

Water Meeting

January 1/8/18

JIMMY GUIDRY: We'll go ahead and get started.  
Start out with roll call.

CARYN BENJAMIN: Dirk Barrios (absent), Vern Breland (absent), Ben Bridges, Robert Brou, Jeffrey Duplantis (absent), Greg Gordon (absent), Jimmy Guidry, Jimmy Hagan, Randy Hollis, Patrick Kerr, Amanda Laughlin, Rick Nowlin, Rusty Reeves, Chris Richard (absent), Keith Shackelford, Cheryl Slavant (absent), Joe Young, David Constant (absent). We have a quorum.

JIMMY GUIDRY: Everybody welcome to our water committee meeting. It's a new year. Hopefully you had a nice holiday with your family and are fresh and ready for a very busy year. This is going to be the year of water. We're getting a lot of issues whether it's from dealing with winter weather and flooding for drinking water. I think Louisiana is going to have to deal with a lot of water issues. And I think we've already started out the year with several boil water advisories as a result of the freezing of the pipes. With that said, we go to the minutes and see if there is anyone that has any amendments to the minutes before we vote

on them.

RICK NOWLIN: On page 16, the first line, I would like to offer a change from the word impede to impute.

JIMMY GUIDRY: It's his statement and he's changing a word. The word impede, and that word is now suggested being impute.

RICK NOWLIN: I believe that's what I said.

JIMMY GUIDRY: Well you can correct it at this point.

RICK NOWLIN: I would like to offer that as an amendment.

JIMMY GUIDRY: Anybody oppose? All in favor say aye. So the amendment is adopted. With the amendment do I hear a motion we approve the minutes.

PATRICK KERR: So moved.

BEN BRIDGES: Second.

JIMMY GUIDRY: Do I hear anybody oppose. Everybody in favor say aye. The minutes are approved. Right onto old business. Turn it over to Amanda so she can tell us about where we are with the rule making schedule.

AMANDA LAUGHLIN: Do you want to go over-- so everything was published and we had our public hearing and we did get some written comments. And Caryn is

going to go over those comments. They are from the Louisiana Chemical Association. A lot of the comments are technical in nature, not substantial. There is a couple of things that we need to discuss that they would like to have changed.

CARYN BENJAMIN: If everybody can pick up your LCA handout. I'll go through each one just so you're aware of the status for each. So page 1 there are some general comments that really didn't have anything to change, just really going over-- apparently some other comments that they accepted and is included as part of their comments. Then there was the comment on commending our effort with the rule making and taking on and adopting our own regs. And then they did note something about the fiscal and economic impact statement that LDH discounted or fully didn't appreciate the costs that the regulated community will occur as a result of the new provisions. I guess with regard to the fiscal and economic impact statement the main cost or the main point of the fiscal statement was that the costs were not able to be estimated. Because it's going to be based on future projects and the department is not aware of those future projects, what they will entail. And so the fiscal impacts would be

based on the scope and complexity of any modifications or new constructions planned after the effective date of this rule making. So that was pretty much the bulk of the fiscal and economic impact statement. We did note in there there will be an increase with some projects based on requirements being stricter. But there also should be a decrease in some costs for other projects due to the lesser requirements. An example is systems not having to add closure for chlorine. They can opt out of the not enclosing chlorine. Of course would be less cost for construction. For the increase costs we noted the increased restrictions regarding chlorine dioxide and so forth having used a certified chlorine dioxide generator. Not too sure what he meant by this point. I was kind of hoping he would be here today to clarify that, but anyway. There was a statement regarding-- when I say he I'm referring to Henry Graham which I believe is the legal counsel for Louisiana Chemical Association. I guess I should refer to them as LCA for these comments. So they go in to provide edits that are either technical, or for clarification, or actually a correction. That would start on page, I guess the 3rd page. We'll go through those. The edit on section 111C9A that was accepted to

just add in the section number for the DNR's regulations for the water wells. That would be considered technical and doesn't require an additional notice. When it's a technical correction or clarification there is no need to republish the notice of intent, but if there is any substantive changes that would require a publication of those changes so we would have to do a notice with those changes and also another public hearing. Which does delay the final rule of publication. However, that doesn't necessarily mean the effective date is changed unless we decide to change it. The next comment for 113A7A3 was to strike out appropriate. Which that was a typo so that was done and accepted. 115A21 that was changing the subsection from B to A. That was an error. That was corrected and accepted. 129A10 that was to include language to clarify the statement. Which I don't have an issue with, unless someone on committee sees an issue let me know. But I accepted that change.

RANDY HOLLIS: Chemical storage? How did that entire sentence read because we don't have the entire sentence here. It sounds correct the way they have written it. I would like to see if there was a reason we left out the word. We can come back to that.

CARYN BENJAMIN: For 133 it's adding in for existing electrical and then adding in equipment comma electrical instrumentation and controls. I guess to clarify what exactly they're referring to in this statement.

ROBERT BROU: They added applicable in section B.

CARYN BENJAMIN: Correct. I missed that part. Yes. Do you want to wait till you see the whole provision. This is going back to 129A10 comma.

RANDY HOLLIS: I'm fine with it Caryn.

CARYN BENJAMIN: Any opposition to that change? All right, moving to the next one, 133.

AMANDA LAUGHLIN: Does anyone have any comment on that one or opposition?

PATRICK KERR: On the next line too if you're correcting it. To remain as is. Next line.

CARYN BENJAMIN: His suggestion, or LCA's suggestion, was correct, but also what we had was correct. So what I did was is I changed it to include chapter 11 and 13 since the residuals are in chapter 11, but the method for chlorite is adopted by reference in chapter 13. Unless you oppose, speak up if you oppose. This one is just remove, a typo just removing that semicolon. This was just to remove, again, a

typo. I don't believe there is any state OSHA requirements. Adding in to abbreviate PVC. So far these are just technical. Not going to require republication. This one their suggestion was correct. The casing materials was also listed in 5 as well as 4. So I added that in. Any opposition. Do you want to go back and look at 5. This is just adding in a shall. I think we inserted are instead of or. I will give you a minute to read it.

RANDY HOLLIS: This brings in a whole host of things here because if the intent was solids contact units for only surface water or those under the direct influence of surface water are required, which are required to meet primary drinking water standards shall have two units. We're adding in a whole 3rd category saying surface water, ground water under the influence, or if you have to meet primary now you have to have two units. It's not a simple switch of are to or. It's adding in.

AMANDA LAUGHLIN: It used to read or are required.

ROBERT BROU: (inaudible)

RANDY HOLLIS: Okay. Got you.

CARYN BENJAMIN: Treating surface water or their ground water under the influence or they're required to

meet. They have an arsenic issue or whatever and they're required to remove that then they will need to have two contact clarifiers. They're wanting to clarify you can exceed the three. Of course the next statement does state what you would have to do if you propose greater than three filtration rate.

AMANDA LAUGHLIN: I think it's redundant. We're addressing it in the next comment.

JOSEPH YOUNG: I don't think it's necessary.

CARYN BENJAMIN: Everybody agree?

PATRICK KERR: The last sentence talks just about surface water plants, right. And the one before talks about under the influence. You have to put it somewhere. If you want to approve both we need to make sure there is language to do that.

CARYN BENJAMIN: Include three in the second sentence.

PATRICK KERR: Either way will fix it I think. You could put surface water treatment plants or ground water under the influence. Or you could take LCA's recommendation.

CARYN BENJAMIN: I will make sure it's defined somewhere, the acronym.

PATRICK KERR: Can I ask a question. We looked at



last week in the freeze. So if I were to want to push a plant in a crisis above three feet per three gallons a minute per square foot to produce more water what would be the implication of that. Does that lead to a boil water advisory. What would we have to demonstrate to you and how would we get approval to do that. Cause this says we need approval in advance basically.

AMANDA LAUGHLIN: For a surface water plant.

PATRICK KERR: Yeah. Or a ground water plant. I guess my point is, and this wasn't a specific issue for us last week, but a plant that needs to push past three to keep the system above 20 PSI.

CARYN BENJAMIN: Increase disinfection.  
Typically.

PATRICK KERR: And how quickly would you turn that around. So basically we're faced with a system that has the capacity, we believe, to treat the water above three, but we haven't been approved to treat above three and all of a sudden we can put more than three gallons a minute per square foot because system pressures are so low. What exactly would you look for from us. Could we get an emergency approval for a short term from the department or how would we go about that.

AMANDA LAUGHLIN: I think your CTs would be affected and turbidity. All the parameters that are under the regulatory scope. You would want to demonstrate that you have to increase your disinfection. Your CT is going to change. If you calculate all that out and you change other things to accommodate a higher rate I'm sure we would consider it. Especially if it's temporary. But I would worry about filters that aren't designed to go. I'm sure there is some ability for them to go at a higher rate. I worry about break through.

PATRICK KERR: I guess my question is what is the implication of exceeding this.

AMANDA LAUGHLIN: A boil advisory.

PATRICK KERR: Or if we're treating for some other primary drinking water we may not be able to do it. If it's simply a bacteriological concern we'd issue a boil advisory.

CARYN BENJAMIN: Did we say remove this or no? The unless approved by state health officer. Did y'all think it was too redundant.

AMANDA LAUGHLIN: I think it's redundant now that you added the additional language at the bottom. You don't need both.

RANDY HOLLIS: Yep. That works.

CARYN BENJAMIN: They wanted to add about.

AMANDA LAUGHLIN: It's basically saying approximately. Roughly .003 instead of a defined ratio.

PATRICK KERR: I don't think we need to do the abouts.

RANDY HOLLIS: I think if it doesn't meet that exactly 0.003 then they can get approved from the state health officer if they want to use 0.0031. I assume that is the maximum of .003.

PATRICK KERR: That probably is important whether it's maximum or minimum.

RANDY HOLLIS: This would come directly from ten state standards.

CARYN BENJAMIN: I think so.

RANDY HOLLIS: I'm not comfortable making it approximate without knowing the implications.

PATRICK KERR: But should it be no more than or no less than.

CARYN BENJAMIN: I think they also wanted to add about on C so no go on that one too, right. Next one was definitely a typo. Missed it during the review process. Must have added this in another comment.

Comment number eleven. I will skip it for now when we get to it. This was a typo. Accidently missed this in the review. Changed it to the correct section of the code. And the next one was a typo as well. Didn't delete must. There is a shall and must.

JIMMY GUIDRY: Can you at least give us the number and where you're looking so we can stay on task.

CARYN BENJAMIN: Okay, sorry. 181A that one was a typo and it was corrected. Added in the proper section. 181B10 was deleting a must. 183D was removing a typo. Removing two. 191A was a typo it had powdered. But needed to be powdered. Next one was a typo on the wrong subsection. Added the proper subsection. That's the 201B. 201D I looked at ten states -- sorry, I also caught in the same provision there was a space. It was in ten states too, a space in the percent. Deleted that space. In ten states it was when and not then. I think it was a typo between the W and the T.

RANDY HOLLIS: Does that make sense. Is then not better. To me then works better than when. I would rather leave it and not put when in there.

AMANDA LAUGHLIN: It changes the meaning.

JIMMY GUIDRY: Who wants when? Who wants then?

All right.

RANDY HOLLIS: Then it shall be.

CARYN BENJAMIN: I can still delete the space? If you like the way they suggested to delete where and add if for 203G2. Moving on to 209A4E. We had added so maybe it wasn't this one. Was that the intent. Keeps the intent. All right. 209E3.

PATRICK KERR: It reads better.

CARYN BENJAMIN: This one is similar how I wrote the other one for ammonia.

AMANDA LAUGHLIN: 209E3I any comment. They added the word excessive in 225H.

BEN BRIDGES: Define excessive.

AMANDA LAUGHLIN: I agree, I don't think it's necessary.

JIMMY GUIDRY: A show of hands not accepted. All right, take it out.

AMANDA LAUGHLIN: Looks like 245A they just removed requirements. Cause it's redundant. If you look on including those specifications and requirements for bedding cover and blocking. Say requirements it's like you're saying it twice.

JIMMY GUIDRY: Cover or covering. They should be all "ings".

AMANDA LAUGHLIN: It's cover. 245C2.

CARYN BENJAMIN: A typo. Just adding the D.

PATRICK KERR: Can we make one other typo correction. C should end with a colon right, not a period. While we're being particular.

AMANDA LAUGHLIN: I don't know.

CARYN BENJAMIN: I have seen it both ways.

AMANDA LAUGHLIN: Sometimes the LAC formatting. 249B2 another typo. 261A they added a statement about discharge permit may be required from DEQ.

PATRICK KERR: We had a long conversation about things like this. Our code doesn't need to tell you what you might have to do with other people. I don't think that needs to be in there.

JIMMY GUIDRY: Anybody oppose?

AMANDA LAUGHLIN: 265D they scratched LPDS and put LDEQ.

CARYN BENJAMIN: May not have had a discharge permit. I guess through DEQ department satisfaction.

AMANDA LAUGHLIN: 265D1H they removed lagoon size can be calculated using total chemicals used plus a factor for turbidity.

CARYN BENJAMIN: This was redundant. It's already stated.

RANDY HOLLIS: D.

CARYN BENJAMIN: So I accepted it. The next one in looking at their comment I noticed this wasn't necessarily worded or formatted to where it was worded correctly so I changed it different to what they suggested. So you can see what it looks like. This is really how it should read. Provided that one through four a list I guess you can say. Really just a formatting change.

AMANDA LAUGHLIN: Then they go into definitions. They defined hospital.

CARYN BENJAMIN: I was going to try to find a section in the code to see if there was a definition for hospital already in the sanitary code and I didn't have much luck. The word hospital shows up over a thousand times in the code. I hadn't found one yet, but I was going to maybe refer to that.

AMANDA LAUGHLIN: I bet our health standards probably has a definition.

CARYN BENJAMIN: It would be in a different section. I would prefer to cite--

AMANDA LAUGHLIN: What our health department definition of hospital is.

CARYN BENJAMIN: If y'all are good with that I

will look for that citation and add it to the code.

PATRICK KERR: We don't need it in our code. It's in chapter one, is that what you're saying. There's going to be a definition somewhere, right.

AMANDA LAUGHLIN: It may not be directly in our sanitary code, but the health department I'm sure our health standards we would have to look it up. It would be maybe in another title like 48. But I'm sure we have a definition somewhere being that we're the health department. We need to look at that and research that.

CARYN BENJAMIN: Unless y'all don't want to include it at all. I will just cite that other section.

AMANDA LAUGHLIN: As defined per. 105D permit requirements they define the engineer of record as the professional engineer responsible for the submission of plans and specs for an installation to be permitted by the state health officer under part 12.

CARYN BENJAMIN: Are y'all good with that definition and adding it.

AMANDA LAUGHLIN: I didn't look to see if this was a definition that LAPELS would have. I don't want to do something different than what LAPELS defines as engineer of record. We would have to look at that



first. We can just refer to their definition. So the next one would be a substantial change. They felt like there wasn't enough time for people to begin designing under the new standards. They were requesting that it get changed to January 1st. They felt like an entire year was needed before the standards were in effect.

JIMMY GUIDRY: I guess the question I have is come next August these are the new rules and people ask for an extension what are you going to do. Are you going to shut down the water system. So to me it's like saying the opposite. You're going to have to grant an extension. I'm not sure if you want to put in language. I'm fine with that, but what's the alternative if you don't grant an extension. You're going to shut down the system. Not unless people's health's at risk. It's covered that actually allows it, but it really boils down to the fact how do you enforce that. Going to have to give them time.

PATRICK KERR: We already have provisions for the department to approve extensions of time. If we find a significant deficiency for example. You already have the flexibility to work with us to give us time to do it and I think the same would be true here. It's no different. They're talking about things that are being

designed now there won't be enough. That's baloney. These rules have been out for a long time. Also the things you might find on sanitary survey. You may not find it on the sanitary survey until next February.

AMANDA LAUGHLIN: I think it's important to read their comment. I think there has been some confusion about who the new code applies to. If you look at their comment permit requirements and then they go into detail on grandfathered systems. Part of their comment is new facilities under design and for existing facilities that are subject to modification. I think they are under the impression this is going to retrofit everyone and you only have six months to do that when that's not the case. The significant deficiencies are what existing systems would have to correct. This is strictly for new permitting, things that are coming in that are brand new. I guess the decision of the committee has to be do you think between February and August they need an additional six months for design. It's not for people to have to go back and correct a facility. That's significant deficiency.

PATRICK KERR: I agree. And you're going to give them as much time as is necessary to do it right. Provided they provide protection to public health. We

already have that built into our code.

AMANDA LAUGHLIN: For the permitting side from our operations our engineers are going to be reviewing plans with the new code on August 1st. Do we need to delay that to January 1st. They're saying we should delay that.

RUSTY REEVES: Most of them been designing plants or whatever they been working off of ten state standards. All this has really done is clarified some of the ten state standards and taken out some of the climate restricted parts of it. So it ain't like it's a whole new revamp of water systems. Some will have to make some adjustments, but if we move the date to December or January 1 who is to keep them coming here and saying well I don't have enough time to get plans together to meet a January 1 date. I think the way the system is now if somebody has an issue at hand they can start working with Amanda and her staff and say I may need a little time on this or an extension granted. For those that's worked with the department and followed the procedures the extension, if they're doing something, have been normally granted to water systems. Ain't being something asks and nothing happens.

BEN BRIDGES: I hate to think that there's an

engineering firm there that is so unaware of these changes that they wouldn't take some precaution before they design a multimillion dollar plant and just threw caution to the wind. If I were designing one I would say let's wait till the rule comes out to make sure we don't spend forty hours doing the total opposite of what we need to do. I don't think y'all have to push it back. I think y'all have the provision for the extension. It's for new design. I think that covers it.

JIMMY GUIDRY: Do we feel like we need to add any of this language to clarify. I feel like we have less requirements than we did before. We've already worked on this for four years. I think if we get to the office and somebody has a real issue and we discuss it case by case and decide if they need an extension.

AMANDA LAUGHLIN: I agree. We can respond that way in our comment. Our response to the comment. And cause keep in mind we have to go through rule making again if we change this. And so even if we move it back by the time we go through rule making again it will be the summer. Still six months.

JIMMY GUIDRY: That's the argument. Not needed to the point we should redo the rules.

PATRICK KERR: What about the significant. They added significant modifications.

CARYN BENJAMIN: Modification is defined in the code so I don't agree with adding significant.

PATRICK KERR: I don't either. We've had so many problems in the past when we say significant. What that means.

CARYN BENJAMIN: If that modification affects capacity, hydraulic conditions, function of treatment processes, quality of finished water then they have to have a permit.

AMANDA LAUGHLIN: A response to that comment will be that we're not going to change the effective date. However we will consider those plans at the same timeframe of the new effective date on a case by case basis.

CARYN BENJAMIN: They're thinking they have to install required equipment by this date.

AMANDA LAUGHLIN: That goes into the next comment they had about grandfathered systems. Again, I think it's not clear in their mind you have permitting of new systems and then you have existing systems that don't necessarily have to meet the new code only if it's determined there is a significant deficiency there. I

think the response to that comment would be that this is under significant deficiencies. Those are the things that existing water systems have to comply with.

PATRICK KERR: We spent a lot, a lot of time talking about this. And I think where we really ended up is that we're not grandfathering existing systems. Existing permits are valid and you can continue to operate as long as there is no significant deficiency based on your existing permit. So none of this applies. LCA I think is heading down a path that we spent a lot of time on and we convinced ourselves, and I think correctly, that this change is nothing about the way we operate plants unless there is a public health risk associated.

RICK NOWLIN: I think this is part of the reason they took exception on the economic impact on the front end.

CARYN BENJAMIN: So no to revision of A, right.

PATRICK KERR: Just to put it on the record, we're not talking about not making a change because it would provide a burden we'll have to republish. It's come up a couple times. This has nothing to do with if it's a valid complaint we would republish, issue a new notice. But none of these rise to that level in my opinion.

CARYN BENJAMIN: And C we're not going to make that change as well, correct. In my opinion this would threaten our primacy.

RANDY HOLLIS: The only problem I have with C is stating the owner shall have the burden of proof. If it's approved by the state you would hope that both the owner and the state have documentation of that. That puts the onus a 100 percent, as I read that, on the owner of the water system. The example I will give you in one of our systems we got a railroad permit in 1928. Going back in now the water system has been sold three times, the railroad has been sold three times. I've produced them the permit. Doesn't matter, they still want 4500 bucks to cross. Unless I provide them 100 percent of the legal documentation of every change that's been made. To say the owner shall have the sole burden, that's tough. When DHH should have those records as well.

PATRICK KERR: But they've been sold three times too. That is kind of self serving for the department actually.

RANDY HOLLIS: But it affects your primacy.

CARYN BENJAMIN: No, their addition is what I was talking about. What they added in C.

PATRICK KERR: They struck C and added a new C.

CARYN BENJAMIN: The burden should be on the systems. You're required by federal requirements to maintain your records. There's certain record requirements for sample data for sure, but they also require certain other records of construction materials for like lead and copper rule, so forth. That's something the department is unable, I don't think can maintain indefinitely for every system in the state. We don't have that storage capacity, unfortunately.

RANDY HOLLIS: We live in an area of catastrophes that can happen such as hurricanes that will destroy all records onsite. Tornadoes, that happened at one of our systems in North Mississippi, wiped out everything. So there goes all of your burden of proof, right. They're gone.

PATRICK KERR: But Randy, the department-- don't want to say always, that's a big word, but been reasonable when we can demonstrate through multiple sanitary surveys that's the way it's been done. Obviously been permitted. They really haven't hammered us to show the stamped approved permit from 1952. They haven't used that in an onerous way. If the rubber met the road then it probably is the owner's responsibility



to prove that it's permitted.

CARYN BENJAMIN: It's really going forward to show what you're permitted for now.

RANDY HOLLIS: I don't know how we can change it either. I was just pointing out that it's an issue. It is.

CARYN BENJAMIN: Not their addition, right. No to their addition and no to their strike out on C.

AMANDA LAUGHLIN: The next comment for 10 is basically stating if you don't accept 9 then they proposed additional language.

CARYN BENJAMIN: They're concerned with some of the operation and maintenance. There are provisions that appear to be operation and maintenance and they're thinking we would enforce those as well.

PATRICK KERR: And we were going to. So like 15 to 20 PSI is an operation provision.

CARYN BENJAMIN: That's going to be in a separate rule.

PATRICK KERR: If we use this language we wouldn't be able to change anything like that. It is our intention to change those kinds of things.

CARYN BENJAMIN: Just to give you an example this one is already listed as a significant deficiency I

believe. So that's not a good example. This one, C, is an operation one. They're concerned we would try to enforce this onto existing systems I guess. That's one of their examples they listed.

AMANDA LAUGHLIN: I think the response just needs to clarify significant deficiencies are really for the existing system and the new code is for new or modifications, permitting. I think that would maybe help their concern. Number 11 was regarding disinfection. The language they added is because some of the chemical plants do still have a variance for disinfection and I think they wanted to keep that defined. But Caryn in 355 and 357 does it talk about.

CARYN BENJAMIN: The variances are listed.

AMANDA LAUGHLIN: In another section.

CARYN BENJAMIN: Yeah. That's why I didn't find it was an issue to add that.

AMANDA LAUGHLIN: I think there's only like eight or so that have a waiver. It's not that many.

PATRICK KERR: Waiver correct or variance.

CARYN BENJAMIN: It's interchangeable. 363 is the variances for disinfection.

JIMMY GUIDRY: If we accept the changes we need to correct the parts that it's referenced is that what

you're saying.

CARYN BENJAMIN: No, the mandatory disinfection part is 355 and 357. It's just the variances. I can add the section as well if that makes everybody comfortable.

AMANDA LAUGHLIN: Yeah you can say other than those public water systems holding valid disinfection variances according to section 363, or however you wanted to word it. We only have eight water systems that meet that. Which are all represented by LCA. They're just saying disinfection is required for all water systems.

JIMMY GUIDRY: If I want to read it correctly disinfection is required for all water systems in accordance with 355 and 357 comma other than those public water systems holding (inaudible).

AMANDA LAUGHLIN: Any other comment? Pumps.

PATRICK KERR: Don't like it.

RANDY HOLLIS: I don't either. We have design capacity of the station is made for future growth and we call this the design capacity. I'm not sure what pumping demand is. In our industry we use design capacity.

BEN BRIDGES: Depends on what day of the year.

PATRICK KERR: You cannot design anything that would fail to meet the demand is what this says and that's not okay.

JIMMY GUIDRY: So we don't accept that change.

AMANDA LAUGHLIN: Standby power.

CARYN BENJAMIN: Pat I may be calling you or Randy getting an explanation.

RANDY HOLLIS: No problem. Ten state standards is not the rule. This standard is now the rule.

AMANDA LAUGHLIN: Standby power they are questioning whether something is correct.

CARYN BENJAMIN: It was a typo. The sections, I think it was in chapter 2, a lot of those sections were changed during the review process, some of them of guess deleted. Anyway, the section numbers got changed so this actually is a typo. It should be section 135. That looks like that's it.

RANDY HOLLIS: I think we should thank the chemical association for going through this to the extent they did. Sincerely appreciate what they have done.

CARYN BENJAMIN: Yes, I appreciate their thorough review of all the things I missed. I just want to make sure I got it clear. We're leaving the effective date

of August 1st. The response to this, in order to make the 30 day timeline, the response to this has to go to the legislative oversight committee. They get 30 days to call oversight if they don't like it. To meet the deadline for the February Louisiana Registrar Publication I have to submit the response tomorrow. I'm going to do my best to get it written up and done. If not we would just publish in March instead of February. Which I don't know if that's going to be an issue with the effective date. If you think that would be an issue. Cause the notice of intent has been published. But the final rule if it gets pushed back another date if we want to delay the effective date or not. I need to get it worked on. Can I be excused.

JIMMY GUIDRY: Do I hear a motion we push back the date or keep it as it.

PATRICK KERR: Can we still meet the 1st of August.

CARYN BENJAMIN: We can still make the effective date August, it's just the final rule will be pushed back one month. It looks like there is less time for people to comply I guess you could say. If someone was to state there was no final rule or the final rule was pushed back yet again. But even if we do change the

effective date it's going to require republication. Let me see what I can do and I will try to make that deadline so we can get it in on time and don't have to change anything.

JIMMY GUIDRY: We're going to try to get it done. Are we done with this section. Ready to move on. Thanks Caryn. I know you've worked real hard with this and it required a lot of your time and we really appreciate it. Certainly appreciate chemical association taking the time. Under new business we are going to hear from David Martin. I think there's a lot of things to learn from this that is going to help us in our work for the committee going forward. Want to take a five minute break. Can I have your attention please.

DAVID MARTIN: My name is David Martin. I'm with H Davis Cole and Associates in New Orleans. Wanted to thank Amanda for this opportunity to speak to y'all today. In this past year our firm has been involved in the comprehensive water system rehabilitation in St. Joseph Louisiana. We feel that some of the issues that are going on with the system are pretty representative of what's going on, or what could potentially happen, around throughout the state or throughout the country

as it relates to water systems in the future. I'm going to talk a little bit about the scope of work, what we did, and then what's ongoing. And then Davis will give us a short outlook or some of the lessons we have learned or how we think those pertain to water systems moving forward. A little bit about us. We were founded in 2006. We have offices in New Orleans and Baton Rouge. The bulk of our work is capital improvements to infrastructure systems, mostly in wastewater and water. A lot of the rule making we listened to a few minutes ago was pretty interesting to us. A little bit of background about St. Joseph. Currently they have a population over 1,000 people. This is an economically disadvantaged area. Medium household income is not much. So you can imagine they have significant issues when it comes to raising capital funds for maintaining their system. The existing system was over 50 years old with a wide variety of types of pipe and they were experiencing serious water loss. In 2013 they were cited for various violations related mostly to the deterioration of the existing water system. Just over a year ago DHH conducted testing which determined elevated levels of lead in a significant amount of homes in the area which

lead to the declaration of public health emergency. So preconstruction, the potable water system consisted of anywhere from 2 inch to 12 inch metal pipes. The metering system was nonfunctional. One of the bigger problems we ran into during construction was nonfunctioning valves. Many of the valves were put in in the 60s and 70s and we ran into a lot of broken stems. And probably one of the most alarming things not only was there lead solder in some of the piping in the homes (inaudible) were actually service connections according to the town operation staff. Then the water treatment facility was also a problem. Right around the time we started construction there were two functioning wells. One was constructed in the early 70s and the other one was early 2000s. During construction we lost one of the wells and had to undertake some emergency rehabilitation and still hasn't produced like it had prior to the failure. Water treatment facility was operating a pressure filter for iron and manganese removal. We actually opened up that filter and determined there was no media in it. Multiple leaks and poorly maintained equipment. Scope of improvements we decided on was originally the substantial replacement of the water system which grew



to a complete replacement during the negotiating phase of the construction contracts and also substantial rehabilitation of the plant. The water distribution system we replaced their entire network, approximately 13 miles of pipe with 6 inch through 12 inch pipe. This improved some of the water pressure and definitely improved fire flow. New pipe is mostly PVC c900. We do have some sections of ductile iron. We replaced the entire media system with an automatic meter reading system. Approximately 600 meters, about 80 hydrants and approximately 100 new valves which will help them significantly in their operations in the future. We also reconstructed some sample stations for DHH for their operation in the future. Here is an overview of the system contained in this power point. Yellow is 6 inch, green is 8 inch and the magenta line is 12 inch pipe. The water plant ended up being a significant problem as well. We undertook rehabilitation of the existing pressure filter. As I mentioned there was no media in. One of the first things we did, first contract we undertook was to replace or rehabilitate that filter by replacing all the media and replacing all the valves, protective coatings, install a pretreatment system which just came online within the

last month. We'll talk more about that in a minute. We also installed a redundant pressure filter to ensure they had redundancy. A new disinfection system. Here is an overview of the process. We can distribute this to the committee. One of the things we added was an activated iron solid system. The source water that we're dealing with comes out of the ground an iron concentration about 10 milligrams per liter. Even with filtration it's difficult to meet the secondary standards for iron content. (Inaudible) chemical feed that creates what the inventor calls activated iron solids. Basically what it boils down to an accelerated oxidation of iron that could be flocculated out and removed prior to filtration. Here is a picture of the system in place. To the left you can see the reactor basin and to the right an incline plate settler. Which after the reaction occurs the reaction basin the particular, the flocculated or activated iron is removed. Before and after pictures. This was a pressure filter that was void of media before and after rehabilitation. See it was in a little bit of a state of disrepair. New softener bank also rehabilitated. Also running of media. Media had not been replaced since installation. Part of the scope of work of the

plant included two new wells which will operate in parallel with the well installed in the early 2000s. This well will be retired and it was installed in the early 70s. One of the things that we worked with DHH added to the system (inaudible) inhibitor injection. The town began feeding zinc orthophosphate in 2017 to help with the sequestering of lead in the system. We selected zinc orthophosphate based on local experience and (inaudible) is using that technology as well as recommendations by EPA. This will be a continuous operation after the new plant is fully in operation so we can continue to sequester the lead that is in the private plumbing, but we can't go in the place. This is a breakdown of the funding sources. Davis will talk about this more. But this required more than one pot of money to get this done. We had four different funding sources for a grand total of close to 9 million. We negotiated our contracts with construction. That was something that was allowed by the public health emergency. We had some procurement contracts with long term plant equipment. As you can imagine quite a bit of challenges during construction. Mostly due to unforeseen conditions. The town didn't know where anything was. We ran into gas lines, old

water lines, wide variety of things that quite frankly impacted the project's schedule. We had limited operational support from the town which made it difficult. There wasn't a whole lot that we could do. When something broke our contractors had to pretty much fix it themselves which was a challenge. The existing plant continued to deteriorate while we were working. We lost a well. We had continuous supply problems which impacted us and our contractors as we were rebuilding. All that said the new plant is substantially complete, making water. DHH will be beginning their testing the next month or so for lead to hopefully remove the public health emergency. We will continue to work on ancillary equipment at the plant. Once we get the system off of public health emergency we'll be tying everything up and working on some various items. Davis is going to talk about the lessons learned. As you can imagine we picked up quite a bit.

DAVIS COLE: I'm Davis Cole. I wanted to say we did our own sampling of the water to see how the zinc orthophosphate may or may not be working and those samples came back clear. Very encouraged and hope the health department may be able to clear the emergency

declaration. Lessons learned, obviously without the assistance of the Department of Health and everything they were able to provide to us, the town has no records as far as historical data, they had very, very little information. Amanda, her staff, Dr. Guidry, everybody came together to really tackle the problem in record time. The earlier you can get the agency involved the better. We learned that funding from multiple agencies and sources is a possibility. I know as engineers and business people we don't like doing that because it's complicated. It's a whole other level of planning you have to do. If you plan ahead in the beginning there are some things that Delta Regional Authority will pay for and that capital outlay won't pay for. It's easier to get approval from one agency for something rather than another agency, vice versa. As long as you go into the project with a good plan and you're upfront and communicate effectively with all the funding agencies it can be done. The main thing is all available treatment technologies need to be considered. The AIS is something the town of Ferriday had I guess started. Their version of this is kind of the beta version. Instead of place settlers they use a large, looks like horizontal clarifier that you would see in a

wastewater plant. That's been improved. Introduction of polymers to the system. So far it's been online for almost a month now and the results are phenomenal. We're down from ten parts a million coming out of the well to about like .5 I think now. The filter life will be dramatically extended which is very, very important for a town like this. The emergency declaration really allowed us, it was a very unique project to work on from the procurement standpoint. In I guess January we were tasked with having this online by the end of the year. And nobody thought that was even possible. Lead time on a lot of this stuff six months is not unheard of for major pieces of equipment. So right out of the gate we knew the only way we would ever be able to meet that for the owner to pre-purchase the major items right out the gate. We did that and what we learned in doing that was as long as you were very, very clear in the way you write your specifications. Actually (inaudible) has a formula that was pretty good for owner pre procuring equipment and communicate that to your potential contractor up front so everybody knows who is going to do what. The finger pointing on the back side is significantly reduced. I think have we had any. Not yet. That was

my main concern going into it. It is something that can be done. And that can be done under the current bid law. That's something some of my clients have done in the past. Don't be scared of that. Something that can be done. The emergency declaration also gave us an opportunity to deliver the project differently and really operated kind of like an EPC project, engineer, procure, construct. Like I said earlier, we procured major equipment in an earlier phase. And then the contractor we negotiated with, three local contractors were able to select one that provided really the best value to the town. That's something I think from public health standpoint and public health critical situations that the state needs to look a little closer at a way to allow systems to use that procurement method without the necessary emergency declaration. Just my thoughts going forward. The strict standards are killing the rural water systems. These places since the great depression have been losing population, losing sources of wealth, jobs. And they don't really have resources. Affordability of water, how much a water bill is is a big concern. The grant capital outlay funding is extremely limited. EPA provided grants. Capital outlay money was a little more free

flowing. Capital outlay funds thankfully were available here. I know the state couldn't afford to do this for every little town in rural Louisiana. You really have to kind of think past those methods of funding things. And the low interest loan program something we looked hard at. But even that was going to be cumbersome for the town from an affordability standpoint. We also employed one of the stipulations for the capital outlay funding was employment of 3rd party operator. Previously the town had employed an operator. There were some issues with him keeping his certification up to date and just providing someone that can operate a pretty sophisticated system that they even had before this. I think they hired a party locally that operates several water systems in the area. They have certified operators. They are able to cost share some of the expensive stuff like training, certification, continuing education. And with the advent of technology now a lot of times they can monitor these systems remotely while they're working on something else can come across their phone, or laptop or whatever. We need to continue along those thought lines as far as providing the operations for these systems for rural areas. In the long run it will be a



cost savings for the town. We're not talking about necessarily, just to clarify, replacing all the public works employees. You're still going to need people to fix leaks and things like that. It's the part of operating and being in charge of running something that people are going to drink that can make them sick. Water user rates, this is something probably preaching to the choir here. They need to be looked at as an enterprise fund. A lot of times it's the town's only source of revenue. It goes to get paid for everything. A lot of cases they try to keep water rates low so supplement it by sales tax or property tax or something like that. Really need to get into the thought process of the water rates need to be used to run the system and fund a reserve fund that will allow you to do major replacement. Probably ten years need to replace a filter which could be half a million to a million dollars. That needs to be addressed. This is something the town did do. We did raise rates to account for that. The water rates will be adjusted according to the price index. Going forward a built in increase that will hopefully track with inflation. Early on we looked at consolidation with another local system. You get into a lot of problems. It could work

in some cases where they're fairly close together. But also run into long transit times, water age issues, now disinfection byproduct issues, THM. Maybe introducing a whole other list of problems to solve another. Politically it's generally unpopular. Little towns don't want to relinquish controls of their source of revenue. Privatization, that's something pros and cons of. It does remove some of the accountability from elected leaders. I guess a good thing, maybe a bad thing. Depends on which side you are on. Availability of capital funding. That gets clouded up if the system is actually privately owned or not. Generally may be looking at higher user rates. Depends if you have a system where it's being subsidized by a property tax or sales tax, not being operated as an enterprise fund. The private operators are going to charge you what it cost and plus a reasonable profit. And it is what it is. Systems on a very large scale in Baton Rouge or small scale it's very successful. Something to consider. What can be done, in my opinion, by Department of Health and Hospitals is continue doing what you're doing as far as being approachable and interacting with us, responsive on trying to fix problems these little systems encounter. This is

probably pie in the sky, some sort of legislation or some sort of requirement that towns operate the water rates or have water rates and operate them as an enterprise fund. I know the legislative auditor every year all that information is in there. Maybe an enforcement mechanism. I suspect that would be extremely unpopular. To me it makes sense so I figured I would mention it. Bureaucratically one of the main problems we had was in the state capital outlay process and it's just the rules they have to follow and they're short staffed. If there was some way to streamline that process that would help the process a good bit. I don't have any specifics on that. Continue with the clean water revolving fund. Not this project, but other projects. A fantastic program. One of the main things to keep the standards of drinking water like we have them now, primary. We had Amanda and I met over across the street at the capitol. I guess there was some well meaning legislation introduced that would have required only the struggling water systems to comply with the secondary drinking water systems. Which wow, it's a whole other level of treatment and requirement. I think if we can keep it where it's at for a while and let these people catch up and get their

infrastructure up to date and do the secondary standards down the line. I will answer questions.

JIMMY GUIDRY: Any questions? I know we're running out of time. I would like to use this experience to share with you what this would result in so you have an appreciation for the work of this committee going to the capitol this session. It's already work being done at the capitol to address 400 water systems that are supposedly in trouble. When they say that they're not specific. They heard us say there might be that many systems that could have iron and manganese issues. So they really want to look at our report that's going to come from this committee, that you have in front of you, that we're going to be looking at shortly. What we're going to give them that doesn't really help answer the questions. They're more worried about the brown water and failing systems. So what we've had to deal with since St. Joes is other small systems that are failing they want a public health emergency so we can come replace their system, right. Well the state doesn't have that kind of funding. An example, they actually did some laboratory testing of water systems in the homes for bac t taken at the laboratory in the bathroom, at the refrigerator

at home and they found bacteria. Imagine that. Obviously there's a problem with their water, right. Well yeah, the water coming out of their home plumbing for sure. When that wasn't a public health emergency they started testing for lead. They found lead. If you go looking for lead you're probably going to find it. Especially if they are older homes. And the systems are struggling. So again, they look at it hey this little town got funded because they had a public health emergency. How can we make this happen over and over again and it's not doable. It's really not doable. Their water treatment plant is about 12 years old, 15 years old. Run into the ground because it could not keep up with the amount of leakage that was occurring in their old pipes. This is true with a lot of systems in Louisiana. We have over 1300 water systems. We don't need to have so many. It's impossible to have all these little systems that their infrastructure is failing. They're going to want recommendations, the legislature, on how can we address this and how can they address it with legislation. We saw some recommendations that I really like. Which is let's look at things before they get so far gone that you have to replace the whole thing. How do we focus

on maintenance. Let's look at the way they fund things. A lot of little communities that collect fees, but they don't use it for their water. They use it to run the town, the community. The money doesn't go back into the maintenance. It goes into running their business in town. They have employees they want to keep. They don't have a whole lot of employees in some of these small communities. They will fight you tooth and nail not to connect to another system because that means less jobs for their employees. There's going to have to be legislation and it is going to be a fight because locals don't want to be legislated by the state as to how you run your business. Audits help. If you find some of these communities do a poor job of running their business, keeping their books. And when you start auditing you find out yeah there's a problem with their water system but there's been no readjustment, none. So the first stab is what was required out of last year's legislation to come up with our surveys over a three year period. We told them it takes every three years for each water system. So they figured in three years they'll have all the surveys. When you start looking at the surveys, and you're aware what surveys are about, they talk about infrastructure, talk

about now we have significant deficiencies that we've actually outlined. But they are trying to use the surveys as a way of predicting which systems are going to have to become a St. Joes. They do not understand the complexity of this. They do not understand what it's going to take to figure out what they're trying to do which is find a way to have systems combine, find a way to get whoever is doing the funding and responsible for the water system to actually do the proper billing and reinvestment. We're going to have to do the education. The mood at the capitol if you have been involved with the politics it's an uncomfortable thing to deal with. Bipartisan, partisan and everybody is trying get reelected or not reelected. The capital outlay for St. Joes it was pure luck that Flint Michigan occurred. It would have never happened. It was a category five. It wasn't even near top of the list. It got moved to a one because of Flint Michigan. That's really why it happened. Folks out there that think let's do that again. And there's no way. You've seen almost 9 million dollars for one little town. Imagine all the water systems in Louisiana. Our job as a committee is going to have to be to go to the capitol and educate and work with folks so they don't try to

make happen and repeat the same. Need to figure out a way of how to do that and it's not going to be easy. When we look at other states that have done this it's taken the expertise what we've learned from this and learned as operators to come together and say water is a priority what are we going to do about it and how are we going to address it. It's been calculated at over 5 million dollars if we address water infrastructure. Before it's even finished, before it's even finished the activists are asking us to replace the pipes at the home. The only reason you would replace the pipes is if you truly had a lead issue you did not resolve. Even after all this that we've done with treatment. We got to the point where the pipe's still producing lead then you might have to consider replacing the pipes. They're saying the water pressure went up because they no longer have the leaks and the water pressure is breaking all the pipes. When we went to verify it there might have been six and ten folks there was some disruption. When you go in there put new and attach to the old plumbing there might have been some leaks but they were fixed. But they want to make a case that we need to replace the plumbing in the homes. Not an answer. If we start replacing plumbing in homes we're



never going to fix the major issues which is the treatment systems and the pipes. I'm saying this to this audience because we have a lot of work to do. Because there are some folks over there that think all they have to do is repeat St. Joes and they'll get the funding and get new systems. And we all know that's impossible. That is not going to happen. I share that with you because we have to send a report as a committee to the legislature and time is running down. I will let Amanda tell you about the letter that is going to the surveys. That's really the first stab. If this is what they're going to use they really don't know what they're doing. You really can't use this. It can help. If they don't take an analysis of the system, looking at their infrastructure, looking at the way they maintain their physical ability to run the system, maintain the system that's much more than we do as a regulator. It's a water system's responsibility along with local government, whoever owns it, to do that. And they want the state to come in and tell them what to do to fix their water system. As long as the state brings the checkbook with them. I share that with you because this has been really an eye opening experience. And with the town I might tell you very

nice folks, really happy with what they're getting but there aren't many kids. It is not growing. This town is struggling to survive. We spent a lot of money on fixing their water system which is critical. Now it might invite some people there, but there's not a whole lot of industry, not a whole lot going on that's going to bring more people to live there. Unless they connect to another system there's doubts whether they can maintain the new system. They're talking about getting an operator, talking about keeping everything working. But again, if there's not enough people to pay the bills how are you going to do that. Still some unanswered questions and unanswered lessons. I appreciate what you brought cause we can use some of this at the capitol. Any questions?

PAT GRADER: I was just wondering who was that 3rd party operator.

DAVIS COLE: JCP.

PAT GRADER: And the other question is did the town retain the operator that was there before this and is going to run this system.

DAVIS COLE: No. He was a town employee. He's moved on.

PAT GRADER: I was going to say because I think we

would have another problem.

DAVIS COLE: The governor's office was very clear upfront they didn't want this to be all for not in ten years and was required that a 3rd party operator be brought on.

PAT GRADER: Good move. Dr. Guidry you made the comments about they, they at the capitol. They meaning legislators?

JIMMY GUIDRY: Yes, sir. They passed a law and signed off on it that we would have to have committee meetings and come back with our sanitary surveys thinking this was the answer to their dilemma. How do you fund this, how do you fix this. They're asking the wrong question. We're going to provide the sanitary survey then we're going to have to explain what it means and that it doesn't answer the questions they're actually looking for. Which is systems are deteriorating and they're getting in trouble. You have to step in way before it gets to that point. You have to step in while they're still collecting rates and they're still maintaining their systems. So they're not going to like the answer or the recommendation which is going to be telling the locals how to do business, how to do their business. Cause it's not

going to be very popular. But unless we do that the state's not going to keep up paying for it when it's a result of not doing what you need to do in the front end.

PAT GRADER: Definitely not paying the homeowner to change his line in his home. I don't see that ever happening.

JIMMY GUIDRY: The reason that's happening is because in Flint Michigan they actually did that. The federal government and the locals and the state put up a lot of money to fix their system, but they also changed the home plumbing. It kind of set a precedent that had never been done before where government pays for home plumbing and that's not a precedent that's affordable. It's just not. Any other questions on that issue. Amanda you have anything to add on the survey and what we reported.

AMANDA LAUGHLIN: On the report itself it is a draft at this time, but it's something I need to get finished in the next week or so. If you had any comments about it. I think we tried to not only provide-- one of the appendixes is missing. C will actually be a copy of every sanitary survey letter that we had in 2017 so they can get an idea of what we cite,

what the comments look like on their sample history. I tried to condense it and just kind of pull out significant deficiencies. We ran that report once, but it just ended up looking like more and more questions would be asked so I would prefer to just send the actual letters. We did 433 surveys this year and we met all of our federal requirements as far as timeliness. So some of the graphics, etc. show like how many times we cited certain significant deficiencies. And I also included an appendix about our enforcement process and monitoring violations and how they've decreased since we've been doing sample collection, etc. But in addition to the sanitary survey results, some of the language, it does discuss that what Dr. Guidry was stating earlier. It's not only what we see in the field on a survey. Water quality results are a huge part of determining whether or not a water system doesn't meet the requirements or isn't declining. Because we can actually trend those results over time and see a system that didn't have TCR problems is now having TCR problems or are they also having other problems. In addition to sanitary surveys we need to also let them know there are other things they need to look at in order to give the full report

card of a water system. There is some language in here about how we have started to have these meetings and going forward will continue to have meetings to discuss any legislative proposals at the end of the three year period. But this is a pretty good stab at the interim report. So if you guys have any comments about what you see in here let me know.

PATRICK KERR: Dr. Guidry, one of the things we've been hammering for all these months is that once built the system has to be operated in accordance with its permit. And permits when you have equipment involved usually involve our submitting operating, maintenance manuals, things like that for the equipment. And I wonder if it might be worth our wild to explore on sanitary surveys an audit basically of the actual operating practices. When's the last time they actually measured the media in that reactor. Something as simple as that. Because that would be indicative of a system-- deferred maintenance is like a big bell going off that we're going to have a problem soon. And I don't think we addressed that on the sanitary survey. My point is I think you might have the authority to look at that on a sanitary survey going forward. And if you're not maintaining in accordance with the

manufacturer's guidelines then you ought to have an approved supplement or change to those guidelines. If we have a good reason for not checking the resistor every six months then as long as I have that written into my maintenance process it should be okay. Is that something the department might be able to look at.

JIMMY GUIDRY: I'm open to suggestions about how do we prevent another St. Joes. And when we go to survey we've actually narrowed it down. Because we had a lot more requirements. Remember all the significant deficiencies. Now we have a much narrower ability to regulate. And so authority to say to someone you're not keeping the media up or you're not doing what you're supposed to doesn't really mean they have to. When we do recommendations people a lot of times they don't have the money or they don't have the funding so they just say we would like to do that, but we just can't afford to do it.

PATRICK KERR: I agree. Where I'm heading though is I wonder if under the existing sanitary survey rules that we've just promulgated we couldn't enforce that. Operated in accordance with the permit means operated in accordance with the design engineer's recommendations for maintenance and all that kind of

stuff. And yes, it would add a burden, but that is the crux of how we keep these systems from falling into disrepairs. And y'all might look at it as a committee talk about how we might affect such a new practice.

JIMMY GUIDRY: To me what that would mean is amending our rule that's about to go out.

PATRICK KERR: No. There's no amendment necessary because the rule requires that everything that's permitted be operated in accordance with the permit. I think you already have the teeth, we just need to figure out how to add it to the inspection.

AMANDA LAUGHLIN: Not under act 292. Like for instance St. Joe, that's secondary. They're treating for secondary standards.

PATRICK KERR: They had a permit for their iron removal process and they're not operating in accordance with the permit. Because they're not maintaining it.

AMANDA LAUGHLIN: Language in 292 is very specific that in order to have them correct anything it either has to be a significant deficiency or determined they have to have primary contaminate they have to treat for. All these systems, and most of them are going to be iron and manganese removal systems, there is no enforcement order. It's not a significant deficiency.



So yes, and I can tell you this, especially our seasoned inspectors do write a lot of recommendations and/or deficiencies to kind of note hey, when I come back here in three years if you haven't painted your storage tank or what have you it's going to deteriorate to the point where it will be a significant deficiency. But my understanding until it gets to be a significant deficiency the agency doesn't have any authority to do anything about it. And that's a problem.

BEN BRIDGES: But if they don't have the money to do it in the first place what's going to prevent it in three years having the same exact occurrence. They're going to cry the same thing. We don't have any money, don't have any funds.

JIMMY GUIDRY: That's where I need legislation because right now if they don't meet compliance they don't meet the administrative order, they start getting fines.

BEN BRIDGES: But they can't pay their fines.

JIMMY GUIDRY: So right now what teeth do I have. I'm at the point when you reach certain fines do I get legislation where I say you can no longer have a water system.

BEN BRIDGES: Who comes in and runs it then, the

state.

JIMMY GUIDRY: You put in a receivership, but there's nobody who wants to receive it.

BEN BRIDGES: Cause they're not going to get paid. That's why nobody wants to do business with them cause they're not paying their water bill. That's why you don't have Tensas wanting to run down there and pick them up. They're not paying their bills currently, why would they pay Tensas to buy water.

JIMMY GUIDRY: Therefore back on the state to figure out how to fix this. My only solution is to get it to be affordable by having smaller systems combine. I don't know how else to do it. Unless y'all can help me figure out how to do it. You can't pay for something if you don't have enough customers.

BEN BRIDGES: It goes back to accountability. There are dozens of small systems in the same shape they're in as far as revenues and income and all of that, but they're making it and doing what they can. But maybe handling their finances a little better. Because there are a bunch of them-- I mean we've incurred major debt on my system where I live because we weren't meeting our THMs. We now are by bells and whistles, but it has cost us a fortune to do that.

That wasn't favorable to our small community either.

JIMMY GUIDRY: Your small community which is taking care of their business want to pay for that community that is not paying anything.

BEN BRIDGES: Absolutely not.

JIMMY GUIDRY: Well you are.

BEN BRIDGES: Exactly.

JIMMY GUIDRY: We have to educate that the state cannot start picking up the tabs. That's not the state, that's the tax payer.

BEN BRIDGES: But they've already set a precedent by doing such.

JIMMY GUIDRY: I think it is as similar to, except it's around health, but I think it's similar if you don't like the education your child is getting you're going to pay for a private school if you can afford it, right. You're also going to pay taxes for that public school that you're not using. This is what it seems like. We're going to start paying for systems that can't afford it and pay for own systems. If we don't hold people accountable everybody will jump on the gravy train and it will crash. We do have to figure out what are those best practices in those places that are small, that are doing a good job, meeting their

needs. We need to make other people stand up and do what they need to do. But when there's no solution, then guess where I'm at. Go back to individual wells. If you can't maintain a system, that's where I'm at. I have to shut you down. I can't find a receiver you're going to have to be responsible for your own well. That's really going back to the dark ages as far as I'm concerned. That's the only place I can get to when I can't find the funding. I can't find any way to pay for it, yet I'm responsible if people are drinking water that it doesn't make them sick.

RUSTY REEVES: Dr. Guidry, I'll probably ask the questions that will get me in a whole bunch of trouble. This bill here and this report the staff put together to send to the legislators she said they done 433 sanitary surveys this past year and the results were sent to the water systems, correct, and sent to the regional offices. That may be the time to notify the representatives or senators what's going on in his district and send him a copy of that sanitary survey so they know that system is already starting to have issues.

JIMMY GUIDRY: That's the thing, when you read the survey you really can't tell. It's something somewhere

in transit. There's a hole that's starting or need to do some painting. When you start looking at these significant deficiencies it really doesn't paint the picture how bad it is. What's going to happen at the capitol they're going to want to see that letter of the system where they live, right. Then it's going to be all kinds of questions. What does this mean, what does this mean.

RUSTY REEVES: That gives you an opportunity to explain to them what it does mean instead of trying to go in there and blanket explain what all these regulations mean. I can tell you rural water we get calls all the time from a senator or representative that one of his constituents call because the backflow preventer they had to put in or something they had to do because the water system's making them because the water system is the last one that deals with the customer. When we talk to a senator or representative oh, I remember now voting for that. Forgot about it because the time you voted for it it may be two, three, four, maybe even six years.

JIMMY GUIDRY: I don't disagree. It's the time to educate before they come here in total chaos. That's why I'm sharing with all of you. We're about to get

into quite a bit of discussion come session.

RUSTY REEVES: Get so tangled up in discolored water and different things that we get away from the real health issues. And sometimes we could prevent that discolored water if they addressed their system issues ahead of time. Like the fellow just give here. They probably ain't never checked them filters since the day they turned them on and said run. Probably never looked back since then.

JIMMY GUIDRY: Yeah. There is a better way to do what we do. When I look for health I look at the things that really-- y'all have convinced me. The most important thing is whether the water that's coming out is treated properly and we're not getting people sick. But a failing infrastructure, or failing system, or poor management that's way beyond, it's really hard. It's going to take all of us to figure out how we get that done. We've gone over our time. Anything we need to finish today.

AMANDA LAUGHLIN: Two things.

RANDY HOLLIS: Can we just table mine till the next meeting.

AMANDA LAUGHLIN: Sure. For the next rule making Caryn was working on adding those, I think we had four

additional significant deficiencies that needed to be added to the code. So that's Caryn's new project. And she provided the draft.

CARYN BENJAMIN: Y'all have the daft. It's not complete so we're really not going to vote on it today. Take it with y'all and review it. We'll discuss it at the next meeting. One thing we wanted to comment on it's going to be adding those four new significant deficiencies, but those significant deficiencies won't be effective until August 1st. So I was going to make this rule effective at the same time as when the new code is. This rule will also clean up as you will see. It's got 319, but it also goes into some of the other sections of chapter 3 to try to clean it up of conflicts or duplicate requirements. As I get those completed I will be sending more drafts to y'all to review.

JIMMY GUIDRY: Any public comments?

RANDY HOLLIS: Dr. Guidry, along the lines of this 15 PSI we can discuss this more at the next one. I know we're going up to 20. We've talked in generalities about 15 PSI verses 20 when people have a problem in their home. And I've personally done this with a number of water systems. The problem is not the

water systems. Instead of talking just in generalities I have some data I'll hand out to the committee and consider this with this. Basically if you provide the water that you're required to each home, and the state requires this, I know this is not under this committee anymore, but if you provide water to a toilet, washing machine, a kitchen, shower and a bathroom sink it's almost 12 gallons per minute for each individual home. That's what you have to design for. In an article in AWWA they showed that 75 percent of all service lines are 3/4 inch. If you look at a home that's basically 200 feet in a rural area off of the main line you cannot provide 12 gallons a minute to that home with a 3/4 inch service line. And yet plumbers do it every day. And so this is education for us as we get out into the system to say guys if you're building this far away don't dare put in a 3/4 inch. Because the problems that are perceived is it's the water system. And this will show you a home that's 50 feet away verses a home that's 200 feet away. And the differences are dramatic. If people would just use a larger service line you won't have a problem. And consequently 15 PSI is darn good. I want to hand this out for everybody to look at and then we can talk about



that more at the next meeting.

JIMMY GUIDRY: Sounds good. Anything else from the public. Do I hear a motion.

AMANDA LAUGHLIN: I have one small thing. I know a couple meetings ago we discussed replacing Jeffrey Duplantis, but I haven't seen anything since then.

JIMMY GUIDRY: Who does he represent?

AMANDA LAUGHLIN: ASCE.

JIMMY GUIDRY: They haven't suggested a replacement?

AMANDA LAUGHLIN: No. I think we talked about this three months ago. I just wanted to throw that out there. We still don't have a replacement. We need to move forward with that.

JIMMY GUIDRY: They know we need a replacement and they have not named someone. So if they don't then we need to decide if they're not representing, they're not sending a representative (inaudible) but it's legislated.

PATRICK KERR: Jimmy is their other representative, aren't you. They still have a representative.

JIMMY GUIDRY: Send them a notice. Cause that would require a change in the legislation. Because if

we don't have the representation then you have to move on the list.

AMANDA LAUGHLIN: Especially when we get in situations where we don't have a quorum. We have these empty seats every single time. It would be nice to put somebody in that's going to come to the meetings to participate.

JIMMY GUIDRY: Put please submit someone to represent you per this legislation. If you fail to do so we'll have to revisit the legislation and remove that rule cause we're unable to meet a quorum.

RANDY HOLLIS: I want to commend Davis Cole back here on one thing in particular, two things. To get the CPI put in on rates if it's automatic is phenomenal because that at least ensures you're staying even. Not ahead, but even. Getting the 3rd party operator in on some of these smaller systems is good, but that doesn't resolve all the problems. Because they're going to have in their contract if a repair is over 500 dollars you got to go back to the owner and get approval. And many of your owners aren't going to approve that. So just the 3rd party operator alone has their hands tied in many cases on repairs. The CPI is phenomenal, glad to see that.

DAVIS COLE: I think the key is that second bullet, figure out how to make them save money for the future.

RANDY HOLLIS: Good luck. And who is accountable. I hate to say it, big brother, watching over these systems if you have two pumps and you lose one and you don't fix it you don't have a spare. Who is big brother watching over them. And y'all have to be, unfortunately. To say how long has that been out of service. That's your spare.

JIMMY GUIDRY: It's the same thing I have authority on lots of things as state health officer. For instance, if a home is not getting sewage, the sewage is not working and the homeowner wants something done about it and the sewage is not repaired I can't go onto their house or apartment complex. They don't like my fix. Sometimes my fix is you can't live there.

RICK NOWLIN: Unfortunately a lot of these decisions on infrastructure funding are made by local politicians who are elected, in part, because of their promises to keep the rates low. I know some of my (inaudible) clients they would like somebody to say you've got to do this so then they can go to their people and say we've got to raise the rates to take

care of this problem. It's not me doing it to you, it's the bad guys in Baton Rouge. Behind the scenes saying thank you.

JIMMY GUIDRY: What I'm trying to do with the iron and manganese is not required is that if people are really that upset about their brown water and want a fix they need to know what the cost is to fix it and decide whether they're going to pay it. Otherwise if we start mandating that they have to meet it I can't make them, I can't make them meet it. It really is about do you want to pay the price of clear water. Where we have done it, and we have done it in some areas, people come back and complain about their rates.

RICK NOWLIN: Jimmy can tell you we've got these small communities we got beautiful parks and recreation programs because you can't give a grant for that. So they're going to skimp on the savings for the other because we might could get some capital outlay money or something.

RANDY HOLLIS: Dr. Guidry, we've talked about this before, you can implement secondary standards and make them mandatory. You're still putting iron and manganese into the system at smaller parts. And sooner or later a flushing event, fire, or something they're

going to get brown water. And they're going to say wait a minute, didn't we pay to fix this. You did, but it can still happen.

JIMMY GUIDRY: But temporary. The issue is where it never goes away. I can explain temporary away, but I can't explain never. All these appliances they're all stained, my clothes are all stained.