detroit. In 2013, a state-appointed emergency manager recommended that Flint join the proposed

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:

[Tulane Environmental Law Summit](#)  
New Orleans, LA  
February 19-20, 2016

[Center for Natural Resource Economics & Policy](#)  
New Orleans, LA  
March 20-22, 2016

[State of the Coast 2016](#)  
New Orleans, LA  
June 1-3, 2016

[Summit on Coastal and Estuarine Restoration](#)  
New Orleans, LA  
December 10-15, 2016

## Water jobs:

[Clean Water Advocate](#)  
Environment America

[Professor of the Practice/Managing Attorney](#)  
Virginia Coastal Policy Center,  
William & Mary Law School  
Williamsburg, VA

[Staff Attorney](#)  
Tennessee Clean Water Network  
Knoxville, TN

[Public Outreach Coordinator/Education Specialist](#)  
CWPPRA/The Wetland and Aquatic Research  
Center  
Lafayette, LA

[Assistant Water Program Leader](#)  
Forest Service  
Washington, D.C.

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[Karegnondi Water Authority pipeline project](#), and save money by cutting out the Motor City middleman. The City opted to use the Flint River as a temporary water source until the KWA pipeline was complete. Then the emergency manager, to raise a little extra cash, [sold off the old pipeline](#) connecting Flint to Detroit.

The Flint River is notoriously noxious, and studies showed abnormally high levels of chloride, a corrosive agent, in its water. Chloride alone might not have been a big problem, except that the [highly corrosive water](#) had to pass through Flint's aging network of lead pipes en route to the tap. Lead pipes (not just a health hazard in the hands of [Miss Scarlet in the Conservatory](#)) leached the toxic metal into the drinking water and exposed Flint residents, especially children, to [lead poisoning](#). For \$100 a day, experts say, the water could have been treated to prevent corrosion, and [90% of the problems could have been avoided](#).

Despite the fact that citizens began complaining almost immediately, the Michigan Department of Environmental Quality [insisted](#) that the water was safe (even after [GM refused to use it](#) at an engine manufacturing plant). Only in October of 2015, 16 months after the switch, did MDEQ admit it "[made some mistakes](#)" with respect to protocol.

Now a [federal emergency](#) has been declared, providing \$5 million to assist the people of Flint. Gov. Rick Snyder is asking the state legislature for [\\$28 million](#) to begin to address the crisis (not including the [millions](#) already spent to [reconnect to Detroit's water system](#)). And it's anybody's guess how much the [long term health effects](#) will cost the city, the state, and the nation. What began as a cost-saving measure has turned into a tragic (and expensive) national embarrassment. If there is any silver lining it may be the increased attention on [widespread problems](#) with [lead in drinking water](#), and if there's one lesson to be salvaged from this calamity, it's that cash-strapped governments should look elsewhere to save money before cutting corners on drinking water infrastructure.

### **Rainbow Nation Desperate for Rain**

We report on California's historic drought with some frequency, but it's far from the only part of the world in need of rain. South Africa is in the midst of its worst drought in over 30 years. 2015, a year of [climate extremes](#) around the world, was the [driest year on record](#) (going back to 1904) for South Africa. The vast cornfields that produce "[pap](#)" (think grits meets polenta), a staple food for much of the population, are drying up. The crop failure is driving the [price of corn](#) way up, causing hoarding and concerns that drought's longtime running partner, famine, might be around the corner.

South Africa is a [semi-arid country](#) even in good times, and the record-breaking El Niño, which draws moisture away from the south and drops it in east Africa, hasn't helped. Still, for many South Africans, the [blame falls heavily on the national government](#). Few new reservoirs have been constructed in the last 20 years, despite the fact that rapid urbanization and immigration have strained water supply. Believing that the heavy summer rains would never fail, the government has mostly deferred investment in water infrastructure and conservation, while at the same time supporting thirsty mining and energy projects. Even the best-laid plans would not have prevented the dry weather, but you shouldn't need a [shirtless Donny Osmond](#) to predict that times of abundance might not last forever. If leaders don't plan for lean years before they arrive, there's nothing that a hundred men (or more) could ever do but hope, pray, and [bless the rains down in Africa](#).

### **And the Winners Are...HUD Announces Resilience Grants (and The Big Easy and Louisiana are On the List)**

Way back in the 2014 the Federal Department of Housing and Urban Development kicked off a chance for states and communities to vie for \$1 billion in a [National Disaster Resilience Competition](#). After months of nail biting anticipation HUD has [announced the winners](#)—8 states and 5 communities. The idea is to kick start projects that make a difference and to do it with four years.

Among the recipients to the tune of [\\$141 million](#) is the City of New Orleans (no not the train) to fund a revolutionary (for it) stormwater management plan. For a city that gets upwards of 60 inches of rain a year, the concept is simple: plan for some parks and open spaces to flood occasionally so streets, homes and business flood less occasionally. That kind of thinking is central to the New Orleans Metropolitan Urban Water Plan that was developed in 2014. As is the case with most great ideas, there is a gap between the thinking and the doing, and the doing focuses public attention a whole lot more. With the NDRC funding, those plans and community acceptance will get an actual try out. The State of Louisiana also got \$92 million to assist with its

plans it improve community resilience in its disappearing coastal zone including the possibility of relocating the Native American community on Isle de Jean Charles.

Other winners include the States of New York, New Jersey, Virginia, California, Iowa, Connecticut, and Tennessee and the communities of Minot ND, Shelby County TN, New York City, and Springfield MA.

### **Call for Abstracts**

The 10<sup>th</sup> Annual Louisiana Groundwater, Surface Water & Water Resources Symposium is scheduled for March 24 & 25, 2016. The Symposium will be held in the Dalton Woods Auditorium of the Energy, Coast, & Environmental Building at LSU in Baton Rouge. Abstract titles will be accepted until Feb. 11, with abstracts due Feb. 25. More information [here](#).

### **Go Ahead, Make Their Day**

Surely you know someone who has done a good turn for coastal Louisiana, someone worthy of a shout out, a pat on back, an inducement to keep plugging away. Well then, you might want to nominate them for a Coastal Stewardship Award from the Coalition to Restore Coastal Louisiana. Click [here](#) for more information.