TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
June 17, 2022

Life in the PFAS Lane

Now before you all revolt because it's been a full 8 weeks(!) since we last wrote about PFAS—we've got an update for you! This week EPA issued health advisories on 2 (of about 9,000) of the most common "forever chemicals": PFOA and PFOS. The new guidelines change the level at which exposure to these compounds is considered unsafe when consumed in water from 70 parts-per-trillion (set in 2016), to 4 and 20 parts-per-QUADRILLION, or 0.004 and 0.020 parts-per-trillion. These concentrations are far lower than any state drinking water regulations and in fact so small they're below baseline reporting levels for analysis labs. In other words, they're lower than EPA has the ability to detect, meaning that the only acceptable measurement is 0. If you've been following TUWaterWays for a while, you'll know that PFAS has shown up in tap water all over the country at levels a whole lot higher than 0.

EPA's announcement also invites states and territories to apply for $1 billion in grant funding to address PFAS and other contaminants in the drinking water of disadvantaged communities. This will be the first installment of $5 billion between now and 2026 provided by the Bipartisan Infrastructure Law for this cause. All of this puts EPA right on schedule with the PFAS Strategic Roadmap it released in October 2021. If progress continues on track, the new levels, which are currently non-binding, will be final rules by fall 2023. So that's what's up with PFAS!

This Season on Yellowstone…

If you and the kids were heading to Yellowstone National Park for family vacation this summer hoping to see geysers, bison (not buffalo), and the recently-renamed First Peoples Mountain, you may have to formulate a backup plan. The park evacuated all visitors and closed its doors this week amid unprecedented rainfall 4x the region's average and flooding that washed out roads and bridges. Originally suggesting that the closure would only last a few days, officials are now saying entrances to the park could stay closed for months, and repairing damage to some of the park's infrastructure could take years.

While national parks are uniquely vulnerable to climate change, areas outside the park boundaries are also reeling in the storm's aftermath and bracing for more to come. In Billings, residents were asked to conserve water as flooding rose above operational levels at the city's main water plant. The town of Gardiner that borders Yellowstone was placed on a boil water advisory. With more chance of storms in the coming days, floodwaters are already bellowing toward the Missouri River where officials and residents of the Dakotas

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.

Coming Up:

Restoration on the Half Shell; June 25

Louisiana Climate Initiatives Task Force Public Meeting; July 12

Louisiana Climate Initiatives Task Force Fall Meeting and Workshop; October 22

Water jobs:

Litigation Attorney; Florida Department of Environmental Protection; Tallahassee, FL

Water Quality Technician; Pontchartrain Conservancy; Metairie, LA

Fellowship for Climate Change and Environmental Professionals; Atlas Corps; USA

Legislative Analyst, Coastal and Flood Resilience; Environmental Defense Fund; Washington, DC

Associate Attorney; Sher Edling LLP; San Francisco, CA

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and Nebraska are trying to determine what impact they might have now as well as how this storm might have changed what can be expected the rest of the season. In the meantime, if it's geysers you were hoping to see this summer, New Orleans may have you covered.

Disappearing Lakes Everywhere You Look

Last week we wrote about the rapidly drying Great Salt Lake. The lake's disappearance is interesting because although it would cause a plethora of problems—toxic dust clouds, a break in the Pacific Flyway, the loss of a highway of commerce (or not?)—despite being the largest natural lake west of the Mississippi River, the disappearance of the Great Salt Lake wouldn't actually cause much of a problem in terms of water sources. (To be sure, Utah has its share of that as well). But lakes are disappearing all over the world and, in many cases, major freshwater sources are going with them.

For example, in Chile, the Peñuelas reservoir was once the only source of water for the coastal city, Valparaiso. The reservoir and dam were built at the turn of the 20th century and until 20 years ago, held enough water for 38,000 Olympic-size swimming pools. Now only 2 pools of water remain. This is becoming a common tale in Chile as the country enters the 13th year of a megadrought with no end in sight. Much of the drought is attributed to "natural" (are we calling climate change natural?) causes, as warming seas off Chile's coast block storms from reaching land so that there's not enough water in the sky to replenish lakes, rivers, and snowcaps in the Andes. But scientists are also linking human behavior to the drying lakes, with experts pointing fingers at both excessive agricultural and urban diversions and Chile's system of private water rights (a new constitution is up for public referendum in September, and it looks to replace the Pinochet-era water system (and a lot of other Pinochet systems), but backers have a long way to go before getting the support to pass it).

The scarcity threatens the drinking water supply for people all across the country—last month, the capital city, Santiago, instituted an unprecedented water rationing plan. But the lack of water also threatens the mining industry that provides 28% of the world's copper, a highly water intensive metal. Copper is incredibly important to modern life (if you're a fan of cars, smart phones, and plumbing), but also an integral aspect of most plans for a sustainable future. Don't fret too much though—if Chile's copper becomes unattainable there's probably a comet floating around we could mine…what could go wrong, right?!