

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

[April 9, 2021](#)

## Getting to the (Piney) Point

As one of the pillars of the “[Green Revolution](#)” of the 1950s and 60s, plant fertilizers helped transform global agriculture and fend off a global hunger and starvation crisis. Yes, it did those things, but behind the headlines and the [prizes](#) lay costs and impacts that got little to no attention. It turns out that producing fertilizers leaves behind lots of waste, like that in stored in old phosphate storage reservoirs in Piney Point, FL (not so far from Tampa). And unlike the ephemeral benefits from a season’s harvest, those waste sites persist. If they were in isolated inert places, maybe that would be okay, but all too often they are located on porous shifting soils that make them problems waiting to happen. Like, again, in [Piney Point where millions of gallons of polluted water threaten to inundate the surrounding area, thanks to leaks that have developed that could cause the containment walls to fail](#). Florida’s Governor declared a state of emergency and ordered the evacuation (since lifted) of the surrounding area until things sort themselves out—either by the collapse happening, stabilization of the walls, or reservoir drawdowns. In that latter case, the polluted, nutrient rich, possibly radioactive (that is a subject of dispute) waters are being transported into Tampa Bay, where nothing bad could possibly ensue. [So, while the worst seems to have been averted this time it is a reminder that planning for these situations maybe the best way to go](#). Of course, maybe having a bankrupt company store gobs of waste in a vulnerable location and then pass the buck to state and local officials while threatening the lives, property, and well-being of nearby residents (not to mention the health of Tampa Bay) was the plan; in which case, [well done](#).

## Let’s Make a Deal

So, you think that water wheeling and dealing is just for the big guys like the State of California and those angling for some of the Colorado River? Au contraire Mon Frere, these days it is for everybody. Case in point: the city of York, Pennsylvania has just inked a [deal to sell its waste water system to Pennsylvania American Water for \\$235 million](#) plus making some commitments for service upgrades. Why in heaven’s name would anybody buy a sewerage system. Prestige? Lost a bet? Peer pressure? Maybe, but we suspect there is money to be made somewhere in this picture. Case in point number 2: Weed, California. The tale of Weed [began some 5 years ago](#) when Roseburg Forest Products, which supplied Weed with water from a spring on Roseburg’s property for a \$1 per year, decided to sell that water to Crystal Geyser Roxanne, a bottled water company, for a lot more than \$1 a year. Disputes, lawsuits, and

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:

[WRDA 2020 Army Corps Implementation Comment Stakeholder Session: Any Provisions](#); April 13

[NACWA Webinar: Security Threats Facing Today’s Clean Water Utilities](#); April 20

[EPA Webinar: Addressing and Managing Plastic Pollution](#); April 21

[ABA 50<sup>th</sup> Spring Conference on Environmental Law](#); April 27-30

[Water Week 2021](#); April 25-May 1

### Water jobs:

[Zoning Regulatory Administrator, St John Parish the Baptist](#), LA

[Assistant Director For Policy and Assistant Professor in Environmental Policy and Ecology](#); University of Georgia; Athens, GA

[Executive Director](#); Bayou City Waterkeeper; Houston, TX

[Manager of Equity and Resilience Programs](#); Groundwork USA; New York City, NY and Boston, MA

[Director, Sustainable Land Science](#); Conservation International; Arlington, VA

[Associate Research Scientist, Marine Protected Areas and Climate Change](#); Conservation International; Santa Barbara, CA

[Designer/Planner](#); Center for Planning Excellence; Baton Rouge, LA

Multiple Intern Positions with Conservation International: [Geospatial Trainer](#); [Conservation and Sustainable Development](#); [Climate Adaptation Science Intern](#); [Conservation Atlas Intern](#); [Evidence Review of Natural Climate Solutions Intern](#); [Indigenous and Community Lands & Climate Intern](#); [Wildlife Insights Business Development](#)

[New Orleans Policy Manager](#) and [Climate Coordinator](#); Alliance for Affordable Energy; New Orleans, LA

[Senior Staff Attorney](#); San Francisco Baykeeper; San Francisco, CA

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general ugliness ensued—including an unsuccessful “SLAPP” suit (strategic lawsuit against public participation) filed by Roseburg against Waters for Citizens of Weed and its nine individual members. [Word now comes that cooler heads have prevailed and a deal has been struck](#) to let Roseburg sell its water rights to Crystal Geyser which will in turn sell partial water rights to Weed for \$1.2 million, which is a lot more than \$1 a year, but a lot less than the cost of having no water whatsoever. Whether many communities of 2,700 with a median household income of \$75,000 could have hung in there is fair question. But at least everybody ultimately got what they needed and some lawyers got paid, which makes this pretty much a [fairy tale ending](#).

### **It Never Rains in California...**

It looks like the Golden State is going to be [more golden-brown than golden if California’s survey of mountain snowpack and regional drought projections are any indication](#). All of this is leading to predictions that the state is heading into another “megadrought.” Following a dry 2020 that saw the State Department of Water Resources only delivering 10% of requested water, the prospect is that deliveries will drop to 5% this year. One upshot of all of this is the likely need to revisit—yet again—the way the Colorado River is used and shared. The warming climate is not helping any, either, with more precipitation falling as rain instead of snow. The beauty of snow is that it essentially is a beautiful, fluffy, slow discharge reservoir that does not require dams, pumps, and land rights. That is all part of some significant changes in precipitation patterns in the Southwest over the past half century. But don’t take our word for that, check out this [new paper published in Geophysical Research Letters](#). The paper, based on 5 decades of recorded observations, finds that not only is the region getting hotter and drier but that when it does rain, it does so less frequently but often more intensely. In fact, we hear that in California, [when it rains, man, it pours](#).