

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
June 3, 2013

## ***Just Add \$10 Billion: Army Corps Gives Thumbs Up to Morganza Levee***

A 98 mile levee system in south Louisiana would be cost effective to build according to the Army Corps of Engineers. The Morgana to the Gulf (which neither starts in Morganza nor runs to the Gulf) would provide storm surge protection to the south Louisiana communities of Houma, Lockport, Dulac, Larose and Montegut. The projected \$10.3 billion system is “economically justified, environmentally acceptable, and engineeringly sound” according to the [Army Corps of Engineers](#). The levee project had to be redesigned and reevaluated following Hurricanes Katrina and Rita to conform to the Corps’ updated design criteria. It has been a long strange trip for the project, and whether Congress will appropriate construction funds and others will agree about the environmental acceptability remains to be seen.

## ***RESTORE Act Council Plan Released But Treasury Rules Still Missing***

The Gulf Coast Restoration Council has released its [draft initial comprehensive plan](#) and [draft environmental assessment](#) to guide the expenditure of Clean Water Act fines that flow from the Deep Water Horizon spill. Still pending however are the Treasury rules that are/were to provide guidance about how RESTORE dollars would be accounted for and any preconditions for their release from the RESTORE Act trust fund. RESTORE Act trackers can compare the new draft plan to this Institute’s [analysis](#) of the “preliminary” draft initial plan previously issued. The Council will take [public comments](#) on the draft plan until June 24, 2013.

## ***A Kodak Moment for the Genessee River***

Kodak made it possible for lots of memories to be captured on film. Kodak also has a watery legacy that it is now grappling with as it prepares to emerge from bankruptcy—the contamination of the Genessee River. Kodak’s role in the contamination of the river’s sediments is not in question. What is in question is whether the cash strapped company can cap its clean up responsibilities by endowing a [\\$49 million clean-up fund](#) as part of the bankruptcy settlement. A second question is just who would have to pick up the clean-up tab for the river and the neighboring industrial park if the fund is not sufficient. The lesson here is that since the sins of the past tend to find someone to visit in the future, maybe it is best not commit (or allow) the sins to be committed in the first place. A lesson not confined to Kodak and the Genessee River.

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:

[June 5, 2013](#)

[GNOF Urban Water Series](#)

New Orleans BioInnovation Center  
1441 Canal Street  
New Orleans, LA

[June 6-7, 2013](#)

American Bar Association’s  
31<sup>st</sup> Annual Water Law Conference  
Las Vegas, NV

[June 16-21, 2013](#)

EPA Region 6 [Stormwater Conference](#)  
New Orleans, LA

[June 18, 2013](#)

NFIP: [Preparing for Changes to Flood Ins. Louisiana Resiliency Assistance Program](#)  
Baton Rouge, LA

**Tulane Institute**  
on Water Resources Law & Policy

6329 Freret Street, Suite 155G  
New Orleans, LA 70118  
504-865-5982

<http://www.law.tulane.edu/enlaw/>

## ***Texas Governor Signs Water Plan into Law***

On Tuesday Rick Perry [made law](#) the Texas legislature's response to ongoing drought (and the unnamed specter of climate change). The plan creates accounts to pay for major water infrastructure projects, but it is unknown how many of those projects will be new reservoirs or desalinization plants for brackish groundwater. Also, twenty percent of the funds spent are to be directed at water conservation efforts – nearly twice what was earmarked in last year by the Texas Water Development Board. The plan will be revisited and updated every five years.

However, the fund for the plan is to be started by [\\$2 billion](#) taken from the state's Rainy Day Fund, but that can only be done by constitutional amendment, so this fall Texas voters will decide whether or not this plan has any real future or not.

## ***The Role of Water Reuse and Recycling in America's Water Future: One Man's Opinion***

Former EPA Assistant Administrator for Water G. Tracy Mehan has some [advice](#) for the many Americans living beyond their water means: Water reuse and recycling is the future. Fueled by growing populations and dwindling water supplies, much of America is facing the need to get much more creative in how it squeezes value from water. Improved technology for water reuse and recycling seems to be an inevitable part of the future, a point that Tracy makes well in his piece. You should read it.

## ***GNOF Urban Water Series Resumes Wednesday, June 5,***

The Greater New Orleans Foundation's [Urban Water Series](#) continues Wednesday at 4:00 p.m. at the New Orleans BioInnovation Center at 1441 Canal Street. The topic this week is "Metropolitan and Comprehensive Green Stormwater Strategies". Refreshments will be served but attendance is limited. If this series doesn't make Wednesdays the newest date night nothing will.