

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
August 5, 2014

Holy Toledo! New Emergency, Old Problem: Toxic Algae in Lake Erie

The water ban for 400,000 people in northeast Ohio was lifted yesterday morning, and the tap water is now [safe to drink again](#). The algae bloom that caused the toxic conditions does not represent a new phenomenon. Just east of Toledo in Ottawa County, 2,000 residents experienced the same drinking water ban last September. A much larger bloom stretched across the southern shore three summers ago, much to the dismay of vacationers looking to cool off. Toledo is getting the brunt this time because the most concentrated part of the bloom settled right in front of Toledo's municipal supply intake pipes.

The shallowest of the Great Lakes, Lake Erie has relatively warm water and is therefore more hospitable to algae blooms. Add in farm runoff and sludge from sewage treatment plants, and you've got a problem. And it doesn't look like it's going away anytime soon (barring adopting of new farming and [wastewater strategies](#)). The amount of phosphorus finding its way into the lake has [increased every year](#) since the mid-1990s, according to Jeff Reutter, head of the Ohio Sea Grant research lab. Ohio lawmakers attempted to [address the problem](#) in the last legislative session by offering voluntary training for farmers looking to use commercial fertilizers; however, no mandatory measures have been implemented. Mayor Collins thinks this will be a wakeup call for the 11 million people that get their drinking water from Lake Erie and hopes for more comprehensive action to [secure potable water sources](#) and improve water quality. Sipping our Mississippi River water and looking out over the Gulf's [Connecticut-sized dead zone](#), down here in Louisiana we say amen to that.

Sao Paulo Drought

With roughly 20 million people, Sao Paulo is South America's biggest city. After a dry rainy season and forecasted dry dry season, government officials warned last week that the city's biggest reservoir, which supplies about 45% of the city's water, is [at risk of running out of water](#) within 100 days. The options are few. Federal prosecutors want immediate water rationing. The Sao Paulo state's water company, Sabesp, insists that rationing "would [penalize the population](#) and could produce the opposite effect." It says that incentive programs, like one that offers 30% discounts to customers who reduce usage by at least 20% of their yearly average, have produced

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 Law School on the Red River](#)

August 14, 2014

Red River National Wildlife Refuge, LA

[A Coastal Conservation Conversation](#)

August 20, 2014

Loyola University's Miller Hall

[WEFTEC 2014](#)

September 27-October 1, 2014

Morial Convention Center

New Orleans, LA

[Restore America's Estuaries and Coastal Society](#)

[Summit on Coastal and Estuarine Restoration](#)

November 1-6, 2014

Washington, DC

Water jobs:

[Water Resources Manager](#)

National Wildlife Federation

Water Protection Network & MS River Network

Washington, DC

[Communications Director](#)

Coalition to Restore Coastal Louisiana

Baton Rouge, LA

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the same effect as a 36 hours on, 72 hours off rationing regime. So far, the state's governor Geraldo Alckmin is publically siding with Sabesp, but the feds have given the governor until the end of the week to come up with a plan to deal with the shortage.

When It Comes to RESTORE Dollars, "Don't Fritter!" Says Vitter

Following an [update from the RESTORE Council](#) announcing a proposal submission and evaluation process, the Senate Commerce, Science, and Transportation's Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard [held a hearing](#) on the progress and challenges facing the RESTORE Act. While lawmakers are getting antsy for regulations from the Department of the Treasury, which must be finalized before monies can start flowing through the RESTORE Act, some focused on how those monies will be spent, specifically with respect to pot three. For those needing a refresher on the five pots of RESTORE Act dollars, [read our white paper](#). Senator David Vitter made it clear that he wanted the RESTORE Council to refrain from "[nickel and dimeing](#) the[] funds" it oversees for a comprehensive gulf coast protection and restoration plan.

Two days later, the Department of the Treasury issued a [notice of proposed rulemaking](#) regarding the direct component as it applies to Louisiana and its coastal parishes. Treasury resisted Louisiana's request for additional elements in the disbursement formula beyond the three delineated by Congress: weighted average of miles of parish shoreline oiled, weighted average of the population of the parish, and weighted average of the land mass of the parish. Treasury will also use 2012 data for determining population and oiled shoreline.

Back in court last Friday, BP filed a [formal petition](#) with the U.S. Supreme Court, appealing the 5th Circuit Court of Appeal's decision to uphold the multi-billion dollar settlement for damages suffered after the 2012 *Deepwater Horizon* oil spill. BP argues that the class-action settlement violates the [Federal Rule of Civil Procedure 23](#) and [Article 3](#) of the U.S. Constitution because the class includes some parties who did not suffer injuries caused by BP. The fact that there is a split between the Circuit Courts on this question increases the odds that the high court will grant certiorari. The Supreme Court [could decide](#) on whether to hear the appeal in its next session by October.

A Truly Exceptional Drought in California

California just can't seem to catch a break these days with its [wildfires](#), [historic drought](#), and [potentially drought induced earthquakes](#). The latest U.S. Drought Monitor Map labeled 58% of the state as experiencing "exceptional drought", the worst of five stages of intensity. This reality is leading some people to start envisioning [what happens if the rain never comes](#).

Army Corps Wants Your Thoughts on WRRDA

With roughly two months since President Obama signed [WRRDA](#) into law, it's safe to say we've all poured over every word of the legislation. Okay, maybe not every word but certainly enough that folks are forming some informed opinions about the Act. Now there is a place to take some of those thoughts. The Army Corps of Engineers will be holding [listening and public comment sessions](#) in the coming weeks to determine how it will implement certain provisions. We encourage you to participate in the meetings via the web or phone or written comments.

PSA for Louisiana Water Well Drillers

The Louisiana Office of Conservation has a goal of 100% compliance with state regulations for water well installation and reporting. To help achieve that goal, it created a [Water Well Compliance Line](#), which people can call and anonymously report unlicensed drillers or other violations. If you have reportable information, call now. Operators are standing-by.

Going to be in Shreveport on August 14th? Join Institute Director Mark S. Davis for a presentation about the future of water management in Louisiana and on the Red River.

You've made it to the bottom of page 2. You must really care about water law and policy. Perhaps you're also going to be in the Greater Shreveport-Bossier City Metroplex on August 14th? If so, please consider joining us for a reception and presentation at the Red River National Wildlife Refuge. Details can be found [here](#).