



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

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Happy National Groundwater Awareness Week!

We like to think that every week is [groundwater](#) awareness week, but who are we to turn down an opportunity to honor any water holiday? Listen up.

If you weren't already aware, California is experiencing accelerated groundwater decline. Almost a decade ago, in response to worsening drought conditions, California lawmakers passed the [Sustainable Groundwater Management Act](#), establishing a framework for local management and implementation of groundwater in certain priority basins. The Act has had a [long and winding](#) path towards implementation, and that path just got longer. Pretty soon, the state will be [rolling out](#) these long-awaited water restriction rules to be implemented by various local groundwater sustainability agencies. However, the rules have been cut down and deadlines delayed substantially [after backlash against the proposed rules over costs and feasibility](#). The State Water Resources Control Board has extended one of the deadlines to reach reduction targets for outdoor use to 2035. And the restrictions that were planned for 2035 have been put [on hold](#) until 2040. Turns out it's not so easy to implement water restrictions anywhere, especially in agricultural regions.

All of this is stirring up concern for small farmers in the San Joaquin Valley, a globally significant region for fruit and nut production, that would be impacted by the restrictions. Recent data shows how [climate change has dramatically increased the amount of water needed for the region's crops](#). It's estimated that the [Valley's water supply could drop 20% by 2040](#). So remember: 1) be aware, the future of groundwater is important to everyone; 2) beware, the ides of March (sorry we had to); and 3) prepare – next Friday is [World Water Day](#)! The celebrations just won't stop. That probably includes the party groundwater users are having in the San Joaquin Valley until 2040 (at least)!

Follow The Lead-er

On Tuesday, [a federal judge found the city of Flint, Michigan in contempt](#) for its failure to meet a court-ordered deadline requiring the replacement of all lead pipes in the city. It's been ten years since a state-appointed administrator for Flint changed its municipal water source without ensuring that corrosion control chemicals were in the new supply, leading to the widespread contamination crisis. In 2017, the city reached a settlement that detailed a plan for all lead service lines to be replaced by 2020. So, it's a little behind schedule. This week's ruling coincided with the publication of a [new study that examines the impact of the Flint water crisis on school-age children](#), finding a decline in achievement in the years following the crisis. Lead is a neurotoxin and is [of particular concern for children](#) and high-risk populations. Interestingly, the researchers found a similar decline in children that were not directly exposed to contaminated water, indicating that stressors from the prolonged crisis had far-reaching impacts beyond public health. Either way, the water [crisis negatively impacted the progress and learning outcomes](#) of Flint's youth and merits closer attention.

Lead service lines replacement, and more broadly water infrastructure improvements, have been a top priority for the Biden Administration with record investments in clean water from the Infrastructure Investment and Jobs

Act. A big chunk of that money has been dedicated to replacing lead service lines and other drinking water needs, as well as green infrastructure to improve water quality. The money has provided crucial resources, especially for aging water systems. However, this week [EPA's Office of Inspector General released a report](#) with some criticism and suggestions for Clean Water State Revolving Fund grants. Regional offices are required to submit reviews on individual state administration of revolving loan funds to EPA's Office of Water, but the report found that the annual review guidance was inconsistent with regulatory requirements, making the infrastructure investment dollars more susceptible to fraud or misuse. It's been tough getting all that IJA spending out the door and translated into projects. Yet [these funds are critically important to state and municipal government](#), and we haven't even begun to see how all this investment will transform the next generation of water resources management.

If You Need Disaster Funding, Don't

The Federal Emergency Management Agency is dealing with its own set of money problems. Unfortunately, they aren't struggling to ensure proper management of funds like the EPA. Under the current outlook, FEMA's disaster fund could run out of money this summer, conveniently during the time of peak Atlantic hurricane season. If you're experiencing [déjà vu](#), that's because the [same thing happened last year](#). To deal with that shortfall, FEMA had to halt funding for 2,400 rebuilding projects. Last fall, President Biden had requested that Congress approve increases to disaster funding, but lawmakers have not acted and are not hopeful it would pass. [Shocking](#) to hear such a thing.

Imagine a world where climate preparation and disaster funding were normalized at a national level. What would that look like? Perhaps the European Union could shed a light. The [European Commission is suing Greece over the country's failure to update its flood risk management plans](#). All EU member states must review and, if necessary, update their river basin management plans every six years under the Floods Directive. The Commission had warned Greece twice last year, first in February, that it was out of compliance. It adds salt to the wound following some of the [worst flooding in the country's history last September](#). We're not saying the EU's approach will solve everything, but it goes to show there are other legal frameworks for flood management and disaster planning that aren't contingent upon stopgap spending and fifty different state-level approaches to water management.

Coming Up:

[Water Justice New Orleans District Town Halls](#);
March 21-April 3, 2024

[WWNO Sea Change live at The Broadside](#); New Orleans, LA; March 19, 2024

[Coastal Law In Louisiana CLE](#); New Orleans, LA; April 18-19, 2024

Water jobs:

[Environmental Reporter](#); The Times-Picayune | The Advocate; New Orleans, LA

[Gulf of Mexico Campaign Manager, Offshore Wind Energy](#); National Wildlife Federation; Gulf Region

[Policy Manager, Mississippi River Water Initiative](#); National Audubon Society; Holly Springs, MS



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.

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