

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
January 14, 2014

Illegal Dumper Down in the Dumps after Losing Appeal

Last month, the federal 5th Circuit Court of Appeals [upheld the criminal conviction](#) of a former manager and owner of a Shreveport wastewater treatment facility for instructing employees to illegally dump untreated wastewater into the Red River and the city's sewer system. Employees testified that John Tuma "ran a sham plant" and bypassed monitoring systems in order to illegally discharge the water. The appellate court rejected Tuma's argument that the trial court judge erroneously excluded evidence that demonstrated lack of environmental harm. The three-judge panel of the 5th Circuit wrote that, "[e]vidence of environmental harm is not an element of any of the charged offenses nor would the lack of environmental harm absolve Tuma of criminal liability – liability based solely on the act of discharging untreated water." Tuma was sentenced to five years in prison and fined \$100,000.

California Water Agencies and Farmers Start to Sweat as Drought Enters Third Year and Bond Ratings Suffer

With Los Angeles and San Francisco having closed out their [driest year on record](#), drought is causing a rise in bond-rates for California water agencies and threatening the water supply for the San Joaquin Valley, the most productive agricultural region in the world. The California Water Resources Department, which is the state's largest supplier of water, said that it was filling just five percent of November orders from local water agencies. Five percent represents a five-year low in orders filled. "Less supply means lower sales and revenue." Municipalities should escape the most serious effects of the shortage. The Metropolitan Water District, which is the largest supplier of treated water in the country and serves 19 million people, appears to have enough reserves to make it through another dry year.

In this zero-sum equation, however, agriculture will likely get the squeeze. Moody's identified Kern County Water Agency, which serves farms in the San Joaquin Valley and is the second-largest State Water Project user, as "at risk from the state shortfall." With California's nation-leading \$16 billion in net farm income in 2012, some in San Joaquin Valley are calling for Governor Jerry Brown to declare a drought emergency. While Brown has yet to declare a state of emergency, he is currently monitoring the situation. We shall do the same.

Are Colorado River Shortfalls the New Norm?

A 14-year drought of a scale not seen in 1,250 years (or so we

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:

January 14, 2014, 5:30 PM
[Early NRDA PEIS Public Meeting](#)
Belle Chasse Auditorium,
8398 Louisiana 23, Belle Chasse, LA

January 15, 2014
[Early NRDA PEIS Public Meeting](#)
Warren J. Harang Jr. Municipal Auditorium,
310 N. Canal Blvd, Thibodaux, LA

January 16, 2014
[Early NRDA PEIS Public Meeting](#)
Spring Hill Suites Lake Charles
1551 West Prien Lake Rd, Lake Charles, LA

February 21-23, 2014
Tulane Environmental Law Summit
Tulane Law School
New Orleans, 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/tlscenters/
waterlaw/](http://www.law.tulane.edu/tlscenters/waterlaw/)

are told, we were not on hand in the year 764 to personally verify this) is causing reservoirs along the Colorado River to dry up. Officials say there is a 50-50 chance that in the next three years Lake Mead will need to be rationed to its users, which include Las Vegas, Los Angeles, and millions of acres of farmland. While the current drought is extreme, a return to the “normal” water levels of the 20th century might be a chimera, as it was one of the three wettest centuries for the region over the last thirteen hundred years. Should rationing be necessary, Arizona would be [left high and dry](#). The result of political and legal battles over the last century, Arizona stands to lose more than half of its Colorado River water before California losses a single drop. Arizona farmers would then be forced to pump groundwater to maintain crops, which is an untenable solution in the long run. A new compact between Colorado River states may be necessary, but until the requisite political will coalesces, conservation measures will have to continue to improve. San Diego’s \$1 billion-plus [investment](#) in desalination is starting to look even better.

Subsidence—It’s Not Just for New Orleans Anymore.

Sea level rise is world-wide, but subsidence can exacerbate that on a local or regional level. The United States’ [East Coast](#) is one region where subsidence is making the future wetter and ensuring places like New York, New Jersey, and Norfolk will flood again. The global sea level rise since 1880 years is about eight inches. The Battery at the southern tip of Manhattan has dropped more than a foot since 1920. In Norfolk, the sea has risen 18 inches since 1920. Entire island communities have disappeared into Chesapeake Bay. Scientists at Rutgers University [recently published](#) a study of sea level in New Jersey. Their findings indicate that, even if global sea levels rise just eight inches by 2050 (a moderate estimate), the Jersey shore would experience 15 inches of relative sea level rise. Residents and government officials are coming to terms with these projections and figuring out how to best move forward. A mix of infrastructure improvements and building restrictions will likely be necessary. The plan to save just Norfolk (home of the US Navy’s Atlantic fleet) costs more than \$1 billion.

While some of us in Louisiana might worry that this means there are more looking for a slice of the coastal pie, widening recognition that the impacts of sea level rise don’t just affect those of us in the Mississippi River Delta should make for a much bigger pie. If we don’t all rise together, we will all sink together.

Climate Change May Be Costing Hispaniola Agricultural Land from the Inside Out

Imagine the Salton Sea doubling in size and wiping out thousands of vegetable farms in Imperial Valley. Imagine Lake Okeechobee growing, growing, and growing to the point where the heart of Florida’s citrus industry disappears in only ten years. Now imagine not knowing why. That is where Dominican and Haitian farmers find themselves as [Lago Enriquillo and Lac Azuei](#) have nearly doubled in a little over a decade adding about 90 square miles to their surfaces. Although they could be rising because of shifts in climate, rainfall has been light the last few years. While scientists are getting together to try and figure out the cause of the lakes’ growth, the Dominican government continues to try to salvage agricultural communities around Lago Enriquillo and provide them places on higher ground. This situation could be a miniature dry-run for the responses that the Dominican Republic and countries all over the world will have to deal with in the coming century.

To Improve Water Quality in the Mississippi River Basin, Conservation Funds Should Be Focused on High Priority Areas, Says World Resources Institute

Focus. That’s one of the key recommendations that WRI made in its [recent review](#) of the Natural Resource Conservation Service (housed within the U.S. Department of Agriculture) and its Mississippi River Basin Healthy Watersheds Initiative (MRBI). The MRBI funds high-priority conservation projects in targeted areas in order to improve water quality on a landscape-scale within the agriculturally dominated watersheds. The review concludes that this “a better strategy than the prevailing approach of thinly dispersing funds across the rural landscape.”

To Conserve Water, China Implementing Capitalist Strategy: Charge More

The Chinese government’s National Development and Reform Commission is urging cities to start [charging for water](#) based on consumption as a means to relieve water shortages created by China’s rapid urbanization. The commission recommends three pricing tiers with most residential households falling within the lowest

tier. These tiers would vary regionally, allowing for the biggest price increases in cities that face the greatest shortages.

Forging a New Model Sewerage & Water Board of New Orleans – Apply Now!

With much needed reforms to the Sewerage and Water Board [now on the books](#), implementation of these reforms is now underway. The selection committee, comprised of the heads of local colleges and universities as well as our local chambers of commerce and the Urban League, will be [accepting applications](#) for new board members through January 31. The committee will then submit three names for each of the eight vacancies to the mayor. The mayor's selections will then go to the City Council for review. Under the newly enacted reforms, the board must have members from each of the five City Council districts and have at least two members with experience in consumer advocacy or protection. The other members of the board must have expertise in at least one of the specialties on a list that includes engineering, law, finance, accounting, and urban planning, among others.

The new board will oversee a \$1.1 billion overhaul of the sewer and water systems over the next six years, paid in part by a doubling of sewerage and water rates over the next few years. At such an important time in the board's varied history, a deep pool of qualified applicants is crucial to ensure that the projects' funding and construction are properly managed. As the Bureau of Governmental Research put it, "To reinvigorate the agency, some of the city's sharpest minds and most effective leaders must offer to serve."

Wanted: Crusader Ready to Take on Mission to Restore Coastal Louisiana

Keeping in the vein of filling important posts with good people, The Coalition to Restore Coastal Louisiana is accepting applications to fill the open position of Executive Director. The Coalition works at the local, state, and federal levels to ensure that coastal restoration is a top priority and that the technical expertise to save the coast is developed and disseminated. If you are passionate about coastal restoration and possess the knowledge and experience to steer and implement the organization's comprehensive strategic plan, you can find information about the position [here](#).