



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
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Just Because Something Sounds Like a Green Idea, It Doesn't Mean It Is

In an [ever-changing world](#), companies must constantly look for new and better ideas. Although some of these ideas may look great on paper, their execution can turn out to be . . . disappointing, to say the least. For example, look at the new [Oreo/Coca Cola](#) cookie or [Son of the Mask](#). Other ideas aim higher and may actually be necessary to pursue but can pose new questions and problems when they are actually put into practice. Hello, Carbon Capture and Storage. The growing multi-billion dollar industry consists of [reducing carbon dioxide emissions](#) by capturing, transporting, and storing it underground. Sounds great, but it can conflict with a very precious resource underground that feeds our livelihoods and energy. No, it's not [oil](#), it's water. Carbon emissions are stored in saline aquifers or depleted oil reservoirs, which has raised concerns about its safety and manageability. "But fear not!" says the Global CCS Institute, which reassuringly says CCS is a "[proven technology and has been in safe, commercial operation for 45 years](#)." Maybe, but today's CCS is not exactly the same as yesterday's as the folks in Decatur, Illinois can attest. Decatur is home to the first commercial carbon sequestration plant approved for operation in the United States. You might remember ADM's leaks featured a few weeks ago in another one of our [newsletters](#).

Turning a little West, in California, [Kern County has signed off on the first CSS plan in the state](#). The project, denominated [Carbon TerraVault](#), is sponsored by California Resources Corp., one of the leading oil and gas producers in California. However, the Carbon TerraVault is still waiting for a key permit: EPA's. Counting CTV, the agency has [150 such well applications](#) under review across the nation, and many have the draft permits available for public review and comment. And so, now we must wait until EPA gives us more information on the project, and how it may work with not just the Clean Air Act, but the [Safe Drinking Water Act as well](#).

CCS isn't the only headline grabbing thing happening underground. Once again, this is not about oil—but the confusion is understandable—it's about mining! Recently, researchers discovered a vast lithium deposit under Arkansas that some say could meet global lithium demand. Lithium is needed to manufacture batteries for electric vehicles and energy storage, and demand is increasing to help with energy transitions. Similar to CCS, [the process of extracting lithium](#), if not done responsibly, can lead to high amounts of water usage, among other concerns. Lithium mining has been a common activity in the so-called "lithium triangle", composed of Argentina, Bolivia and Chile. These countries are living examples of the consequences of lithium mining, having seen impacts on biodiversity and water supply. [The lithium discovery in the US](#) is too recent to know what will happen exactly, or if states will ensure the proper laws and regulations are in place the mining activities before they start, but for now, all must wait for new updates. Understandably, some new iterations of mining and carbon management are going to need to be employed, but that doesn't mean prior experiences digging, piping and injecting at one place or scale equals safe or appropriate conduct at another. To say otherwise is [junk](#).

The Shoreline Restored

With a certain celebrity having the [honor to play in Crescent City](#), she should take the opportunity to do all the touristy stuff people from all over the world love to do. She can go to Café Du Monde in the [gorgeous](#) Jackson

Square, then walk right over to get some daiquiris and [shake it off](#) on Bourbon Street. Maybe take a stroll in Audubon Park, or grab a drink at Ms. Maes or any of the places we know [all too well](#). But, if she's feeling a little adventurous and doesn't know where to take her [getaway car](#), she can drive over to where Lake Pontchartrain meets Manchac and witness the new restoration project will be built. Are you [ready for it](#)?

The Tangipahoa Parish is working on a [\\$13.5 million restoration project](#) to protect the northeastern border from wave erosion and prevent the loss of swamps that protect communities from storms and winds. CPRA has already put down 2.3 miles of rock breakwater, but if you want to see it you'll have to get off of [I-55](#). The project is already in its second phase and is expected to cover over 250 acres of [delicate](#) marsh in the Joyce Wildlife Management Area. [Call it what you want](#), but the project is already showing positive results as seen in recent aerial photographs where it shows land that has been rebuilt and the shoreline is moving.

That's great and all, but if anyone's wondering how the government can afford all of this, you can thank the [RESTORE Act](#). And, it may seem like this shop and the oil industry have [bad blood](#), but at least the funds are being used to "let the swamp be the swamp", as Parish president Robby Miller would say. But Taylor, you never know, we hear [swamp weddings](#) are all the rage this year.

Dam, Not Again

[Federal decisions on the Army Corps' authority over water bodies](#) and the Clean Water Act are nothing new. Last week, a [federal district court ruled that the Army Corps](#), by approving the expansion of a Colorado reservoir, violated the National Environmental Protection Act and the Clean Water Act. Since 2022, Denver Water has been working on the construction of the expansion of the Gross Reservoirs, which would add 131 feet to the dam and triple its water storage capacity. With construction expected to be over by 2027, the [federal judge decided not to grant an order to stop construction](#), but noted environmental plaintiffs have a right to relief from damage that will likely occur to the land and forest surrounding the dam. Additionally, the court stated that the Army Corps permitted construction without fair consideration of alternatives that are less damaging to the environment. The judge also stated that the Army Corps failed to analyze the impacts that climate change could have on the water and this project, as well as those in the other regions of the river. The [Colorado River's water levels](#) have been dropping for years, and let's not forget that the Upper and Lower Basins owe each other water sharing and flow limits because of the [Colorado River Compact of 1922](#). However, as the judge mentioned, climate change will have huge impacts on how the states decide to keep water to protect its citizens, but until then better alternatives than dredging and filling wetlands should be thought about.

Coming Up:

[CRCLectures talk: Ancient Louisiana Coastal Cypress Are Hiding in Plain Sight](#)
November 16, 2024

[Tulane Environmental Law Summit](#)
March 28-29, 2025

[Water in Americas' Human Landscapes: Tulane Law & Policy Symposium](#)
June 16-18, 2025

Water jobs:

[Water Resources Program Manager](#); National Wildlife Federation;
Washington D.C. / Mississippi River states

[Engagement Manager](#); National Audubon Society; New Orleans, LA

[Community Science and Environmental Education Manager](#);
Pontchartrain Conservancy; New Orleans LA

[Sportsmen Outreach and Policy Specialist](#); National Wildlife Federation;
New Orleans, LA

[Visiting Professor \(Clinical Assistant Professor\)](#); Tulane Environmental
Law Clinic; New Orleans, LA



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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