Happy World Toilet Day!

The United Nations and others are using today, World Toilet Day, to raise awareness of the lack of access to improved sanitation for 2.5 billion people. Lack of access to toilets can have widespread ramifications, not just for water quality, but for safety and education, as well. We should all be so lucky as to have Cousin Eddie’s problem.

NFWF Dollars Flowing to Louisiana’s Coast; BP Continues to Ask for Better Ruling

While BP continues to flex whatever legal muscle it can, money for the Gulf Coast continues to ooze out of the various funds set up in the wake of the Deepwater Horizon disaster. This week, the National Fish and Wildlife Foundation (“NFWF”) announced $100 million in awards across the five Gulf States. These funds are part of $2.5 billion that came out of BP’s and Transocean’s criminal settlements with the Department of Justice. Half of that money is marked for Louisiana, where it is limited to barrier island and river diversion projects, but it is available for a wider variety of environmental restoration in the other four states.

In the court room, however, BP is still working to limit its liability in the ongoing trial to determine Clean Water Act civil fines. The maximum civil fine for gross negligence has been considered to be $4,300 per barrel – a number that has been adjusted for inflation numerous times over the past few decades. However, BP claims that the maximum civil fine it should be on the line for is only $3,000 per barrel because the Coast Guard and Environmental Protection Agency violated procedure when they last adjusted for inflation. It seems the kind of thing everyone would like to know going into the third trial phase in January 2015.

Audit Points to Drinking Water Improvement Needs in LA Parish

The Safe Drinking Water Act is supposed to ensure that the water coming from your tap is generally safe to drink. Of course it can only do that if the folks providing us with water follow it. In Beauregard Parish, Louisiana questions were raised about whether local officials were in fact following the law. Questions, led to a law suit, which led to a settlement, which led to an audit that actually looked into the compliance issues. The audit report pointed out several deficiencies and is serving as a roadmap for future compliance. Locals are invited to take a break from holiday shopping to comment on the audit report.
on December 8 at the Beauregard Water District’s offices. We should note that plaintiffs in the case were represented by the Tulane Environmental Law Clinic. This Institute and that clinic are both programs of Tulane Law School but are independent of one another.

**Fortresses of Coral Defend Against Rising Seas—and the Neighbors**

The question of what happens to sovereign rights when your country, or a part of it, vanishes beneath the waves is not new to readers of TUWW. But what happens when a country builds new land or coral reefs to maintain their claims to their traditional national boundaries? Well, that is exactly what Japan is trying to do on the reef that protects Okinotori Island, Japan’s southernmost outpost. If you have not heard of Okinotori, you are not alone, but it is central to Japan’s claim to a 160,000 square mile exclusive economic zone (per the United Nations Convention on the Law of the Seas). With fishing, mining and other things at stake, the fate of the island matters. The place is so tenuous that China already has challenged it as a suitable place to fly one’s flag. The idea behind the project is to cultivate corals to supplement the degrading corals of the reef that have taken a beating from storms and warming and rising waters. Whether it works or not (or for how long) is up for grabs.

**Will New Water Standards Rescue Lake Erie?**

Following a series of drinking water disasters, if there is a place in need of new safeguards on water quality, it is Lake Erie. And now Ohio has placed new water quality standards on the table. The proposal contained in House Bill 490 would also reopen the Great Lakes Compact to begin to define what the term “significant impacts from water withdrawals” means under that Compact. The Compact is a federally approved agreement among the seven Great Lakes States covering a number of water protection and export issues. That comes into play thanks to a provision in the bill requiring permits for withdrawals of more than 2.5 million gallons of water per day from Lake Erie, 1 million gallons per day from a river, or 100,000 gallons per day from a “high quality” stream. Viewpoints on the bill, predictably, vary.


Water is wonderful, vital, powerful, and many other adjectives ending with an “l”, but our relationship with it is a bit odd. We have managed to monetize and create a market for almost everything but water. Even if the thing itself is the property of the people (like in Louisiana), someone has to pay for transporting it and making it usable. That gets costly, which is why St. Bernard Parish is proposing to double its water and sewer rates. Nonetheless, some are pointing out that we in the United States pay too little for water and it makes us wasteful (individually and systematically). Nonetheless, no matter how relatively little we may pay in the United States, some can’t afford it. What to do with them, considering the UN deems water a human right? Israel has decided that in-debt customers won’t be cut off, despite the fact that some in agriculture in Israel think that the price of water is already making farming unsustainable. Whatever your country or utility decide, make sure that it’s well-reasoned. Otherwise, they might end up somewhere no public servant wants to be.

**Got WOTUS if You Want It: Our Own Mark Davis Gives Testimony on Proposed Waters of the U.S. Rule**

Looking to spice up your Thanksgiving viewing options? Well, you are in luck, courtesy of a hearing by the Louisiana Senate Natural Resources Committee on the proposed Waters of the United States (WOTUS). While the official comment period ended last Friday, the discussion over the proposed definition under the Clean Water Act did not. With the EPA and Army Corps starting to go through the 13,600+ comments, the Louisiana State Senate Natural Resources Committee held a hearing on the proposed definition, inviting Mark and others to share their thoughts. For those interested, you can watch a recording of that hearing here. Gather the kids, and pop some popcorn.