

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
April 30, 2018

YOU MAY HAVE ALREADY WON (our affection)!

Every spring, Greater New Orleans Foundation sponsors fundraising for hundreds of New Orleans area nonprofits, and our dear Institute is one of those organizations. Anything donated on that day will be augmented by GNOF's Lagniappe Fund, so donations will be worth a little bit more on that day. This year, GiveNOLA Day is Tuesday, May 1st (hopefully the day you're reading this). If you enjoy TUWaterWays and appreciate the work we do here at the Institute, then this could be the best time for you to support our work. You can check out [GiveNOLA Day's website](#) to learn more, and [our Institute's page](#) to see about donating directly to us. Thanks in advance for anything you may give, and, as always, thanks for reading.

You Gotta Fight, For Your Right, to be a Party

Lawsuits are an integral part of environmental policy in the United States. (If you are an attorney and that last sentence gave you an ego boost, [here](#) are some lawyer jokes to balance you out). Lawsuits allow those who are directly impacted by an action to be centered in the resolution of the conflict, and the threat of citizen suits (ideally) forces agencies and private actors to be on their [best behavior](#). However, this is a heavy burden for citizens to bear.

A conservation group in Michigan is choosing to bear this burden by [contesting the permit](#) that was [recently issued](#) to Nestle which increases their withdrawal rate from 250 gallons-per minute to 400 gallons per minute. Michigan granted this permit despite 80,000 comments in opposition. (It didn't help that at about the same time Michigan [stopped deliveries of free bottled water to Flint](#). It's unrelated, but the optics aren't great.) Much of the public outrage was generated by the fact that Nestlé gets the groundwater for nothing more than a \$200 per year DEQ permit. And that won't change under the new permit. The burden is now on this conservation group to prove that the permit decision was arbitrary and capricious.

The fight over the Michigan permit isn't over, but a small town in Victoria, Australia is paying the high cost of failure over their own groundwater battle. The town sued to prevent a farmer from extracting and selling groundwater as spring water to a subsidiary of the Japanese beverage giant Asahi. They not only lost their case but they have also been [ordered to pay](#) \$90,000 in legal fees. Yikes!

Thus, the rules and procedures of environmental lawsuits become in themselves environmental policy.

We Can Do Better

Water management is about hydrology, chemistry, and engineering; but it is also about people. Chicago's Water Management

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:

10X Water Summit

Baton Rouge, LA
May 16 and 17, 2018

Water jobs:

Project Manager, Innovation and Governance

Environmental Law Institute
Washington, DC

Data Centre Water Specialist

Facebook
Dublin, Ireland

Executive Director

Deschutes River Conservancy
Bend, OR

Water Policy Specialist

Water Now Alliance
San Francisco, CA

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Department is now investigating [the systemic racism and sexism](#) that is alleged to have been going on for decades. The Water Commissioner, a Managing Deputy, and a District Superintendent have all resigned after [reports](#) of discrimination, harassment, and racist, aggressive behavior. Highlighting how deeply-rooted the hate-filled culture at the department is and how difficult it will be to eradicate, the replacement District Superintendent has now [had to resign](#) after his own racist e-mails came to light. This serves as a reminder that water management is not divorced from racism and sexism; science provides us the methods and the tools, but the goals and values must be provided by us.

The Shape of Water

A computer model has revealed more information about the behavior of water molecules. It turns out that water molecules are arranged in liquid around a central reference molecule. Around this central molecule are two structural shells arising from the hydrogen bonds and depletion regions where no water molecules can reside. No clue what it all means, but hopefully you end up at the kind of dinner party where this kind of factoid kills. Check out the image for yourself [here](#).