

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
September 20, 2018

What [Florence + The Rain Machine](#) Can Teach Us About Water Infrastructure and Land Use

It's when we're way out at the end of the [bell curve](#) that we learn the most. When push comes to shove. That's when weak spots are most exposed. Like when record-breaking drought showed the weakness in California ignoring groundwater management for more than a century, Hurricane Florence is exposing some challenges that we are going to have to come to terms with if we're going to thrive in the 21st century.

This week Florence has killed dozens of people, and every one of those deaths is a tragedy. These deaths have been the kinds typically associated with hurricanes and tropical storms – [flooded cars, falling trees, and electrocution](#). The scale of the other tragedies of this storm is still unfolding. So far, [5,500 pigs and 3.4 million chickens](#) have been reported dead. Where there are pig farms, there are waste lagoons, and there are more pig farms in eastern North Carolina than in anywhere else in the country other than [Iowa](#). North Carolina has 3,300 waste lagoons, and 17 (and that could be as high as [77](#) soon) have been self-reported by farmers as damaged or overflowing – potentially releasing all sorts of bacteria into the region's floodwaters. Also spread across the state are [50 coal ash ponds](#), at least one of which has been breached. Plus, in less of a Tarheel-State problem and more of an everywhere problem, [sewage plants](#) have been inundated, as well. And, coal ash pits [in South Carolina](#) are at risk, too.

If you had told North Carolinians back in May or June that a category 1 hurricane was going to make landfall near Wilmington, it's unlikely that they would have envisioned the kind of damage visited upon the state this week. That's because we are still waking up to the fact that catastrophic rainfall is happening on an increasing basis. Within the last few years we have had more rain events (not always associated with a named storm) of [20](#), [50](#), and even [60](#) inches of precipitation. Is your city or state equipped to deal with [this new normal](#), with even 20 inches of rain? No! Just 11 inches of rain with Hurricane Irene in 2011 caused deaths and the flooding of almost every river in [Vermont](#). The point being that it's now clearly time for all of us, not just those along the coasts, to reassess how we build and plan and to embrace the changes we need, not quail at the costs. As Hurricane Florence is showing, [we're going to pay](#) whether we act or not. If we've gotta pay, shouldn't we get something better out of it?

Time to [Join Cosmo Kramer for a Swim?](#)

Congrats to New York's Department of Environmental Protection—their investment of [billions of dollars to improve sewage facilities](#) is paying off. A new [report](#) shows that New York Harbor's

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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water quality is the best it's been since the city started monitoring in 1909. [The best, Jerry, the best!](#) The [returning whales](#) had better watch out for [Kramer's Titleist](#), though. There may not always be a [marine biologist](#) on hand.

Your “Does the Waters of the United States Rule Apply to me?” Update

About a month ago, a court in South Carolina ruled that the EPA rule to formalize the boundaries of the application of the Clean Water Act applied to twenty-six states. You read about it [here in TUWaterWays](#). Well, that news from August is already out of date! That's because a judge in the Southern District of Texas put a hold on the rule [in Texas, Louisiana, and Mississippi](#) last week. And this week, a judge in North Dakota put the rule [on ice in Iowa](#). More wrangling to come, surely.

Feels Like It's Time for Another Playlist

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!