

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
October 22, 2021

## Shhhhh...

While many of you are surely inclined each week to perform dramatic readings of TUWaterWays upon its arrival in your inboxes (if any of you actually do this, please send videos), this week, we encourage you to read in a hushed whisper. This is, of course, to honor [Jersey City's newest installment, "Water's Soul."](#) Unveiled yesterday, the 80-foot tall statue overlooking the Hudson River depicts a resolute woman with a finger to her lips. Since its assembly began in August, observers have [suggested interpretations](#) ranging from telling NYC residents to keep their city a secret to telling NYC to [quiet down](#). However, according to the artist, Jaume Plensa, the piece's intended message is that "we must join together to protect water as one of the most precious elements in nature. It is not owned by anyone but belongs to all of us. Water is the source of life, and 'Water's Soul' is a celebration of life." Hopefully you'll recall this message the next time you're kept awake through the night by the bathroom faucet that simply will not stop dripping.

## Look! Up in the Sky!

Is it a bird? If so, it may be headed in the wrong direction, as [smoke from western wildfires may be disrupting migrations](#). Is it a [plane carrying thousands of liters of potable water](#)? Well, if you're a resident of Iqualuit, Canada—maybe. Is it a [Cold War-era satellite surveilling water usage by California farmers](#)? It sure is.

By now, we're all aware that water is becoming an increasingly rare commodity in many Western states. Accordingly, the laws and regulations governing water in the West are cracking down on consumption and [farmers are arguably being hit the hardest by early cuts](#). Some jurisdictions have tried to protect state aquifers by [limiting farmers' groundwater usage](#). Only one problem: how does the government enforce pumping limitations when it doesn't even know the number or location of wells?

In Central California's [Tulare](#) County, local officials turned to the sky for solutions. The new technology pairs satellite images that identify crop types with on-the-ground monitoring systems tracking wind speed, heat, and humidity to predict the level of water consumption by any given farm. Perhaps NASA could point its satellites a bit further south to help identify the illegal [marijuana farms wreaking havoc](#) on the Orange County environment with toxic pesticides and other waste.

Furthermore, Tulare isn't the only California region to turn to novel technology amid growing drought concerns. Last week, a regional water-planning agency in the Inland Empire approved a four-year [cloud-seeding pilot project](#). There's no doubt that the

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:

[ELI Webinar: Advancing Environmental Justice and Climate Change through Pro Bono Initiatives](#); Oct. 27

[Save Ourselves, Then & Now: Revisiting LA's Public Trust Doctrine](#); Nov. 12

## Water jobs:

[Associate Attorney](#); Sher Edling LLP; San Francisco, CA

[TMDL and Water Quality Improvement Lead](#); State of Washington Water Quality Program; Lacey, WA

[Program Operations Associate](#); The Ocean Foundation; Washington, DC

[Senior Attorney, Fossil Fuels Program](#); Earthjustice; New Orleans or Texas

[Senior Manager, Environmental Policy \(EMEA\)](#); Amazon; Brussels, Belgium

Louisiana Bucket Brigade; [Campaign Director](#), New Orleans, LA; [Economic Development Manager](#), River Parishes, LA; [Liquefied Natural Gas Campaign Coordinator](#), Lake Charles, LA

[Staff Attorney](#); Great Rivers Environmental Law Center; St. Louis, MO

Sierra Club; [Gas Exports Campaign Representative](#), New Orleans/Gulf Coast, LA; [National Distributed Organizing Representative](#), LA/TX/DC

[Adaptation Program Director](#); Georgetown Climate Center; Washington, D.C

[Sustainability/ESG Director](#); PwC; multiple locations

[Research Associate](#); University of New Orleans; New Orleans, LA

[Outreach Coordinator](#); Coalition to Restore Coastal Louisiana; New Orleans, LA

6325 Freret Street, 1<sup>st</sup> Floor  
New Orleans, LA 70118  
504-865-5982

[tulanewater.org](http://tulanewater.org)

TWITTER: [@TulaneWaterLaw](https://twitter.com/TulaneWaterLaw)

Golden State is getting more creative with how it manages its water, whether it's on the surface, underground, or in the atmosphere. We can't help but feel a tinge of sympathy for former Governor and avid [satellite-supporter](#) Jerry Brown who has shouldered the nickname "[Governor Moonbeam](#)" for more than forty years only to have satellites used in environmental enforcement measures two years after his departure from office. And while we're on the topic of Golden State, well done, [Mr. Stephen Curry](#).

### **Do you drink water? Do you prefer water that doesn't give you diseases? [Then we have just the news for you!](#)**

A new [study](#) published in *Water Resources Journal* this week reports positive results on an [innovative technique for identifying contaminated drinking water](#). Existing testing methods required well-trained personnel and sterile equipment and took days to deliver results. The speed and accuracy of this new technique could have drastic impacts around the world, as consumption of contaminated water, and specifically water contaminated with human and animal feces, presents a serious and widespread global health threat. Fecally-contaminated water can transmit diseases such as diarrhea, cholera, dysentery, typhoid, and polio. Poor sanitation has even been linked with [malnutrition in well-fed children](#). And if that wasn't bad enough, guess what else fecally-contaminated water can contain? [PFAS, apparently!](#) (Did you really think we weren't going to talk about PFAS? [Do you even know us at all?](#))

It seems those pesky cancer-causing 'forever chemicals' are finally getting their [moment in the limelight](#). If you recall, a few weeks ago, EPA proposed [preliminary guidelines for PFAS](#) that focused on wastewater sources. This week, EPA followed those up with a [Strategic Roadmap](#) outlining how it plans to regulate PFAS in other sources over the next three years. A major part of this plan includes drinking water monitoring and protection, demonstrating a departure from the [Trump administration's refusal to limit PFAS and PFOA levels in drinking water](#). While the plan provides a promising future, it does little to address the injuries already inflicted by companies that for decades [misled the public and the government while knowingly poisoning communities and the environment](#).

### **A Pause on [Mining](#) Near Boundary Waters**

If you're wondering what happens when an [unstoppable force meets an immovable object](#), you'd be best served contacting someone in Tulane's physics department. But if you're wondering what happens when the world's largest undeveloped copper-nickel deposit lies beneath the nation's most visited wilderness area, we've got you covered. On Wednesday, the Departments of the Interior and Agriculture [proposed a 20-year mineral withdrawal](#) to protect the Boundary Waters Canoe Area Wilderness and surrounding watershed. The process will begin with a two-year study on the environmental and socio-economic impacts of mining in the area and could mean the land will be barred from new mining claims for two decades.

This development poses a setback for Twin Metals Minnesota's proposed sulfide-ore copper mine in the area. While the company and other industry supporters have expressed [disappointment](#) with the withdrawal study, environmentalists have [praised the decision](#). Although mining companies typically tout that they can mitigate environmental impacts, there are [currently no sulfide mines in existence that don't pollute groundwater](#). And Twin Metals' proposal isn't any old mine—the company has described the plan as an "[underground city](#)" on par with the largest mines in the world. Don't expect Twin Metals to give up the fight just yet, but it looks like Boundary Waters is safe for now.

### **Finishing With a Good Note (Unless You're a Bolton Supporter)**

We may be playing it a little fast and loose with the concept of "water news" now, but we make the rules around here! So please enjoy this video of Plymouth Argyle F.C. scoring what has to be one of the [wettest and whackiest goals ever](#) in a performance that feels straight out of [The Longest Yard](#).