

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
September 17, 2021

The Long-Awaited PFAS Rules

Let's talk about PFAS! Wait, what's that? You're tired of hearing about them? And it's just not interesting to you anymore? [And you think that's soooo 1940s?](#) Well, [that's too damn bad!](#) Because we're going to do it anyway. These chemicals practically live in our heads rent-free, especially since [EPA released](#) its latest preliminary effluent guidelines, called [Preliminary Plan 15](#). Each year, EPA does a review of its effluent limitations guidelines and pretreatment standards. This allows the agency to update their regulations to address more current issues. The plan contains 3 new rulemakings: two about PFAS and 1 about nutrient discharge. The PFAS rules seek to establish effluent limitations and/or pretreatment standards for Organic Chemicals, Plastics & Synthetic Fibers, and Metal Finishing point-source facilities. With this, EPA finally joins several states that have already decided to tackle the forever chemicals; good news: Louisiana is one of them. In case you missed it, Governor Edwards signed HB 389 (now [Act. No. 232](#)) into law on June 11, 2021. The law prohibits the use of firefighting foam that contains PFAS unless in response for an emergency. However, it doesn't prohibit the manufacturing, sale, and distribution of them. Better than nothing, we suppose. It's good news that EPA has taken more steps to regulate PFAS, especially since [the National Fire Protection Association still insists on using PFAS-laden fabrics in their protective gear](#), claiming such substances are required to make gear that can withstand 40 consecutive hours of harsh UV light.

Happy about the new preliminary guidelines? Disappointed? Let the EPA know and submit your comments! [Comments](#) must be received on or before Oct. 14, so you better get a move on it.

What a Load of Bull (or Maybe Not?)

Preliminary Plan 15 also sets limits on nutrient discharge from Meat and Poultry-Product point sources. Excess nutrients in our waterways can lead to harmful algal blooms (HABs) that create things like [the infamous](#) Dead Zone in the Gulf by blocking sunlight from reaching the sea bed, and some types of algae create toxins that can be [harmful to human and animal health](#). It's not just the Gulf states; [North Carolina has been having nutrient problems](#), too.

Farms are a major source of nutrient pollution because of the fertilizers used on crops and the animal excrement. Cows may be great mascots for fast food chicken, but they're awful for the environment. Their gaseous releases send greenhouse gases and their poop pollutes waterways. Their fecal matter creates ammonia, which changes into nitrous oxide when it leaches into the soil (plus fecal coliform bacteria that can get us sick). But what if.... stick with

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:

[French American Innovation Days on Physical Sciences and Engineering Solutions for the Environment \(FAID Green & Blue\)](#); September 13: Innovations in Energy; September 15: Water and the Environment; September 17: Resilience in the Built Environment

[2021 National Coastal Conference](#); September 28-October 1

[Colorado River District Annual Water Conference](#); Oct. 1

[Eighth Biennial University of Florida Water Institute Symposium Abstract Deadline](#); October 6

[ABA SEER Fall Conference](#); Oct. 13-15

[The Seminar Group: Coastal Law in Louisiana](#); October 21-22

Water jobs:

[Summer Associate](#) and [Associate Attorney](#); Sher Edling LLP; San Francisco, CA

[TMDL and Water Quality Improvement Lead](#); State of Washington Water Quality Program; Lacey, WA

[Program Operations Associate](#); The Ocean Foundation; Washington, DC

[Senior Attorney, Fossil Fuels Program](#); Earthjustice; New Orleans or Texas

[Senior Manager, Environmental Policy \(EMEA\)](#); Amazon; Brussels, Belgium

Louisiana Bucket Brigade; [Campaign Director](#), New Orleans, LA; [Economic Development Manager](#), River Parishes, LA; [Liquefied Natural Gas Campaign Coordinator](#), Lake Charles, LA

[Staff Attorney](#); Great Rivers Environmental Law Center; St. Louis, MO

Sierra Club; [Gas Exports Campaign Representative](#), New Orleans/Gulf Coast, LA; [National Distributed Organizing Representative](#), LA/TX/DC.

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us, here...you could potty train a cow? It's not as crazy as it sounds. It was previously believed that cows lack the ability to control their defecation, but [scientists found](#) that they can actually be trained to *ahem* release in specific areas, where their waste can then be collected and treated. What are these designated areas called? Well, [MooLoos](#), of course! The methods they used to train these [belching](#) bovines is not dissimilar to the techniques used to train our canine companions: positive reinforcement. Eleven of the 16 cows eventually learned to hold in their poops until taken to the MooLoos. Unlike some celebrities at the [Met Gala](#) (Gah-lah? Gay-la?), they understood the assignment. Maybe the scientists can enlist [some help](#) for the last five.

Let's Talk About [Plastics](#)

Speaking of anthropogenic additions into our waterways, plastic pollution is another "[hip and happenin'](#)" issue in the environmental world. It's becoming a concern across more and more industries, including [food](#) and [medical supply](#). The microplastics that make it into our water can harm aquatic life, and we've known—or at least suspected—that human activity is linked to their existence in our lakes, rivers, and oceans. A few scientists in the U.K. were able to [show a correlation](#) and put it down in cold, hard numbers. They found that the concentrations of water microparticles were 4x higher in areas with more human activity and 5x lower where there were more active microorganisms. Mother Nature tries to fix our problems, yet again. Sure, there are [animals that can help break down plastic waste](#), including... *checks notes* ... [cows](#)? Still, it's more of a nibble than a gobble, and we can't really let a [caterpillar](#) show us up, can we? Moreover, plastics shouldn't be left to sit exposed to the elements forever. Sunlight breaks down plastics into different polymers, which can be good news or bad news, depending on your preferred perspective. Those smaller polymers and compounds are [more easily dissolved and can be made airborne](#), going who-knows-where. The process takes less than 100 hours, so that water bottle you saw on the beach several days ago could be in your nose by now. If you prefer to see your glass half full, [some of the compounds are water-soluble](#) and consist of organic molecules that can be eaten by ocean microbes, which might be a way to get rid of those plastics.

Sharing is Caring

In 2018, two Florida cities, Cape Coral and Fort Myers, entered into an agreement to [share water](#) via a pipeline, the [Caloosahtchee Connect](#). The pipeline enables Cape Coral to receive about 6 million gallons per day of reclaimed water from Fort Myers, which will reduce discharges to the Caloosahtchee River and limit the negative impacts caused by those discharges. Sending the surplus water is also expected to reduce withdrawals from freshwater canals and help maintain water levels. Two birds with one stone and all that. Construction of the pipeline is expected to begin Fall 2021, with each city being responsible for funding their respective sides of the roughly \$85 million project.