



TUWaterWays

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

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Forever, Ever?

Forever [is a mighty long time](#); makes it important to understand when the term is meant literally and when it is a metaphor. Is Jessica Simpson really going to [love you forever](#)? Is [Batman Forever](#) really never going to end? Are [polyfluoroalkyl substances \(PFAS\)](#) really going to persist in our waters and soils forever? The answers, in order, are (1) absolutely not, (2) it actually ends after 122 minutes (though it may seem longer), and (3) kind of but maybe not. Wait, so PFAS, those “forever chemicals” that have gotten so much attention, might not be around forever? Not if EPA’s plans work.

This week, [EPA unveiled new federal drinking water standard aimed at removing PFAS chemicals from our water supplies](#). The rule, which is the first of several expected new regulations, targets six kinds of PFAS (for reference there are 15,000). Not that rules have ever needed a helping hand to be effective, but just in case there are more than \$1 billion in Bipartisan Infrastructure Act funds available to help state and local governments test and treat for PFAS contamination in their water supplies.

So, it turns out that PFAS contamination is permanent only if we don’t do something about it. Sort of like ignorance. Since more than [5,000 sites across the country are contaminated](#) by PFAS, these new standards and the cash can be welcomed aids—though not so much as to not make utilities, businesses, and communities feel that their PFAS drinking problem [just became a PFAS regulation problem](#). So, if you are really looking for things that are to last forever, you might want to stick with hope and [diamonds](#).

Serious Business

Why can’t government be more businesslike? Why can’t businesses do more useful things like governments do? Actually, they both can and at times do, and that can be a rare and wonderful thing, like the [eclipse](#). Or [not](#). Whatever one thinks of the private or public sectors, it is important to remember that there are real differences between them. If you do forget that don’t worry, you will be reminded like some folks in Pennsylvania are being reminded.

Pennsylvania has lots of nice things, but water infrastructure isn’t at the top of that. Many cities and towns have aging –okay, old—water services, and the public utilities running them couldn’t or wouldn’t keep them up. So why not let the private sector show them how they do it? In 2016, the legislature passed laws to encourage just that, and as a result some 20-odd municipal utilities have been acquired by for-profit businesses. Are people happy with the new managers and the increased water rates they are being charged to update the service? [Apparently not](#). Some problems are hard to fix no matter who is at the wheel, but private business’s first allegiance is to their owners and management rather than their customers (come on, this is Business 101). The resultant high bills and poor service have some Pennsylvanians reevaluating this approach.

Let’s be clear: There are well run and well-regulated privately owned water utilities, just as there are some well-run public utilities. The magic is not in the who is doing the job, it is in who defines and oversees the job. An undercapitalized, issue-prone public water system won’t be fixed by just selling it off. Sure, the selling community

will get some useful one-time cash, and the purchaser will get a captive group of rate payers to create a revenue stream that can be used for a lot of things, but if the fundamentals are not understood and addressed, don't count on a happy ending. Our hometown, [New Orleans, may be the next place to explore this and other options](#). Good luck, NOLA!

Only the Audacious

It takes a special kind of drive and commitment to become an Olympic athlete, some would even call it audacity. It takes a different kind of audacity to agree to host the Olympic games, given all the logistics, construction, and expenses. But it takes something way over the edge to agree to host the Olympics and pledge to hold events in a venue that no person has been allowed to venture into for more than 100 years. [Welcome to the 2024 Paris games](#). Sure, people have been allowed in Paris, but they have not been allowed to [swim](#) in the iconic (but polluted) Seine River. That was no barrier to the games' planners who, in the best traditions of *Élan vital*, [jumped to](#) the idea that this would be a great focal point for the city and the games. After all, the only obstacle is some pollutants, and how hard can that be to clean up? At least as far as the Seine goes, it's apparently as hard as [getting a perfect score](#). [Water quality tests run by the Surfrider Foundation have shown troubling levels of E coli and enterococci bacteria that could put the 10K swim and triathlon events and athletes at risk](#). Don't go thinking this has not been anticipated. As the Deputy Mayor of Paris put it, using the Seine "isn't madness" but "is ambitious." Ambition paired with billions of dollars of infrastructure investment has created a possibility that might have seemed like madness not so long ago. The only thing that could upset this apple cart is rain. Rain? Yes, rain. Because rain creates stormwater [runoff](#), and stormwater runoff creates a polluted Seine. Here's to hoping audacity pays off, and the idea doesn't get [barred](#).

Coming Up:

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

Water jobs:

[Communications Senior Coordinator](#); Coalition to Restore Coastal Louisiana; New Orleans, LA

[Legal Internship](#); Montana Water Program; Bozeman, MT

[Drinking Water & Groundwater Attorney](#); New Hampshire Department of Environmental Services; Concord, NH



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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