

August 21st, 2013

Office of Public Health.

Water System Design, Operation and Maintenance Committee.

J.T. LANE: Everybody hear me? Good afternoon. My name is J.T. Lane. I'm the Assistant Secretary for the Office of Public Health. I want to welcome everybody. I will be chairing the group for the duration of our work together, whether that be just for a year or long term arrangement to continue to check in. What I would like to do is start out with having each committee member introduce themselves. Their professional affiliation to and any other comments they would like to make before we get started. Start on this end.

VERN BRELAND: Vern Breland, Mayor of the town of Sterlington, also the current LMA President.

KEITH SHACKELFORD: Keith Shackelford, representative for Louisiana Engineering Society.

GREG GORDON: Greg Gordon. I'm with St. Tammany Parish Government and I represent the Police Jury Association.

RANDY HOLLIS: I'm Randy Hollis representing Louisiana Municipal Association.

CHERYL SLAVANT: Cheryl Slavant, Louisiana Environmental Action Network.

RICK NOWLIN: Rick Nowlin, President of Natchitoches

Parish, representing Police Jury Association of Louisiana.
Former state rep for over 30 years.

JIMMY GUIDRY: Jimmy Guidry, State Health Officer and
Medical Director for Department of Health and Hospitals.

BEN BRIDGES: Ben Bridges, Southwest Section Water Works
representing water system.

CHRIS RICHARD: Chris Richard, Louisiana Engineering
Society.

JIM HAGAN: Jim Hagan with Balar Engineers in Shreveport
representing American Society of Civil Engineers.

DIRK BARRIOS: Dirk Barrios representing Southwest
Section.

ROBERT BROU: Robert Brou. I'm with St. Charles Parish
Department of Water Works and I'm representing Louisiana Rural
Water.

J.T. LANE: I asked four members of our staff to be heavily
involved in helping the committee and serving the committee
throughout this process to be sure that we update all the
information that we need to make the best decisions and have
the best discussion possible and I'll have each of the four of
them acknowledged. Sheree Taillon from the Office of Public
Health, who is our special projects director and the water
committee will be one of her big special projects for the next
14 months probably. David McCay, who is our public health
attorney within DHH legal services. Obviously, again, I will

say that every committee member is free to do whatever research that they need do on their behalf, but David is here as a resource for all of us if we need any regulations or state law or any other research on the federal or state level, again to help with the discussion. Jake Causey who is the chief engineer for the state drinking water program and engineering services and public health. Caryn Benjamin, who is the deputy chief engineer. They both will be available to provide the committee with whatever support they need.

I want to start out with some very brief remarks; a lot to cover today. Make sure y'all have plenty of time to talk. I'm looking forward to the work that we have to get done in the next year. I think that this process-- Monday I had the good fortune to spend time with several officials in St. Tammany at their water system. I was commenting about how beneficial lots of things got us to this place today. Really been a positive activity for me because it's helped identify other areas within our organization that we can improve and streamline to make life easier on all of us, including ourselves and those that we interact with on a daily basis. This has been a really productive process thus far. I look forward to getting it better. We do have a lot to cover in today's agenda. Sort of left it, I think not too specific, because I wanted, we have some ideas about how we can probably streamline our workload because we do have a lot to cover. And so we left it open enough

to have a dialogue before any decisions are made about how we structure and that sort of thing. And so like I said, I'm very excited about it. At the end of the day a positive thing for all of us and a positive thing for ultimately the residents who are getting water, safe water, as a result. The collective work of all of us. With that I'll ask Dr. Guidry if he wants to make any opening remarks.

JIMMY GUIDRY: I certainly think this is an important topic judging from the people that left work today and had to come to this meeting, so I really appreciate the fact that y'all are taking this seriously. It is going to be complicated and difficult going forward trying to decide what protects health and not. There's a lot of rules and regs developed over the years based on science, based on federal government sending us laws that we had to enforce and work with local government to also enforce these laws to protect public water systems. Something we keep learning about. How do you do that? How do you make sure people are not going to get sick and not going to be pointing fingers? If you caught the news in the last week they have linked the copper in your copper pipes for years it's perhaps a source of what's causing Alzheimer's and dementia. You might think for years we're doing the right thing. We really don't know what it means 30-40 years of exposure to copper. You need copper in your body to metabolize, but if you have too much copper it affects your brain cells. If you're

having a memory loss just blame it on copper. The thing is we have a lot of things in place that have protected people for years. Not like we're having a huge problem. The rules keep getting more and more. Part of that is because we're living closer and closer together and it's getting harder and harder to preserve systems and maintain systems when the economy tanks or not enough funding. Realize the cost of doing business. How do you keep protected? They expect to drink water that's not going to get them sick and not willing to pay what it cost to do that. Same thing with everything. People are questioning what they pay and what they get. Pay a 1.00, 1.25 for a bottle a water. Probably not as safe as the water coming out of your pipe. That Dollar and a quarter going into a new system might be better spent. I guess the water industry might not agree with me. At the same time, our job is to make sure whatever we do, whatever we come up with we don't put people at risk. Wouldn't take very long to figure it out. As you know, the water system serves a large number of people and if something contaminates the system we are all going to be answering how that happened and why they are getting sick. If you haven't noticed in the news there's a boil water notice just about every day. There's a water bank that's been compromised. There's a lot of systems out there that are difficult to maintain. Getting older and are going to be a lot of notices to people boil your water. It's not safe to drink. So as we

go forward what I ask is that we use good judgment and realize that as we try to enforce do our job-- there's no incentive to me personally other than to protect human health. Not trying to make more, just trying to make sure whoever is drinking that water is safe. Not trying to make it cost more. Want to be reasonable. Some things we're going to have to enforce regardless of the new law we have to enforce and protect. As we work through this, I ask for your understanding and this is not going to be an easy job to figure out what we have to do, what we need to do, and what we can recommend. Please, as we go through this process understand that a lot of stuff in place already has protected us for years. We don't want to change that dramatically. New things that we need to look at and maintenance issues on a lot of old systems. I share that with you and I certainly look forward to working with all of you.

J.T. LANE: I would echo that for sure. I'll tell you when we started the process certainly I tried to do a little bit of homework to see what other states have gone through, similar process like this and there weren't a lot of examples. So again, I'll be honest and up front this is just as new to us as it is to many of you. Again, if there's any suggestions you have in this meeting or you want to share offline that we can do to improve the process please let us know. We want this to be as effective as it possibly can be. It's good that we always have the lawyer in the room to remind me to adhere to

administrator procedures acts and Sheree is going to take an official roll count even though we have already introduced ourselves to determine that we officially have a quorum.

SHEREE TAILLON: Dirk Barrios, Vern Breland, Ben Bridges, Robert Brou, Jeffrey Duplantis, Greg Gordon, Jimmy Guidry, Jimmy Hagan, Randy Hollis, Patrick Kerr, J.T. Lane, Rick Nowlin, William Reeves, Chris Richard, Keith Shackelford, Cheryl Slavant, Delos Williams. We do have a quorum.

J.T. LANE: The next item on the agenda was to establish just some general rules of order and so as we talk about this agenda item, obviously the first fall back is Robert's Rules of Order. Given that even though we are officially termed a committee, I felt like the work we are doing here is really that of a workgroup. I think David has that topic on the stack of papers right there and it's quite thick. As an effort to make all our lives easier I didn't think necessarily we wanted to adopt an entire book that we would have to memorize. I think to make things simple what we did was provide all of you in the packet of information that we have a two page synapses from Robert's Rules website that would be possibly ideal for us to use. We want to get your feedback on that. In terms of the work committee, two principal areas that we would want to follow would be insuring that we have a quorum and have rules in place to regulate the discussion, basically. We wanted to know, again, if that was something that would be okay with all of you,

or if you had any other ideas you would like us to explore to potentially adopt for the work committee. Leave it open with anyone who might have input or comment.

RANDY HOLLIS: If we get into a discussion where it takes interaction can we suspend the rules for a certain period of time?

J.T. LANE: Absolutely. I think that would be more effective. I think it's really more of a formality than accepting and maintaining votes and certain policies and such as that. David, to suspend the rules when we need to have open discussion?

DAVID MCCAY: Right now or at the time that you want to suspend them. I think anyone can just make a motion to suspend the rules and take a vote on that.

J.T. LANE: Simple majority or two-thirds?

DAVID MCCAY: Nothing else in the statute or anywhere else and I'm not aware that there's any such requirement typically in Robert's Rules of Order. Simple majority. And when I say I'm not aware, I'm not a parliamentary or an expert on everything on this. I'll work my way through it the best I can.

J.T. LANE: Does anyone have any general comments or any points that you think we're going to need, rules to help guide the discussion?

GREG GORDON: I work at a parish government and often times at our public meetings before we take a vote on something the

council usually asks for some kind of public comment.

DAVID MCCAY: That's in the open meetings law. Allow public comment prior to action on agenda item upon which vote is taking. And I'm reading directly from 42:14. I think that's a good point. Before we take a vote on anything on the agenda, we must open up for public comment.

J.T. LANE: Okay. For the purposes of this meeting David do you want us to take a vote to adopt some of these things, or send them out to committee and take a vote at the next meeting?

DAVID MCCAY: I think something like this, establishing rules of order, open it for public comment and then vote now on it. Get it over with.

J.T. LANE: Do I have a motion? A second?

DAVID MCCAY: The statute says allow public to comment prior to any vote on the agenda. I don't think there would be much on something like this, but--

J.T. LANE: Does anyone else have any input?

SHEREE TAILLON: All right. I'll take a vote. Dirk Barrios, Vern Breland, Ben Bridges, Robert Brou, Greg Gordon, Jimmy Guidry, Jimmy Hagan, Randy Hollis, J.T. Lane, Rick Nowlin, William Reeves, Chris Richard, Keith Shackelford, Cheryl Slavant. Unopposed.

J.T. LANE: Any other comments on rules of order? So David I'm asking for your guidance on this. If we're going to make some amendments to any specific areas can we draft something

and send it to the committee to formally adopt for the actual Robert's Rules that we're going to follow?

DAVID MCCAY: Sure. I think at any time you can vote in a meeting to amend the rules that you previously have adopted if that was your question.

ROBERT BROU: I understood your question differently. You asked do you want to write something more formal. I don't think it's necessary. I think the papers that David handed out and then the fact even it talks about being able to suspend the rules. I think it's covered. I think we're good to go. If we feel the need to change at a future date, that's easy.

J.T. LANE: Make a motion?

ROBERT BROU: We just adopted the rules. I'm just clarifying your question. I don't think we need to.

J.T. LANE: So move on to, again, I just want to make some brief comments based on the purpose of the committee. I think we all know that, but I just wanted to make some general-- we have 1400 water systems in the state and so the purpose we're trying to take here is to outline the future rules and regulations that we're going to follow to design, operate and maintain the states 1400 water systems and possibly including even how the department handles the compliance process. Standards as we know are key to protecting public health. We want to keep-- I think one of the good things too is that we'll be able to take a good look at how we keep up with federal

regulations. No secret to all of us I think we have a lot of rules that sometimes take us a while to get through the federal level and state level, cognizant about the impact that takes place locally and understanding that more. Not only modernizing our regulations, but modernizing public health as an organization to be an organization that is doing what it needs to protect health, but also more responsive to the needs locally and understanding of what either, mayors, locally elected officials and water system operators face all across the state. Something I have tried to get out as much as I can, something that we need to do a better job. Continue to be a priority. That's really all I had to say. Wanted to make sure you heard that from us. Any other comments or questions about why we're here outside of what's specified in the act? Any public comments?

CHERYL SLAVANT: My question was, the 1400 water systems, do they have numbers that break down municipal, investor owned and co-opt so we can get a better picture of what we're looking at?

JAKE CAUSEY: We have private, local government, state government and federal government. We definitely have a break down between private and public for sure.

J.T. LANE: We can explore options and report back to you either before the next meeting or in the meantime. What we thought we would do very quickly is just to do a quick run through

just the history of the state's regulations, where we started all the way up to today. I didn't want to assume that we all had the same formal picture of that, so I thought Jake would give a brief overview to all of you of where we've been since the beginning of our regulation of this. You all have a handout that spells some of this out as well, but Jake if you would proceed.

JAKE CAUSEY: Basically, we did some research and prior history as far back as we could find information, to be quite honest. With respect to our design standards for water supplies that are adopted in our state sanitary code. Basically, able to find 1974 our state sanitary code had language that stated permits shall be issued in accordance with latest addition of the ten state standards. Which at that time was the 1968 edition. Provide a little information. I imagine most people are aware of the ten state standards. They were created in 1953 by the Great Lakes Upper Mississippi River Board of State and Public Health Managers. In 1977 DHH obtained primacy for the state water act. In 1976 from EPA and looking back into our primacy package submitted to EPA we reference ten state standards as a basis for our design review and permitting to ensure public water systems to meet the national drinking water regulations. In 1984 there was a rule change in the sanitary code to update it to the 1982 addition and in 2004 there was a rule change to update that to the 2003 addition. In 2013

January, we had after a couple of work group meetings, proposed a rule change to make some specific exemptions in rules for existing systems from some of the requirements in the ten state standards. That rulemaking was basically delayed and postponed and I guess I would say we are where we are today.

J.T. LANE: Do you want to cover the EPA verses state roles so that everyone is clear on that? As I was digging into this even when I started that was one thing from a federal prospective having to unravel where the federal mandates come in that we have to try to implement mandates on the state, just like they do with anything else; highway funds, Medicaid, etc. A lot of mandates placed on us we try to phase in as much as we can that they hold us accountable for so we can maintain primacy and maintain all the federal money we get for programs like the safe drinking water loan fund that funds many systems across the state and things like that. So we thought it would be helpful for everyone to sort of better understand what the EPA's role is in all of this and then what the state's role is as well.

JAKE CAUSEY: Again, that information is in your handout. So EPA propagates the federal drinking water regulation and basically they supervise our enforcement, our administration enforcement of the safe drinking water act regulations that we have primacy for from EPA. Primacy basically means primary enforcement authority. As part of that we currently have monthly conference calls with EPA, yearly end of year reviews

and then typically three year data audits. DHH was granted primacy in 1977 to administer for the safe drinking act, regulation of Louisiana and so DHH must adopt and request primacy for each new drinking water regulation that is propagated by EPA thereafter, which as we all know are many. So currently, let's see, we do have primacy for all of the state drinking water act for regulations, Louisiana does, except for the ground water rule and they just published revised in December of 2012. We only have interim primacy for the stage two, by products rule, the long term and copper short term revisions. We just received that interim primacy on July 2nd, 2013. There is a process of a notification of the federal register that has to take place before we can obtain prime primacy for those three rules. So EPA maintains primacy for the ground water rule and so currently, basically DHH we're serving as the, I guess, sort of implementation arm for EPA. We're doing a compliance monitoring, compliance determinations and reporting that information to EPA. We do not take any formal enforcement actions with respect to the ground water rule, because we do not have primacy for it. Those actions would be taken by EPA. We worked similarly with the previous rule that we just obtained interim primacy for. So as part of that we are required to conduct sanitary surveys and determine efficiency in accordance with the ground water rule, as well as a service water treatment rule. And again, report that back

to EPA on a routine basis. Federal drinking water regulations are mandatory as a state. We cannot be less restrictive than the federal requirements. If so, EPA would revoke primacy. We would lose funding and all of our water systems would be regulated by EPA out of Dallas. And I guess the last little note published February 13th, 2013 and that complies April 1st, 2016. Yet another rule we'll get to work with water systems on trying to implement and be ready for in about three years or so.

J.T. LANE: All right, any questions?

SPEAKER: I'm just curious. I am assuming y'all have applied for primacy for the ground water rule?

JAKE CAUSEY: We have not yet applied for primacy for the ground water rule. We would have to first propagate our own state regulations and our traditional-- very few regulations we've written our own state version. We typically just adopt our reference. Some states like to get extravagant on things. All of the past three regulations we adopted by reference, probably three or four before that. I would envision us doing the same thing with the ground water rule and the revised unless there were some I haven't got to look at as a whole lot. So we would adopt the state regulations and once we had that as a rule then we can submit a primacy package to EPA to obtain primacy.

GREG GORDON: Thank you for putting this together.

J.T. LANE: Any other questions? We can answer those in this meeting or any time throughout the process. What about anyone in the audience have a question about Jake's comments?

RYAN HARRIS: Ryan Harris, Louisiana Municipal Association. Could I have a little bit more explanation of the in 2013 the second to last bullet point under the history where it says first time ever rulemaking to provide exemptions from ten state standards that are not anticipated compromising supply of drinking water for Louisiana. That was adopted or?

J.T. LANE: I guess it was last fall when we had our three work group meetings on the rule that we were going to move forward originally. We had a group that came together. We had a list of exemptions, but that was back in the ten state standards days, that we for the first time going to include that list based on--

SPEAKER: Wasn't it 2012? If it was last fall, that might be the confusion. It says in 2013.

JAKE CAUSEY: It was January 2013 Louisiana register.

J.T. LANE: It started in 12, right and that was when we were going to add feedback from the committee at that time going to add those exemptions from what was currently in statue. Next, one thing that is sort of been spent a lot of time talking about how we go about doing our work during the process of this committee. Not in a way that is forcing ten state standards. How do we as a department-- we know we need to change and we

know you can't be business as usual so what we did was spend a lot of time talking about we have a year as a committee to deliberate and decide and form the state standards and then rules based for that agreement. After September next year, and the rule making process can take four to six months, and so we're looking at a year and a half before the standards are actually in place. How do we as a department continue to try to do our job to insure the safety of public health and the public's health, but not do it the old way? An interim approach to how we do what we do based on a lot of the feedback we receive and then implementing a new approach by which the committee has formed because we can't, for lack of a better word, we can't do nothing, but we have to do something. We know it has to be different. When we first started the conversation I met with David, Jake and Dr. Guidry, started going through the codes and all the deficiencies that we currently have listed in our system- five hundred fifty-one different deficiencies that could be cited in a survey. Sort of go through each and every one of them. Five hundred fifty-one and decide from, my prospective, we have a year and a half to form the new rules for the state. So what is it in a A) let's talk about we're going to take out the exceptions we were going to make originally in 2013, but then B) how do we go through the rest of the deficiencies and decide, you know, we started out by dividing what poses a short term, possibly immediate threat to public

health. What are more long term issues? May have to do with maintenance or things like that. So we know maintenance is good, but the effect of certain things may not really happen to the long term. If we sort of back off on those things there is not an immediate threat to public health. Those would then be covered by the work committee, and of course whatever the committee decides. Finally, complete our work next September that is then what comes to play once the rules are finalized and propagated. So that's where we were and so what we did was go through them all and change the whether or not they are significant, minor or recommended. We changed the classification on quite a bit of them. You all have the stats in front of you on your handout. And before we move forward with anything, because-- and I'll tell you we got a lot of calls from a lot of people saying, well ACT 292 has passed. Why are we still trying to do ten state standards? We knew we had to do something different. Some rules in place in the meantime and so that's sort of what we did. What we really felt strongly that we need that's going to be tied to public health and then make that list and then so before we move forward with it we wanted to get past this approach by all of you and get your feedback before we again try to work through this. I imagine that this will be-- I don't anticipate this will be flawless. And please know that you have my commitment of the department and the staff that we will continue to work through these issues

going forward. As much as I want to make as perfect as possible, it won't be. Please know the lines of communication are open. As we have dealt and heard any issues in the field we have dealt with them as quickly as possible. In many cases get a different outcome once we examine the situation. With that being said, I would be interested to hear your comments on that approach. What do you think, I guess for going forward? What else should we consider? What are the chief issues, so that we can be more responsive the next year and a half in helping on how we really can make this guaranteed to people that we are doing our job, but also doing it in a much different way. That we all feel confident, all of us as public health professionals, cause we all are, and to keep people safe. Since we have a new member joining us I'll let him introduce himself.

PATRICK KERR: I'm Patrick Kerr, CEO of the Baton Rouge Water Company. I'm representing the National Association of Water Companies.

J.T. LANE: Jake do you want to go through anything specific on this before we--

JAKE CAUSEY: Yeah. At least mention a few points. And you do also have the list with you too. We emailed it out earlier so you can take that with you and look at it. The other comment I would make, and I would anticipate would be a question the proposed changes that we have, so many of those, for example, the proposed exceptions presented in January mostly related to

the enclosure requirements for hydro chemicals. We had already implemented those. I guess if you want to call it retroactively in our data base, as far as modifying it from not being significant deficiency, meaning having to report it on a CCR to a minor deficiency. I'll just say many of those, specifically the ones in that notice of intent, have already been implemented to that affect. There are some additional ones in this presented to you all today that we would certainly do the same thing. At least go ahead and answer that question.

RANDY HOLLIS: This was just given to us this morning about 9:00. Are you going to ask this committee to go through this deficiency list and as for our recommendations do we agree or not agree. If the revised severity is something we agree with and does this committee even have the authority to request and make that change?

J.T. LANE: So within interpretation of the law, no it doesn't. This is something we want to do extra to get your feedback on before we move forward because, again, as I said it's sort of this is an unprecedented situation. I'm trying to make sure that we're getting this off on the right foot. I admit it won't be as perfect as I would like. I do want everyone's feedback and we can definitely give you time to digest it and submit us feedback. You tell me how long you would like and get us feedback so we can make authorization before we implement this. Now that does not mean that just because

we're adopting this as policy the way we do our job that there will still not be no response. It won't be, I guess, written in stone. Again, as I told Jake and Dr. Guidry, I think that we need to-- you guys all need to understand this is a huge move for the state, a huge opportunity for the state and that with any major reform is going to take up a lot of our time. I don't anticipate that changing and we're going to be responsive and anybody in the committee, any of you in the audience are certainly welcome to call me anytime you need anything. There will be situations where we will have to work through, no doubt about it. I definitely want your feedback so we can make sure that informs what we ultimately decide in the interim because we do have a responsibility to continue to do something. It's going to be different and we want to make sure y'all agree with the science and rational behind it.

RICK NOWLIN: Mr. Chairman prior to ACT 292 I understand that most, if not all, of the violations found in surveys to the ten state standards were considered significant deficiencies and what you're saying here today, is it correct, that that will no longer be the case? That whether something is of significant deficiency would actually be based on the severity of the impact on the water quality?

J.T. LANE: Absolutely. That is what we went through and looked at. There's, again, you have a list of 551 and when I asked the team we all got together and we needed to go through

each one. Again, the first was short term verses long term. This is something that really will have a long term impact. Can we at least downgrade for now if it's not something that's really, really major and that's exactly what we did. It was based on the impact on water quality initially. We cut the significant deficiencies. Out of 551, 493 were classified as significant. We downgraded that by 375. And then the rest of them we increase the number of water deficiencies. We increase from 7 percent to 19 percent the number of deficiencies that were on the books that are now recommendations. I think a really good point to make as we went through this of the 551 only a 191 had ever actually been cited. So I think the other opportunity here for us as we move forward in designing and laying out and developing the new regulations is to figure out of that difference what needs to remain and what is going to have an impact short term and long term. I would imagine too that some of these, everyone will agree, some need to go back to significant as a permanent way of doing things. There are going to be a lot of changes and then some that we recommended as minor may need to stay that way, I guess, for a year and a half.

RICK NOWLIN: Thank you and I appreciate that. Some of the ones changing to minor might go back to significant. Is there a procedure in place whereby after this is done, if a water system operator is of the opinion that their violation or

deficiency should be minor, but has not been downgraded bring that to your attention and be resolved, or at least discussed.

J.T. LANE: Absolutely. We will discuss that. That is going to be the approach for quite a few and in some cases we will be able to help and in some cases we won't. It's a really good question because I think what has happened, even nationally, as we're getting ready to start this I talked to other southern states too that might have similar conditions to ours. I think sometimes when government gets in the process of just passing laws and making statues and regulations that we sometimes, you know, if we have decades or possibly centuries between the last time. You know as a former law maker the laws are made at one time and it takes a while before people realize may be it needs to be updated or done away with. And I think that's sort of where we are and I think it's returning back to the science and the engineering that first led to the development of these standards.

RICK NOWLIN: One final question I want to add. During several of the meetings we've had over the last year the question has arisen regarding the water quality verses updated systems and equipment and it sometimes appeared the systems and equipment and not the actual result of the process or the water quality. Is it correct to understand that water quality will and public safety will be the primary focus and not necessarily the type or the age of the equipment being used?

J.T. LANE: I think both will be considered and continue to be that because, again, it's more about we're not surveying every day. We're surveying once every three years and there are legitimate cases where equipment, condition of equipment and infrastructure there is a high potential. It's documented in lots of studies that we can talk more about later and information needs that y'all may have that do point to-- again this is highly situational. Everybody in this room knows every system is different. I think that both have played a significant role. Now I think your perception today might be that was the primary focus and I think that we can find a way to more effectively integrate both.

PATRICK KERR: Just curious to know how it is that we can cite the ten state standards at all in this document when 292 specifically says 'used only for plan review and modifications'. I know we have cited in each of them where we see in various forms. These are blanket associations primary drinking water standards. There's not a specific provision in these ten state standards are tied to. All of these ten state standards violations I think 292. I would love to know how we are getting around that.

J.T. LANE: I guess you missed the first part of the discussion and Dave and Jake I'll ask y'all to jump in in a second. My understanding is that as long as we are having overriding concern for public health that those are the things

we should focus on, which is what I asked when we developed this list that was what we focused on. And again, as I said we want to give y'all time to digest and look at it for yourselves and ask questions. Obviously, I need to give-- I would like to give-- I'm personally having all staff meetings with Jake, with all of the engineering staff across the state- one hundred percent of them. If you are an engineer, a clerk, or an admin, whoever, we had all staff meetings a couple weeks ago. We had their input on this and they will need to be retrained after we decide what to do so that they are doing their jobs across the state so that hopefully y'all realize the difference. And I'm sure I will not hear from you and I want to. But that was the lens through which we developed this list. And again, as I said, I'm happy to admit it was a tough thing to decide. How do we do our job as we are deliberating this? What is the most effective way for us to do that? How do we maintain responsibility for over site? We still are legally responsible for making sure that everyone is safe and so this was our attempt to try and sort of meet halfway and do that, but also change the way we're doing things in the interim and as we are deciding what the long term solution is. We are open to everyone's feedback and input. Just like anything, doctors disagree on a diagnosis and prognosis and I am sure engineers do as well and water experts. I'm very interested to get everyone's feedback on that so that we can decide what we do need to

implement. There still is a level of confusion out there that I'm not comfortable with and I want to be able to quickly give everyone a very clear picture of what we're going to do for the next possibly 12 to 16 months. Any public comments?

CLARENCE BEEBE: Clarence Beebe with the town of Hornbeck and I want to try to clear up something I'm probably a little confused with. You talked about 500 some odd violations, but I think y'all have only written a 191, is that correct? We operate two water systems and if y'all only use 191 of them we hadn't been written up since 1994 we have been written up three times. I think we have a very good water system. We've updated it tremendously and very proud. Won awards from LMA and LRWA. So I'm just saying if and when this committee, and I'm proud to see this committee, when y'all come up with some rules and regulations let's do an education seminar to let these systems like ours-- we knew nothing till we were written up. We need to try to be fair with these systems. Thank y'all for being here.

J.T. LANE: Thank you. I couldn't agree more.

JAY: Good afternoon. Jay for St. Tammany Parish. Using a risk based approach to the regulatory seems most reasonable. One of the things that we're running into is once the dust settles from this committee who will have ultimate authority. Right now we're running into an issue with our new water plant. We're being told the gas commission we're having not to enclose

and at the state someone to enclose it. Someone has to overrule the other, we don't know who yet. The other issue that's coming up is the local fire department and our first responders well trained in STPAs and chlorine, but yet the state is telling us we have to train our men. Our men are in place. What I'm trying to get at sooner or later the question who has ultimate authority to overrule and I don't know if this has been addressed by this committee yet. Thank you.

J.T. LANE: David any input on that?

DAVID MCCAY: I would like to know the specific facts before I address that. I don't want to try to address that without knowing the exact facts.

SPEAKER: I think I know what you're getting at. A lot of issues that we have, I think the water regulations stray away from the protection of the water system and they bring in other entities like fire, like the systems there's no reason for that to be governed in water code to address public safety for water. Now the agency has to address safety and chlorine and buildings and I think it would be best for us to stick to water.

J.T. LANE: What we'll do is send these documents to all of you for your feedback and we'll digest it and I just will ask if you would rather readdress this at the next meeting or get your feedback so we can move forward. I would like to move as thoughtfully and quickly as possible so there is less confusion out there so we can be clear on what we're going to

be doing for the next 16 months. So the next item up is really getting to the nuts and bolts of how we're going to do our work. Which is, I would say, possibly the most important item on the agenda. We have a pretty big task ahead of us. Going to take quite a bit of work and so this is what I anticipate we might spend the most amount of time on today. And so we had one suggestion and I mean suggestion. It would be to have a series of subcommittees and Jake if you would read from one on what that looks like so we can start the conversation. And I'm serious, if anybody has-- I'm sure some of you may have given thought to this as well. Anybody has any ideas on how we can proceed to undertake this I really would love to hear that.

JAKE CAUSEY: Well, so we were really just, I think even prior to this meeting, a lot of talk about subcommittees doing a lot of the heavy lifting and bringing a lot of the information here. I guess just as one thought process looking at that then the question is how do you break down the subcommittees etc. As you all know, as far as survey components, look at sewer treatment, storage distribution and some previous conversations talking about subcommittees may be to look at cross connection control as well. May be just as a separate issue. There were some folks interested in that. Those where were basic high level, I guess, sort of categories or consideration. Obviously, treatment being equal to the other five combined, or possibly taking a different approach. If you

think we're going to get bogged down too long trying to go through all of this sort of line by line in subcommittees. And then I'll say I think the other question was the subcommittee make up. Did that have to be the members from the whole committee, and if so, looking at being subject to the open meetings law as well, verses this is a workgroup made up of non-committee members that may not be subject to open meetings law. We're trying to work through that to determine the most efficient way to move forward. Again, sort of the high level categories which are just one thought and approach.

J.T. LANE: I'll piggyback on the subcommittee idea. If we did decide to go that route each subcommittee shared by a member of the committee and then after that if everyone was-- we've all got lots of day jobs so that we might find other constituents, plenty of people here that may want to participate as members of a subcommittee if everyone was open to that. That may be a next conversation, but overall how does everyone feel about that approach? Do you have alternative ideas? Should we have a strategic planning session around this? Really, what does everyone think?

RANDY HOLLIS: If I could go back and ask one question. I think we need to delineate the scope of the committee of where do we physically end with regulations. Do we stop at the meter, the water main and we do nothing on private property such covered by the plumbing code, and does this committee get involved in

plumbing code or not? Two separate issues, or all inclusive?

J.T. LANE: Generally speaking, I'll ask Dave to talk about the scope of the law. What is contained in that, but as far as the plumbing code, I think definitely if we're going to get into that we need to consult other groups as well and make sure of their input and have a part in that role.

RANDY HOLLIS: I did not think this committee's responsibility was going to get into the plumbing code, but I think we need to delineate that.

DAVID MCCAY: Here again I don't know if I have a ready answer to that. I guess as an attorney I try to hedge on questions, or even duck them entirely some might say. ACT 292 lays out what the purpose of the committee is. Shall be created with Department of Health and Hospital developed standards to be placed in the state's sanitary code for water works, construction, operation and maintenance. I don't think the plumbing code, obviously, is within the view. I don't think the committee is to start amending and tinkering with the plumbing code. That's a separate issue. I'm not sure and I don't know if I have enough expertise to know that this before the meter after the meter dichotomy is one that makes sense in all instances, and I guess I'm thinking of the ever present backflow control issues. I don't know if some might say, and Jake can speak to this better than I could or some of the other people here who are subject matter experts, that the sum of

what's in this might have affects. I don't know that go to beyond on the other side of the meter, the customer side of the meter. I think the best answer I can give, I don't think it's within the purview to tinker with or amend the plumbing code, rather just the water works part, but I don't know if that means there can't be rules ultimately by the committee that don't have some beyond the customer's meter affect or application. I just don't know. I will be interested in Jake's thoughts and he's probably thinking now he's trying to pawn this off on me. Let's hear what he has to say.

J.T. LANE: One second Jake. This is a good enough discussion because I think we ought to be-- again, this goes back to I didn't want us to make that decision. I think these are a lot of decisions that we have questions about that are very natural and that we need to discuss and iron that out as long as it falls within, quote unquote, legal.

JAKE CAUSEY: I guess, certainly from my prospective, water suppliers do have a responsibility to insure the protection of their system and that doesn't-- I guess it means in many cases based on current regulations the water purveyor acting as a enforcement entity to ensure their system is being protected from unsafe plumbing installations. Certainly in that instance and circumstance there's some responsibilities there, and I guess frankly within the sanitary code some of those requirements are written certainly in both part 14 plumbing and

part 12 water supplies. I'm pretty sure that we have a section in part 12 that references part 14 with that respect, but I don't see-- to me that's really just kind of the top level issue. Not necessarily going into and regulating plumbing code as far as who needs what etc. The water supplier's responsibility really does stop at the meter so long as their system is protecting from backflow. We certainly don't have any expectations or requirement in our water purveyor to go beyond the meter onto someone's property. It could be beneficial, in many cases, especially for the property owner, but it's certainly not mandatory. I don't know where that really puts us. I'm not aware of the cross connection control concern being the issue. And the former committee that kind of led to this committee being an issue or topic or concern that really got us here. Even with respect to our interim measure J.T. suggested you are the water community. I guess anybody can discuss anything.

RANDY HOLLIS: Jake, the reason for my question was and I guess most of us in this industry we like a clear delineation. I think if you look under the definition under the plumbing code it's very clear. It's either at the main if there is no meter. If there is a meter it's on the back side of the meter and it is nothing on private property. So I guess is this committee-- I'm just trying to say are we going to stop with that definition so that we don't go any further because that's covered by the plumbing code and we're not going to get into

the plumbing code?

PATRICK KERR: The delineation points always been very gray. I don't know whether you would take this as a form of a motion, but I would move that the backflow preventer, if one is required, would be the delineation point and this committee needs to address backflow prevention requirements, and we need to move that forward in this state. We work in unison with the plumbers on a lot of this, but it is covered on 12 and 14 and it probably ought to stay in the sanitary water works as a part of how we operate. How we deal with customers and how-- I don't want to say coerce, probably not the right word, and we don't have the right to enforce, but how we require a condition of service that they prevent flow of their water back into our system once they purchase it through the meter it's theirs and we don't want it back for a lot of reasons. I think we do need to address backflow prevention in this committee. It might be the delineation point is the main, if there's no meter, and no backflow preventative meter, if there's no backflow preventer if it's required. So that we do not go on the customer's property what we might want to address whether we can require that they have a backflow preventer and then we don't have to go on their property. Therefore, they can have water service. If they don't have one then they shouldn't be allowed to connect to our system, in my opinion. It's a huge undertaking, but I think it's necessary.

J.T. LANE: Before we make a motion I would like to hear comments from the audience. Also, if we could, we know that would be one issue and we will directly deal with it, but in terms of how we are going to commence the work with the committee is everyone in favor of while we may not know the name of the committee, subcommittees, does anyone have operationally another idea outside of subcommittee framework that would be shared by a member of this committee? We appoint other members from other constituent groups and then that committee chair, that subcommittee chair reports back to committee recommendations of that subcommittee.

SPEAKER: Just have a question, how many members of this committee can serve on the subcommittee without it being open to the meeting laws?

DAVID MCCAY: Well, there's a provision in the open meetings law that says, and there's a lot of Attorney General opinions on a lot of the open meetings law statute. Primarily, I guess, because there's not nearly enough cases and because the statute itself or statutes are rather oblique. Hard to understand what they mean. Everyone sort of understands the intent. Anyway, the statute says it covers subcommittees as well. Therein lies the problem. I think the safest approach, especially if you are going to call something a subcommittee it is to assume that whenever it meets it's subject to the open meetings law and meets, as a very broad definition too, that

just doesn't mean that when you get together as defined by the AG's office. Those are just persuasive, but I think everyone sort of accepts that they got a good handle on the opening meetings law. A meeting can occur in lots of ways other than meeting in person. Emails back and forth between a quorum of the members of a subcommittee, or phone calls back and forth, or even done in a way that sort of daisy chains it where no more than two of them ever speak, but then they all go around and the ones who have spoken speaks to the other. That's a meeting that would be a violation of open meetings law. The open meetings law could be a real impediment to affectively operating in a way that you would want to operate, seems to me, which is folks getting together in a room or individually working on things and then emailing it to the other members of the group for discussion and feedback by email. I think the short answer really is if you're going to call something, especially-- regardless of whether you've got just one member of this committee on it. If you're going to call it a subcommittee certainly, and I think that's probably what these things are, especially when you have a member verses just having administrative staff work on something like that happens at the legislator. Where any member of the legislator can talk as much as he wants with and to the staff, but if you're going to have a subcommittee and you have at least one member of the committee on it I think then you ought to abide by the open meetings law

and ensure that if a quorum of those people are going to somehow get together in any way to discuss that it be at an open meeting for which notice has been provided.

SPEAKER: So we have to give notice?

DAVID MCCAY: Right. And that's not insurmountable. I just mean you can't do a lot of the things people normally want to do when collaborating on something. You know a group email, hey guys what do you think about this. I drafted up what might be section 201. Let me know what you think. That's impermissible. If that goes to a quorum of the members because you're discussing something and something other than an open meeting. I'm not a huge fan of some of the aspects of open meetings law. There's a lot of stuff in there that I don't quite understand the rationale, or at least interpreted. You know a member can't participate by telephone, for instance, here even if all the audience members can hear what they are saying. So there's stuff in there I don't like or necessarily understand or agree with. It could be an impediment to doing things the way people, especially now days would normally want to do things with email and back and forth. But like Mr. Kerr says, if everyone can work on their own stuff or own little section and then come together for a meeting to hash out what you have. It's always the safest approach to assume that you're subject to the open meetings laws. Maybe one person can contact another person, but don't do some sort of email or various chains of

emails or communications that would seem to have some sort sub refuge to get around open meetings law.

GREG GORDON: Could we have work groups?

DAVID MCCAY: A rose by any other name smells as sweet. You can pass out information to all the members. If you don't invite feedback, but I think that can be a dangerous route to go down. Just send the stuff and say here it is. I don't think human nature-- people tend to hit reply all and say hey it looks good, but I don't know if I would do section 13 that way. You just got to be careful I think is the main issue.

RICK NOWLIN: Thank you David. I think it's wise to be cautious in this area and you already know I'm not an attorney, although now I have two in my family, but I am adjusting. I understand that there is a section of the law dealing with open meetings and working groups and other subcommittees that loosens the requirements a little bit for those committees in which the members receive no compensation and also doesn't require minutes of the subcommittees to be posted, that sort of thing. I would like to ask that perhaps we can have a clarification of this at the next meeting if that's possible.

DAVID MCCAY: I am not immediately aware of that provision. I'm not saying it doesn't exist. I have some familiarity with it and I did read up in anticipation of the questions that might arise at this meeting, but I can certainly take a look at that. And if you've got some insight on where you think that is in

open meetings law I would be happy to take a look at it.

RICK NOWLIN: I'll get with you afterwards.

J.T. LANE: We'll get that clarification and get that out to everyone. Anything else regarding the format, anything you want us to explore. This might be a good time also to ask are you guys interested in us coming with more firm proposals that you just have to modify and change and vote on as opposed to keeping it open for discussion? Is that easier? I just don't want to presume anything. We can structure this.

ROBERT BROU: I think initially it is easier if y'all are agreeing to back off on certain things. Let us know and if we agree then we have at least put that behind us and more pretentious things to deal with as we get deeper into it. If y'all have thoughts for or against anything, strongly insist that something needs to stay in there, or agreeable to taking it out. If you present that to us it makes it a lot easier initially. I do think eventually we will get into more pretentious things maybe, but at least we can put a lot of miles behind us before we get into it.

PATRICK KERR: I was just thinking and I'll think out loud now. A called meeting like this I can't imagine there's any reason that we couldn't break down into subcommittees to spend some time discussing issues and then reconvene as a committee of a whole. I don't know that you have a facility here that would allow public access to those meeting rooms, which they

would need. But we could certainly spend an hour or two in those subcommittees. Nothing says we need to meet in mass. That might be a solution if that's workable with your facility. I think the other problem here it says the meetings will happen here.

JAKE CAUSEY: I guess following number one Robby had mentioned we did propose that notice of intent had those specific exceptions I guess maybe not necessarily administrative code format maybe, but just as a very basic list that you can readily look at. I guess may be recompile that so it's a shorter version I guess of the specific exceptions that we have affectively come to already for existing systems which I guess any of you may already know. If there are other things that aren't in there that you all know these are the things that for existing systems we need to spend time on and may be you have subcommittees around those things, rather than trying to just take treatment and start talking about treatment. I'm just thinking you might can get more right at what you're really trying to deal with than trying to talk about everything else and talking about that as part of it. We can definitely make a little short sweet summary list of the exceptions for existing systems we've gotten to at this point and then look at expanding that or what have you based on the discussions.

ROBERT BROU: I would actually recommend that you take that whole group of exceptions instead of breaking those into

subcommittees initially bring that to a whole group because if y'all already agree to it we can come to a quorum agreement we can knock those out quick. Any that are not if there's still disagreement on those then you can refer them to a subcommittee and hammer it out later.

J.T. LANE: So you are suggesting that we start with the regulations we have now and strike and add from that?

ROBERT BROU: The exceptions y'all made in the January notice of intent and as well as this document. Start with a lot of those.

DAVID MCCAY: Can I ask for clarification so I'll follow? The gentleman to my left used the term "in there" and then J.T. you said the regulations we have now. Can someone spell out what those are comprised of. Are we talking about part 12?

ROBERT BROU: The notice of intent from January I think would be the place to start where they came up with exceptions and in there the 551.

DAVID MCCAY: Exceptions for what, just so we're clear?

ROBERT BROU: Ten state standards.

DAVID MCCAY: I didn't even want to say ten state standards. Look at part 12 and look at ten state standards and see what if any of that needs to remain, needs to go, or needs to be added. Just so I'll understand what the group is talking about. Not that I need to understand, but I'd like to.

ROBERT BROU: I don't want to speak for the group, but to

me the logical place to start for Louisiana standards is going to be the ten state standards. Going through it and taking out the things that do not make sense for our region, enforcing or even strengthening the things that do make sense for our region. To me it's the most logical thing to do. The reason I'm suggesting starting with the exceptions that we came up with in January of 13 that came out of a number of meetings we had. Still may be some disagreement on some items there, but at least it's a starting point. I think we can get a lot of things put behind us.

CHRIS RICHARD: Yeah, well that was my question talking about the sections before we had a rule to exception two. We shouldn't have exceptions at all because they are not even in code. I agree we should start with ten state standards. I think it's a good starting point, but we were talking about subcommittees and I think we got on a tangent and never resolved how we were going to handle subcommittees and how we're going to approach writing the standards. We talked about exceptions already, may be get back to how we are going to operate the subcommittees and our approach.

J.T. LANE: Our initial idea was if we have to write new regulations than the subcommittees then we would find areas that needed to divide the code or operation maintenance. Whatever the compliance process, everything, and have each subcommittee then be in charge of drafting what was appropriate. You already

have a whole lot of documents out there that say what's important and what's not. That was to I think really thought of that it could really apply to if your tactic is to start with ten state and strike what we don't need and add what we want. That's certainly to me, in my opinion, a more productive use of time, but the only thought was if everyone wanted to start from zero and rebuild. That was that. We still need some subcommittees to make assignments to study certain issues for taking something out or adding anything that would make sense. I guess the general idea then would be to establish a series of subcommittees that could take on questions or places that needed more research before the committee made a decision. I'm hearing you prefer to start with something that we can work from and move forward.

PATRICK KERR: If the subcommittees are making no decisions, none of the subcommittees has a quorum so the committee has to make all the decisions and made in a public setting. I don't understand, I guess, why subcommittees couldn't meet to discuss specific issues. Give proper notice and even send emails back and forth, but they are limited to the committee.

DAVID MCCAY: The open meetings law and the interpretation by the AG's office, even the advisory committees are subject to open meetings. Even if they don't have any authority to make final decisions. Just going to bring advocacy stuff back to

the committee, still subject to open meetings law.

PATRICK KERR: Give notice and record, but they can still work by email and do all of the things that we think we might need to do?

DAVID MCCAY: No. I don't think they can work by email, that's the problem.

J.T. LANE: We may need to resolve this after this meeting. I see two people who want to comment on this specifically, or three may be.

JOHN BARKER: Hello Mr. Chairman, committee members, ladies and gentlemen of the audience. My name is John Barker, I'm executive director State Plumbing Board of Louisiana. If I may, Mr. Chairman, may I make a suggestion in regard to the subcommittee that if it's going to be chaired by a member here why not include subject matter experts? And I will use backflow as an example. Without trying to single anybody or make anybody look bad, how many backflow people sit on this committee? People that are certified in backflow? Okay. We have one. How many licensed plumbers on here when we start talking about part 14 in the sanitary code. So my point is you're going to be making uninformed decisions, possibly. So why not include subject matter experts. I know some are here in the audience today. Other people that wanted to serve on this committee voluntarily were not allowed, or didn't have enough room, obviously. Why not be all inclusive and then you get what

you're looking for. At the end of the day you get a better situation for your water suppliers. Also, I am of the opinion this committee is tasked with a whole lot of stuff to do. If you break it down in subcommittees, use backflow for an example, because I have no knowledge of what you guys do, but I certainly have a little bit of knowledge in backflow and plumbing. Let them make recommendations. Like you said, the committee still has to vote yes or no, or up or down, but let the guys have some input, ladies. Just a suggestion and I think you would be well served in doing so, or at least consider it.

J.T. LANE: And that was my original point to make sure we had experts.

SPEAKER: I probably don't even need the microphone. I think part of the public open meeting laws y'all are referencing is revised section 42:17 paragraph D and it says it should not apply to any private citizen's advisory group or a private citizen's advisory committee established by a public body. I do agree with Mr. Kerr. I think as long as we're operating, or subcommittees are operating in an advisory role and advisory role only except for the open meetings law.

J.T. LANE: Thank you for that comment and certainly make sure that we pass that by the department.

RONNIE HARRIS: Ronnie Harris, Louisiana Municipal Association. You have two issues here. Number one, organization of what we're going to do and two what you're going

to deal with. Number one, organization. I have no clue how many subcommittees you need. Perhaps the department needs to make its recommendation as to which subcommittees you need. I know nothing about the water systems, but I do know a little bit about organization in as much as if you have a subcommittee I will tell you that there are various parts of this code that affect the municipalities of Louisiana. We are very, very afraid that if you would knock out a 191 of the 551 issues that you have here we probably would be cited on the remaining 360. We're concerned about the existing facilities. We have no issues relative to the design standards for new facilities, that's fine. But as Mayor Beebe said for years no violations and suddenly in a very short period of time he got hit with three without any education. So the committee has got to figure out where do you start from. And sir I think you made an excellent point. It's there. What can we live with, what can we not. I have the opportunity to meet with you two gentleman and the secretary this past Monday and I was informed that some of the ten state standards are required relative to federal regulations that some of the state sanitary code and some deal with plumbing code. I think it's the department's obligation to inform the committee of where this comes from. If it's federal I don't think you're going to change it. You may make all the recommendations you want, but it is federal. It probably won't change so you need to give some guidance to the

committee to make their job a little bit easier as to where in the world is rule number 313 coming from. And so if you can provide that guidance it will cut down on the work of everyone. Not to be too presumptuous, but all of you are appointed to this committee for some reason, a very good reason. You know something about this subject matter. You may not know it all, but some specific area. Out of 551 possibly violations that are listed here, one of them is going to come back and bite us. We didn't know about it, or we didn't talk about it. It may sound very difficult and cruel, but each one of you really are responsible to go over each of those 551 issues. You really have to read them. What does it mean to you? If it means the sky is blue and everybody agrees and it's federal law, check we all agree. Now let's go to the next one that may be a little more controversial relative to a backflow preventer or something like that. That rises to the surface. I can share with you only a procedure that I participated in a grant workshop awarding grants and they had a book full of grant applications and instead-- and we met I think a total of one time. Where as we did our homework we read each grant and we rated it and those that rose to the top as being the best grants, and in this situation the most controversial rule rises to the top and that's where this committee can spend its very, very valuable time. Each one of your organizations have staff so no you may not have to read each of the 551, but your staff can certainly

make recommendations to you. It's going to take a lot of work. May not get through the 551, but if you can get through half of them that's more than the average. Now once all this is done I know as Mayor I formally was very enthusiastic in enforcement of ordinances only after A, education. Number one, let everybody know what the game is. Two, notification. Hey, you did something wrong. And then for the bad boys who simply don't want to do it at all, citation, education, notification, citation. It's going to take a long time. My concern today is the interim rules that you are about to make, because quite frankly our municipality, the water systems out there simply don't know the rules of the game as you see fit now because it's basically new. We start talking about existing and doing away with grandfathering. We are very, very concerned as to the work of this committee and the work product that you end up with. Your responsibilities are quite large. I'm hoping what I shared with you today, as far as organization I think the department needs to get guidance through the committee. At least get you started as well as do some homework. And after all is said and done educate, notify, and cite. We all want good water for our people. Thank you.

RUSTY REEVES: Rusty Reeves, Louisiana Rural Water. I do think it's going to take some committee work. One thing I wanted to ask Jake and J.T. the meetings have to be in Baton Rouge from what I understand. Do y'all have the meeting space

that if some committees was formed they could meet in other rooms? Maybe the morning prior to the meeting that afternoon and one trip, or whatever. Maybe meet the evening before. The public knows everything. If that's what we got to do we just have to do it. Some of this stuff is going to be hashed out here, but some hashed out by committee with other experts in the room with us to help us make educated decisions for the best regulations for our state.

J.T. LANE: So we have one other conference room that is publicly accessible on the other side of the building. It's smaller than this. The only other large conference rooms are the building across the street on both sides that have lots of meeting space there. They have at least four or five or six large conference rooms like this in each of those buildings. The law says Bienville though.

RUSTY REEVES: Could you make that an extension of Bienville?

J.T. LANE: I can double check.

SPEAKER: If you look at the law it says the main committee.

J.T. LANE: See, I assume there's other options. And then meet back here for an afternoon meeting.

DAVID MCCAY: Point out a clarification on this citizen's advisory groups. And we'll have to figure out what that means. The gentleman in the back did say 42:17 D which is a correct citation, but they're just except from the requirements of 42:19

42:20. Some of the notice requirements and the minutes requirements. They are not completely exempt from the whole open meetings law. In fact, again I've got some guidance from the Attorney's General Office that speaks to that issue explicitly. Again, not a court case, but the AG's Office says-- and this is not a formal opinion, this is a distillation of their overview of the open meetings law. Citizen's advisory committees which do not receive per diem do not have to give notices of meetings or prepare minutes, however their meetings are subject to open meetings law and apparent public bodies such committees must give the appropriate notices such as committee meetings for posted notices, publication, and public bodies official journal. They are not totally exempt. They are exempt from some of the requirements. The notice requirements and minute requirements.

J.T. LANE: In the interest of time get final resolution on this and let everyone know on this.

DAVID MCCAY: If I could clarify one other thing. Apparently under ordinary rules and parliamentary procedure and including Robert's rules of orders a two thirds vote is required to suspend the rules. Remember earlier I said that it was majority with the caveat that I wasn't sure, but two thirds vote is norm for suspending the rules.

J.T. LANE: So for that we will draft a final approach that we will send out to all of you. Being asked to come up with

specific idea approach we'll send out to all the committee members to consider and then we'll vote on it in the next meeting and then get started with that.

DAVID MCCAY: Let me jump in again. I just want to give a little caution to what I was talking about earlier. If you send it out to everybody I think you can, as someone pointed out, you can send out and disseminate information, but don't invite comment and people shouldn't be going back and forth. I like this or I make a notion for that. Just provide information and let it stop there so we don't want to have an open meetings violation that way.

J.T. LANE: On that topic, any other non-open meetings law comments that anyone wants to share on this? Thank you. Moving on to the next item and before we get to meeting dates I would like to ask the committee as we are about to proceed, and we knew this first meeting was going to be a lot of housekeeping and discussion around that. The next meeting is going to be important to really jump in and get going. Are there information needs you have? Are there reports you want? Is there research we need to do for you to assist in any of your deliberations, thinking? Anything you can think of?

KEITH SHACKELFORD: Can you give us a point of contact that we can email a request if you think of something after the fact?

J.T. LANE: That would be Sheree and you have her email from the last communication with you.

GREG GORDON: And I'm wondering in terms of subcommittees of what we kind of decided is that before those subcommittees work, or however we go about doing the work we will be given some, after we go through this first portion, provided basic outline of that information that DHH has relative to that committee's work and that committee will start going through those items with some DHH recommendations at that point.

J.T. LANE: We will give you all that before the next meeting and cover all that so we can discuss it then.

GREG GORDON: And at the next committee we'll also talk about the actual specific subcommittee, because I think y'all mentioned treatment, cross connection, storage distribution. I think you mentioned J.T., which I thought was good, enforcement and operations and maintenance. Mr. Harris mentioned something about education. I don't know if that would be post work or not and then the backflow device, unless that's going to be within one of the other subcommittees. I just want to make sure somehow you got all those because I was trying to write them down. I didn't want to them to be forgotten.

J.T. LANE: As far as information, anyone have any comments from the audience? For future meeting dates what we were going to do to make this, I guess, quick and democratic as possible and maximize attendance, for each month going forward till next September going to select three dates in which we could find that this room was available, because it is the largest in the

department, and we were going to find three dates per month that it was available for that time period go ahead and block it off. Do that for every month and send all of you a survey monkey link and everybody can vote on what they prefer. Does that sound good? Do I have a motion to accept that?

SHEREE TAILLON: We will vote to see if the future meeting dates will be sent out via survey monkey. We had to ask for public comments first. Any objections to survey monkey?

J.T. LANE: Any other comments on that?

SHEREE TAILLON: Any opposition? It's official. I'll be sending out a survey monkey.

J.T. LANE: I just wanted to, open up the second to last agenda item to see any other miscellaneous comments, anything anybody wanted to say. Any comments or tips that you want us to take into account to make the meeting flow?

RICK NOWLIN: Thank you Mr. Chairman. I want to offer my thanks to you and your department for putting this thing together and looking forward to working with you. And I think all the other members of the committee I would suggest when we do our subcommittees that we authorize either the chair designated to be a member of each subcommittee to make sure the department is represented.

PATRICK KERR: A specific comment about the citations on these ten state standards deficiencies on the list. My specific comment is that I don't think that 141403 has any

language similar to the language that we're putting in here. Basically what we've done is said the ten state standards say this and 141103, correction 141403 which is a paragraph about treatment techniques, requirements for ground water systems is the title of that section says that the state health officer can establish requirements. We're saying the federal law requires that we do it, but we have this kind of infinite loop going on because the way this is written it says ten state standards say you have to do it we think as a health department that they have to a be done and therefore we're going to cite the federal regulation which says the state health officer can do what he wants. That's not what this says. I don't think these citations are adequate for us. When I look at these 500 and some odd deficiencies and I look at ten state standards I will find very, very few of them that are addressed specifically in 141403. I think we need to do some more work. If there's good reason for them to be protective of public health then we ought to know what that reason is before we delve into whether or not they should be significant deficiencies in the new code.

J.T. LANE: Can you be more specific?

PATRICK KERR: Sure I can. The first one I can find on the list cites the ten state standards, or anybody else can pick it, and I will tell you there's nothing in 41403 that has language similar to that. Intake structures, I see the first one: surface or intake structures. Ten state standards 3141A.

I think SW means surface water and then it says the federal citation given 40CFR141403 and I pull that up and it says 41403 applies to ground water systems that failed to meet monitoring of the code form rule. So I think the citations are broken and I don't think it should be up the committee to find all of those citations so we can make an educated decision about what should and shouldn't be included. I think what 292 says is that if there's something that Dr. Guidry after due process, I can't remember the term that was used, but basically after people have had input it's decided it's important we do this to protect public health then regardless of what this committee says, that could be included in the code. I think this committee is part of the due process though. We're getting into what should and shouldn't be said. But 41403, I guess my point is simply these citations what this comes from, in my belief, is that two years ago plus the state was citing water systems for ten state standards violations. Some of those systems pushed back and said there's nothing in the code that requires that we do this. So a federal cite was added to give it teeth. And I'm telling you that's not a valid citation. All I can find is 41403. Is there something else in here? And I know 41403 is a page and a half long. There's no way it could have all this language in it. It was said earlier if the feds say we got to do it we got to do it. I'm telling you the feds don't say it in 41403. I would like to know where they do before I tell you okay we'll

do it.

J.T. LANE: So it seems for each item we are recommending we need to find another point of citation, or whether or not we have to run by Dr. Guidry to make sure there is federal presence. We're here to develop a future. What I'm talking about is an interim approach. What I'm asking you though for the interim-- does anybody not agree? We don't need an interim approach? Everyone seems to agree that we can't not do something for a year and a half. What we're trying to do is find the best way to move forward. Let us still do our job of protection and so it seems like is it just your point that we're quoting the wrong legal?

PATRICK KERR: Very contentious issues here. Day tanks, chlorination rooms are in this list. If we're planning to enforce those in the interim I think we are making a mistake because that is exactly what we are here to discuss. Day tanks are in here.

JAKE CAUSEY: We're not.

PATRICK KERR: I think the interim is what is necessary to protect public health and all the contentious issues that may or may not, shouldn't be in interim regulation.

J.T. LANE: I hear what you're saying and so what I'm trying to figure out though that's going to mean that every time we do a survey we're going to have to then elevate that to Jake and Dr. Guidry to make a decision. And that's not doable. So

I'm trying to find some guidance. If anybody has any ideas I'm open. What are the restraints and constraints that we give the field?

JIMMY GUIDRY: How would you like to explain to the public why they got sick because some law was passed and you can't regulate because people don't like you telling them what to do. This is what it feels like. I'm a state health officer and I have to wait for something bad to have happen and then I can fix it. We don't have a broken system. We have people like-- you made a good case. People don't know what they are expected to do. They get cited. Nobody likes a bad report and I certainly don't want to get graded, I'm not going to do well. You come up with something new, or the feds come up with something new, and all of a sudden somebody comes cite me for it and you're like I had a perfect record. Why the hell am I getting cited for it and now I have a citation. So to me we have to fix what's aggravating people. We're regulators. We're always going to aggravate people. Nobody wants to spend the money and be told what to do. What is the heartburn? What is the real heartburn? Ten state standards is just a name that's become the heartburn. We use so much of it. Parts of it that are very good and we really want. Parts of it that are stupid. Probably should have never made it. We try to figure out what's stupid, what we don't need and what makes sense. Not an easy job because we have to rewrite history that's been with

us since 1974 or 78. It's been written over years and years and I couldn't even tell you where some of these where they came from. I feel the heartburn, but I have to tell you I'm uncomfortable because if you just throw all the bath water and all the babies in you just killed the baby. You have to really make sense what it is that we are going to throw away. Now what we did because we didn't want to say-- right now people saying I got a new law I don't have to do any of this stuff. That ain't good for none of us and it sure ain't good for the public. And I can tell you right now if somebody takes that attitude and we had a citation and they decided to ignore it and I said it was important because it protects health, the public is going to find out pretty quick who screwed up. So really what we have to do is start making some sense. Five hundred something citations, a 191 of those probably aggravate people because they are the ones people got cited for. Start with the ones really hitting home. We're not going to try to enforce a whole bunch of new citations unless the feds come up with something. We're going to try to figure out how to rewrite this. We tried at the beginning of the year by saying- hey tell us what you don't like. Tell us what didn't make sense. We didn't have time. This takes a lot of work and a lot of time. It means going back to each one of these citations and saying does it make sense to protect your water? Does it make any sense? I bet it's going to be-- I know we don't have enough experts to figure out

why we came up with this stuff. I know there's some stuff that was very important. I can tell you I hear it enough from people when people are out there doing their work every day doing the best they can and nobody's getting sick. They don't want to be cited and have to report to their customers being cited when they don't even know what it means. Can't understand, that doesn't make sense. As we educate ourselves about what makes sense we are going to have to educate the people that have to make sense of this. When a survey goes out you know what it's going to be looking for and why. I can tell you some of these standards that have been used for years. I don't know who came up with it, I can't explain it and I'm not knowledgeable enough about the system to try to explain it. What's starting to happen already, which is what needs to happen, let's figure out what the big heartburn is. Let's show people we're working on the big heartburn. We have a year to try to address most of it- one piece at a time. And if people think they are out there and we're not going to enforce anything and look another way for another year till the new codes are written that ain't happening. I have to sign off people aren't going to get sick. But somebody's got a lot of heartburn because it's an expense and they can't afford it and it doesn't make sense then we need to talk. Need to talk why it doesn't make sense to them. Why it cost so much. A lot of the stuff as we went back to ten state standards it was an interpretation of the laws. Interpretation

of what was being required that was confusing to people. That was aggravating everybody. It wasn't the actual decision that we're making over here, it was actually on site citing you for something and somebody trying to get half a million dollars to put enclosures when you don't have that kind of money. First thing we do is big ticket items because we thought that would get the most attention, but what is getting most attention now is citation. I don't think anybody has heartburn for not being cited. Let's focus on citations that are giving everybody heartburn and let's focus on the ones that really give the heartburn. I think it's a short list. I really don't think it's a long list. As I talked to water systems around the state I'm not hearing a whole lot of heartburn with what's going on through the years. Heartburn is in more and more rules, less and less money, more and more citations. So let's focus on that. It's going to be a lot of work, no doubt in my mind. A lot of work. I'm meeting with people right now, I thought I was king of sewage and I'm king of water. Really they are both important and shouldn't mix. That's really critical. I'm trying to bring levity to this. I can tell you this is serious stuff. Not that people are getting sick, it's that systems are getting old and money is getting tight and most of the water systems actually are accidents. People breaking a main, people digging somewhere, or somebody's putting too much chemical in the water. Not a huge lot of problems out there. Let's make

this easier by focusing and making work easier. Focus on those things that are getting people sick. Everyone wants to do the right thing. They just don't want to spend millions of dollars and they don't want to do if it's stupid. Sometimes stupid is because we don't understand why. I can tell you the feds keep tightening up more and more. Used to be you could have a little arsenic. They don't want that arsenic in there. Used to be you could have a little lead. No more lead in there. Well, it's not possible. Louisiana has natural occurring. It has lead in a lot of its soil. Literally, people don't understand that if we're going to fix it, spend all your money trying to work so hard to keep, on just paying for eliminating these substances in our soil and in your water. I do hear you Pat and I do hear your heartburn. Let's turn that into energy that says maybe it's there and maybe we cited the wrong thing, but if it's there for a good reason I don't care where the citation came from. It's important to protect health. You have to convince me it ain't and you probably will. But the problem is we have to cite something. The feds don't give you a lot of direction. Pretty much say you need to protect the public on these issues. States you decide what that is. Then we decide and then we give it to the locals and the locals have their rules and the locals can't have rules that are less than the state, and state can't have rules less than the feds. But sometimes we go too far and that's burning everybody. Keep

changing the rules and we go too far. This is an education as I go through it we're going to share it with you. Not an issue on drinking water or all the things that we worry about, but I think we do a fantastic job. Not lose site of the fact people are not getting sick. We do a great job. Let's figure out what's a waste of money and a waste of time.

J.T. LANE: I think that what y'all have is our first heartfelt way to try to do that differently. If there are any other ideas then we are very, very open to that. This, again, was why we gave it to you for your feedback. We didn't want to move forward with it. If there are other mechanisms, other ideas you have please share them with us. This is not written in stone. Going back to the education component, communication component we do want to let everyone know what's happening in the meantime so that we can clear up the confusion. We can get out there and tell everyone. If there are no more questions or comments from the committee, we'll go ahead and go into public comment.

RANDY HOLLIS: With the open meetings law are we allowed to come back on this? You have given it to us, do you want comments back on that open meeting decision?

J.T. LANE: I'm going to verify with Russo. A similar process when we went through Medicaid reform and managed care and so there was a lot of back and forth communication. It was then shared publicly after the committee. We tweaked documents

and made changes. I do think that's doable because I don't think if we have to have one meeting a month for a year that will really slow us down. We have to find a way to really make a lot of progress and keep that flow moving. We'll move to public comment period.

CLARENCE BEEBE: Thank you sir. Dr. Guidry I want to say thank you. As I talked to some of these, I guess you call them sanitarian, or whatever the people who contact us about our violations. I feel sorry for them many times having to enforce something they, quite frankly, they feel-- I have been calling it insanity because my mom told me not to call somebody stupid. But that's exactly what it's being. One thing I didn't make clear of the three violations we were cited for, out of I assume 191 none affected quality of water. That's the problem we're having. I don't think anybody in this room could come to you and say hey I need help with this violation if we affected quality of water. We want these frivolous citations dismissed. I know you got to do something, but let's don't focus on this frivolous stuff in this interim we're talking about. Let's work together to move this thing forward, get rules established and then educate the people on them. And I thank y'all for your time.

HENRY HEIER: Mr. Chairman, members of the committee, the public. I just want to thank the Department of Health and Hospitals, State of Louisiana and all you folks who volunteered

your time. Whether you're a public official, or government employee, serve on this committee, or engineer, whoever you are. My name is Henry Heier. I'm executive director of Mechanical Contractors Association of Louisiana. We represent public works contactors, utility contractors, private industry contractors that are primarily piping and plumbing contractors. Myself, I hold a master plumbers license number I120. Believe strongly in the credence that licensed and master plumbers work with water purveyors and the Department of Health and Hospitals and local governmental entities to protect the health and safety of the public. With that our organization is committed through the legislative process which brings us here. Bill 171 which was a much wider piece of legislation what became act 292 brought us to this issue. As people who install, maintain, service, repair backflow prevention and cross connection control systems we're here to volunteer any of our subject matter of expertise in the future however this commission decides to create subcommittees. The department knows how to get in touch with me, as well as several municipalities that are represented here. Mr. Harris I know from a prior life and certainly through his representative on this board we can certainly be reached. We have some of our subject matter experts here with us today and who are volunteers, as well as some other organizations like the Plumbing, Heating, Cooling Contractors Association who together work with us in what we call the for sanitary alliance.

We think people shouldn't be getting sick from bad water or unsanitary conditions just as the gentleman said over here. Dr. Guidry you really encapsulated. Everybody's had great comments, people on both sides of the issue. It was very civil conversation and this is about science and protecting health and safety of the public. I thank you for the opportunity and we look forward to working with this commission.

SPEAKER: Will the department have a website to post information from the committee and will the persons who attend who signed the notice get an email notification of other meetings?

J.T. LANE: Yes, sir. The website is www.dhh.louisiana.gov/watercommittee. It's up already and it's got some of today's material posted, but we will be adding stuff as we share more information in this meeting and as we move forward. Posting all that on the website and yes your email address will be added to the list where you will get notification.

TERRY SMITH: My name is Terry Smith representing Louisiana Plumbing Heating Cooling Contactors Association. All we ask if you do have subgroup related to backflow preventers, cross connection we would like to have a seat at the table. Thank you very much.

J.T. LANE: All right. If that concludes comments I want to thank you all for coming and participating. And certainly

let all your colleagues know and other municipalities. Get them to come with you if y'all need to car pool. We would love more input as much as possible. Again, we understand the constraints that y'all are on a local level. We want to make sure we work all that out and get that straight so we can move forward. Looking forward to working with you all further and if you have any questions we will submit an online form for more input, or you can email me directly if you would like. It's jtlane@la.gov.