

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
January 30, 2014

Coast Guard Considering Whether to Allow Fracking Wastewater on US Waterways

Citing “commercial interest” in using barges to send fracking wastewater from Appalachia via inland waterways to storage or reprocessing centers and final disposal sites in Ohio, Texas, and Louisiana, a [draft proposal](#) from the US Coast Guard would permit the transportation of the wastewater down US waterways after the barge owner analyzes the wastewater. The analysis is not submitted to the Coast Guard, rather the barge owner must retain possession of the analysis for two years.

Proponents argue that the transport of fracking wastewater by barge is safer than rail, which has experienced a [spike in accidents](#) as crude oil is increasingly moved by rail. Opponents have only to point to the recent chemical spill in West Virginia to explain their resistance to increasing the amount of hazardous chemicals on or near waterways. In addition, many are [opposed to the Coast Guard's use of a mere policy letter](#) to vet the proposal instead of using more the formal rulemaking process and doing an environmental impact statement.

Whatever the Coast Guard decides, it will likely not be the last word as the movement of hazardous materials will always be met with resistance. In Louisiana, [concerns over expanded waste injection wells](#) are increasing as local governments seek a greater voice in the siting and operation those wells. Perhaps the issue will become moot as the [technology to clean wastewater on or near site develops](#). Then again, perhaps not since once waste leaves a locale, the impetus for pursuing treatment options often leaves with it.

Hey New Yorkers, Your Water Tanks May Be Holding More Than Just Water

A recent [New York Times investigation](#) into the condition of the thousands of water tanks, sitting atop of the city’s buildings, reveals a dirty little secret: widespread neglect and lax oversight are creating hospitable conditions for E. coli and fecal coliform. Yikes. Investigators found that eight of the twelve tanks they tested contained E. coli, fecal coliform, or both.

To supply water to people above the sixth floor of buildings, a pump is needed to move the water up to the tanks, which then use gravity to distribute water to the floors below. As this system has been used since the late 1800s, some tanks are no longer in proper condition to keep birds, animals, and [prohibition-style night owls](#) out. The city does not require

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:

[February 21-22, 2014](#)

[Tulane Summit on Environmental Law & Policy](#)

Tulane Law School
New Orleans, LA

[March 8, 2014](#)

[Louisiana Water Festival](#)

State Capitol
Baton Rouge, LA

[March 18-20, 2014](#)

[State of the Coast 2014](#)

Ernest N. Morial Convention Center
New Orleans, LA

Tulane Institute on Water Resources Law & Policy

6329 Freret Street, Suite 155G

New Orleans, LA 70118

504-865-5982

[http://www.law.tulane.edu/tlscenters/
waterlaw/](http://www.law.tulane.edu/tlscenters/waterlaw/)

building owners to submit proof of cleanings and inspections, despite knowing, by its own count, that only 60 percent of the owners comply with these regulations. While no cases of illness have been definitively linked to unsanitary water tanks, we suggest you ask your super when the last time the tank was cleaned, which he is required by law to answer.

Texas Ranchers Win Latest Battle in War Over Groundwater

Thirsty cities in Fort Bend County (southwest of Houston) have been told by the state of Texas to cut down on their groundwater consumption. Their solution was [to import groundwater](#) from largely rural Austin and Waller Counties. Generally, under Texas' rule of capture, a landowner in Fort Bend has the right to drop a well, pull up the water, and sell it to whomever he or she pleases. But that doesn't mean the same right has to be given to someone else, as Electro Purification LLC learned when the Fort Bend County Subsidence District stepped in and blocked the cities of Richmond and Rosenberg from buying water that Electro planned to get from drilling wells, in Austin and Waller counties. The conservation district found that these cities could not import groundwater from an "alternate source." The cities have vowed to appeal the decision. While they won the battle, residents of Austin and Waller Counties know other counties will continue to come for its water until the Texas legislature changes its groundwater laws. As local organizer Tom Sherman put it, they are therefore "going to go on the offensive because there isn't anything (in state law) stopping the next water grab or the one after that."

Mexico City Looking to Flush Image of Montezuma's Revenge and Obesity with Water Filter Mandate

Due to its notoriously suspect tap water, Mexico is the world leader in bottled water and soda consumption, habits that aren't cheap in a country with \$5 minimum wage. It has also surpassed the US in the severity of its obesity epidemic. In an effort to ameliorate these issues, Mexico City will soon [require all restaurants to install water filters](#), so they can offer free, drinkable water to customers. With the Health Department on board, inspectors will be making rounds and issuing \$125-630 fines to those restaurants not in compliance. The poor quality of the capitol's tap water is largely blamed on municipal distribution system, which was critically damaged in a 1985 earthquake, and dirty rooftop water tanks (apparently not just a problem in NYC). Time will tell if the mandate will change both local and foreign perception of the city's tap water, but at least it is a part of a comprehensive effort to shed emblematic stereotypes of the country . . . [or not](#). We also would note that despite the goal of providing "free" water, it will not really be free. Someone will have to pay for it.

DC Water Utility Fortifies Itself in Anticipation of Climate Change Storming the Eastern Seaboard

We down here in Southeast Louisiana are used to flood fortifications with the claimed ability to withstand a 1 in 100 storm, or a 100 year storm. Well that just won't cut it for one water utility in our nation's capital, which is building around its sewage treatment plant [a sea wall able to withstand an unprecedented 500 year storm](#). With a price tag of about \$13 million, the water utility sees the wall as a necessary investment in the face of stronger and more frequent storms and rising seas. The facility will also get an onsite combined power and heating plant to keep the pumps going even if the grid goes down. So the safest place in DC during a storm won't be the Capitol or the White House, but the sewage treatment plant.

Will California's Drought Leave the Salmon in San Joaquin River Delta Out to Dry?

House Speaker John Boehner and several of his colleagues recently announced their [plan to help drought-stricken farmers](#) in California: divert more water from the San Joaquin River. The only problem is that such a diversion would derail the restoration of a historic salmon run, which was crippled in large part by water withdrawals to such an extent that the San Joaquin River dries out before reaching the ocean. With the legislation expected to hit the House floor in a couple of weeks, jockeying and lobbying are already in full swing. While in his announcement Boehner pondered out loud "[h]ow you can favor fish over people is something people in [his] part of the world would never understand," those in the salmon industry (which, if Mr. Boehner is correct, is an industry that employs and serves no people) are hoping that the Democrat-controlled Senate will continue to operate in their completely separate world.

Innovation in the Land of Desalination

An innovative team of engineers at Mississippi State University are [pairing desalination and power plants](#) in a mutually beneficial relationship that shows real promise for widespread adoption in parched coastal communities. Heat generated by the power plant is used to power a refrigeration system that cools the water, which is then circulated through a neighboring low-temperature desalination plant. Desalination occurs by condensing water at a low temperature and pressure point, which consumes less energy than traditional desalination plants and avoids other problems associated with scaling up operations. Project leader Veera Gnanaswar Gude projects that the design will be on the market within the next five years. With the Texas legislature now investigating the [role of desalination in its water equation](#), Gude may want to take a trip down I-10 to Texas sometime in the next few years.

Come One, Come All to 19th Annual Tulane Environmental Law and Policy Summit, February 21 and 22.

Once again the students of Tulane's Environmental and Energy Law Society have come up with a socko event. This year's summit has a strong thread of water panels and speakers in addition to other fascinating topics, panels and field trips. Keynote speakers include **Dr. Marcus Ericksen**, founder of the 5 Gyres Institute and **Dr. Sylvia Earle**, former head of the National Oceanic and Atmospheric Administration and one of the most notable ocean scientists in the world. The summit will be held at Tulane Law School on February 21 and 22. Click [here](#) for more information.