



TUWaterWays

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

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I Know You Like to Think Your Seine [Don't Stink](#)

If you stand a little bit closer, you'll smell that...[unsafe levels of E. coli have persisted in the Seine River](#) just weeks ahead of the Olympic [games](#). Last month, in an effort to calm water quality concerns, the mayor of Paris and President Macron vowed to take a [swim](#) in the river. In a move that would make [Gracchus Babeuf](#) blush (with pride?), Parisians [threatened to do their business in the river](#) to protest the government's handling of the situation. Over the last decade, France's government has spent over a billion euros to update the city's water infrastructure and improve the sewerage system. However, major storms and frequent flooding continually overwhelm the system, causing untreated overflow discharges into public waterways. Fortunately for the athletes (and French public officials), [after yesterday's water quality tests, it looks like the Seine is in the clear](#) (in terms of public health standards—the water definitely isn't).

Like many other facets of life, climate change is putting this critical infrastructure to the test. [Coastal cities with combined sewer systems are particularly at risk](#) for sewage overflow and contamination during flood events. The problems [don't stop with sewage and stormwater](#). Much like [Beauty and the Beast](#), it's a tale as old as time. It's 2024, over a century since modern wastewater infrastructure became the norm in developed countries, and these public health issues remain very much a threat. In the past several years, these problems have been particularly pronounced throughout England's privatized water system. However, earlier this week, England's supreme court [ruled that water firms can be sued for damages caused by sewage contamination](#). Previously, English courts held that collecting penalties was a matter for regulators. Companies and other private actors can now bring claims for trespass and nuisance for such discharges. Lawyers aptly describe the decision as a "watershed moment." We just hope everyone can get their you-know-what together.

Flooded with Claims, Drained of Cash

Much like the contaminants that overwhelm wastewater, the desire to collect from water utilities is infectious. [Louisiana's Supreme Court just ruled that the New Orleans Sewerage and Water Board \(SWBNO\) has got to pay up](#) for property damages sustained by residents and business in connection with the [Southeast Louisiana Urban Drainage Project \(SELA\)](#). SELA is a federally funded flood relief project operated by SWBNO and the Army Corps of Engineers. Plaintiffs claimed losses in the form of excessive noise, vibrations, and diminished property access resulting from road work in the mid-2010s. It's the first time a state court has allowed plaintiffs to seek mandamus, which is the fancy legal work for compelling a public officer or entity to perform a duty laid out in statute. Before now, collecting money judgments from a state or local agency in Louisiana was uncommon because [Louisiana's constitution provides](#) that parties cannot seize assets to collect against the state or a political subdivision. It's usually up to the legislature to appropriate moneys for such specific circumstances. What changed? According to the Court, the right to such monetary relief is "self-executing" when it comes to government takings of private property, rooted in the [5th Amendment](#) of the U.S. Constitution. A bigger question is where the money to satisfy \$10 million in unpaid SELA judgments will come from as well as the broader public policy and fiscal implications of the decision. It's no secret that SWBNO has been riddled with major funding issues over the past two decades, made even more troublesome by the

[state legislature's refusal to fund a needed power complex](#) during this year's session. The [mayor is planning a "state of the utility" event](#) to rally public support for a new drainage fee. Let's put the fun in fundraising!

True Americans Love Civic Engagement

It's the Friday after the [Fourth of July](#), so if you're still reading, we appreciate you. In the spirit of democracy, we must inform you of an upcoming opportunity to flex your civic muscle. The [Natural Resources Steering Commission](#), the body created by Governor Landry back in March to lead Louisiana's Department of Energy and Natural Resources reorganization, [recently held its first public hearing and heard presentations](#) on areas for improvement within existing LDENR offices and recommendations for [offices created during this year's legislative session](#). The Commission is accepting public comments until Tuesday, July 9th. Need some [inspiration](#)? [Here's what we wrote!](#)

In addition to the reorganization within LDENR that has been a priority for the new governor, there was another administrative change this week. On Wednesday, [Governor Landry announced the new state climatologist](#). That role is responsible for collecting climate data for the state and archiving, and public outreach. But there's a catch. In the past, the climatologist served primarily at LSU. Now, [the position will report directly to the Governor](#) and will be classified as a state employee in the Governor's Office of Homeland Security and Emergency Preparedness. Governor Landry indicated a desire for "one concise weather voice coming from the state." Though it's a small distinction, it will be interesting to see how it plays out, especially given the controversy surrounding the removal of the former state climatologist and the [current administration's skepticism of climate change](#). The [devil's](#) in the data. [Just ask Beryl](#).

Coming Up:

NWWN Webinar, [Adapting to Climate Change Along Louisiana's Gulf Coast](#); July 9, 2024

[U.S. Army Corps of Engineers - Pearl River Basin Draft EIS Public Meeting](#); Slidell, LA; July 11, 2024

Water jobs:

[Staff Scientist](#); Healthy Gulf; Houston, Southeast Texas, or Southwest Louisiana (Remote)

[Chief Development Officer](#); Healthy Gulf; Gulf South (Remote)

[Coastal Organizer](#); Healthy Gulf; Southeast Louisiana (Hybrid)

[Director of Clean Water Protection](#); Harpeth Conservancy; Brentwood, TN

[Operations Manager](#); Harpeth Conservancy; Brentwood, TN



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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