

Water Committee Meeting

April 25th, 2014

J.T. LANE: Good morning, looks like we have a quorum so we're going to go ahead and get started.

Sheree call the role.

SHEREE TAILLON: Dirk Barrios, Vern Breland (absent), Ben Bridges, Robert Brou, Jeffrey Duplantis, Greg Gordon, Jimmy Guidry, Jimmy Hagen, Randy Hollis, Pat Kerr, J.T. Lane, Rick Nowlin (absent), Rusty Reeves, Chris Richard, Keith Shackelford (absent), Cheryl Slavant, Delos Williams (absent).

J.T. LANE: Good morning everybody. Thanks for coming. We have a lot of exciting items to cover today and some of your first reports out from the subcommittee so this is going to be a great meeting. A side note, we did sort of solve the mic problem, we have a better solution this time. We have more microphones and so, and we may end up adding more depending how today goes. We're going to, as much as possible, try to recognize each person before they start speaking so that Lynsey can capture everybody accurately. She's been having some trouble on that and I'm going to also try to be a better chairman and try to keep us on track in terms of that as well. Thanks for that. With that, everyone received approval copies of the amendments, of the minutes, excuse me. Is there anything they would like to discuss on that? With that I guess I'll ask for a motion to approve the last meeting. A second to Dr. Guidry?

RUSTY REEVES: Seconded.

J.T. LANE: Any feelings against that? All right. We'll go to number four, Jake for a quick update on what's going on with the emergency rule and the amoeba efforts.

JAKE CAUSEY: I'll be brief. We are in the process of hiring additional lab staff and bringing in equipment to our new lab to get set up and certified for testing. We have our contractors, really our plan is to do some surveillance monitoring this summer, some of our public water supplies looking at both sources and distribution systems. Obviously going to be very limited on a number of samples we

have. Working with contractors to develop a sampling plan that will give us the most meaningful information with few samples we'll have we'll be able to do in the upcoming warmer temperature months. All that is underway. We don't anticipate being able to actually start doing any of that sampling until July. Still a few months out from getting the equipment set up, the lab staff on board, trained, certified to start doing the tests. It's moving forward. Our compliance percentage for March, we had reported out February was 95 percent, March was 96 percent That was good, good to see. And the last thing I want to mention CDC has a national task force to look at this nationally that I am participating on. We had our first call for that task force yesterday. They are really going to be taking all the information that we compiled and surveillance, etc. We'll be broadening that to a national level. Interesting to see what good work comes out of that task force as well.

J.T. LANE: Any questions regarding that? The next item five house bill 263. One of those bills that's come up and we wanted to make sure you all were aware of and get your feedback on from Representative Geymann and bring you up to date on the bill itself and the problem he was trying to address with the bill and get your input on it before we move forward with the final solution. With that I'll turn it over to Jake and Dr. Guidry.

JAKE CAUSEY: House bill 263 was actually something that came up in the first meeting we had with the cross connection subcommittee. We had some of the staff from the Beauregard district three water system present and frankly what transpired there this legislation they had began implementing their cross connection program. I will just say many, the numbers have ranged from 100 to 400 customers with double and triple hook ups, multiple units, trailers, etc. on large tracks of property, but all on one meter. They started addressing that situation with customers having separate meters and in cases where they refused required backflow protection. And what they had looked at in plumbing code for containment protection was multiple residential dwelling units served by a master meter. Had some conversations with Representative Geymann early on and his general position was that three or more was somewhat undisputable that that situation, the heart of his concern was what he

qualified as a mother in law suite. One home and the family is taking care of the grandfather, the mother in law, what have you, and it's really in some cases equivalent to a very large single residence I guess, but to basically I guess not include that situation by default his was comment if it's being used as a rental property or home business that's a different situation. We had initially proposed some language as a notice of intent to say that the cases where it was only two that a cross connection survey could be performed to look at and identify any actual risks and have a requirement based on that. He felt like that was going to still be an extraordinary expense for that homeowner and so and frankly just wasn't happy with that as well. We met with him again last week and we have come up with some different language that I think is a good compromise. What we have done is looking to propose instead of saying multiple residential dwelling units served by a master meter we'll say these two specific things. Two residential dwelling units served by a master meter if either unit is separately owned, used as rental property or commercial purposes would require containment protection. Three or more served by a master meter would require containment protection. The case that he's most concerned about effectively just a mother in law taking care of grandma or grandpa, still may be two units, perhaps a mobile home on a track of property, but I guess that situation would not be required by default. The other situation describing the language I just read would. When we met with Representative Geymann we told him that we were going to run this language by the water utilities to get their feedback on it and then we would report back to him so that he can decide. His comment to us was that if we somehow exclude that mother in law suite scenario he would throw 263 in the trash. That was the compromise. That's what we wanted to run by you guys and get your feedback on.

PATRICK KERR: We've had experience with trying to call things dwelling units and it's not well defined. We actually changed our rules about three years ago now. And I don't know if this will work for you or not, what we say is if you have a separate electric meter you get a separate water meter. People argue about what a dwelling unit is, and like I said we went through legal issues with customers and

it's hard to define. So if you are going to use that language we really need to put a very specific definition in that part that says what a dwelling unit is cause we couldn't come up with one after ten years of screwing around with it.

JAKE CAUSEY: Yeah, I think that in the cases that specifically Beauregard has had to look at are multiple mobile homes on a track of property. At least in some cases it is obvious, in other cases it can be less obvious. And I guess this is just to say when containment protection, cross connection control is required as a default it's not dictating how things have to be metered, which the bill intends to do. So I guess my thought is that 263 goes away we can certainly provide, we can include a definition for dwelling unit if that would be helpful as part of the code update. Sometimes it's less helpful and it's better not to narrowly define something like that. I think if it's an independent unit someone is living in I think that's an obvious case, but yeah I agree, I'm sure there can be some lesser obvious scenarios.

JEFFREY DUPLANTIS: So with the new wording that you are proposing 263 goes away so we don't have to worry about that, okay?

JAKE CAUSEY: I'm not sure if you all have it, I will be happy to read it one more time. So it's two parts now, the first part is two residential dwelling units served by master meter if either unit is separately owned, used as rental property, or used for commercial purposes. And then the second is three or more residential dwelling units served by a master meter, there's already a provision for multiple commercial units served by a master meter, that's not being modified in any way, strictly for residential.

J.T. LANE: Any other questions?

RANDY HOLLIS: Forgive my ignorance, but this is the first I have seen of this. If 263 were to go through, which you say it may not now, doesn't this run a foul cross connection cause it's saying you don't need a backflow preventer. What if that residence has a sprinkler system and it's only one dwelling and it says you don't need a backflow preventer. That's one huge fault I see in this. This would run a

conflict with other things we are trying to get through.

J.T. LANE: Precisely why we wanted to bring this to you guys to talk about it.

JAKE CAUSEY: I would agree 263 a lot of concerns for protection of the public water supply, especially in obvious cases where there are high risk situations just based on the language of the bill. Even if they are knowingly contaminating the system based on what the law says technically you couldn't require a backflow preventer. In those cases we would still act appropriately irregardless, but yea the bill has many issues frankly.

RUSTY REEVES: On there it says owned by one owner, or what did that say exactly?

JAKE CAUSEY: If either unit is separately owned.

RUSTY REEVES: A lot of the situation in Beauregard Parish and rural Louisiana the trailer that's on the property may be owned by the daughter of the mother in law, or the aunt, or whatever and not the actual landowner. So we would almost be right back to they would have to have the backflow preventer unless the landowner owned the house and the trailer.

JAKE CAUSEY: I don't know who owns what and we haven't run this back to Representative Geymann yet either, I don't believe. That may be a question he poses. Again, we're only looking at cases where it's only two. Three or more it's a done deal, and if they are renting it out that's a done deal, commercial done deal. I'm not sure about the separately owned to be honest and if you really start trying to look for ownership you are digging in pretty deep. That could possibly be something I guess struck, but I guess here's the flip side, the concern would be if it's two separate pieces of property with individual ownership I think typically you're going to want separate meters, but sometimes neighbors hook up.

RUSTY REEVES: In most cases would they allow that if they have it pretty well clear the people that bring in the title to the land and one landowner owns all the property. You are going to deal with Geymann's bill then. I live next to Beauregard Parish, I know exactly what they are talking about. It's pretty simple, in their language most of them have it that they allow the multiple connection if it's

the property, the land is owned by one person and the person put the trailer there, most cases a trailer, or camping, or FEMA trailer. It's the son, the daughter, the mother in law, whatever, grandma got sick or grandpa died and grandma can't stay by herself. If not you are going to deal, this ain't going to go well. That's what he's after cause I have seen it on the TV. It's the 50 year old man and his 80 year old mother on the TV. Mother owns the trailer.

JAKE CAUSEY: Okay, so we should strike separately owned?

RUSTY REEVES: I think that would help clear it up a whole bunch as long as it's on the same property.

PATRICK KERR: What's the hazard?

JAKE CAUSEY: I think we had attempted to by virtue of a survey to look at actual hazards and make a requirement based on that, but the concern was the cost to the homeowner and so I guess the goal was to some extent not have a requirement by default, but still yet if something is going on at that property that is a high risk then none of this really comes into play. It's really about what that real high risk threat might be. But again, this is just to I think there are other triggers that can come into play to require backflow preventer, not just about the fact that it has two units. This language is really focused strictly on the fact that it's multiple units, and just the general concept of multiple typically meaning a lot, creating risks. We're defining multiple certainly as three or more or in cases where it's two basically if either unit is used as a home business or any kind of rental or commercial purposes. I think in a case where it's two and it doesn't fit any of those criteria if there's some higher risk identified elsewhere utility would still be able to require backflow preventer based on that. It just wouldn't be on the fact they have two units. Be on the fact that you have this connection that is contaminating the water system. We can delete separately owned, I don't know that that is going to be a big issue. Again, if there's a real risk you can still require containment protection based on what that real risk is.

RUSTY REEVES: All this started over there from a hunting club situation where they had multiple campers on one meter and once they got to looking this water system has 6800 connections across

all Beauregard Parish. It serves a large part of Beauregard Parish and when they got to looking, and Jake's right I've heard a 100 multi housing, I've heard 400. Once this camp was open even more showed up. Some of them that wasn't even being billed for being multiple connected starts contacting Geymann and it goes to this. Ain't showing the old man, the daughter, or the granddaughter, it's the old man and the grandmother that they have on TV. And most of them was done it's the mother in law or whatever. I think they have found some that's rental property and a bunch of them have put in backflow preventers. Then some have been kicking and screaming that's where this all comes from, started with a situation probably eight or nine on one water meter at a hunting club.

J.T. LANE: I would imagine many bills start at something like that.

JEFFREY DUPLANTIS: When are we going to know whether or not 263 is being thrown away?

JAKE CAUSEY: Once we bring this language back to Representative Geymann I'm sure we'll know within a day or so.

JEFFREY DUPLANTIS: The part two about the connection to the public water system because none of this wording in this act addresses the second house. This one if this goes through none of the first houses, the initial connection is going to have to connect by the way this is worded if I am reading it right.

JAKE CAUSEY: Yeah I think some of the customers indicated we'll just get off the water system and we'll use our own well, and we do have rules in place that prohibit that and so he was going to fix that too. We can certainly, I think I am confident this alleviates his concerns. I agree separately owned might be muddy for him, certainly wanted to tighten it up as much as possible. We could delete that or say the land is separately owned, I think if we get into trailers and all that. The case has typically been 20, 30 acres all that's owned by one individual, certainly in the cases where property was broken up and had individual owners that's a different scenario. We could remove the whole ownership piece. The ownership only comes into play where it's exactly two units. That's somewhat small potatoes.

ROBERT BROU: Just a point of information house bill 580 by the same representative and I think he's trying to circumvent the 263. I guess it wouldn't have the force of law if state law says you have to have it, but he's trying to say it's only for Calcasieu and Beauregard Parishes.

J.T. LANE: He indicated he was going to drop that. Our hope is to get this dropped. Part of the solution for him is that we promulgate the rule to address this. That is the other part of getting the language right is that we follow up with making a rule. That's one of the other reasons we brought it to the committee to make sure you understand for this bill to go anyway and not reach a vote, and you may want it to reach a vote instead, but part of the agreement we promulgate a rule reflecting that language.

PATRICK KERR: Can we take a shot at getting it killed. It's a bad bill. I haven't heard any other support for this bill, has anyone else? I haven't heard any other support of this. Removing the requirement for backflow prevention on a high hazard installation is just ludicrous and I can't imagine the committee supporting it. We need to talk to him.

JAKE CAUSEY: Yeah and that's what we told him we wanted to talk to him first because if we promulgate the rule and then we got a lot of opposition in the rule making we don't want to have, that's what we basically told him is that there will be opposition move forward in the rule. His comment was he'll move forward in the bill he doesn't know if it will pass or fail, but he's serving his constituents.

PATRICK KERR: It's not even scheduled for hearing yet.

J.T. LANE: Any other comments or questions on that? With that we're going to move to number six senate bill 341. I would ask Pat to give everyone an update on that and have a discussion about that today as well.

PATRICK KERR: This is not obviously my bill, it's Senator Donahues. I have been speaking with him and through several other members of the committee. This bill started as basically an amendment to act 292 to remove the August 1st deadline from our work. Honestly, I was not happy about removing

the deadline and having no consequences and no new deadline. We really don't have a way. I heard anywhere from we can get this done soon to Sydney telling us it may take as much as five years and we can't wait five years for this. What we attempted to do act 292 there were a couple of inconsistencies in the language about what we were doing. We've been arguing for months about whether we're talking about 10 state standards or about part 12. We tried to clarify that, that the charge of this committee is to approve changes to replace part 12 and we can use the 10 state standards anyway we like to whether that's in the new part 12 as Jake has done in the past striking specific provisions of the 10 state standards, or coming up with our own standards, or putting in the part 12 what specifically is to be enforced. And one of the provisions of the act, correction of the bill is to give this committee the charge of vetting a list of significant deficiencies for inspection and enforcement. As far as I know that's all that's in the bill. It is a lot actually, but it should streamline the work of the committee. I told Jake when I spoke to him about it that I think parts of it will be objectionable to the department. My hope honestly is that the department recognizes that this committee is in fact on the same side of these issues that public health is why everyone is here. We're not working at cross purposes, but we are working toward improving public health in the state. With that that is how Senator Donahue introduced this to the committee on health and welfare. It was unanimously accepted and it passed out of the senate last week without objection, actually earlier this week without objection and it's on the resources in the house. It has not been scheduled yet, but it will be. I have heard no push back from any group on this specific bill. I am hearing push back, the plumbers want to change some things that allow only they to inspect and install backflow prevention that may try to get added to this. I don't think that's a good idea personally, but that's up to y'all to fight your own battles. We have perfectly qualified testers and we have a provision to bring surveyors on board and that's exactly who we should use to do that, not to repair or install, but we need to tighten that up in a different way. That's what I know about this. As I said, several of us have worked on it. If anybody else wants to talk about this bill specifically? Is there anything in this

that you're concerned about that I haven't addressed? And if there is, I'd love to tell you how we came to what we came to.

JIMMY GUIDRY: I guess we were working diligently to build trust around the table so the department, and architects, engineers, and operators come on the same page. I knew about the bill, I knew that we were changing the date. The day the bill dropped I am told that now it's going to be everything they decided 12 goes away replaced by new rules and regs developed by this committee. I don't know if all the committee members realize what that does to your responsibility. I know it does to mine, I have to let you tell me how to do my business as a state health officer. If I think there's a risk and we don't agree it's not up to me, it's up to the committee. I don't know anything in state government that's regulated, and I don't know anything in drinking water that's regulated that is done by a committee that tells the regulators how to regulate them. So yeah, I do have concerns. I don't know how that's going to work out. I'm literally scared what it means, for you, the businesses, and the people that you protect. We have the same goals, but somebody has to own it and when there's an outbreak or an illness you're not going to own it like I'm going to own it. I am going to have to explain why people get sick, I am going to have to explain why the rules changed. Cause right now the way this is written I don't know if chapter 12 goes away until we finish, until we address all chapter 12 then we don't have anything to live by. It's not clear to me. That's what it looks like, it goes away until we come up with something which could take two or three years which means for two or three years we live in limbo. Limbo is no place to live when you are protecting health, so yes I have serious concerns.

PATRICK KERR: That was specifically discussed, it says it will be repealed and replaced by the committee which should be simultaneous act. So part 12 continues. I think the problem and the frustration, Dr. Guidry, has been that we're really making no progress. I shouldn't say that, we've made quite a lot of progress, but what should have been achievable by the 1st of August there's been a lot of pressure, a lot of friction. We are here because the department was being inflexible in things that affected every

water system in the state. Many of us disagreed with what the department was doing and we made no progress in getting that fixed. This is a huge step, it is. It doesn't say, it does not take away your power. It takes away some of the subjective enforcement. The committee gets a vote now instead of the way 292 was written and it's funny, it's not funny, in the first place it said that the committee was going to promulgate the rules to be approved or not to, but the committee was going to approve the rules to be promulgated by The Department of Health and then later on in the bill it said the committee will approve the rules, the department will approve the rules and then promulgate them which gave the department complete veto authority and made this body useless. It hasn't worked. That's what's being addressed in this bill, that's what we hope to address in this bill. I have not talked to anyone on this committee who has any objection, for example the emergency rule. Was it hard on us, absolutely. Are we deferring to you and your knowledge about public health and health protection, absolutely. And I think if we had brought it to this committee it would have passed out unanimously. Y'all chose not to bring it to the committee although the law is perfectly clear it should have come to the committee. I brought up on two separate occasions and was ignored. We've got the ear of the legislature right now and my objective is to get this done to make everybody, including you and the department happy. And if we screw it up I'll give you my, first of all we'll work to do whatever we need to do in the legislature to fix it. That's the best I can tell you. We will work to fix it. This really does empower the committee and I understand your concern Dr. Guidry.

JIMMY GUIDRY: I just want to be clear, it's not that I don't trust the people wanting to do the right thing, it's about my responsibility. If people start getting sick because of something that we disagree on and I vote no and the department votes no and you vote yes and they come asking why people are getting sick, and I hope to God this doesn't happen, I am going to be very upfront, we're going to have it captured we were against it, but we had no authority. We have responsibility, but don't have full authority. That's where you get really anxious about things, you are responsible to people, but you don't have the authority to make the decision so then you're responsible to explain how the

decision gets made. So you are all going to be responsible for our decisions, I just want that to be very clear and you are all going to get credit if something goes wrong and get credit if something goes right.

PATRICK KERR: The chair can call this body to order at any time for any reason. And if there's an emergency this body can be called to act on your recommendations and I can not imagine that anything that can be supported wouldn't pass out of this committee just as the emergency rule did. This committee can be formed more quickly than you can get in touch with the CDC and get things going. It took months to get that emergency work done. Come in, bless it, and move on. First of all the committee is a part of the department. We are in fact a part of the department the way the law was written. Not that we are working for you, but we are in the department in this role and I think everybody at this table knows the gravity of that and they volunteered to do exactly that.

JIMMY GUIDRY: And that's really why I wanted to have the discussion today is that everybody understands the gravity cause I have sat on committees where I have responsibility, not in this, something separate from the department, but they are in the department because of the laws and they make the decisions and I live with them. But I'm not responsible, they are responsible. There's a little difference. Here I am responsible regardless. I take it very seriously. At some point when I retire somebody is going to come behind me and take this over. I'm not trying to be difficult. I feel like I have been doing 18 years of trying to work with everyone. I really don't feel like I have done anything wrong. May be I didn't pay attention, may be I didn't make it easier for you, but I really had my heart in the right place was to protect the public. It wasn't about getting after you or regulating you, it was about making sure people don't get sick. So I just want you to know the gravity of being on this committee because that's what this now is going to do.

J.T. LANE: I think I would just add we have I think this was a new assignment for everybody and so it did take, it was a lot of questions about how we would do what we have been asked to do, but I don't think if chapter 12 should have been included it would have been included earlier on. A lot of the

initial discussion was completely around 10 state standards and it did include, did hear a lot of complaints about how we were doing our job and a year and a half ago, and that was one thing that we did commit to cleaning up hard. It's hard to do that though until we know exactly what it is we are going to be doing. And when we started our work we did propose an initial interim approach on how we did do things. I don't think we've definitely been open to doing things differently, it's just that we've got to figure out how. I think that adding chapter 12 does open up new questions as to the composition of the committee cause it covers a lot of other areas where we interpreted EPA regulations. It doesn't cover just enforcement, it requires a lot of biological and chemical expertise for those parts of that. So if enforcement is your primary concern I think the bill should probably reflect that, if that's the case. But I think that we did make a motion last time once we started our subcommittee work to include chapter 12 changes in it. So from my standpoint we've done everything to address everyone's concerns consistently. If you want to make the amoeba I guess the primary issue for this, that's okay. We did have a public health emergency and regardless of how much time passed we did not know the final, that time passed because of studying it. No one else had experience, no one else had expertise. Regardless of that I thought we were on the same page and every time we have another meeting it's that we're confused, we're confused and from my standpoint I don't know that to be the case. And if we are confused then when we find out about it it's through amendments to a bill rather than just being straight up in the committee. So if chapter 12 was always the concern I don't know why it took until a couple weeks ago for that to be brought up. We have done a lot of work, almost a year into this and now we're adding to the assignment of the committee and we haven't begun to assess how much longer that's going to extend our work. Pat if you have anything you want to say on that that's fine, but I would like to hear everyone's thoughts, what this does to your scope, what you envision, and I guess I'll leave it at that.

PATRICK KERR: Two comments, one our concern is not enforcement, our concern is the code. And it has been from the start of what became act 292. I believe it was made known to you, but J.T. we've

been talking cross purposes since day one with the committee. Most members of the committee I believe understood that we are tasked to approve changes to part 12 that the 10 state standards were not our goal and that is exactly what Senator Donahue described to me last year. There was some language in the bill that made it unclear, but personally I know I mentioned it a half a dozen times in this committee on what our focus should be and some people say yes and some people say no and all we're trying to do is clarify what the original intent of 292 was. This actually started with President Bruster, and you might speak to her about what the original intent of the bill was. I will tell you is exactly what I am telling you to fix the issues that water systems had with part 12 and to clear up some of the ambiguity in part 12 and the enforcement of part 12.

GREG GORDON: I agree with Pat and his assessment of the bill relative to part 12. And that when we met with Senator Donahue and during the drafting of the legislation to let J.T. and everyone at DHH know he's pretty serious about the same thing with what you kind of just mentioned Dr. Guidry. The committee is taking itself seriously that it's doing these rules and doing it hand and hand with DHH, but at the same time taking a major undertaking and we have to all be responsible. I think everyone at this table is and feels this way. I know the subcommittee stuff that we've been working on where DHH staff has been in all the things that I have looked at and been at these meetings gone over each section and looked at where it says state health officer, approval of the state health officer, determined by state health officer, no one is really striking any of that out. Matter of fact, the DHH staff has been excellent in terms of guiding us, at least my opinion, on part 3. And Caryn was at the meeting and others. Did an excellent job with Sydney making sure that you have the ability and you have the necessary authority to do what you need to do. No one at this table wants to make the rules so lax that public health is in danger in anyway shape or form. I'm responsible for a parish president, a council, and 12,000 customers. I don't want them coming to me saying you were part of a committee that helped promulgate rules that caused problems in your water system or our water system. I don't think anybody wants to do that. And I think the drive of this, and Pat and I

mentioned at the committee hearing, we are all serious about protecting the public health, but doing this with rules and regulations that make it easier for us to do that, not harder and to do it in a manner that is a little more succinct and makes it so that from ourselves, at least from an operations prospective, that the protection of public health is first and foremost and we're not chasing our tails with 2 or 3 or 30 or 40 different things that may not be relative to public health or may take our eyes away from protection of public health because we are having to fix certain things here and there that were a major investment or major time and operations and maintenance which is really key to the protection of public health. Could be taken away or lessened because we are chasing too many other balls that are up in the air. I think this legislation does a good job of focusing on that and making sure that we get all that done. I just wanted to let you know that the senator when we were all in discussions with him is in no way trying, he's just very serious that we are not doing something to relax standards or not doing something to engager people. He doesn't want that in any way shape or form.

JAKE CAUSEY: Okay, so I want to certainly make a few points. I guess the first thing I talked to our amendments to the bill and our roles and responsibilities shift looking at act 292 from last year DHH still had the authority to promulgate rules and regulations necessary to maintaining primacy. Primacy tied to 15, 16 million dollars annual grant funding as well as the states ability to regulate its water utilities rather than EPA regulating the utilities. Talked with our association of state drinking water administrators, there is no other state in the country who has a committee that looking at the membership, or has a committee period, that sets drinking water regulation for their state. First thing I want to mention going this direction is a huge shift from what currently exist in the U.S. as far as rule making authority for drinking water regulations. One of the biggest questions that keep coming up I've had many people ask me is the conflict of interest having water utilities basically responsible for writing and adopting all of the drinking water regulations here with DHH no longer being able to say, not having any veto authority. I think most states have advisory committees and

those have an important role. I think given water utilities part of this committee authority to basically adopt their own regulations that they have to follow would not improve public health for Louisiana. I think having an advisory committee--

J.T. LANE: Rule making authority.

JAKE CAUSEY: Right, so looking at the bill the rule making authority says we have to promulgate whatever is decided by majority vote of this committee, irregardless of federal regulations, irregardless of public health concerns, irregardless of primacy, any of that. So I'm frankly very concerned, have had conversations with EPA on primacy. Their comments were they gave DHH primacy, not a committee of water utilities so we have some serious conversations to have with EPA if this goes forward as well. I think this is an entirely different universe than what act 292 created last year.

BEN BRIDGES: I agree fully, and I will show my ignorance maybe, when I was first asked about being on this committee I assumed and thought it was the goods we would come and rework some of the language in the 10 state standards to make it more applicable across the state wherever you went. And in my profession we travel several parishes so one enforcement may say we want this done, another one we want it like this. I thought we were looking at trying to clean up some of the language to make it a little more universal where we could expect the same thing in each parish or each region. That was kind of the premise of why I joined this to make it easier to work with DHH. Many years ago I used to think DHH was not my friend, but I have changed my mind and the reason I do because most of what they are enforcing is given to them to enforce. Their outlook is to provide health issues that are protective of public health. I think they're charged with looking at the whole picture and not a small political subdivision in each area in a city or district that influences heavily. I don't think this committee, I have reservations as a committee member, and I have been in several of these meetings I understand what we are tasked with now, the scope has grown from what I originally understood and I apologize for not speaking up sooner if I should have. But I have

reservations about this committee making the rules and telling DHH what they are going to be able to do and not do. I think they are better versed and better qualified, not that they are smarter or any better than we are, but they have some better resources, better knowledge, more assistance and more help than what we do as a committee. I think as a committee we're dabbling in some areas we may regret one day.

CHERYL SLAVANT: I know I'm the only activist. My name is Cheryl Slavant and I have spent the last 20 years going to one small water system after another trying to help them get good clean drinking water. Just a moment ago talking about making rules, but not saying anything about enforcement. Jake, I have asked over and over again for a private meeting with you and I haven't gotten it. I want to talk about enforcement. Dr. Guidry that's the reason they don't have clean water out there. Jeff (inaudible) operated for years and years with horrible sewage problems running down the streets, bad drinking water. It was reported over and over to health and hospitals. We had to put the man in prison to stop him. In Chestnut-Readhimer I needed to go to the ladies room they handed me a bucket for the potty. Bad, bad operator there. I can go on and on about this. I reported Hobson system to you in West Sterlington built in wetlands that floods three times a month, no meters at all, no license, no licensed operator. I was told last week he's still operating. This is the reason people are getting sick and have bad drinking water. When it's reported to this department it doesn't go anywhere, that's the problem. The problem is regulation. You can make all the rules you want to, but if nobody's enforcing them we're all wasting our time. I have stacks of books that I would like to bring up here and show you these people are suffering out there. You hear me, I have worked with five engineers at health and hospitals and every one of them work (inaudible). The same engineers at health and hospitals to do your job is to lose your job. I'm sorry, that's the way it is. And the sanitarian, I don't know about every sanitarian, but I know about some. And they run the show and they decide who has good sewage and clean water. There's some really bad sanitarians out there. The good ole boy system is in full operation. When someone calls with absolute proof with what's

going on and makes a complaint something should be done about it. I have no idea what those people are drinking in Ouachita. It floods three times a year where those houses are. There was an engineer who raised a red flag and the sanitarian persecuted him for it. This is what's wrong and this is why I'm here. I don't know anything about plumbing and chemicals, but I know what's going on out there. And the politicians get in on it too. They make friends with the operators and when people try to do something about their situation, I actually saw a senator come in and threaten people telling them they could be sued. The people own the water system and he's telling them the operator can sue them and they vote to put him out so they can have clean water. You got the political part too. These are the reasons there's bad drinking water out there and you are saying we're not going to talk about enforcement. We all just need to go home then.

J.T. LANE: As far as enforcement standardizing and not letting people do their own thing out there I'm totally with you. I don't think that's appropriate and we've done a lot to try to streamline that, improve it, and put new standards in place. And right now we're actually working on a new training plan for all of our sanitarians statewide that we're going to start probably in the summer and it required resources. We didn't get extra money for it, things that were cut back in the first budget cuts five or six years ago and I think what's happening we're seeing the results of those cuts. We have moved money to try and sure up training and development. And as far as any sanitarians who are going out there doing their own thing when those complaints reach my desk I handle it. I certainly would love to visit with you after this meeting to set something up immediately to address some of these issues we are talking about.

JAKE CAUSEY: Cheryl, I know that we have spoken and I certainly offered to come up there and meet, but I certainly never refused to meet with you so I certainly apologize if you had that impression, very willing to do so. And I can certainly say that complaints we do at engineering service we investigate every complaint we receive and I am not familiar with any of the specific complaints that you have mentioned, but I think as J.T. said if that's occurring I can assure you we do address complaints, we

take enforcement. We have taken more enforcement in the past three years than we probably have done in the past 30. We have lots of systems under receivership. Frankly the reason we're here is because of enforcement. I can assure you that is occurring, but if there is a specific situation that--

CHERYL SLAVANT: We went out there and solved the problem. I've had state troopers guard me, that's

how bad. And I bet these guys know about these systems out there, or y'all just work on plumbing?

JAKE CAUSEY: I don't know years ago what occurred and what you guys had to do to make things happen, but if there's something happening today that's a problem that's not being addressed then we want to know about it, we will investigate it, we will address it. Make no mistake about that.

CHERYL SLAVANT: What about Sterlington?

JAKE CAUSEY: I am not specifically familiar with Sterlington. We will look at it privately.

PATRICK KERR: There is a man power constraint in DHH, we all understand that. The way that 292 was written we are volunteer labor for the department. There are two seats at this table for DHH. We have engineers with expertise in chemicals, we have a few water system operators, but by no means are we even close to the majority. We brought all the expertise in, but I think if the department could refocus a little bit and think of this committee as a part of the department and be willing to work with us we're not a committee external to the department, we're not telling the department what to do, that's not our charge. Our charge is to bring to the table experts in water system operation, construction, and maintenance and to get the rules right to make sure that the public health is protected. Instead of saying we have this external committee which is what I'm hearing from Jake, honestly. If Jake if you can turn that around and I think I have 17 people who care about public health volunteering their time with whom I can work and trust to make good decisions and go forward with that. And Jake if it doesn't work we'll fix it. That's all I can commit to you, if it doesn't work we'll get the same folks with rural water and everybody else that's concerned about public health together and we will fix it legislatively. I didn't say that we're not trying to enforce, we're trying to write the rules which will be enforced and if we can stop screwing around with semantics

about the rules and make clear to operators what they have to do to stay in business I think they can then focus on improving public health instead of painting rocks. And that's an extreme exaggeration to say painting rocks. A lot of us are focused on things that don't matter right now because some sanitarians, some inspectors care about them and others don't. And if you guys can focus on making the regional engineers and regional staff focus on what's important I think we can make a huge improvement on public health and focus on the systems that should be fixed. I really do appreciate it, but I hope the department can think of this as let's take a shot, so what if we're the first of 53 or whatever it is that EPA also controls. It might be the right way to go.

J.T. LANE: I can say from my prospective this whole process has been extremely educational. I think we have come a long way since last session. And it was nice when we had I guess two or three meetings ago when we decided to go the subcommittee route and decide that was our charge and then we made the motion to include 10 state standards and chapter 12. We have been completely transparent about this and we were making progress and now we're having this added which I think we'll have to do some tweaking to our process now too. I don't know that there's, I thought we had clarity and I have not heard from anyone else until today and until the amendments popped up on this bill that there was not clarity again. I agree with you, I don't think this is an external committee, I think this is part of the department. If there are things that are needed to clarify the committee's role I would have expected we would have been consulted about what else needs to be done to clarify that. While I appreciate your comment about being an external committee I understand and concur, but I think this is about all of us and if there is anymore lingering lack of clarity about what this committee is supposed to do I would like to know about it today cause every time I write down a motion I ask if there's any other confusion and there's no confusion and then here we are in April there's more confusion. Now we had to make another amendment. When I asked back a year and a half ago what is the problem, let me help you address it, 10 state standards, 10 state standards, I asked of enforcement, I asked if the behavior of our staff in the field was an issue, no one

complained about that. I have spent a lot of time, I sent Jake assignments at 10:30 at night, I interrupted him shopping with his kids the other night. Everybody's spending a lot of time, but I like you do not want to get lost in semantics, but if there is anything else that we do not think is covered can we please, please agree today or by a deadline that nothing else will be added to this. Cause we are going to analyze if 12 is added I mean everyone should understand the work of the committee is going to be extended. I am thankful for each and every one of you, I really am, for what you've done, the time you've put in, but if there is anything else that we are confused about that was not clarified in the last motion I would like to know so that we can be part of the solution. And this office has already demonstrated in other areas, clearly not in water yet, but in other areas, when we put our mind to it we have made change. We've increased productivity without any extra people. We can solve problems. Again, I don't know who on the committee is familiar with the amendment, if you've had enough time to digest it, understand it, but I would like from anyone who's not spoken yet to know if there's anything else you have questions about, or if you think there are things we should consider as we are thinking about this because before we set up a subcommittee structure based on 10 state standards and now we're saying it's not about that, but yet we put a framework in place for all of your work to be based on that that no one disagreed with. That only Pat disagreed with. I need input from everybody so that we can do something that's affective so that we are not questioning the reason why we exist for another year.

JEFFREY DUPLANTIS: The only question I have is 341 I've read through it I don't see what the issue is with any of the changes at all. I actually have kind of a question as to why number, on page 405 number 9 why that entire paragraph is being taken out and scratched?

PATRICK KERR: Because it conflicts with the paragraph prior in 292.

J.T. LANE: This is in the re-engrossed version of the bill?

JEFFREY DUPLANTIS: Yeah. Cause my thing is I think that whatever's promulgated needs to be approved by DHH and this one says and approved by a majority vote of the committee. It's the majority vote of

this committee and DHH has to agree on what the rules are. No what?

PATRICK KERR: Not what it says.

JEFFREY DUPLANTIS: That's what this paragraph says.

PATRICK KERR: No it doesn't.

JEFFREY DUPLANTIS: Yes it does, says shall not be promulgated until proposed rules and regulations or changes thereto are approved by DHH and approved by a majority vote of the committee.

PATRICK KERR: What are you reading?

JEFFREY DUPLANTIS: Number 9 on page 405.

J.T. LANE: Line 7 through 10.

PATRICK KERR: Okay, that is what was struck and I'll tell you why it was struck. If you go back to act 171, correction senate bill 171 act 292 there's a prior paragraph that lays out how the rules would be promulgated and it conflicts with that language so that language was struck, that's why. Because the paragraph in act 292 that's not being addressed here says Louisiana standards for waterworks construction, operation, and maintenance committee here and after refer to as a committee shall be created within The Department of Health and Hospitals to develop standards to be placed in the state sanitary code for waterworks construction, operation, and maintenance. Says the committee will develop the standards, it doesn't say DHH has a veto power over what the committee does. That says DHH has a veto power over it and so in speaking with Chris Adams the staff attorney for the health and welfare in the senate he recognized the error in the original language and struck the paragraph to eliminate the confusion. And I think what's been going on is some of us have been reading one paragraph in act 292 and some of us have been reading the other paragraph. The intent of the committee in its original concept was to do what the act will say if the paragraph is taken out. That's an important distinction, it's one of the reasons we're getting frustrated. The committee has absolute no authority. DHH has absolute no authority. DHH can't promulgate rules unless the committee approves them with that language and we can't promulgate rules unless DHH approves

them, but there's nothing in the bill that says what happens if there's a tie.

J.T. LANE: While we're on that point what is the intent that you want to see come out of the amendments?

PATRICK KERR: The intent is that DHH will promulgate rules that its committee approves. That is the intent, it's the clear language. It was the clear intent of 292, I've been talking about it from day one. That is the clear intent. And DHH has representatives on the committee, they are the staff of the committee.

J.T. LANE: Only rules that are approved by the committee shall be promulgated?

PATRICK KERR: That is exactly what it says.

JEFFREY DUPLANTIS: The other comment is J.T. about your comment about 10 state standards and the subcommittees. I think there's a clear focus at this point of what we're supposed to be doing and may be because each subcommittee may have a different opinion of this, but my understanding, and I am going to throw this out to everybody, we were supposed to look at 10 state standards based off of our last meeting and find the shalls of what we want to be enforceable and then bring that into the code. So it's we're utilizing 10 state standards which we always have been and I agree has morphed into we're going to change 10 state standards and now it's like that's sort of what we are doing, but we need change actual part 12 and so we're going to pull the shalls out of 10 state standards and put them where they are applicable into the actual code so that that is now enforceable. And my understanding that's the direction we're in, granted it's a recent direction, I agree, but I think everybody's on the same path moving forward.

J.T. LANE: I agree what with you just said.

JEFFREY DUPLANTIS: Anybody doesn't agree?

BEN BRIDGES: I think we do now.

JEFFREY DUPLANTIS: This time last year things have changed, the paths have certainly changed. It was a learning curve, but I think we're all moving towards, I don't think there's any disagreement amongst

the committee of where we're heading.

J.T. LANE: My question though is really directed at past comments or now adding chapter 12. I'm responding directly to that, what he said about the confusion. That's why I asked you to chime in. Are there any other feelings or thoughts about the different, the direction we're heading and then also adding chapter 12?

JAKE CAUSEY: When we say chapter 12 nobody really has a concept of what that means. Chapter 12 includes all of our federal regulations that we've either written state versions of or adopted by reference. So when you think of chapter 12 you think of permit requirements, design standards, but that's about less than a third of what makes up chapter 12. The rest of it is all our water quality and health based standards for public water supplies that says you can only have this much bacteria in your water, you can only have this much arsenic in your water, you can only have this much lead in your water. So when you're talking about part 12 we're talking about all this stuff that says water is good or water is bad based on how much stuff you have, how much turbidity you remove, how often you monitor your chlorine, how much chlorine has to be in your water and extremities. All of that, that's part 12. There's probably 30 federal regulations for drinking water that are adopted and are a part of 12. So I think what we're talking about is expanded this through the entirety of part 12 is getting way beyond what you have been working on right now. That's less than a third.

J.T. LANE: We're talking about treatment, chemicals, laboratory certification, lots of other things that are included. That's why I wanted to have the discussion so everybody understood.

JEFFREY DUPLANTIS: My understanding is if in my part 6 pumping if we want to make it where it is enforceable that DHH when they go out pumps are going to be blue. We're going to take that out of 10 state standards, we're going to put that some place in part 12, wherever that's applicable, and it will be enforceable that from now on when DHH goes out pumps are blue. And so that's what these subcommittees have been doing going through 10 state standards and finding those pieces and parts that we feel should be enforceable for the benefit of the water system and we need to pull that

wording out and put it some place in part 12, that's what we've done this far. Have we figured out where it's supposed to go, no, but we figured out what needs to be pulled out.

J.T. LANE: I don't disagree, that's what we discussed last time. All I'm saying is based on the language we reviewed is everybody on the same page with that before we proceed with saying yes this is a great idea, that's all.

JIMMY HAGEN: J.T. I agree with most of what's been said here. I don't know how we can change these requirements without also looking at chapter 12. My part the other day, my subcommittee was the water storage and water storage has got, it's lucky enough to have four whole paragraphs in chapter 12. It just must not be very important, but it has seven or eight pages in 10 states. And the subcommittee we agreed that probably 95 percent of what was in this 10 states was good. There wouldn't be a whole lot of changes, but that it would be integrated into chapter 12 they said the same thing. I don't think, at least my subcommittee is not saying that we water anything down, we say section 337 I don't think that's really adequate. And for you guys to have a code to enforce not only should it have that, it should have parts of that that go into there and create a code that's actually better than using two documents and going back and fourth and having your inspectors have two documents. So it has to include 12. Now whether we get into testing laboratories and all that I don't profess to be any type of expert on that. I don't know if we have any expertise sitting around the table on that. We're going to create a code that's easier to enforce that in some respects might be more stringent than what we've got right now.

J.T. LANE: Jimmy, I completely agree with you. The language of the bill says repeal and replace as it is today. What you just described the process that's what we were moving forward on. I am not disagreeing with anything you or Jeff have just said at all, I completely agree. We are really reacting to what, again, we're trying to understand the language of the bill as it's stated when it repeals chapter 12 entirely. I want the discussion to occur in this committee since it impacts what we all do as to what we think the impact is and what we want it to be. I completely agree with you, we talked

about this a couple meetings ago that we would in fact take any recommendations in chapter 12 and include that in your work. No problem with that at all, but the law, the way the law is stated it repeals it entirely and the committee shall then promulgate a new chapter 12. Now would chapter 12 be impacted by your work that you are doing now, yes, but there's a difference between that and possibly having to revisit chapter 12 entirely and analyze it just like you are doing with 10. Robert.

ROBERT BROU: I don't see the big confusion. I don't think anybody's intent is to revisit every part of chapter 12 and try to water it down and rewrite it. It has to be impacted, the clarification that I understand is that any rules or regulations will be promulgated by this committee on behalf of DHH and we'll sit down so any new regulations, any tweaks to chapter 12, cause some of it does need to be updated, but for the most part it was all written as a regulation so it is for the most part in good shape. We were trying to incorporate the things that especially DHH found important in chapter for 10 state standards into 12. I don't see there's a big confusion about that. Nobody's going to try to do anything that's going to threaten primacy or threaten your ability to do your job and maintain.

J.T. LANE: There's no confusion, I just asked for a conversation to make sure we're on the same page. I'm not saying I have an interpretation about it. I want to know what everyone thinks so that we avoid this conversation down the road. That's all I'm trying to do.

JIMMY GUIDRY: What you just said makes me more comfortable because when we read these things a thousand times to see exactly what it means because at the end of the day it's law. So we can all interpret the way we want, but if we come to some huge disagreement down the road because EPA requires something and we don't agree we want to do it it will put us at risk for primacy. And so this law allows you to change chapter 12 in its entirety. Which if that's not what you wanted it gives you a lot more than you wanted, gives me a lot more worry, but if that's not what you intend I don't have as much to worry about. That's what this is about. That's why we're having this discussion, that's why we're delaying the discussion on all your hard work because we want all this clarity going forward because it has changed, it's changing dramatically in case you don't know it. Now that

everybody's aware it's changing dramatically.

ROBERT BROU: I do think it was Pat who said it to think of this committee as an arm of DHH, should help a lot. Everything that we're doing here is on behalf of DHH and the public health.

PATRICK KERR: I was just going to say no one at this table, I have not spoken with anyone who thinks there are other parts of part 12 that need to be wholesale changed, even tweaked. I don't know an ulterior motive in this. I think and based on you did the notice and changed the plumbing code and incorporated it and got it out my understanding is it's easier to replace a regulation than it is to fix little pieces of it. And you can get rid of all the overhead we've got in there, formally this and formerly that, and just clean this up and make it a new regulation. But the intent is really to do the work that the committee was charged to do. We've disagreed about what that charge was, but this clarifies it. My intent in speaking with Senator Donahue was that we make this clean. One document that comes out for public comment, it gets promulgated and all that's done right, but we're not trying to change anything in there, the total coliform rule, sampling requirements, nothing that I know of. But if someone does have an issue with that the public should have the ability to come up to us and ask us to address that and deliberations about the new part 12. It opens it up to that, but I don't know anybody at this table that is trying to change anything we haven't already talked about.

RUSTY REEVES: Like Ben said earlier when we got started on this I thought it was 10 state standards. The more we got in 10 state standards I realized it tied directly to 12 more than it ever had in the past. I'm here because what's best. When I say what's best I'm talking about the best drinking water available. Ms. Slavant named numerous systems, I can think of everyone of them, I know her exact concern. I sat at a meeting in Sabine Parish in 1999 where the district attorney told us that everyone in the room would be sued before it was over with over a drinking water system in Sabine Parish. It's a good chance I'll get sued for being on this committee. I am willing to take that risk that we have a standardized set of regulations across the state. Much like Ben talked about earlier I work in all say 63 parishes, we don't get in Orleans Parish too much, but the other 63 I'm there and it would be nice

to and very uniform if it was all the same. When I got there you can tell the system that's probably going to cause you problems go ahead and take care it before Jake has to get out there and be the bad boy and slap their hand and they go cry to their representative and senator. The one thing I have wrote down here, and I don't know if it will do any good and I don't want to start a whole other war or another discussion, but what in 292, or whatever this bill number is, 341 wording wise do we need to correct so we can move on and set a set of standards for Louisiana?

J.T. LANE: You mean the current bill?

RUSTY REEVES: Yeah, what we're looking at here this 341. Barrow something from Dr. Guidry, what would release the hick up so we can move on to the committee?

J.T. LANE: No one necessarily suggested a hick up. Again, the bill came up we put it on the agenda so the committee could have a discussion about it. No one's made any assumptions about anything. I put it on there so the committee could discuss this and that was it. That's why I asked for everybody's input.

RUSTY REEVES: I appreciate it. We need to make a request, I do want to make a motion that somebody go contact Donahue and make a request because we got a big job ahead of us. And I'm glad they gave us another year or whatever because there's a lot, the two committees I'm on Caryn was in there with us the other day, there's several things that we went over she told us that's in chapter 12, that's already in chapter 12. And again, both committees I don't think you're going to find five percent that we're going to say really not applicable to Louisiana.

JEFFREY DUPLANTIS: Do we need a motion for five and six to move forward with both of those? Do we need a motion to tell Jake to move forward with the new wording that he is proposing? Do we need a motion on six to allow Pat or whoever to move forward with what this committee is supposed to do?

JIMMY GUIDRY: It's not up to us, it's not our bill. We're not promoting either bill. This is simply for clarity sake what we are trying to achieve because the language leaves it wide open and the

responsibility is wide open. I don't think everybody wants it to be wide open, some people might. Some of this stuff took years to do because EPA keeps changing the rules. You don't want to mess some of this stuff up. I think this conversation, in my opinion, is making me feel more comfortable. I was much more comfortable when I didn't have to have two or three arms. The more children you have the more responsibility, but the more authority you have the more people that have expertise. That's why the subcommittee I was so adamant about get the expertise we need. We don't want to mess it up, we don't want to make a mistake because we all get egg on our face. I appreciate the discussion, but I can't wait to get into your hard work that you've been doing to figure out, I still don't know what it means yet, what you came up with. Now that I know the bills what they are I'm still anxious because it's still going to have to be played out. I don't know how it's going to be played out, but I don't have as much heartburn as I do for raw milk.

J.T. LANE: Before we were going to form an opinion about it we wanted to know what everyone thought and what you were thinking. So thank you all for your clarity. With that move on to new business and first up is part 11, Greg.

GREG GORDON: On part 11 Mayor Breland couldn't be here today, couldn't make it to the committee. I kind of authored the report. Essentially what we discussed was that the policy statements and interim standards had been formed out to other specific subcommittees. We basically decided to, after some debate, decided to focus on the statement in the forward dealing with new processes. A member of the public did bring up that her water system's having trouble complying with recent sanitary survey results because DHH would not reply to her responses in a manner she or her engineer could comprehend. Very small meeting, I just added that in there. Again, all the language at the top 10 subcommittee recommendations really did do a lot since a lot of it had already been formed out with all the language in the foreword that refers to recommendations should not be included in a revised state sanitary code that delineates a new Louisiana standard, we just talked about. However, the one thing that did come up was we discussed at length the paragraph in the

foreword concerning recently developed processes. Ms. Caryn was good enough to talk about how DHH has an internal policy that it uses for new technologies and accompanying pilot program proposed and initiated by public water systems and monitoring by y'all. We would try to look at that and utilize that because of the 10 state standards has three past benchmarks that it utilizes for pilot projects and we didn't want to get into reinventing the wheel and if the department already has something that it utilizes we'd rather it be that. And kind of gets back to what we've been talking about with the bill and everything. Dr. Guidry was worried about we're not trying to rewrite anything you already have an internal process that you already do. The committee talked about if we could get a handle on that and get a copy of it and review it at our next committee meeting. We have another one and rewrite it so we can bring it again to the full committee to look at and discuss about pilot projects and new technologies. Obviously from my standpoint I'd rather make it easier on DHH all the water systems that are currently following the department's internal policy in regards to pilot projects and new technologies that we have a handle on that. If we got a copy we could utilize that at our next meeting and discussion and make a recommendation to the full committee. If you have any questions I'll do my best to answer.

J.T. LANE: All right. Jeff take part 6 please.

JEFFREY DUPLANTIS: Chair we had Randy and Robert. As far as committee members Pat wasn't able to attend, had a couple of public folks as well. Main discussion was kind of started out what exactly we are supposed to be trying to do. Gets back to my comment earlier on the meeting about taking the shall items. So basically our process during our subcommittee meeting I had the part six pulled up and just searched the word shall and we just went through everywhere where the shall came up and made a determination is it something that we want enforceable or not. Majority of the discussion obviously was talking about part 6 and what items needed be enforced. The top ten is basically there were only right around that if any we wanted to address. Main stuff was about flooding where it starts talking about pump stations just says flooding. We got into a conversation about submersible

pump stations and that sometimes if it floods that's not necessary that much of an issue because it was all designed to be under water anyway so we wanted to add in critical components in those parts where we say that the critical components should be protected, control panels, that sort of a thing. Each of these bullets under these top ten recommendations are recommendations that we want pulled from 10 state standards and put into part 12 somewhere where it's applicable. Basically either pulling it out word for word or making sure the wording that goes into part 12 includes these additional discussion points. The first two bullets are really talking about the pump stations and those critical components. The third bullet we want the intro changed. Again, wanted to add in about distribution systems and supplying the maximum pump demand. That got into the duplex question of does it really need to be a duplex station or as long as there's a single pump and there's a system wide that if this pump station goes down and there's a loop system the rest of the pump stations can provide adequate, so that was kind of a clarification of that. Residential booster stations, we wanted to bring this up to the full committee for discussion. Right now there's a statement that says private booster pumps shall not be allowed for any individual residential service water supply main. Randy, if you don't mind talking about this cause I think this was one of Randy's talking points.

RANDY HOLLIS: Fortunately in Louisiana in the lower part we're fairly flat, but upper areas of the state you can have pressure plane issues where as the water system may have 20 pounds of pressure minimum, but if someone lives on a hill there's no way to get water service from the water systems. We face this a lot in North Mississippi and Tennessee in some of the higher elevation areas and people use booster pumps and it's very similar to that of a well pump system where you provide water into a reservoir and then it boost it up into the residential home. The way this reads they can not do that. And so I think if proper backflow prevention is provided then I think that should be allowed that they could put a private booster pump for an individual service, but I would feel like that pump could not pull directly from the main without proper backflow prevention. That was the discussion we had.

JEFFREY DUPLANTIS: So we just wanted to bring that point up to the full committee for discussion to see if we want to remove that as far as a regulatory kind of thing and change that.

JAKE CAUSEY: And I was not at that particular subcommittee meeting, but I guess it is interesting, I guess in my view it's limited to residential because obviously commercial buildings like this one you got to get it up, but I think that under this plumbing code there's a low pressure cut off switch and I guess my thought process is may be the reason they are targeting residential because they typically wouldn't have that feature built in or maintenance or whatever to provide a low pressure cut off. I think the concern is creating negative pressure in the water main. I guess I'm not certain that a backflow preventer would prevent that from occurring. Certainly a backflow preventer would be needed to prevent back pressure and the water will then, you know because you will have a pump involved, but I think the concern is we're going to create a negative pressure in the distribution main itself and not every single residential customer has backflow protection. A lot of systems put in dual checks. Anyway, that it could create that environment. Certainly understand there are obviously cases you are going to have pumps, may be something requires a low pressure cut off or something to that effect.

RANDY HOLLIS: Either a low pressure cut off or if they have the proper diameter so they discharge into their own reservoir.

JAKE CAUSEY: Certainly an air break and re-pressurization is a very safe way to go.

RANDY HOLLIS: It's just the way it reads, literally they could not.

JEFFREY DUPLANTIS: And like I said, this is one of the shalls in part 6 so do we want to make this something that's enforceable that you can't have booster stations, or do we not, or if we want to make some sort of enforceable addition to part 12 it may not be this stringent so that was why we wanted to bring that up. The next bullet we talked about adding part 12 gages. We want to add a pressure measurement on all pumps that discharge and we mention including a continuous recording device based upon the size of system. Some of them it just doesn't make since if the

systems are so small that you want a continuous and that's why we put optional. That will be a recommendation as far as updating that you want a measurement device, but may not necessarily be continuous recording device. Next one gets back to electrical controls shall be located above grades, same comment about the pump station as before. And the last one is standby power. The first sentence talks about to ensure continuous service when the primary power has been interrupted the primary power supply shall be provided from a standby or auxiliary source. We need to add something in part 12 that will require the standby power to maintain the 20 PSI pressure. There just needs to be a stipulation when we add that into part 12 what is that standby power requirement going to provide for. That's pretty much our discussion. These are the bullet items we're going to want to push for and work towards that in part 12 as we move forward.

PATRICK KERR: I can't speak for all systems or small systems really, but the 20 PSI average daily flow our experience is that after a hurricane and widespread power failures there's a huge demand, not average. That may not be a good planning measurement.

JEFFREY DUPLANTIS: Randy, can you talk to that?

RANDY HOLLIS: The way that it reads is that every single pump station shall have an auxiliary power supply. And so the concern there was are we going to make it a mandatory requirement that every pump station in this state shall have a generator. And I don't think we need to. So the intent was what's reasonable. So what we tried to say was let's provide, if the system can provide enough auxiliary power supply to maintain 20 PSI average daily flow. If you want to put in there peak flows at 20 PSI we're going to have to put it at almost every station.

PATRICK KERR: They'll be able to operate, but be on a boil water advisory if they're not going to maintain 20.

RANDY HOLLIS: The intent was to be reasonable. If they can demonstrate they can maintain it at 20 at average that was to provide a reasonable number.

BEN BRIDGES: Put in inclusion of hurricanes and acts of God.

RANDY HOLLIS: During a hurricane if you lose your elevated tank and you lose half your system you are not going to maintain 20 no matter what. So do we want to try and include every catastrophic event that you have to maintain 20?

BEN BRIDGES: I think the reasonable amount that you can maintain.

RANDY HOLLIS: We're trying to go with just a reasonable value.

JAKE CAUSEY: So if we're thinking about non-catastrophic events, but something like widespread power outage, are we saying that we are designing this not to meet that peak daily demand so that we are effectively saying you don't have to meet that peak daily demand where there's a power outage?

RANDY HOLLIS: I don't think we can come up with every scenario, but if you lose power during a peak demand then you're going to have auxiliary power, wells or pumps or whatever, but you're also going to have elevated storage that's going to be helping to supply the system until the power comes back. If you have average daily flow at nighttime demand is going to drop off so hopefully the wells are going to catch up.

JAKE CAUSEY: I guess I'm trying to think even if you said maintain 20 PSI during your peak demand that takes into account storage and other things, right?

RANDY HOLLIS: Peak demand can be provided by both wells and pumps and elevated storage all during peak cause many systems you can't meet the peak demand with just the wells. Twenty-four hour average, yes. You refill at night and provide the peak during the peak times.

JAKE CAUSEY: So if it says maintain minimum 20 PSI throughout the system during peak demand instead of at average daily flow is the same as what you are describing.

JEFFREY DUPLANTIS: This was a 30 minute discussion.

RANDY HOLLIS: Let me think about that language. Yes, 20 PSI peak demand provided additional storage if something is available to supplement so we're not saying we want peak demand by just the wells.

JAKE CAUSEY: Agreed. I think we are saying we need to maintain 20 PSI, but I think we need to be able to make sure the system is going to meet the peak demand with power outage. Catastrophic failures

are a different issue.

RANDY HOLLIS: But you see in peak demand is that peak hour we don't do fire testing at peak hour and nobody requires it at peak hour because they recognize you are not going to have a catastrophic event on top of a catastrophic event. It's the peak day, but it's not the peak hour. Do we do something reasonable like that and say okay the peak day demand. And if you do a peak day demand for the year, 24 hour, you are covering most of the year much higher than average. That may be more reasonable. Average hour, peak day.

JEFFREY DUPLANTIS: That's all we have. I don't see any reason for us to have a follow up with a subcommittee meeting. We pretty much covered what we needed to.

J.T. LANE: So this includes the changes and so everything else, all the other shalls you want to keep as they were?

JEFFREY DUPLANTIS: So every other shall that showed up in 10 state standards we felt was not an enforceable shall.

J.T. LANE: Except for the one you commented on?

JEFFREY DUPLANTIS: Correct.

J.T. LANE: All right.

ROBERT BROU: Part 8 we had myself, Jeffrey, Randy, and Dirk. Also had others present from DHH and the general public. Ten sections of part 8 we determined that should be included into chapter 12 as enforceable. Much of the design criteria needs to be discretionary for new systems, such as normal working operation pressure, water main minimum diameter, valve spacing, hydrant spacing, hydrant lead minimum diameter, and the use of air relief valves. The standards for installation of water mains from AWWA standards we need clarification on that from the legal department of DHH. We had discussions around whether we would reference each of the type of pipe material for the installation. I pulled all the ones out of my standards and the four separate standards, ductile, steel, PVC, and polyethylene that are still applicable or could we just use the language of standards for

installations referencing AWWA and manufacturing recommendations. We felt that 8.1.2 permeation by organic compounds needed to be included where the distribution systems are installed in areas of ground water contaminated by organic compounds. That pipe and joint materials which do not allow permeation of organic compounds shall be used and non permeable materials shall be used on all portions of the systems including pipe joint materials, hydrant leads and service connections. 8.1.4 joints, the only part of that section that we wanted to maintain was repairs to lead joint pipes shall be made using alternative methods. Currently in chapter 12 it still says that you can use leaded material to repair lead joints. I think at this day and age that needs to be curtailed. There was some discussion about if you had a 36 inch main that had a lead joint and you could go in there and stop it from leaking by pounding on it with a hammer my opinion that should be allowable because that's not added new material. If they had to go in and add lead material to the joint they need to find another means of doing that either removing that, I know what we would do we do still have some, very few thankfully, but we cut it out and put a transition on each side, not as feasible for a large pipe much more expensive, but still I don't see how you could continue to allow them to add lead material to their systems. 8.2.1 pressure, the section that we wanted to leave was that the system shall be designed to maintain a minimum pressure 20 PSI ground level at all points in the distribution system under all conditions of flow. 8.2.2B dead ends, we wanted to leave the sentence that read dead end mains shall be equipped with a means to provide adequate flushing. 8.3 valves, valve spacing shall not exceed one mile except for transmission mains 24 inches and larger. We felt that any other requirement on valve spacing was very discretionary and very dependent on the type of situation you were dealing with.

CHRIS RICHARD: (inaudible).

ROBERT BROU: He's asking about what we need to cut them in, if we put this into the code would it be retroactive enforceable and our opinion is no it would not be. It would be if you went to repair or replace yes you have to bring it up to standards, but everything else should be covered under the

grandfathering. At least one mile except for transmission mains. 8.4.3 hydrant leads, it was felt that auxiliary valves shall be installed on all hydrant leads, that specifically was for new construction, but same concept if you do a repair on a valve or a hydrant that you would need to add the valve at that time, any you have in your system would be grandfathered. 8.5.2C air relief valve piping, we added the words if used, but the open end of an air relief pipe from automatic valves shall be extended to at least one foot above grade and provided with a screen downward facing elbow. We did not feel it should be mandatory to have air relief valve piping. Most systems are fairly flat in Louisiana. There are exceptions and they need to take that into consideration to maintain their flow, etc. 8.7 installation of water mains, back to the standard of installation specifications shall incorporate the provisions of AWWA standards and/or manufacturer's recommended installation procedures. And that was just a question for legal concerning referencing specific versions or could we do it just as a blanket.

JIMMY GUIDRY: Robert, just one second. Back to 8.4.3 where you have new construction we should also add or repairs.

ROBERT BROU: Yes, we could do that. I just had that comment to make sure people would understand.

JIMMY GUIDRY: And say when we want to do it new construction, repairs, maintenance, cause we are going to have to have that discussion to see what we think. We should have it in law and when does it have to be done. Just a thought.

RANDY HOLLIS: Could we say hydrant replacement instead of repairs because if you're just going in to work on a hydrant.

ROBERT BROU: Depends on what you are doing. Just for our purposes we don't always replace them if they get hit. We have a sacrificial lead so that the lead breaks instead of the main, but if we go in and work on it we do cut a new valve in. Most people would replace it at that time. 8.7.6 pressure and leakage testing, install pipes shall be pressure tested and leakage tested in accordance with the appropriate AWWA standards. Again, do we need to reference a specific version or is just the

general reference to the standards sufficient? 8.7.7 disinfection, new cleaned and repaired water mains shall be disinfected in accordance with AWWA standard see 651 and I would assume we put the appropriate year. We also, I want to specify that section 4.7 disinfection procedure when cutting into or repairing existing main should be followed. That requires certain things of an operator depending on the extent of the damage, but at a minimum it does require that anytime you cut into or repair it that you do grab a sample to confirm the action that you have taken whether it's re-chlorinating, simply flushing, or just putting back into service was affective in maintaining bacterial quality.

PATRICK KERR: Just a couple comments please. Regarding lead joint pipe repairs if there's anyway we can say something about if the lead will be in contact with the water. Normally lead joints are jugged first and then leaded and there are installations I know in many cities there's no way to fix a lead joint other than to re-jut it and lead it so if you can work on some language that it's permissive, I think the EPA regulations on the use of lead are very strict now and if there's no water contact it shouldn't matter to the state. On the pressure of leakage testing I think you should change the word and to and/or polyethylene pipe is not normally pressure tested. It relaxes during tests, it's leak tested. And the last one a new technology that a lot of people are talking about called ice picking which is a cleaning method that should not require interruption of service or boil advisory. There's some work to be done, but I don't know if you say new, cleaned, and repaired mains shall be disinfected if cleaned by a process that NSF approves for contact with water it shouldn't require disinfection. If you can think about that a little bit. It's not a technology I know anyone in Louisiana is using, but it's all the buzz.

ROBERT BROU: Section 4.7 addresses that cutting repair, cutting, ice picking and it does not require you to chlorinate, does require you to grab a sample.

PATRICK KERR: The first sentence say shall be disinfected, just a recommendation. I think that predates this ice picking method. And some would argue, and I might argue, if you ice pick you're releasing

into the water bacteria that's growing in the slime on the walls and it may not be fit to turn back on, but that's something that is specific to each system.

ROBERT BROU: With ice picking they do completely empty the water that came through that flushed it out of the system before they will put it back in service.

JEFFREY DUPLANTIS: One of the things brought up under the joints about the lead joint during the subcommittee meeting was let's say there was a pipe break and you are going to go in and I think this comment was that there's a pipe break you're going to go in and cut the pipe out instead of running with a lead joint coming back in and that you would replace that and use some sort of a repair coupling rather than a (inaudible). So that was kind of what that was to address. I think that needs to be expanded to include what you are talking about, but that was the intent.

ROBERT BROU: I think what Pat is referring to is sometimes it's very costly. That was one of our concerns, the bigger the pipe cause the other way is to cut out that section and take that joint out completely. Becomes very costly when it's big, but I do take your point if it's not in contact with the water possible we just have to write tight enough regulation to make sure that it works.

RANDY HOLLIS: 8.3 I had to step out for a second. Valve spacing shall not exceed one mile except for transmission mains 24 inches or larger. The intent there is it doesn't say what you can do with 24 inch or larger. The intent there is valves on transmission mains will be set by agreement between the owner and the engineer. It's whatever they determine for transmission main is acceptable.

JAKE CAUSEY: Let me just ask this question, there would be an engineer on each project, just seems like there would be some, what did it say otherwise, or didn't address transmission mains separately?

RANDY HOLLIS: Says one mile.

ROBERT BROU: It didn't talk about it before. Entire language of that paragraph with the scratch outs and then it just said shall not exceed one mile.

JAKE CAUSEY: There could be many, many miles of a transmission main and I guess we are relying on the engineer and owner to use good judgment rather than not specifying any 5, 10, 20. I know we have

20 to 30 mile transmission mains so I'm a little confused there, but we'll look at it some more.

PATRICK KERR: Put valves that far apart that transmission main is critical to service down stream, I can not imagine anyone would design such a transmission main because it will take sampling of chlorination the entire length of it if you have to depressurize it. This gives some flexibility. I can't imagine anybody taking advantage of it. It looks like all they struck was the shoulds of ten state standards and made one of those shoulds a shall. That should be a nonevent. If you had to re-chlorinate and sample a 24 inch 20 mile long transmission main cause you chose not to put in the valves shame on you.

RANDY HOLLIS: The main intent was on the 36 inch transmission main it seemed excessive to put valves every one mile so we left it open ended to leave it up to the owner and the engineer that if they went 20 miles without it shame on them. They are the ones that are going to be sued by the attorneys because people will have a boil water notice for two weeks. We really left it up to them. If you want to stipulate five miles?

JAKE CAUSEY: My general thought was if you want to put something on the end of that because you know that there's really no situation.

BEN BRIDGES: At least at midpoint.

ROBERT BROU: 10 states standards as written the only shall was a sufficient number of valves shall be provided water mains to minimize inconvenience and sanitary hazards during repairs. That was the only shall. We changed it to at least put some minimum, at least had to have a mile if you had 20 miles of water main running through a very rural section still need to have a reasonable number of valves for it. That was the intent. I would not be opposed to adding additional language to specify a length on those larger mains, but I agree I can't see most people trying to take advantage of that.

JAKE CAUSEY: I wasn't there, get an idea of what the thought process, rationale. We get plans from a lot of different engineers, a lot of different water systems, not just the ones you guys work with. They can be very adamant about things. That was just my only concern. And 24 inches is a very large

line, very large system.

RUSTY REEVES: Myself I would like to see a number put there just because I don't want somebody come back here ten years from now you were on the committee and you left it open ended. And from rule systems prospectives after Rita in Cameron Parish the one that had the valves every mile we got it back up in no time. The one that had the valve every 15 miles we dug up the water main and converted it to the canal so we could flush out the lines, eight inch lines. Five miles, at least something that they have something to work with.

ROBERT BROU: I do have one other thing that I would like to bring up before the committee. It was not discussed at our committee. I have found that there is a blanket permit allowed by Florida specifically for extensions of water mains. It prohibits it if it has anything to do with treatment, if it has anything to do with any other change in the way you are handling the water. A few things have to be met, few criteria, have to have the engineer certify that the system has the capacity to serve the additional people. It has to be pretty basic drawings, but extending a water main a mile off of the end of your system is fairly basic. I am throwing it out there is that something that we would want to consider, if so I would do the research and find out more details about what they are requiring, but it is basic and puts the burden on the engineer to certify certain things.

CHRIS RICHARD: I do some work in Florida, extensions of small water mains and they have actually changed for replacement. It used to be replacing a main in size you still have the permit exempted that as maintenance. If you're replacing a line in close proximity you don't have to submit a permit. For new lines it's about a four to five page form and they have a check list of what is considered important, I can bring a copy to the committee, of what they feel is important. Do you have any hydrants and you initial if you comply with all these requirements. If you don't you check why you don't comply and you explain why. You submit the drawings and you stamp it, the engineer has to stamp it and turn it in and in a week you get your permit.

ROBERT BROU: Allow the staff to focus on the more critical aspects and take away from some of those

things that are fairly routine.

J.T. LANE: Any other comments about part 8? With that I'll see if there are any public comments.

SPEAKER: Just want to thank everybody for doing so much work on this. I know it's taken a lot of hours for all of you and some of us behind the scenes too. I guess I came today concerned about senate bill 341. I don't want that bill to impede what progress is being made on this 10 state standards business. 10 state standards was the primary focus of this and I think senate bill 341 is a little bit of an overreach. I would like to see that backed off on so that we can really make progress on some stuff we started on.

DIRK BARRIOS: I just have one question, might rub a couple people wrong asking it, but I'm going to ask it anyway. It was always the understanding with the new emergency rule, at least that's what was told to me, that we would still have to maintain the 95 percent rule, if you didn't exceed the 95 percent bad sample in your system you wouldn't go out on public notice. Just recently a bunch of systems went out on public notice. They didn't put it out, but the state did. And they didn't exceed the five percent and I just don't understand is this something that's going to be standard operating procedure now, or one time y'all did it just to satisfy the media?

JAKE CAUSEY: Yeah, I think what you are referring to is the press release that we had issued related to compliance status statewide for the emergency rule. And that was what we had released I guess sort of mid late March for the February monitoring period. No, we're not in plans to issue any additional press releases, but certainly all of our records are public records and the drinking water watch database is out there.

J.T. LANE: That's not going to be standard procedure. That is just because we were going to get bombarded. Once we put out the press release we were going to be bombarded with who was in compliance and who wasn't. Really just to make it easier for the staff and the media to not have to look up every single system because we got lots of media calls. Any other comments, the public, any comments from committee members, anything else?

RANDY HOLLIS: Part 5 chemical application is scheduled for April 30th at 1 p.m., that's this week. This is a continuation of what we started, we got about half way through. We had testimony from the LP Gas Commission on putting tanks inside buildings, especially for anhydrous ammonia. We are going to continue that discussion on April the 30th at 1 p.m. here. We are getting ready to get into chlorine rooms so it's going to be fun. I would invite everyone to please come to it so we can discuss this part of the 10 state standards.

J.T. LANE: Sheree, anything else?

SHEREE TAILLON: Chris has part 4, Tuesday May 6th from 10 to 4 and also I have some other dates available if you need to schedule y'all's please let me know.

J.T. LANE: All right, for the three parts we reported on today we will take every ones, I guess Robbie you have a little bit of homework you're going to do, you're going to pass along with it. Our plan is to then take the subcommittee reports and for the next meeting we'll bring back actual language and side by side Rusty that you requested a while back and for our review and then vote at the next meeting. And then our goal, our plan is to get that to everyone five working days in advance of the meeting. Are there any other questions about that? This will be our technically first time. We're going to take 11, 6 and 8's feedback and provide the language that reflects the subcommittee's recommendation, our analysis, and then a side by side of the recommendations y'all put in there with what the department either took outright or took most of it and made a tweak so that way we can see very clearly what was accepted, what was not, and may be all of it was, or that we tweaked one or two of them. Again, we meet after today. That's the plan and you'll get that five days before the next meeting.

JEFFREY DUPLANTIS: So you'll let the chairs know if you need anything from us?

J.T. LANE: Absolutely.

SHEREE TAILLON: I'll send out a questionnaire about the July August and September dates to go forward.

RANDY HOLLIS: Has grandfather been assigned to a specific person and group and are there specific dates set up?

SHEREE TAILLON: I do not have a chair yet for grandfather. I know one member who is on there, still looking for a chair and for one more member.

J.T. LANE: Would it make sense to let all the subcommittees get a substantial amount of their work completed first and then move on? I think that might be a good idea. With that do I have a motion to adjourn? Thank you.