TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
March 20, 2020

Save Our Springs

As many of you already know, Nestlé makes a huge profit by pumping water from springs across the country at an extremely cheap rate to thereafter bottle and sell it at a much higher rate. And we have not kept our thoughts on the matter a secret. In Florida, there is an ongoing battle between the family owner of Ginnie Springs, the Wrays, who want to sell quadruple the amount of spring water to one of Nestlé's bottling plants, and environmentalists, who are trying to save the spring from corporate bottling. For years the Wrays have sold this spring water under a permit to bottling companies, and now they have asked for an expansion of the permit to allow over a million gallons a day to be extracted and sold to Nestle.

Environmental effects of plastic water bottles and bottling practices aside, this amount of water being taken from a natural spring to be sold at an inflated price has environmental consequences of its own. Increased population and tourism in Florida has already dried up some aquifers and threatens more. So, should it really be so easy for Nestlé to buy so much of such an important natural resource? The Wray family argues that this amount of water is minimal when considering all of the water in the area, but environmentalists and local business owners, who are joining the environmentalists in pushing for the denial of the Wrays' expanded permit, argue that it would not be in the public interest to extract and sell so much more water. A hearing by the Suwannee River Water District on the permit was set for March 10, but it was pulled from the agenda.

Partially in response to this, Representative Wasserman Schultz of Florida has announced that she will be introducing a bill that would place a federal tax upon each gallon of water extracted from springs or groundwater sources. The amount she proposed is five cents per gallon, so if it were to go through and the Wrays' new permit is granted, somebody would be paying at least $50,000 a day for the privilege. The tax revenue collected from bottling activities would then be put towards federal public water projects. This idea comes after a greater Congressional inquiry by Representatives Rouda and Tlaib into Nestlé's extraction and bottling practices. They state that Nestlé withdraws and profits from a natural public resource without reinvesting in or considering the surrounding and nearby communities, citing Flint, Michigan and California during drought as examples. Perhaps this, along with Washington state's recent proposal to ban companies from using natural water sources for bottled water, will be the start of the decline of the water bottling industry habit of privatizing public things for profit.

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 stewardship of water.

Coming up:

Abstract Submission Deadline for EPA Drinking Water Workshop; March 26

Louisiana SciComm Virtual Summit; March 27

Green Infrastructure Financing & Economic Development: Best Practices from Milwaukee Virtual Conference; March 27

Drinking Water Webinar: Drinking Water Regulations 101 and Best Practices for Training Utilities; March 31

Application Deadline: Small Center Request for Project Proposals from Community-Based Organizations; April 1

A Studio in the Woods Scholarly Retreat Application Deadline; April 13

Public Comment Deadline for Certain CA Groundwater Sustainability Plans; April 15

Public Comment Deadline for "Strengthening Transparency in Regulatory Science" Proposed Rule; April 17

Louisiana Watershed Initiative Round 1 Projects Application Deadline; April 24

Drinking Water Webinar: Harmful Algal Blooms and Algal Toxins; April 28

Water jobs:

Ocean Innovations Fellow; World Economic Forum & Stanford University; San Francisco & Stanford, CA

Director; University of Wisconsin-Milwaukee Center for Water Policy; Milwaukee, WI

Attorney; Water Resources Control Board; Sacramento, CA

Climate Engineering Fellow; UCLA School of Law; Los Angeles, CA

Rachel Carson Environmental Organizing Fellowship for Students

Various Positions & Locations; Earthjustice

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New Zealand's Offshore Discovery

Last week the National Institute of Water and Atmospheric Research ("NIWA") reported that its scientists have discovered a rare offshore aquifer off the coast of New Zealand. In another rarity, it is just twenty meters below the seafloor, making it one of the shallowest offshore aquifers known to man. This is all great news for New Zealanders, as they increasingly experience droughts (although, oddly enough, earlier this year, the North Island of New Zealand was drought-stricken, and the South Island was hit by heavy rainfall and flooding). Scientists believe the newly discovered aquifer could relieve pressure on the North Island, especially by restocking some of the country's freshwater supply when they are in need. Scientists do not yet know the exact quantity of water contained in the aquifer, but based on the size it could be as much as 20,000 cubic kilometers, which is equivalent to half as much as is among the entire Canterbury plains.

Transparency or Ignorance?

As we reported a few months back, the Environmental Protection Agency has been planning to release a proposed rule that would limit which scientific studies may be used when determining public health and environmental regulations. Well, the "Strengthening Transparency in Regulatory Science" is finally here, and it was officially published in the Federal Register yesterday, March 18. As the name says, the agency's party line is that this will promote transparency and ensure that scientific studies being used are the best they can get. However, in reality, this limitation could have disastrous effects. It will complicate creating regulations and it will complicate interpretation of past regulations that may no longer be deemed to have used the best science available. Although the proposed rule dropped the retroactive element, critics warn that because regulations are up for renewals every few years, it still could apply to past studies. Scientists also warn that it could downplay or dismiss crucial public health and environmental research of the past decade, making it easier for the EPA to weaken past regulations and create weaker future regulations. We are still reading through it but will likely be sending in and sharing our comments in the coming weeks. If you too would like to comment on the proposed rule, you can get the instructions and submit them here. Comments are due April 17th, so spend some of your coronavirus quarantine time on a worthy cause and get on it.

While the Tourists are Away, the Animals Will Play

In the wake of the COVID-19 pandemic, a silver lining has emerged in one of the hardest hit countries, Italy. Venice's notoriously polluted and murky canals have cleared; dolphins and swans have returned to swim and play; schools of fish can be seen beneath the water's surface. In recent years, mass amounts of tourism, flooding disasters, and subsidence have plagued the Venice canals. However, now, because the entire country is on lockdown and a travel ban has been instated, tourism has ceased, and the canals are clear once more. Residents of Venice have created a Facebook group dedicated to documenting the natural wonders of the clear canals during their lockdown.

Keep in mind, however, that this is not necessarily due to improved water quality, pollution-wise. The canals are just clearer because the sediment has resettled at the bottom since it isn't being churned up by constant gondola and boat activities. That isn't to say that the lack of tourism isn't going to slow pollution in the country (in fact, air pollution has already decreased), it just isn't the full reason for the clearer canal waters at this moment. For more animals frolicking throughout these trying times, check out these Shedd Aquarium penguins getting to explore the aquarium exhibits while it is closed.