



# TUWaterWays

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

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## In Politics, They Tell You to [Follow the Money](#)

In legislative sessions, we would tell you to follow the water. From [public records access](#) to insurance to executive reorganization to a proposed [constitutional convention](#), Louisiana lawmakers have a lot on this legislative session's agenda. Not even the [Kardashians](#) could keep up with state politics. But to follow our own advice, we've kept up with the water resource implications of this session. Back in [February, the Governor made clear his intent to reorganize and overhaul](#) Louisiana's Department of Energy & Natural Resources and potentially move the Coastal Protection and Restoration Agency under LDENR. Though there's no current proposal to consolidate the agencies, there's likely going to be a lot of change. Two bills get at the heart of it. [HB 806](#) seeks to reduce the size of the CPRA Board by removing several members representing state transportation and agriculture agencies, among others. The second, [HB 810](#) seeks to reorganize LDENR and establish new offices within the agency, including an Office of Land and Water. Both have passed through the House and will be considered on the Senate floor next week. Speaking of CPRA, there's new insight into just how much [money the state might be on the hook for if the Mid Barataria Sediment Diversion doesn't go forward](#).

[HB 488](#) is another piece of legislation with hidden, but serious, water implications. The proposed bill seeks to preempt the regulation of noise pollution, zoning changes, and just about anything else related to bitcoin mining. These operations draw scrutiny for their [energy use](#) as well as their [water footprint](#). Arkansas passed legislation a year ago that contained the same language as the Louisiana proposal (courtesy of a [Mississippi-based Bitcoin advocacy group](#)). [It hasn't been going well](#) there to say the least. [Noise pollution](#), wildlife impacts, energy intensity, and water demand are just a few of issues that come along with a Bitcoin mine. [Arkansas lawmakers just passed several bills seeking to undo regulatory restrictions and restore some local authority](#) over the crypto mining operations just one year after enacting it. Louisiana's crypto bill passed easily through the House and will be considered in the Senate next week. Even with proposed amendments in the Senate, it's still an industry-drafted piece of legislation from an industry with [a less than stellar record of responsibility](#). Furthermore, it should go without saying, but any proposal seeking to preempt regulation of an industry that has not even begun operations should be scrutinized.

While were talking [bills](#), Tuesday, the [Governor signed several pieces of insurance legislation Tuesday](#), kicking off a notable shift from an insurance regulatory environment protective of homeowners towards a business-friendly landscape. The coming changes extend time periods for insurers to adjust and pay claims, remove the requirement to retain coverage in place for 3 or more years, and allow insurers to drop up to 5% of its policies annually. [Everyone is going to love it](#). On the bright side, the legislature extended the state's fortified roof grant program.

## Don't Be [Chicken](#) – It's Just a Little Wastewater

When it comes to industrial agriculture, there's nothing to be afraid of. Except maybe for emissions, labor conditions, treatment of livestock, and impacts to water quality. According to federal Clean Water Act permits,

between 2018-2022, Tyson, under those permits, dumped [371 million pounds of pollution in our waterways](#) in the form of [billions of gallons of wastewater](#) containing animal parts, nitrogen, blood, feces, and other pathogens. Notably, the analysis doesn't include runoff and other waste that the company isn't legally required to report. Half of Tyson's discharges occur in rivers, wetlands, and streams throughout Nebraska, Illinois, and Missouri – making their happy [way down the Mississippi River system](#) and into the Gulf of Mexico. Further, the facilities included in the study only account for around 2% of slaughterhouses and processing plants nationwide – most of which are exempt from existing regulations. [Tyson also happens to be getting \\$60 million](#) in funding from [USDA's Climate-Smart Commodities](#) program to, among other things, “reduce emissions in the production of beef and row crops for livestock feed.” It seems the Climate-Smart [bar is on the floor](#).

## Water We Celebrating?

It's [National Drinking Water Week](#) and EPA's water team is having an [Oprah](#) moment with [all the recent funding announcements for lead pipe replacement](#). We can and should celebrate those [investments and advancements](#), but across the country, the [cost of water services has risen an estimated three times faster than inflation](#), leaving [many Americans struggling to pay their water bills](#).

For many cities with aging water systems and a historic lack of infrastructure investment, the road ahead is an uphill one. In [Jackson, Mississippi, EPA's Office of External Civil Rights Office released findings](#) from an investigation into whether racial bias shaped state agencies' water funding decisions, prompted by a Title VI complaint regarding the [water crisis in 2022](#). Though EPA acknowledged that the crisis disproportionately impacted the majority Black city, and that Jackson was the lower end of per capita funding, it found insufficient evidence of racial discrimination by the state government. The residents of Jackson continue to struggle with water challenges of all kinds. However, a small win came last month when federal judge [granted an emergency petition from local advocacy groups to be added as parties in EPA's Safe Drinking Water Act lawsuit against Jackson](#) in connection with 2022, giving them a seat at the table for the planning of the city's future water system – which the advocates hope doesn't involve privatization. All the state and feds have to do is put the public's interest first. Surely, they won't be pitted against new, deep-pocketed interests [setting up just outside of town](#), either.

### Coming Up:

LDENR Natural Resources Steering Committee  
Public Hearing; Baton Rouge, LA; June 18, 2024

### Water jobs:

[Hazard Mitigation Specialist, Senior](#); City of New Orleans; New Orleans, LA

[Staff Attorney](#); Atchafalaya Basinkeeper; Remote w/in LA

[Environmental Law Clinic Fellowship](#); Case Western Reserve University; Cleveland, OH



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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