

Local Solutions: Standing on the Windward Side
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An apt metaphor for local problem solving is provided by Benjamin Franklin who described what happened when he dropped a cruet of oil on the rough waters of Clapham pond and watched “it spread itself with surprising swiftness upon the surface; but the effect of smoothing the waves was not produced; for I had applied it first on the leeward side of the pond, where the waves were largest, and the wind drove my oil back upon the shore. I then went to the windward side where they [the waves] began to form; and the oil, though not more than a teaspoonful, produced an instant calm over a space of several yards square, which spread amazingly and extended itself gradually till it reached the lee side, making all that quarter of the pond, perhaps half an acre, as smooth as a looking glass.”¹

The work of the Land Use Law Center stands on the windward side of the waters, where the troubles begin. That is to say, it observes the problems where they first occur, on the lands around the local ponds, lakes, streams, wetlands, and rivers, and above groundwater aquifers. Water pollution is a local phenomenon; it affects local people and engages, as if by instinct, local legal powers. It is critical that we understand the authority that resides in this windward space and to learn how to use it collaboratively to fill the significant gaps in state and federal water law.



¹ CHARLES TANFORD, BEN FRANKLIN STILLED THE WAVES: AN INFORMAL HISTORY OF POURING OIL ON WATER WITH REFLECTIONS ON THE UPS AND DOWNS OF SCIENTIFIC LIFE IN GENERAL 71 (1989)