



TUWaterWays

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

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Between the Money Wall and the Technical Sword

Every year, the federal government allocates funding to states to maintain, build, or invest in water systems for their communities, also known as the Drinking Water State Revolving Funds (DWSRFs). The Bipartisan Infrastructure Law allocated a record amount of dollars to these programs, but it's up to the states to contribute a 20% cost share and allocate those funds to eligible entities.

A great example of how to use your DWSRF is the state of Idaho. The Idaho Department of Environmental Quality (DEQ) currently has \$11 million in funding for Drinking Water, and \$1 million for Clean Water. [These grants or low-interest loans apply](#) for communities, government entities, and nonprofit organizations that manage public water systems, or have authority to collect, treat, or dispose of wastewater. So, if all the states use federal grants to invest in water systems across the nation, why is this one so particularly interesting? In Idaho, the DEQ will provide free technical assistance by third parties to smaller communities who would otherwise struggle with the administration of these projects.

Free technical assistance or administration is a great bargain, but governmental supervision in the development of the projects is imperative. To paint a clearer picture on this, let us take you back to 2012 in the city of Jackson, Mississippi, when the local government [entered into a \\$90 million contract with the international company, Siemens, for the installment of "smart" water meters](#), other cities contracted with their rival, Mississippi-based company, McNiel Rhoads; both companies which allegedly promised to increase revenue and savings from their water system. The companies would [act as project managers, and hire contractors](#) to actually do the installment, which were allegedly done improperly. As a result, [residents of Jackson would experience days without any usable water](#), and then receive incredibly large water bills based on leaks that would go undetected for some periods. As a result of the dissatisfaction from the lack of water, and the alleged unfairness of measuring the water used, some residents could not or would not pay their water bills, with a report in 2023 stating that [56% of water fees remained unpaid in Jackson](#). To no one's surprise, lawsuits against the companies were filed by [single-acting residents](#), by the [government itself](#), and eventually by [class actions against the company and the local government](#). A settlement gave back to the city of Jackson almost the totality of the contract, but damages have been estimated to surpass \$450 million. You might wonder where was the governmental oversight of this project? Well, the city of Jackson alleges that by presenting the project as an energy performance contract, Siemens did not have to go through an open public bidding process, therefore the Mississippi Development Authority was supposedly [unable to provide their usual oversight](#) in the project. Such [ingenuity for life!](#)

Show Up for Parades, But Also Show up For Public Hearings

Floats are rolling, beads are flying, students are marching, and king cakes are dominating everyone's diets. You know it, we know, everybody knows it: it's [Mardi Gras season!](#) As you're finding a perfect spot along the parade route, remember that Krewes get their energy from your presence. Whether you clap, sing, dance, or step over

everyone to catch throws, everyone feeds each other energy, which drives the exciting and unique environment that Mardi Gras is so worldly known for.

We know you will not miss out on any of the celebrations, and in the same way that you show up for every single parade from dusk till dawn and cheer on every krewe, we encourage you to do the same at the next [Army Corps public meeting](#) about the Lower Mississippi River Comprehensive Management Study, as well as the [Mississippi River Commission's public hearings](#) from April 7th through the 12th. After the carnival comes to an end, and tourists leave the city, remember that New Orleans is still your home. They may have to leave, but you get to stay and live here for the rest of the year, so show up with the same level of intensity and energy and cheer on for better management of the river!

Again, the information **SPECIFICALLY FOR NEW ORLEANS** is:

(i) Date and Time: February 28, 2024 from 10 a.m. to noon and 6 to 8 p.m.

(ii) Address: USACE New Orleans District Headquarters (7400 Leake Ave., New Orleans, LA 70118)

On a separate note, do you remember PFAS? The not-so-good chemicals that float around your drinking water, as well as other water bodies? Well, EPA is welcoming comments on their new proposal through [April 8th](#), to amend its regulation by adding nine specific PFAS, and some of their components, to its list of hazardous constituents.

Finally, once all of this hullabaloo is over, and you're thinking to yourselves how to keep the momentum between Mardi Gras and the Army Corps public meeting, you should attend the [29th Annual Tulane Environmental Law & Policy Summit](#), hosted by our very own Environmental and Energy Society of Tulane Law School and presenting key note speaker Richard Lazarus, you are in for a weekend of thought provoking panels, lots of networking with distinguished professionals, and fierce note taking. The Summit will be held on February 23rd and 24th, so what are you waiting for? [Register here!](#)

We Can Do It, We've Done It Before

Before we let you go and enjoy the beads that come in your way, we didn't want to leave in a sappy mood, so here is a heartwarming story in case you need a little pick me up.

Forty-six years ago in Montana, a county embarked on an ahead-of-its-time study to research the aquifer that rests under them. When the [Sheridan County started using the Clear Lake Aquifer](#) in 1996, the community decided to apply out-of-the-box mechanisms for its usage; instead of over-pumping the groundwater or using it with little to no control, the district would work with farmers, tribes, and the USFWS to administer the rational use of the water from those who need it the most, and is still being implemented today with little to no complaining by the stakeholders. They may seem like normal, rational measures, or even ideal, in the present, but back then this was revolutionary (and still is in some places today).

Sheridan County is living proof that sustainable measures, and communication between water users, is not only possible and exemplary, but tested methods that work when executed properly.

Coming Up:

[Tulane Environmental Law Summit](#); New Orleans, LA; February 23 & 24, 2024

Water jobs:

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

[National Environmental Leadership Fellow](#); Rachel Carlson Council; Washington, DC

[Law Associate Post-Graduate Fellow](#); Center for Water Law & Policy, Texas Tech University; Lubbock, TX

[Legal Internships](#); Bayou City Waterkeeper; Houston, Texas

[Advocacy Director](#); The Coalition to Restore Coastal Louisiana; New Orleans, Louisiana



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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