

# TUWaterWays

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

[November 20, 2020](#)

## Formosa Plastics Saga—continued

Judge Trudy White of the 19<sup>th</sup> JDC has ordered LDEQ to [reevaluate the permit](#) it granted to Formosa Plastics, requesting that it take a closer look at the impact on environmental justice. While the air permits are set to undergo reevaluation, they are not quite suspended. Therefore, FG LA can still continue part of its construction plan, but this comes on the heels of the Army Corps of Engineers' decision to suspend its dredge and fill wetlands permit pending review, which puts a real damper on its progress. To top it off, the motion was argued by our very own Tulane Environmental Law Clinic!

## East Landbridge Project

New Orleans just came into some dough. No, not [this kind](#)—though we do have some [delicious bakeries](#) here. The city is one of many that have received [monetary](#) support for its coastal resiliency projects. The National Fish and Wildlife Foundation awarded [\\$500,000 to New Orleans](#) for its East Landbridge project. The money comes from NFWF's National Coastal Resilience Fund (so, not funds that came out of the *Deepwater Horizon* disaster), which is intended to be used to restore and conserve the nation's coasts via investments in projects that use natural infrastructure to tackle to the issue of erosion—smart [dredging](#) can be a good example of using natural infrastructure to prevent coastal erosion. So, what is the East Landbridge and why is it important? Well, glad you asked! The landbridge is essentially a strip of marsh stretching between New Orleans East and Slidell that acts as a barrier between the Gulf of Mexico and Lake Ponchartrain and helps to take some of the burden off the levees by reducing storm surges. However, it's been eroding due to rises in sea level, wave exposure, and subsidence. The [Project](#) aims to utilize a variety of techniques to restore the marsh and is crucial to protecting coastal communities in Louisiana, ensuring that we'll all be able to stay here a little longer. [Wouldn't that be nice?](#)

## Supersize Me

Standing water leads to mosquitos. But it turns out that standing, nutrient-rich water leads to *super* mosquitos! We feel a new [Marvel/DC](#) movie coming. Well, maybe they don't have superpowers, but they are larger and can fly farther. A [study](#) in the Netherlands has found that nutrient-rich water is a haven for mosquitos. Excess nutrients decrease the number of natural predators in the water, and without those frogs and fish patrolling the area, the mosquitos are free to grow to their hearts' content. Not only that, but warmer waters increase their development speed. And that means larger mosquitos maturing at a faster rate. The Mississippi River watershed

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.

### Coming up:

[Louisiana Sea Grant: Bays and Bayous Symposium](#); December 1-3

[CPRA: Swamp Hydro Restoration](#); December 2

[Remarkable Cities and the Fight Against Climate Change](#); Dec. 3-4

[NOLA Gulf South: The Seaway Movement](#); December 7

[CPRA: Living Shoreline](#); December 9

### Water jobs:

[Associate Attorney](#); Earthjustice; Seattle, WA

[Senior Specialist \(Water Stewardship\)](#); Gap, Inc.; San Francisco, CA

[Hydraulics and Hydrology Lead](#); Dewberry; Raleigh, N.C.

[Great Lakes Equity and Justice Partnerships Senior Coordinator](#); National Wildlife Federation; Chicago, IL

[Surface Water Storage Fellowship](#); EPA; Cincinnati, OH

[Watershed Specialist](#); Bayou City Waterkeeper; Houston, TX

[Environmental Specialist](#); Metropolitan Water District of Southern California; Parker Dam, CA

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has been suffering from nutrient pollution for years; there's a [task force](#) for it. Couple that with warm climate, and it's the mosquito [promised land](#). Faster and larger mosquitos mean higher rates of disease transmission. [Hmm](#). Add this onto all the other problems caused by excess nutrients, i.e., dead zones, low water quality, cyanobacteria blooms, and nutrient pollution seems to become an increasingly large concern.

### **Wisconsin Creates WQS for PFAS**

Let's talk about PFAS. We've mentioned per-and polyfluoroalkyl substances (PFAS) many times before in our [previous TUWW publications](#)—and that's because they're a huge issue. These carcinogenic chemicals are present in many products, and they often find their way into drinking water. Cardboard gets a PFAS; fabrics get a PFAS; cookware gets a PFAS. [Everyone gets a PFAS!](#) Despite this, regulation around them is mostly at the state level and there still isn't a Maximum Contaminant Level for PFAS issued by EPA. So, the states have taken it into their own hands. Joining the list of states that are picking up the slack is Wisconsin, whose health officials have finished [drafting water quality standards for groundwater](#). The new standards cover over 20 substances—16 of which are PFAS—and will be used the Wisconsin Department of Natural Resources to develop an administrative rule to regulate groundwater.

### **[Home, Sweet Home](#)**

Real estate data platforms can help play a role in water management. A new [study](#) collected data from real estate websites, such as Zillow, which provided insight as to how water consumption across an area varied depending on family size, home size, demographics of the household, and the age of the home. The [researchers found](#) that, contrary to prior belief, water usage does not correlate to income level and hypothesizes that community infrastructure plays a role in how people use water. For example, residents in smaller lots and newer homes in denser areas used significantly less water than residents on larger lots and older homes, even if there are fewer residents in that larger home. Knowing what factors affect water usage helps developers and governments construct their cities and infrastructures in ways that more efficiently use water. So, the next time you're searching for your new home sweet home, you might be helping further better water management.

### **The Oil Rush**

On November 17, the Trump administration began the process of selling oil rights on the land it holds in the Arctic National Wildlife Refuge located in Alaska, a move that was expected following the passage of the [2017 tax bill](#), which required the government to hold at least two oil and gas lease sales on the [Coastal Plain](#). The refuge was a result of the Alaska National Interest Lands Conservation Act (ANCILA) and consists of 19 million acres of [vast, untouched wilderness](#). Selling of these rights would give oil interests the opportunity to drill on the land, and the move has been met with controversy. Gasp! A decision to allow drilling on a wildlife refuge has garnered concerns and complaints? Who woulda thunk it! While proponents of the sales say that it will bring jobs to Alaska and boost the state's economy, conservation groups argue that it'll greatly disrupt the wildlife and the people who depend on it. Trustees for Alaska just filed a [lawsuit](#) against the Bureau of Land Management (BLM) seeking an injunction, and expect more to come. In any case, the announcement has been made, and the clock has started for the [30-day comment period](#). So, if you want to give BLM some words, the [door is wide open](#)—that is, until December 17, 2020.

### **[Happy Thanksgiving!](#)**

The time has come for feasts and family! Albeit, of a smaller sort. We'll be taking a break from WaterWays next week to give our team some time off—and to give you a break from having to see us in your inbox (add that onto your list of things to be thankful for). It'll be just our families who'll have to deal with our shenanigans now. [We promise not get arrested](#). But honestly, [thanks for sticking with us](#). See you in two weeks!