

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
[July 1, 2020](#)

## [Danke Schön, NWF and Allied World](#)

Big happenings to report, and no, we don't just mean the [iconic cast of "Ferris Bueller's Day Off"](#) getting together for a [virtual reunion](#). We mean the [iconic new report, "The Protective Value of Nature,"](#) published by the National Wildlife Federation and Allied World. Compiled from decades of research on natural infrastructure, the report details the use of such for hazard risk reduction. As opposed to the sole use of the historically more traditional "grey infrastructure," natural infrastructure systems can also provide numerous benefits when working towards hazard mitigation. And we know you're wondering, readers, but no- grey infrastructure is not the namesake of [Jennifer Grey](#); it is called that for the concrete typically used to construct it. For the purposes of flood, sea level rise, and erosion risk reduction Grey infrastructure includes built structures such as levees, seawalls, flood pumps, etc., whereas natural infrastructure includes natural systems (or man-made systems that mimic natural systems) such as wetlands, coral reefs, living shorelines, etc., to safeguard against such occurrences.

As the report shows, natural infrastructure can be used on its own or in conjunction with grey infrastructure to provide cheaper and more sustainable protection- in some cases providing even greater protection than just the traditional built structures. In addition to increased safeguarding, natural infrastructure also comes with a number of extra benefits, such as improved water quality and creation of wildlife habitat. Greater protection, added environmental benefits *and* it's more cost-effective? Sounds [pretty sweet](#) to us. But, as one member of the American Society of Civil Engineers [points out](#), there is not a one-size-fits-all solution to hazard risk reduction, and in some cases both natural and grey infrastructure should be used together to provide the greatest amount of protection. Thanks to this report and with natural infrastructure methods already [being utilized](#), hopefully there will be no need to [weep for the future](#).

## [Fire in the Twilight? No- Chemicals in the Water](#)

As those of us in the water world know well, [the world is an imperfect place](#) and sometimes things don't work out the way we hope: for example, the [EPA's recent decision](#) declining to federally regulate perchlorate in drinking water. Perchlorate is a chemical found in rocket fuel, fertilizers, and fireworks and it can cause thyroid problems, fetal developmental impairments, eye and skin irritation, and nausea. Despite acknowledging these health concerns, [EPA Administrator Andrew Wheeler](#) stated that federal "overregulation" is unnecessary and regulation should be left to the states. Currently only two states, California and Massachusetts, regulate the chemical.

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 less stewardship of water.

### Coming up:

- [Council on Watershed Management Meeting](#); July 2
- [Public Comment Deadline re: NOAA's proposed rulemaking to expand Flower Garden Banks National Marine Sanctuary](#); July 3
- [ELI Webinar: A State Approach to a Just Transition](#); July 10
- [ELI Webinar: Monthly Climate Change Briefing](#); July 13
- [CPRA Board Meeting](#); July 15; Baton Rouge, LA
- [ELI Webinar: Environmental Justice](#); July 21
- [Drinking Water Webinar: Small Systems Compliance](#); July 28
- [Association of California Water Agencies Conference: Resiliency Rising](#); July 29-30

### Water jobs:

- [Staff Attorney](#); Western Environmental Law Center; Taos or Santa Fe, New Mexico
- [Program Coordinator](#); Save the River; Clayton, NY
- [Senior Legislative Counsel/ Representative](#); Earthjustice; DC
- [Policy Director](#); Environmental and Energy Study Institute; Washington, DC
- [Beveridge & Diamond Diversity Law Clerk](#); [Jim Rubin International Fellow](#); or [Law Clerk](#); Environmental Law Institute; Washington, DC
- [Resilience Planner](#); Dewberry; Fairfax, VA
- [Erosion Control / LakeSmart Coordinator](#); 7 Lakes Alliance; Belgrade Lakes, ME
- [Public Policy and Justice Organizer](#); Waterspirit; Rumson, NJ
- [Senior Conservation Project Manager](#); The Freshwater Trust; Sacramento, CA
- [Drinking Water Data Research](#); EPA; Cincinnati, OH
- [Vice President \(Global Operations\)](#); Lifewater International; Bentonville, AR

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Perhaps other states will [follow suit](#) in perchlorate regulation now that the EPA has officially decided against it. Further, not only does this lack of federal regulation create greater potential for those health concerns, it also will likely [slow Superfund site cleanup](#), potentially leading to even more public health hazards. This may happen because those that perform Superfund site cleanups typically rely on national standards for water quality when deciding how much of a chemical to remove. Without the EPA's guidance, those entities will have to make their own decisions on a case-by-case basis. Some believe, however, that although this could slow down the process, it could also allow for greater flexibility that one would hope will lead to better cleanup.

If that isn't enough bad drinking water news, Whole Foods bottled water customers beware. [Consumer Reports](#) recently discovered that Whole Foods' exclusive bottled water, Starkey Springs, contains troubling levels of arsenic. Samples ranged between 9.49-9.56 parts per billion ("ppb") – at least *three times* (not quite [nine times](#), [Mr. Rooney](#)) the amount found in all other tested brands. Current EPA regulations limit arsenic to 10 ppb. States are permitted to set stricter limits for tap water, (some, like New Jersey and New Hampshire have set arsenic to a 5 ppb limit); however, regarding bottled water, states are generally barred from setting stricter limits than federal regulation allows. So, the same water could be within legal limits when put in a bottle but be prohibited when it comes from the tap in some states. What a predicament!

### [Don't You Forget About PFAS](#)

We know it's been a couple of weeks since we've done a PFAS report, so this week we want to update you and ensure you don't forget about those pesky forever chemicals. The EPA has [officially added](#) 172 variations of PFAS to the list of chemicals reportable under the Toxic Release Inventory ("TRI") Program. The TRI Program tracks how various toxic chemicals are managed by different industry sectors throughout the United States. Chemicals included in the TRI are typically those that cause cancer and other significant adverse human health impacts, and those that cause significant adverse environmental impacts. Notably, not every toxic chemical is included in the TRI, nor is every industry sector and facility [required to report](#). The inclusion of these 172 PFAS in the TRI this year, while not creating any concrete enforcement requirements, is a procedural step in the right direction. Monitoring them as toxic chemicals could lead to cause for stricter industrial limits. And perhaps this all occurring during the EPA's comment response period for the recent PFAS rule is a good omen?

### [Satellites, Computers, and COVID-19](#)

Space agencies in the United States, Japan, and European [are working together](#) to create and continually update a [nifty new tool](#) that demonstrates how this pandemic has affected air/water quality, greenhouse gas emissions and other factors, such as lack of travel by way of [planes, trains, and automobiles](#) across the world. The computer-generated tool uses satellite imagery to show the pandemic's impacts, as well as changes, now that many parts of the world have begun lifting restrictions. For example, the Water Quality Time Series is based on Chlorophyll-a concentration, which indicates algae in water often caused by human activity such as runoff from agricultural operations and urban sewage. The tool shows an unusually low concentration of Chlorophyll-a in Italy's longest river, [the Po River](#), during the entire lockdown period. The tool is a great interactive way to explore various environmental and social impacts of human activity, labeled as "indicators," throughout this pandemic. If you have the time, we highly recommend checking it out for yourself- [it is so choice](#).