



# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
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## It's the Spookiest of Seasons: the Supreme Court is [back in session!](#)

And to top that news, they held oral arguments in the first environmental case since the Court's ruling in *Loper Bright v. Raimondo* that [ended the Chevron deference ruling](#), which for the past four decades had instructed courts to defer to an agency's reasonable interpretations of statutes. And if, as in this case, that agency is the EPA and the law is the Clean Water Act? It really makes you [wonder](#) if our nation's waters will ever get a break. This regulatory challenge is not being brought by one of the [usual suspects](#). This time it's [San Francisco](#) taking on the Environmental Protection Agency (though there had been extensive fighting amongst city officials over the appeal). Like many places, the city has a combined sewer system, which handles both sewage treatment and stormwater, but it can get overwhelmed during storms and overflow, resulting in issues in the Bay area. At issue in this case is San Francisco's wastewater permits under the [National Pollutant Discharge Elimination System](#) (or NPDES). Unlike other NPDES permits, municipal wastewater has unique considerations that also make regulation fairly difficult. So, the EPA sets narrative criteria for water quality rather than numeric limits for individual pollutants for these wastewater permits. San Francisco is [challenging whether EPA can enforce such narrative standards](#), arguing that the EPA should provide clear and identifiable discharge standards so that the city is not at risk of facing what it claims are "crushing" CWA penalties.

San Francisco officials say the suit isn't an attempt to challenge the EPA's ability to regulate such matters. Environmentalists fear that regardless of intent, the decision could have sweeping impacts on the regulation of point source pollution. Nevertheless, if San Francisco prevails, it could dramatically change the way that federal and state regulators write and enforce permits. It will also likely have sweeping impacts for cities across the U.S. In a switch up, during arguments, the liberal-leaning justices focused on statutory language of the CWA, while several conservative members focused on policy arguments. Is this just a Halloween trick or a glimpse into the future of the federal judiciary?

These things may appear grim stateside, but it might be even worse in England. As if grappling with the [sudden loss of one of its most beloved young stars](#) wasn't bad enough, issues with the country's privatized water firms seem to have reach a boiling point. There have been [renewed talks of nationalization as private water companies continue to pile up enormous debt](#) along as well as permit violations. A recent investigation found two companies were responsible for 1,374 illegal sewage discharges in a two-year period. Yet, over the past five years the company has received four-star ratings from the Environment Agency. Collectively, water companies have accumulated £60 billion pounds in debt, but [fear not, shareholders](#), they have also paid out £53 billion pounds in dividends! But they will tell you it is because water bills are too low. Though the government doesn't seem convinced that nationalization is the answer, there is widespread support for publicly run water utilities among Britons. The people of Britannia are going to have to pay either way. Gobsmaacking!

## Manufacturing a Climate Housing Crisis

Thanks to successful emergency preparedness efforts, Florida saw its largest evacuation in history ahead of Hurricane Milton. However, damage across the state is widespread, especially given Hurricane Helene struck the state just two weeks before. The struggle for folks living in mobile and manufactured homes has been a stark reminder of the

true extent economic inequities that follow disasters. These houses are constructed and assembled offsite and then transported to a lot where they are installed/secured into the ground. Florida has one of the highest concentrations of manufactured homes in the country. An estimated [12% of housing in Florida counties in Helene's path was comprised of these homes](#).

[Manufactured homes are also more likely to be in flood zones](#), and those who live in them are three times as likely to live below the poverty line. Though the federal government enacted the first building standards for mobile homes in 1976, homes constructed before then remain particularly vulnerable. There's a [high concentration of these homes in places like Tampa and western North Carolina](#). More and more folks are living in manufactured homes due to lack of affordable housing, but these structures are more vulnerable at a time of increasingly frequent severe weather. Many who cannot afford to rebuild and/or elevate their homes after a disaster are increasingly considering manufactured homes as a more affordable option. In addition to these being insufficient to withstand major storms, most mobile home residents don't own the land they reside on, because most states, including Florida, don't consider them to be "real property." So, [mobile home parks are increasingly getting bought by corporate entities](#), which creates further issues for residents trying to access more holistic federal disaster programs. That's because FEMA buyouts of mobile home parks go to park owners, not residents. It's a vicious cycle of risky living conditions and displacement with little to no safety net provided by insurance.

It's often said that these pesky insurance issues are primarily a Florida or Louisiana problem. But this insurability problem is going to (if it hasn't already) impact the entire country. And [everywhere](#) else. Last month, flooding devastated Italy's northern region and left many communities grappling with how, and whether, they can recover. Only [6% of homes and 5% of businesses in Italy are insured against flood damage](#). At the beginning of the year, the Italian government [mandated natural disaster insurance coverage for businesses](#), which has been unpopular in higher risk areas. That has not been mandated for homes, but the possibility is on the table as extreme weather continues to become the standard of reality.

### If You're Hungry for More, Don't Be <3

Speaking of vicious cycles, a new report from the [Global Commission on the Economics of Water found that the global water cycle is out of balance](#) for the first time in human history. The world's running out of freshwater for food and densely populated urban areas around the globe are sinking, threatening access to clean water. It could put [half of global food production at risk by 2050](#). There are signs all around. The [Mississippi River is on its third consecutive year](#) of critically low water levels which has negative impacts on global agricultural markets. Down near the mouth of the river, the Army Corps had to construct a sill for the third year in a row. Instead of doing things like proactively planning for water scarcity, authorities keep welcoming new industries and practices with big water footprints without anyone stopping to ask if there's even enough water for it. Perhaps state government leaders should take [some pointers from Vanilla Ice](#).

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#### Coming Up:

[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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