Water Meeting

10/14/15

JIMMY GUIDRY: All right. We'll start off by doing the roll call.

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

JIMMY GUIDRY: Thank you. Okay, we'll start out by moving things along with approval of the minutes. There's actually two sets of minutes. There's one for August 18. I need a motion and a second on accepting August 18 minutes.

BEN BRIDGES: A motion to accept minutes.

JIMMY GUIDRY: A second?

GREG GORDON: I'll second.

JIMMY GUIDRY: Ben is first and Greg is second. September 14th, same thing. I need a motion and a second on accepting those minutes.

DIRK BARRIOS: Make the motion.

BEN BRIDGES: Second.

JIMMY GUIDRY: And I should do it on both. All those in favor of August 18 minutes accepting say aye.

(council unanimously responds "aye")

JIMMY GUIDRY: Any opposed? Same on September 14th. All in favor of accepting the minutes of September 14th say aye.

(council unanimously responds "aye")

JIMMY GUIDRY: Opposed? The minutes for those two meetings are approved. All right, we'll get right into old business. I guess Randy is going to be bringing us up to date on some of the old business. The way we'll work this today I think the ASME tanks we want to go ahead and discuss and try to bring that to a vote. I think the day tanks in section 5 we haven't voted on yet so I don't think we'll be voting on the day tanks today. We'll vote with it with section 5, when we finish chapter 5. So Randy, it's all yours.

RANDY HOLLIS: I was reading the 7.2 and this is the final language I guess that was provided.

JIMMY GUIDRY: Yeah, in front of you there's hydropneumatic tank systems which is the latest language. Still open to changes if anybody wants to make changes before we vote.

RANDY HOLLIS: I think each person ought to read that before we look at it. I guess the first question I would have on the language is it says each pressure tank shall

meet ASME code requirements or an equivalent requirement of state local laws. And for those that are not reading this, don't have it in front of them, we're only talking about systems that serve more than 150 living units. Anything less than that will be allowed to have hydropneumatic tanks. Anything larger than that the requirement is ground or elevated storage tanks according to section 7.1 of 7.3. So I guess the question I would have is is the intent when we say ASME code requirement does that mean it has to be stamped? Or does it have to be built to ASME guidelines?

CHRIS RICHARD: The way it's written it doesn't have to be stamped.

JIMMY GUIDRY: The way it's written it's either or. So you can either have it stamped or you can have one that's equivalent, but it needs to be built to same specs I guess.

RANDY HOLLIS: Okay. I just wanted to clarify it. I think that's what we agreed to.

PATRICK KERR: The way this first sentence is written. We have hydropneumatic tanks in large systems too. It's kind of ambiguous. I think what we're trying to say is if it's your only storage capacity then it can be used only by small systems. But all systems use them for buffering. Surge tanks keep pumps from shutting on and off.

JIMMY GUIDRY: Yeah, I guess I'm reading it when provided as the only water storage.

PATRICK KERR: Yeah, if you guys could clean that up a little bit. Hydropneumatic tanks which serve as the only storage for a system are acceptable only in very small systems would make sense to me. Hydropneumatic tanks which serve as a systems only storage are acceptable only in very small systems. Which serve as the systems only storage.

JIMMY GUIDRY: As the only water storage for that system or as the...

PATRICK KERR: Hydropneumatic tanks which serve as a systems only storage are acceptable only in very small systems. Is that okay?

CHRIS RICHARD: I think it's fine the way it is.

PATRICK KERR: Okay.

JIMMY GUIDRY: Are you offering those changes?

PATRICK KERR: There should be another comma after are. But anyway, if you do that you should be able to strip it out and it should still say what you want it to say, right.

RANDY HOLLIS: What if you put the word system between water and storage provided as the only water system storage.

PATRICK KERR: That's fine as long as we're on the same

page.

JIMMY GUIDRY: As the only water system's storage.

RANDY HOLLIS: Singular, system storage.

JEFFREY DUPLANTIS: There should be a comma after storage.

JIMMY GUIDRY: Okay, I'm going to read it. Hydropneumatic pressure tanks when provided as the only water system storage are acceptable only in very small water systems.

RANDY HOLLIS: Is there a definition of living units? And so should that be active customers?

PATRICK KERR: No. Talking about apartments, right, or trailers. They may not be customers. If you had 155 apartment complexes you should have something other than.

BEN BRIDGES: Needs to be something besides living units.

PATRICK KERR: We're not talking about meters. We've fought about this for 20 years. There's no good way to say it. Living units is as good as anything else. We've used dwelling units, living units.

BEN BRIDGES: How many apartment complexes you going to have on a very small water system.

PATRICK KERR: You may have one that is its own system and has a couple hundred apartments and what we're saying with this is if you do you got to have water storage other than a hydropneumatic tank and I don't know that we need to say that.

BEN BRIDGES: Not on a small size system though.

PATRICK KERR: I mean all these apartment complexes going in now are a couple hundred units and what we're saying is they would have to have aerial or ground storage in addition to hydropneumatic tanks is what this says.

RANDY HOLLIS: And there are some systems that are not metered that are large systems 2 3,000 customers. Technically if we put in meters they could comply with this cause they don't have 150 meters.

AMANDA LAUGHLIN: There's a lot of systems out there that are ground storage. St. Tammany, Lafayette Parish. It exist.

GREG GORDON: Everything we have is almost hydropneumatic tanks tied to a fire system. Exactly.

AMANDA LAUGHLIN: I think that needs to be kind of discussed because for us on a plan's review side we would probably be telling a lot of people you got to go to ground storage.

PATRICK KERR: We've got some 10,000 gallon hydropneumatic tanks, old rail cars.

RANDY HOLLIS: We used them as booster systems.

GREG GORDON: We have an 80,000 gallon tank.

PATRICK KERR: That's pressurized so you would not be able to use that anymore.

GREG GORDON: Well, you know most of the water systems like at least on the north shore in the New Orleans

metropolitan area utilize it cause that's how developers developed it. Put a well then tank and it's tied to a system that has fire hydrants. And many of them are like Tammany Utilities our two water systems we have towers, but they're also connected to a string of tanks that have all been interconnected over time. But there are some that are three and four tanks and that's one system.

PATRICK KERR: What are we trying to do here? Why do we care if hydropneumatic tanks are used as storage?

GREG GORDON: Well, it's not good for fire protection actually cause you mentioned fire protection here. It's not great for it. But the other thing too is I was thinking when I saw this was not permitted for fire protection purposes like Amanda was talking about then you get into local ordinances. You got to go tell local people you can't allow a development--

PATRICK KERR: That's not our (inaudible) whether they use it for fire protection or not. It's not the health departments, I don't think.

JIMMY GUIDRY: Well, if it risks our water source, contaminating our water source or removing the pressure, taking down the pressure there's a risk. But I think as I read this we're talking about pressures for these tanks. Now we're talking about units. I think we changed what we said last time. Cause we were talking about reaching

certain pressures. It was a safety issue we're talking about. All of a sudden we're talking about how large of a system we're talking about. Somewhere we changed something. I don't know how we came to the 150 units, but I'm as surprised as some of you.

PATRICK KERR: I think what we were trying to do is put together the opinion that larger systems can afford stamped tanks and we're trying to throw a bone to the small systems so you got to define what a small system is.

RUSTY REEVES: I think when you bring St. Tammany in the picture with their ground storage tanks their wells probably have a capacity of 5, 6, 700 gallons a minute. When we're looking at 150 units them wells probably have the capacity of 75, maybe 100 gallons a minute.

GREG GORDON: And you're correct Rusty. That's how the parish went and did those calculations. You got enough coming out the ground and enough of a tank that when you flip a hydrant open to fight a fire you're still going to have water and there's still going to be descent pressure in the system.

RUSTY REEVES: You got an 80,000 gallon tank and an 800 gallon a minute well and looking at a unit that may have a 300 gallon tank and a 100 gallon tank well you can't get fire protection there when you talk about it.

GREG GORDON: We have a lot like that though where you have

hydrants and you have a hydropneumatic tank and a well, a small well and if somebody actually had a fire you could be doing serious damage to your water well.

PATRICK KERR: Those pump operators are supposed to know about the 20 PSI requirement. Baton Rouge can draw down just about any part of the system. But those pumpers will put some water out, couple thousand, 2500 gallons a minute for a day each cannon. They can pull down any part of our system, almost. There's some places they could have all they want. That's an operator requirement. That's a pump operator requirement. Cause they don't have any low pressure cut offs. They're watching a gauge.

RANDY HOLLIS: The other thing in reality is if you don't have a automatic transfer switch and you say we're going to flip manual transfer utility power to generator power. Let's say you lose power. Even at a 10,000 gallon tank if you got a system that's drawing 3,000 gallons a minute that tank's going to be exhausted well before an operator can ever get out there and flip the switch. If that's the only source of supply.

JIMMY GUIDRY: I'm not feeling warm and fuzzy. And the reason I'm not is because there are a lot of systems that we're going to start putting new requirements. They're going to have to have an ASME tank so we still haven't reached a happy medium in my opinion. We got to address

all these systems that are still using hydropneumatic tanks. So what should be the size if we're going to size them?

ROBERT GILBRIDE: You also need to take into consideration people like Virgin Water, French Settlement Water and all like that that have subdivisions that have 3 400 homes, might have two or three wells and have a 3 to 5,000 gallon tank at each one of those. If you're going to limit this number to 150 that's going to cause some serious issues financially.

JIMMY GUIDRY: So what do you suggest the number should be?

ROBERT GILBRIDE: Randy.

JIMMY GUIDRY: Let's base this on science. Where are you going to get where you require a large tank? How many units are you going to get to require a large tank?

CHRIS RICHARD: Is this going forward or are we talking about going back on people? I was under the impression this is from now on. We wouldn't make people change their tanks.

JIMMY GUIDRY: When we review plans it's going to say this unless we say only for new systems. Then this is going to be going back cause your code's going to say this is a requirement. So unless you say in the code as of this date this is going forward. This does not say that. That's important when we write this that the language says

exactly what we mean cause this language is going to be the code.

PATRICK KERR: When you do an extension somebody that's got 150 units now they meet this and they build another 50 unit apartment complex they have to retrofit or find another source of storage. Okay, but let's go back to what we were trying to address. This is the section 7 dealing with hydropneumatic tanks. We're talking about safety of people around the tanks, about a tank failure is why we want the ASME standards. I think again, we're kind of moving away from that starting to talk about storage capacity. The capacity of the system should be looked at during plan review as a whole. And so I don't think if adding one more hydropneumatic storage tank or upsizing one is the right solution for that system, but what's wrong with it.

JEFFREY DUPLANTIS: Should it be a volume of the tank rather than the number of units it's serving?

RANDY HOLLIS: Depends on how many units you're serving. If you've got a 5,000 gallon tank serving two customers that's too big. If you have a 5,000 gallon tank you're serving 15,000 customers it's gone in a heartbeat.

PATRICK KERR: Actually I'd say the size of the tank depends on the size of the source Randy and not the size of demand. But if the source can't keep up the demand

doesn't matter how big the tank is.

AMANDA LAUGHLIN: And you have contact time and if it's a new system. And Hydropneumatic tanks don't give you much contact time. I think we can allow 10 percent. So you'll only able to use 10 percent of your volume on a new system. You may (inaudible) storage anyway just to get your contact time depending on how large it is.

RANDY HOLLIS: Let's back up. Wait a minute. We've lost sight of where we started on this thing.

PATRICK KERR: Randy arguing for ASME stamps is where we started.

RANDY HOLLIS: Robert came in and said for my small systems you're going to kill me if you put an ASME anything in there and that was the requirement. So he said for a small daycare center let me go to the blue book and buy a pressure tank and you can't find ASME anywhere in the blue book. And so the problem is if we accept this the way it is it says pressure tanks shall meet ASME code requirements or equivalent requirement. You won't find that in the blue book.

ROBERT GILBRIDE: USA blue book does have ASME tanks and if you go to the first page it gives the 10 state standards requirements. The last discussion we had on this is that the tank would have to meet two times the working operating pressure of the system. So the tanks that are

out on the systems now are stamped with 75 PSI. But I have the paper from the manufacturer, the chief engineer, I think Amanda has it, states that all tanks are two and a half times the working pressure. So if the tanks are stamped 75 it's two and a half times that and we're operating systems at 60 which 50 to 60 and we are very more covered than we should be. So on that precedence all we have to say is that use the wording of the verbiage that tanks need to be two times the normal operating pressure of either system or however you want to use that term. And then everybody be covered.

BEN BRIDGES: But you also brought up the fact the cost of an ASME stamp was 16 1800 dollars as compared to 200 dollars from the same blue book tank that you provided.

ROBERT GILBRIDE: That's what I'm saying. We don't have to use an ASME.

BEN BRIDGES: Right, but that was the argument. One was the cost of it.

ROBERT GILBRIDE: You go from 3,000 on a 1,000 gallon tank up to 15,000. It's a huge significant increase. That's why I'm asking that we use the wording that Randy came up with two times operating pressure which will be good because all these tanks are, according to their chief engineer, rated for two and a half times 75. Then if you're not comfortable with that, there's also a ASME

approved blow off that is settable from 0 to 300 PSI that for 500 dollars we can include if that will make you feel better. But 500 verses 10,000 people can live with.

CHRIS RICHARD: The cost difference is in the stamp. There's a big difference. We've specified ASME design without requiring the stamp.

ROBERT GILBRIDE: ASME design is 400 dollars cheaper.

CHRIS RICHARD: The way it's written is you don't have to require a stamp, but you have a design standard that you've established with that tank.

ROBERT GILBRIDE: We're trying to get away from that also. Because according to the people in Mississippi they don't stamp with the ASME, but it's built to the same requirements, structure, but it's only a 400 dollar difference with a stamp. We're still in the same boat.

PATRICK KERR: What's wrong with the 2012 version of the 10 state standards says which just adds a sentence to this that says non ASME factory built hydropneumatic tanks may be allowed or approved by the reviewing authority?

RANDY HOLLIS: Where we are right now.

PATRICK KERR: And that would be for any size system. So the 10 state standards the way it's written the 150 living units is if hydropneumatic tanks may not be your only storage if you have more than 150. And the last sentence of this, as Rusty just pointed out, fixes this problem

regardless of system size you talk to the permitting review authority and you make a pitch for why non ASME is safe in the situation.

RANDY HOLLIS: I think we were trying to get away from any reviewing person to use their own discretion. And that it needed to be consistent throughout the state. And I think that was one of the problems we faced in the past is inconsistencies around the state. Instead of just leaving it up open like well this person likes it, but that one doesn't. That's been a big problem in the past and we're trying to avoid that.

CHRIS RICHARD: The problem of not having the ASME, and I'm not familiar with the standard, but even with pipe or anything else you have a criteria for design that's more than just pressure. There's corrosion allowances, all these other things that you put in a tank. So if you just say a pressure then I don't think you have the same coverage. That's not a design standard.

ROBERT GILBRIDE: The only thing you worry about on a tank though is bursting pressure, right?

PATRICK KERR: No.

ROBERT GILBRIDE: What are you worried about?

BEN BRIDGES: The life of the tank would be one thing.

ROBERT GILBRIDE: None of these tanks are coated. They're all galvanized.

BEN BRIDGES: That's coating.

CHRIS RICHARD: It's a pressure issue if you have a corrosion allowance, what type of galvanizing you have on the tank, and those kinds of things. You have to have some standards for when the tank corrodes and deteriorates.

ROBERT GILBRIDE: That would be part of the NSF standard wouldn't it?

RANDY HOLLIS: That would cover the product that you put on it.

BEN BRIDGES: That would be the coating, application of the coating that's applied. The epoxies have to be NSF approved before they can be applied to that said tank. But you want the integrity of the tank to last more than two or three years. You want it to be substantial quality, good materials that it will last for several years and not be a foreign impostor that would last two years and rust out and blow out. The bursting is going to be the issue. Someone would get hurt, the damage from that.

ROBERT GILBRIDE: I've had tanks that are over 30 years old that are galvanized from the same manufacturer that are sitting out there no rust.

BEN BRIDGES: But that's 30 year old tanks and I promise you if you get galvanized today it will not be the quality

of what you got 30 years ago. They actually put material in that coating then and today's tanks are as thin as they can get by with on the tolerance. They used to be built rock hard steady, now the minimum. Your integrity is the bare minimum of what you're used to getting.

RANDY HOLLIS: Pat this would not preclude the use of hydropneumatic tanks in larger systems. What this says is that when provided as the only storage for small systems. You can only use 150. So we can use hydro tanks for any large system. And in conjunction with ground storage. So it doesn't preclude us using that.

PATRICK KERR: And they could be non ASME.

RANDY HOLLIS: Yes. So for those systems that have them already it's fine we can leave them there because the way it's written that's not the only type of storage. They're only to supplement it for surge or whatever. They're fine. The way this is written we can use them in larger systems. It's really trying to designate those smaller than 150 living units are the ones really that are really intended. Again, we go back to the size 150 living units.

AMANDA LAUGHLIN: Well, it also says should.

RANDY HOLLIS: You're right.

AMANDA LAUGHLIN: Says 150 living units should have ground or elevated.

RANDY HOLLIS: Okay, so we got a should in there. So

what's wrong with the way it's written right now?

PATRICK KERR: It's fine.

JIMMY GUIDRY: Hydropneumatic tank storage is not to be permitted for fire protection purposes. There are systems that have hydropneumatic tanks like we have been told and they are able to use that plus the water pressure from the well and they use it for fire purposes. So we're now putting in a new requirement that they're going to have to have a storage tank.

PATRICK KERR: I would argue that they are not using a hydropneumatic tank for firefighting purposes. They are using their sources for firefighting purposes. All the hydropneumatic tank should be doing is keeping you from cycling that pump on and off and on and off. So if they can prove that their wells have the capacity to fight the fire then that should be an acceptable system. So you can't say the 10,000 gallon hydropneumatic tank is adequate for me to fight a fire in this apartment complex. What you have to show is that if you're going to put fire hydrants on it you need to meet the base load plus fire demand with your source of supply. You don't have any shaving capability like ground storage would have.

RANDY HOLLIS: There's a perfect example of that. I'm not getting myself in trouble I hope. We've got an apartment complex with two pumps sitting there. One is the jockey

pump that keeps the hydro tank pressure. If the pressure drops down a little lower and kicks on the fire pump and the hydro tank is taken out of the equation. So with that running like that we have protection where the hydro tank will not be exhausted and we have a fire pump that exceeds (inaudible).

PATRICK KERR: And that's another good reason not to give full credit for contact time in the hydro tank.

RANDY HOLLIS: Because it's only during fire protection. We don't want it going through the hydro tank.

PATRICK KERR: I think this would allow for that. I just can't say this is my storage for a fire.

JIMMY GUIDRY: We're talking ourselves back and forth. The only heartburn I have right now is that we've cut 150 living units and we know if we go back to systems in Louisiana that there are going to be many that-- Caryn, let's pass the mike around. I'm afraid she's not capturing all our statements.

CARYN BENJAMIN: The section was approved only for design. It's not going to go back to existing systems.

JIMMY GUIDRY: This whole section?

CARYN BENJAMIN: 7.2.

AMANDA LAUGHLIN: We do have some inspectors that have been citing ASME, citing systems for not having ASME tanks when they do surveys. So if it's going to be a requirement

going forward in the plans review process we can stipulate that and then we need to not cite that on surveys.

JEFFREY DUPLANTIS: Shouldn't there be some training for all these people who are out doing these assessments that they're all doing stuff the same way?

JIMMY GUIDRY: This is what I've seen happening. We're putting in the requirements going forward. This doesn't become effective until there's a rule. And the rule's going to read the way this reads. So that any system, say Robert has a small system and it's going to have to meet this code if he wants to start a fruit stand or a school it's going to have to meet this requirement. And so you hadn't fixed his issue cause you're saying we're not going to go get the systems he's put in, we're going to get every system he puts in from now. Still hadn't fixed it, other than if it's a small unit, 150 living units. It needs to make scientific sense in my opinion. It has to make sense on what puts people at risk and what puts a water system at risk. Is that 150 units or does it have to do with the pressure in the tank.

CHRIS RICHARD: The 150 units is only a recommendation. You could scratch it out and it wouldn't change anything in the code. So really talking about do you require the tank to be designed to a standard, to a recognized standard. The way it's written it doesn't have to be

stamped so you can't use that as an enforcement tool because there's no stamp to see. It's a plan review tool. What you said that's how it's written. And so the standard that the tanks would be designed going forward would be ASME code or equivalent requirement. I think there needs to be some kind of design standard for these tanks.

JIMMY GUIDRY: What I'm hearing, and I'm hearing it kind of underneath all this, tell me if I'm right, if we agree on a pressure for the smaller systems as long as they meet two times that pressure of the operating system then we put in some protection there and we use a calculation there on what makes sense. But we can also say when we see plan submittal hey your site has 150 units, you have a phase two, there's going to be another 150 units. Some things have to be taken into consideration these plan reviews. So I guess I'm getting back to if you don't define what an equivalent requirement is that leaves it up in the air as to what an equivalent requirement is. And the ASME has a certain requirement and the tanks we're using today don't meet that. They don't meet ASME. We need to define what that equivalent is or what we accept as equivalent. And it might have to do with the size of the tank and the risk of the pressure. It is a pressure risk in my opinion. But it's also a risk, I mean I

actually like what Pat was saying. 10 state standards doesn't get specific, but it gives us the latitude to make some common sense of this. Sometimes we just put people at risk cause they don't know what it is. So interpretation is always a problem. But if we're going to vote on this we need to get this language to where we take care of the small businesses which is why we changed the language in the first place, right?

SYDNEY BECNEL: Dr. Guidry, could I ask a question?

JIMMY GUIDRY: Yes.

SYDNEY BECNEL: What is the definition of a very small water system? Like 3300 and less?

BEN BRIDGES: Very small is 500.

PATRICK KERR: Five hundred persons served. About 150 living units.

JIMMY GUIDRY: What was that answer Sydney?

SYDNEY BECNEL: The answer was 500 persons which equates to about 150 living units. My point is the first sentence has a limit.

PATRICK KERR: Why do we want ASME? I don't want ASME. None of my tanks are ASME certified. I don't go out and do hydrostatic testing biannually on them. We service them and repair them as necessary. And so small systems, large systems, I mean I think the design engineer should be responsible for selecting the equipment and if we

selected a rail car and modified it for use in a water system there's no way I can say that was built to ASME standards for water storage or unfired pressure vessels. But it serves the purpose. I still don't know why and who's driving the ASME thing and why we're driving it. I mean we've got a fenced facility, we've got people monitoring them, what are we trying to accomplish?

JIMMY GUIDRY: I think it all started when we were going through 10 state standards and looking at the shalls. And I think that's where ASME came up and then our scientist, and he's not here to defend himself from LSU, who said this would be a good thing to have as a requirement. Again, it puts a lot of our systems in a predicament because it's not what they have. Matter of fact, I think we're going to have to go look at Pat's tanks that are not ASME certified.

PATRICK KERR: Come on. And I'll tell you this, our elevated storage tanks have a static pressure at the foot of them of 50 or 60 pounds and I promise you that that column pipe is not ASME certified. But it was designed for the purpose it serves and it serves it well.

CHRIS RICHARD: It was designed to a standard. To an AWWA standard that has a corrosion allowance and a lot of other--

PATRICK KERR: Exactly.

CHRIS RICHARD: So if you're going to take off ASME what standard are you going to tell everybody in the state that that tank needs to be designed to. What level of quality are you going to require on these water systems.

BEN BRIDGES: You got to have that or else you'll have anything just thrown in there that meets whatever. There's no basis for that.

JIMMY GUIDRY: That's what we have today. And that's what we've been having for 30 or 40 years. If it doesn't need to be addressed the engineer needs to address it to make sure people don't get in trouble and the water systems don't get in trouble. I like the idea that there's a standard. Everybody likes standards, but we don't go out and enforce it, we don't go out and look at tanks. We have and where we have we get a lot of push back. We get a lot of push back that we've been using this for 30 years, why you got to make me change my tank now.

RANDY HOLLIS: What I'm hearing right now is I'm hearing one group you got to have a standard. And if you're not going to use ASME what is the standard we're going to use to protect the operators and other people. If we're not going to use ASME. Robert, on the other hand, is saying if you put in an ASME the cost is going to go through the roof. They don't want that requirement in there so where are we guys. We got to come up with something in the

middle.

JIMMY GUIDRY: The only thing I think we all agree on is that these pressure tanks should not serve as a system's only water storage. That first sentence is what we agree on. And everything else I don't think we agree on. We're trying to define one size fits all and it doesn't. That's what I'm hearing. So Robert you got heartburn with hydropneumatic tank when provided as a systems only water storage or acceptable in only very small water systems.

JEFFREY DUPLANTIS: I have a question. Are we changing the standards based upon what it's going to cost people to do it or are we changing standards to protect the water? That's two different things.

JIMMY GUIDRY: It doesn't protect the water. As far as I can tell it really protects something that doesn't happen very often where the tank explodes, it protects the safety. Doesn't protect the water. If you got a tank and it's doing its job and our job when we look at a tank is to make sure it's not corroded, that it's not going to get contaminated. It's not a water quality issue if it's working. I think it's a safety issue. Again, I'm just interpreting what I'm hearing cause I'm not the expert here. So y'all speak up if you disagree. So we're saying why you going to spend all this money. 10 state standards kind of leaves the option. They recommend ASME as

something that really is high quality, but they don't say you have to use it. It's guidance. We said you have to use it. And now going back and cite systems and they're saying no we don't have to, we never have, and we don't think we have to. How often. We don't even have statistics to say how often does one of these tanks blow up. I am concerned of the quality over time is getting to be more and more paper thin. You have companies that are trying to save money by making the materials they use thinner and thinner. So at some point these things may start exploding simply because they are making them so cheap. They are making them so cheap that there may be a problem. We haven't had a problem we have to address yet. I don't have a problem in front of me with numbers to justify our decision at this point to say all tanks need to be ASME. I just don't have it, unless somebody tells me differently.

JEFFREY DUPLANTIS: But we're not saying they all have to be ASME, we're saying they have to meet the requirements. We have to set some kind of guidelines of what they have to be set to or otherwise we're going to be getting plastic drums if there's nothing, if there's no code there's no requirements, there's nothing to adhere to there's no guidance for what the two and a half times the pressure. If you don't have a requirement--

ROBERT GILBRIDE: If the tanks are AWWA approved, which they all are--

JEFFREY DUPLANTIS: But those cover completely different things. NSF is about the leeching and the quality of the water in the coatings and stuff. That's one thing. ASTM is a whole different thing. ASME is a whole different thing. AWWA is a different thing. They all cover different components.

ROBERT GILBRIDE: All ASME does is check the wells and the tops and the bottoms of the tanks. It has nothing to do with the protection of water. That's how this whole thing came up. ASME has nothing to do with protecting water. The whole thing was a tank burst and they want to make sure the tanks don't burst. That's why the wording came up two and half times the normal operating pressure. These tanks are rated at 75 with a two and half times which is 225 PSI. End of story.

RUSTY REEVES: It will probably bite me in the butt, but that's the way it goes.

JIMMY GUIDRY: Hop on. I know what it feels like.

RUSTY REEVES: I've seen several tanks that have ruptured and exploded. And I think we're talking about two different kind of tanks. Robert is talking about galvanized tanks for the most part at smaller communities, 150 units. And I think what Jeffrey is talking about is

more bigger pneumatic tanks. And most of the tanks I have seen that have ruptured there was already signs of problem and the tank had went to leaking and the people didn't take the proper procedure and repair it properly. The galvanized tanks usually one of them go leaking they jerk that out and get another one in there cause it's not a huge expense. But in a 5,000 or even a 1500 gallon pressure tank the first thing they do is call Joe the welder down the road and he welds a strap on the side. And then next month he welds a strap over there. I guess what I'm saying is there's signs the tank is fixing to fail and it's not being adhered to that we're fixing to have a tank fail. And a lot of these tanks I've seen fail are this ASME stamped or whatever, but once that welder weld on there that stamp went away. I think for the biggest part we got a maintenance problem, a huge maintenance problem out there that we haven't take care of pneumatic tanks through the years. And like I said for a smaller system 150 unit they usually what, 900 gallon pressure tanks.

ROBERT GILBRIDE: I got tanks anywhere from 40 to a 1,000 gallon. But you also got to take into consideration as we go into this farther the requirements are you have to have manholes. None of these tanks have manholes.

PATRICK KERR: We got away from that on the small tanks.

RUSTY REEVES: We trying to give you an out.

ROBERT GILBRIDE: I understand that. I'm just saying as the big picture and trying to represent 50 other companies that for whatever reason we're at this point now, I don't know, but three meetings ago when we left we had a verbiage we were going to use and now that has changed and now we're talking about fire protection and 150 units. I think we need to get back to the verbiage we're looking at as far as ASME equivalent or state health officer.

RUSTY REEVES: But even with that verbiage in there if we don't take the proper procedures to take care of the tank when we have an issue with it we're going to have ruptured tanks.

ROBERT GILBRIDE: I agree. But that's an operator issue. That needs to be addressed through operator issues and that's why you have surveys so that the people doing the surveys can come out and say okay we see corrosion from bleach. We see corrosion from rust, sitting in mud, sitting in water. That can be addressed.

JIMMY GUIDRY: I don't think we have agreement. I don't think we're going to vote on it today. And I got some much more big things to handle before the end of this meeting that I need y'all to weigh in on. Can we just agree to relook at the language, go back to the pressure, come back with some more language. I don't know how it

got to where it is today. I can't explain that, but we'll look at it again and we'll come back. We're trying to address not putting people at risk. And again, if there's an older system that's not maintained an ASME tank that should be picked up on a survey, it should, somebody's welding parts to a tank hopefully somebody's looking saying that's not acceptable. But that's not going to be addressed in a code or a plans review. That's going to be addressed in a survey or a site review. So anyway, if y'all are acceptable with that we'll come back with more language, try to address it. I just remember, and this is probably not even a good analogy, but I just remember when you start, anytime you start saying there's one certain kind, unless it's a standard everybody agrees to, you're really promoting one company's well built mouse trap. And if it's not necessary I'm not big on promoting one way of doing things. Hopefully we can get this to where we protect some safety, but at the same time allow small systems to not have to spend a whole lot of money. It might have to do with what the tank's made up, might have to do with how thick the tank wall is. Again, that's all done in standards usually. That's not usually done in the plan's review. And that makes me a little nervous that the people manufacturing these things I think they got to meet pressure standards probably. Top and bottom. That's

probably all they have to meet. In between might be pretty thin.

RUSTY REEVES: You take that ASME requirement out the code the tanks will go on sale next week. It's not required no more. I'm not advocating take it out the code.

JIMMY GUIDRY: I'm going to ask our folks to not only look at this language, but to look at the language in 10 state standards. I know we don't like that word. But if we're not following some requirement or some recommendation I still like the ability to allow people some flexibility based on what makes common sense.

PATRICK KERR: This is verbatim out of 10 state standards minus that last sentence.

JIMMY GUIDRY: Which one?

PATRICK KERR: What's suggested here is verbatim out of 2012 10 state standards. Minus the last sentence about non ASME factory built.

JIMMY GUIDRY: So the 150 units, all of that?

CARYN BENJAMIN: Yep.

JIMMY GUIDRY: So why didn't somebody say that's where it came from for God sakes. I'm like where did we pull this. That helps. All right, we're going to go ahead and work on that some more. Randy, are you ready for the next part?

RANDY HOLLIS: I was looking back in my notes and I want to

make two comments.

CARYN BENJAMIN: Sorry. I just want to make sure everybody was clear that this language part 7 was adopted or voted on in past January's meeting.

LAURIE JEWELL: So it's not suggested language. That was approved by the committee taking a vote in January. That's how it stands today.

RANDY HOLLIS: But I don't think this committee if we voted on something and approved it I don't think that prohibits us from going back.

LAURIE JEWELL: No, I just wanted to make that clear.

JIMMY GUIDRY: The last two meetings we talked about the ASME tanks and we went back and changed the language and we came back. But again, we had two times pressure requirements. They're not in here and that is what the committee talked about. We didn't approve nothing. Now we got to go back and try to make sense. We're still revisiting that one part of part 7.

RANDY HOLLIS: One thing continuing on tanks just real quick. The notes I have from Robert when you gave us prices was for non ASME 315 gallons was 1300 dollars. For ASME stamped tanks was 4900 dollars. That's a 3600 dollar difference you gave us. A minute ago you said only 400 dollars.

AMANDA LAUGHLIN: Four hundred dollars less for the ones

that are manufactured according to ASME, but not necessarily stamped.

RANDY HOLLIS: Instead of 4900 it would be 4400.

ROBERT GILBRIDE: The guy from Mississippi that sells the ASME equivalent tanks said there's 400 dollar difference because that's what it cost for the stamp. That's the only difference.

CHRIS RICHARD: I have one was 10,000 dollar difference on a job. It's usually a lot more than 400 dollars.

RANDY HOLLIS: The other point I do want to make Rusty is talking about tanks that have been modified or whatever, it doesn't matter if you have an ASME tank or not. If the tank becomes water logged and the operator does not maintain air relief you can blow up an ASME tank just as easily as a non ASME with the change in surge. It really depends on operator issues as well.

ROBERT GILBRIDE: The easiest thing is use operating pressure and use the ASME approved blow off valve 0 to 300 and this is mute issue.

RANDY HOLLIS: That will not act fast enough on a transient surge on those blow offs.

PATRICK KERR: If you want to spend the money on a surge anticipator we can talk.

ROBERT GILBRIDE: You're talking about anywhere from a half horse pump that's giving you five gallons a minute up to a

five horse that's giving you 50 gallons a minute. Come on. Again, we're not talking about big pumps.

PATRICK KERR: I don't care how big the pump is. If you have a surcharge tank and you slant it with a transient you're going to blow a part off of it.

RANDY HOLLIS: If you're running 15 feet per second it's a two inch and you're running only 30 gallons a minute then the rule of thumb is five times the velocity gives you a surge. If you're running 15 feet per second you just put 750 PSI on that tank a blow off will not act fast enough. That's a rule of thumb.

JIMMY GUIDRY: Let's move on.

RANDY HOLLIS: The next thing we were going to talk about was the language for day tanks and I had submitted that back in June I guess it was.

AMANDA LAUGHLIN: Yeah, I think you were going to look at it again though.

RANDY HOLLIS: I thought it was going to be fine the way it was.

AMANDA LAUGHLIN: I haven't gotten anything.

RANDY HOLLIS: It was an email I sent two months ago and we hadn't changed it sense. I missed the last meeting.

LAURIE JEWELL: The checklist from Texas.

RANDY HOLLIS: Right. And I looked at that. I've got it right here. And I know I emailed it, but anyway. That

was two meetings ago. Let me find it. There was some information from Texas that was given to us on day tanks and they were using Texas as a guideline. And I went through that and what you don't have is my response to that. Sorry. I thought I had it. Well, you want to go to the next one and I can see if I can find it.

JIMMY GUIDRY: You can and if we don't see it today it really needs to come back when we go over that section and be a part of that section. We were trying to address it before we completed the section. But I want to get that section done so we may have to bring it all at the same time. All right, today is new business and we were asked by the committee to come back with a list of significant deficiencies. And in front of you is a letter from EPA. We asked EPA to define for us significant deficiencies and they were here at the last meeting. And so I wanted to make sure we were on the right track. And as you read the letter we share this with you even if you have a short list if we go do a survey and we find something that's going to put water at risk we can cite you. If we don't we're not doing our job. And if we're not doing our job then EPA is going to end up saying we didn't do our job and take our primacy away. Which means that EPA then becomes over you instead of us. Which hopefully you don't want that. Anyway, so when they said if you're going to

ratchet down your list of significant deficiencies you still have to reserve the right that if you see something you got to cite it and then a minor deficiency or a recommendation if it puts water at risk or people at risk it can become major. So you can't lock it in. I gave Amanda and Caryn the task of working with the field to come up with what is that list of significant deficiencies that we felt we must look at and that's the list you see in front of you. That dwindled down from 360 to about 22. Which means when they're going to go do a visit these are the things they have to look for. And hopefully you've looked at them and agree with this because these are the things we feel are really important. What that means is somebody can go there and see somebody's tank, somebody's welding on that tank they're putting that tank at risk they can still cite that. They can still cite that as this is not acceptable because you're putting people at risk if this tank fails. And EPA agrees with that. But I'm going to read it so it will be a part of the minutes. Bear with me and then try to answer questions. This is what they told the state. They wrote it to Amanda. I'm writing to explain the sanitary survey requirements under the safe drinking water act. EPA is required to establish drinking water standards, maximum contaminant levels, treatment techniques, monitoring, and insure public

drinking water systems adhere to them. EPA granted Louisiana Department of Health and Hospitals drinking water program primary enforcement responsibility primacy for over site of public water systems when the state met primacy requirements in accordance with 40 CFR Part 142. LDHH must continue to meet updated primacy requirements which include, but are not limited, remember we're never off the hook, to having and maintaining authority to implement all national primary drinking water regulations and to implement all aspects of the sanitary survey program. Implementation of public water system surveys has been an existing LDHH primacy requirement since 1976 and has subsequently updated the following statues and regulations including safe drinking water amendments 86 and 96, primacy regulations in 1986, interim enhanced surface water treatment rule, ground water rule, and revised total coliform rule. Both the national primary drinking water regulation and primacy requirements contain public water system requirements for correction of sanitary conditions that have the potential to causing the introduction of contamination into the water delivered to customers. Again, we've been driving this home. If it has the potential to contaminate we have a right to cite it, we have a right to get people to try to fix it. Requirements related to improving drinking water quality

by addressing these conditions and have potential for causing introduction and contamination that has been in effect since 1976 and subsequently updated and it list all the regulations. Per 40 CFR LDHH must add to the sanitary survey program primacy requirements, a subset of significant deficiencies for each subset. Doesn't say you have to put the whole set. Doesn't say you have to put everything there. A subset. Which means you have to leave yourself some leeway. This helps provide some consistency throughout all surveys and among inspectors. So what we had before was a large number of significant deficiencies that everybody was looking for and creating a lot of heartburn because some of these older systems couldn't meet all these requirements. During these surveys inspectors may discover a wide range of deficiencies, those that pose little risk to public health, and others that pose risk rendering drinking water unsafe. Therefore in addition to LDHH's requirement to describe a subset of significant deficiencies the primacy regulation requires states to establish procedures to determine the point in which deficiencies become significant. What that means is a deficiency can start out as a recommendation, but progress to significant deficiency. Tank's getting a little rust, tank's get a hole in it. Very different, same tank. As LDHH works

with the water committee towards developing both a list of significant deficiencies along with factors to determine whether a sanitary survey finding becomes significant EPA notes that recommendations and deficiencies have the potential to become significant over time. Especially if they remain unaddressed and uncorrected. In closing they appreciate, EPA appreciates the dialogue with LDHH and efforts to move LDHH drinking water program forward with the adoption of ground water rule and the state's continued efforts. So that's where we are today with EPA. This is where we are with our list of significant deficiencies. And I'm going to need the committee, the committee's task with the legislation was to agree with the department on what those significant deficiencies are. That's in the law. So that I can go forward and get water systems and all of my inspectors and everybody on board on what we do now. How we do things now. I would have to go back and look, but I don't think a second well is something we look for in significant deficiencies. So that's been cited lately and there's a lot of pushback. And public service commission is getting a lot of requests, several requests for rate increases because of that requirement. Some of these systems can barely afford the first well and we put a second well requirement and they can't maintain and keep the systems they have going.

I will say that it seems like with all the requirements that come year after year to federal and state small systems are having a difficult time surviving. And that's pushing small systems to collapse and become part of large systems. Which is what I think the ultimate goal is to have large systems. But it doesn't work for rural Louisiana. I know some of you have been working on this and I certainly don't want to not take your recommendations. We can always add to the list, but I need a working list. And then we can add to the list if y'all continue to work and see some other things that we should be addressing. Discussion.

PATRICK KERR: Question. So under treatment the third one dealing with day tanks. Is this suggesting this language only applies only to fluoride or is this the list for fluoride and we're trying to come up with another checklist for everything else.

AMANDA LAUGHLIN: We haven't determined day tanks.

PATRICK KERR: So this language applies to fluoride and then each of the other chemicals will have a section for each of those chemicals?

AMANDA LAUGHLIN: The significant deficiency is for fluoride only. We haven't really tied up the other day tank labeled checklist yet to be included in here. That's why it says water committee to draft the checklist. If

you're not using a day tank and you have the checklist, et cetera, or let's say you're not doing either. That would be a significant deficiency.

PATRICK KERR: The way this is written day tanks are required for fluoride, but not for anything else.

AMANDA LAUGHLIN: Right. So that would be a significant deficiency.

PATRICK KERR: If it's fluoride.

AMANDA LAUGHLIN: Right.

PATRICK KERR: And everything else is designed to make sure we don't overfeed and operate to make sure we don't overfeed. I think this is fine.

JIMMY GUIDRY: It's a much shorter list. That doesn't mean we can't go look at stuff and add to the list. But it's not going to be the long list that it's been before.

PATRICK KERR: Might I suggest that if we want to add to the list this committee should be in the loop.

JIMMY GUIDRY: Sure.

AMANDA LAUGHLIN: You would have to review every survey.

PATRICK KERR: No, if you want to add a significant deficiency.

CHRIS RICHARD: If you want to expand the list.

AMANDA LAUGHLIN: Well, yeah that's different. But we may determine something to be significant in the field that's not on the list.

PATRICK KERR: If you wanted to make that statewide just come to the committee and add it to the list.

JIMMY GUIDRY: You're saying if it becomes something that we ask everybody to look for that we ask for the input.

BEN BRIDGES: If you want caustic soda on here as opposed to just fluoride, if you added another chemical in it it should come before us.

PATRICK KERR: Or if you went into the field and said you should have a kick plate over this clear well so we don't kick stuff into the clear well. You're going to say that's a significant deficiency number one it should apply to everybody. But if you walk in and say this is unclean, there's rat droppings or something that's a significant deficiency for that one water system and I don't think that comes to the committee.

JIMMY GUIDRY: To me a significant deficiency is something that we've seen over and over again and we need to address something that's happening in every system. It's not a one and two. It's like we're seeing over and over again people are letting something drop and we should make it significant.

AMANDA LAUGHLIN: As a group when we went through all of the deficiencies that was the focus that this has to apply to everybody all the time.

PATRICK KERR: And if we want to add to it we judiciously

add to it. I'm going to go back, and we don't have to fix it now, but hydropneumatic tanks for example if you saw there to be corrosion or significant loss of metal or a bubblegum weld on a strap the inspector maybe what we do is input a test requirement. You have to do hydrostatic test at one and a half times working pressure and you demonstrate that it's still sound you can keep using it. But in the field the inspector could make that determination. If he looks at it and it looks like it needs to be repaired either repair it, or replace it, or prove to me that it's serviceable.

CHRIS RICHARD: Look under 126 at the bottom.

AMANDA LAUGHLIN: Once we have this significant deficiency group we have to go back and evaluate everything else that has been cited on surveys or is available for inspectors to cite to determine whether or not those are still applicable. Whether they need to be removed, are some recommendations, and some that were significant might now be deficiencies. That we would still cite, but they don't have the same enforcement mechanism that a significant deficiency has.

CHRIS RICHARD: The bottom of page one covers everything that you find. Anybody finds in the field you have the authority to cite it.

AMANDA LAUGHLIN: Right. And then on page three the very

last statement that says other condition which is deemed by the state health officer to be a significant deficiency. That's basically where our authority would be that if we saw something critical in the field that needed to be significant we would have that authority. And just so you know all of the paperwork the way it looks this is how we went through it as a group, but in our groundwater rule we adopted we're just going to have the significant deficiencies listed. There's no code citation, et cetera. It becomes our code at that point. That's just FYI. If you wanted to go back and look at where we pulled from the item number is from the original list that was given out at the last meeting per category. So if you wanted to take the time to go back and review all those numbers. You can see under source we were able to combine a lot of things that were individual items into one significant deficiency.

PATRICK KERR: The very last item on page three I think we need to build in some kind of due process. I think if an inspector finds there to be a significant deficiency and the water system objects we ought to have some kind of a process that says we believe this to be a significant deficiency. It will be a significant deficiency unless you appeal it to the state health officer within 10 days or something like that so that a system that objects to that

inspector and then overcomes the inspector's finding never had a significant deficiency. Because once you call it a significant deficiency and send me a letter the clock starts on public notice and so it seems to me that a significant deficiency other than what's this list is only significant after due process has run its course. If I object to it there's some kind of process I appeal to Dr. Guidry and he says yes, it's significant. That starts the clock so we don't get a monitoring violation or a treatment violation. So if we could just say other conditions which are deemed comma after due process, or whatever, to be significant it would be I think helpful. Cause the EPA is really not very flexible on the treatment technique violation. Even when you guys say this is not reasonable but.

AMANDA LAUGHLIN: We don't have a formal enforcement process for just a violation or a survey. I'm not really sure who would make that final determination. Like you're saying like the State Health Officer like Dr. Guidry?

PATRICK KERR: Well, that's what this says.

AMANDA LAUGHLIN: This is a lower case. That means an inspector on behalf of the state health officer.

BEN BRIDGES: But it still says his title.

AMANDA LAUGHLIN: If it's capitalized that's Dr. Guidry himself.

PATRICK KERR: See I don't think an inspector should be able to say that's a significant deficiency all by him or herself.

AMANDA LAUGHLIN: We have to be able to.

PATRICK KERR: No, he has to be able to.

AMANDA LAUGHLIN: He can't go out into the field and do every survey with us to determine whether or not it's significant.

PATRICK KERR: No, but he can be the final arbiter of whether or not it is. If I want to object to it and have some kind of an appeal cause I think inspectors make mistakes too. We should be able to do that. I'm sorry, I don't think the inspectors should be judge and jury on what's significant. This says the department has to be able to find there to be significant deficiencies and I think under the law only the big S State Health Officer is the only guy who can make those determinations. In chapter one it gives him the power to find anything to be significant and that's a big S State Health Officer.

BEN BRIDGES: Where can we put in a portion for wiggle room for the system to argue, if you will, with my sanitarian who is doing the survey. He deems this is major and important, but it's not code and we want to argue about it. I think that kind of goes back to the inconsistency we've had around the state is one place it's really pushed

and another place it's not pushed as strongly and it may be an opinion more so than a major problem. If it's major than yeah, we're in trouble. But if it's an arguable point or a debatable point. Maybe is what you're saying Pat.

AMANDA LAUGHLIN: Usually if there was an issue like that from an inspection it would go up to the next level like the district engineer level to be looked at. And typically, and even after that it might come to central office to the chief engineer to look at. There's several tiers that it's going to go through before it goes to the State Health Officer on a typical basis.

PATRICK KERR: I think due process is something we ought to give. For example, I know we've gone to the Department of Administration and actually had a hearing about a significant deficiency in the past. That is under the law available to us if we disagree with something Dr. Guidry has said. My point is we shouldn't have to tell our customers that there's a significant deficiency until it's proven to be so. As soon as you send me that letter the clock starts as far as the EPA is concerned as far as public notice.

JIMMY GUIDRY: I can live with due process because our process I feel can be tightened up where the person if there is a disagreement it's kicked up to their supervisor

and then kicked up to their supervisor. To me that is due process. And then if y'all don't like what I say it goes before the administrator judge. This is the thing, you know if it's minor deficiencies or something people can fix they're not going to argue. It's the things that require a lot of investment and they don't agree with it and they haven't done it. And then it probably needs a review by multiple people to see whether it makes sense or not. Cause it's what really got us in trouble when we started saying you had to have all these things and the reason we put it in writing and had 360 of them is so nobody would have to decide. It was written. We're trying to have a balance here. I don't want to take away from my engineers in the field having the right to protect health. If they say it's significant then somebody's going to have to tell me it's not because I'm not going to take the risk of putting everybody at risk. If you want to put through due process before it becomes significant, deemed significant I would just say that process is going to have to be expedited if it's something that has to be done today. I'm not going to wait to have a committee meeting and I'm not going to wait to have a whole lot of input if I feel we're putting people at risk.

PATRICK KERR: I think you have that power today, for example, to issue a boil water notice as opposed to an

advisory which we have issued. If an inspector comes out and finds a problem in the system and I tell him I'm not issuing a boil water advisory the first words out of their mouth is well if you don't Dr. Guidry is going to issue a boil notice. You know that usually gets our attention. But that kind of thing goes straight to him and he's the final arbiter of that. One of the regional engineers cannot issue a boil water notice. It comes from him, it's signed by you if it's an official boil water notice. I'm talking about the same thing here. If you found something significant and we're going to argue about it. So maybe it's an interim finding. What we used to do is the survey would be completed by one of the sanitarians or the engineers and then they would talk to us about what their findings were and why and we would have a conversation. If we didn't like that we'd go to the central office and talk about it. Usually get it resolved or fixed and sometimes it would appear in the report and sometimes it wouldn't. Where we've gone over the last several years is everything that's found our first real notice is in print. The letter signed saying these are significant deficiencies and that hurts. It doesn't help at all.

JENNIFER KIHLKEN: Your inspector doesn't go over what they are going to put in the report?

PATRICK KERR: Usually, but not everything. They go back

and they think about things. And then it will be give me some more information why this should or shouldn't be a deficiency, prove that it's not.

BEN BRIDGES: Generally what I've seen a little more has been added once you get it back. You talk about a few things, you need to do this, or housekeeping, whatever. When you get it back there's more things on there that again gives you the heartburn because we didn't discuss in great detail and it's not critical to safe drinking water it's a housekeeping issue or something else that's a minor issue, but you still get a black mark on it and you feel like you're back doored a little bit.

AMANDA LAUGHLIN: That's why some inspectors have gotten away from discussing it at all. Because if they don't tell you every little thing then the water systems get upset you know that it wasn't all told to them and then they get a letter. So it goes both ways. I think a lot of times people just maybe don't even go there anymore.

BEN BRIDGES: But I would like to know that. If I have three or four major problems I want to know before he leaves what he deems is really, really bad or an issue and we can address it or take care of it. But to get one behind and it's more things on there, little nickel and dime things you would call them, that kind of makes you feel like--

AMANDA LAUGHLIN: Or things that could have been fixed right at that time.

BEN BRIDGES: Right, or there's a question about 10 state standards implication or application that he or she feels should be done, but it's not rule then you get cited for that. You can't judge me on this one. This is in a different box. I want to be in this box.

JIMMY GUIDRY: I would like to vote on it. And the reason I want is I want to get the word out to folks that we are doing things a little differently. I don't want the impression to be that if it ain't on the list it can't be cited. I don't want the impression to be that we can't look for other things or we can't cite you for things. I do get the sense, and I have seen this in restaurant inspections, they're being graded all of a sudden somebody comes in a site visit and they see rat droppings and roaches and they cite all these little things. When they discuss it it's not a discussion it's an argument. Well this happened, that happened, and people refuting the evidence. They just quit having the discussion. Because it's just fix it. It takes more time to argue than it does to fix it. But anyway, I would like a motion. I don't know if you want to amend that last sentence to say due process I'm going to determine what that is. Which is other conditions which after due process is deemed by the

State Health Officer to be a significant deficiency. I'll ask for somebody to move that we accept these as our working list of significant deficiencies as required by law.

SYDNEY BECNEL: Dr. Guidry, wouldn't due process only come into play if it's arguable? In other words, not everything they're going to cite, you may agree with and you're not going to fight us.

PATRICK KERR: Absolutely. And that's due process if I choose not to object. A letter might say pending your appeal or the lapse of 10 days this will be a significant deficiency. The letter to me says unless you do something about this it's a significant deficiency. If I agree with you it's significant deficiency. Otherwise we go through the process and whoever the final arbiter is finds it to be a significant deficiency. And it could be fast. If it's critical and we're going to cause some illness.

SYDNEY BECNEL: In other words you want to be notified of everything we're calling a significant deficiency which isn't on this list?

PATRICK KERR: Basically, yeah.

SYDNEY BECNEL: And given an opportunity to respond.

PATRICK KERR: Right.

BEN BRIDGES: Is that not acceptable? Is that asking too much?

JIMMY GUIDRY: No, I think the problem becomes they cite you on something that's not significant. And the question becomes when you do you fix it. Are we going to chase every one of the deficiencies. You can have a deficiency, but not be significant. So I'm only agreeing due process on significant deficiencies.

SYDNEY BECNEL: I think we need to talk to EPA, well not me, Amanda with EPA on that 120 day, what does that postpone 120 days.

AMANDA LAUGHLIN: There's not a due process in the rule. You know like the rule doesn't have any due process. None of the rules do, actually. It's not until you get above, not the federal.

PATRICK KERR: No, not federal, at the state level there's due process. It does go through the department.

AMANDA LAUGHLIN: But notice of violation letters don't have an appeal process. It's only when you're at the order level and above.

PATRICK KERR: I understand.

AMANDA LAUGHLIN: That's what I'm saying. This is different. It's outside of the way that our violations are normally handled.

PATRICK KERR: I agree. And I'm not talking about the things that we have in writing that we say are significant. I'm talking about they find something that

is not on this list. You want to basically add to the list for that water system they ought to have a way to argue against it or for it. To argue that it's not going to affect the finished water qualify for example. We've had significant deficiencies in the past that were electrical.

AMANDA LAUGHLIN: But those aren't on the list.

PATRICK KERR: But you can add them back.

CHRIS RICHARD: You're saying if a sanitarian goes in and he says this is a significant deficiency.

AMANDA LAUGHLIN: I know. I understand.

PATRICK KERR: I just want to make sure there's not some arbitrary finding that all of sudden I've got to go to public notice without first being heard by the regional engineer, by you, by Dr. Guidry. I guess we could go get a stay on the finding if we choose to go to court and get a stay. I just don't think we should have to spend that kind of money.

CARYN BENJAMIN: Usually a public notice is only required if you miss the deadline to respond. Response you could put in there I object to the significant finding.

PATRICK KERR: Let me tell you a little story about Murphy. Murphy's going to say you're going to do my inspection about a month before I issue my consumer confidence report and the requirement of the consumer confidence report is

any outstanding significant violation has to be reported until it's corrected.

CARYN BENJAMIN: Previous year.

PATRICK KERR: Is that what it says?

CARYN BENJAMIN: Yes.

PATRICK KERR: Okay.

CARYN BENJAMIN: You still have a year before the CCR anyway to hash it out.

PATRICK KERR: Does anybody else care?

JIMMY GUIDRY: Would we feel better, I would feel better if we leave it the way it is and then add a statement saying to add a significant deficiency to this list we'll do it through due process?

PATRICK KERR: Through the committee, I hope.

JEFFREY DUPLANTIS: Yeah, but there's two different kinds of significant deficiencies. There's the ones like you're talking about earlier that's kind of a statewide thing that's come up.

JIMMY GUIDRY: This is what everybody should be living by.

JEFFREY DUPLANTIS: Right. But there are also ones that are going to be site specific that aren't going to end up on that list.

JIMMY GUIDRY: Yeah, that's where to get on the list they have to be due process.

AMANDA LAUGHLIN: No. So these are always, always, but

then when we-- so let's just say I go to water system ABC and I see something that needs to be a significant deficiency, but it's not on this list like upgrade a deficiency to significant. And then that goes out in the letter. These are all of your deficiencies, these are significant, and these might be deficiencies and recommendations. Pat's saying he wants to be able to dispute the one that was upgraded to significant in the field.

JIMMY GUIDRY: The reason I'm paying attention to this if we decided should be and it really isn't then all these customers having to be told something based on one person's decision. And I think that's what gets us in trouble is when they have to report it to all their customers. EPA has said water systems won't do what they're supposed to unless they know they got to tell all their customers a mistake has been made. So an engineer comes in and he sees something and says man that looks significant. That's very different than he says that's a deficiency that needs to be fixed and I'm going to come back or it needs to be fixed in a few days cause you're putting people at risk. The significant part of it is you get dinged for it and you got to tell everybody, right. That's pretty harsh on all the customers cause it's not something, hopefully it's not something that they need to

worry about. That's why we're there and that's why the water system's there to fix things so they don't worry about it. The notification, if you got bacteria in the water, hell yeah I need to know my system has some bacteria in the water. I need to know that something's rusted or corrosion. I just think we overwhelm our customers with all these requirements. It's like crying wolf. They no longer pay attention to our notices. We need to make our notices you know federal requirements cause I just don't like all these notices to people that after a while they blow them off. I'm trying to makes sense. I'm concerned if we leave it the way Pat's suggesting EPA is going it say well you didn't maintain primacy. You're still depending on a process of other people weighing in. You're not letting the department make the final decision. That part makes me concerned cause EPA is saying if DHH doesn't decide something is putting people at risk then DDH will lose its primacy. That's what I'm concerned about.

PATRICK KERR: Dr. Guidry I don't mind you making the decision. I just think there ought to be something other than a person in the field makes a decision and it applies.

AMANDA LAUGHLIN: I think we're going to get into an administrative issue with lots of people disputing every

survey and then every survey in the state has to go through Dr. Guidry's office.

GREG GORDON: I guess I'm confused, which is not a hard thing to happen. But in terms of significant deficiencies you said this is a final working list of the significant deficiencies.

JIMMY GUIDRY: The one they're definitely going to work from.

GREG GORDON: And Amanda mentioned recommendations and we had minor deficiencies and things and we were all, per last meeting all going through each section asking everybody so we're still going to be developing all those other things.

CHRIS RICHARD: No, this is it.

GREG GORDON: So you're not going to have a recommendation, or a minor deficiency, or anything. We don't need to go through everything and define all that stuff.

JIMMY GUIDRY: You can still have those categories for people to cite. In other words, our surveyor can cite them, hey you got a deficiency here and it's not on the list because they see something that's going to become a problem. But if you make a list like we talked about where there's minor and recommended EPA said well if you do that any deficiency that's written can become a major deficiency, a significant deficiency.

AMANDA LAUGHLIN: Corrosion is the best example I can think of. Or operator certification was another one. It's obviously a significant deficiency if you have no certified operator. If I go to a small system that has 200 customers and they have a level one distribution and a level one treatment, but they're still missing their level one water protection. But they're in the class. Or they need level twos, they have all level ones and one level two is that significant verses if I go to a surface water treatment plant that serves 100,000 people and they have no level four treatment operators. That's significant, but that's not on the list. That was the way we looked at it. You got to be able to do case by case basis for certain things. And honestly we have a lot of work to do on our survey process with our staff and the way we conduct business in the field. And that's something we're working on, but this is like our first step to do that. Yeah, we still might cite you for things that aren't on this list, but they might only be a deficiency or a recommendation. But if I go out and your tank is severely corroded that's a significant deficiency and it's not anywhere on this list.

PATRICK KERR: Well, it is actually. It's the last one on page one.

AMANDA LAUGHLIN: That's under treatment.

PATRICK KERR: Okay. Maybe we ought to put that somewhere else.

ROBERT GILBRIDE: The difference between significant and then the deficiency and the recommendation is significant has to be fixed. Like right now we have major and minor. Major you have to fix it. Minor it's a recommendation basically.

AMANDA LAUGHLIN: No. So a significant deficiency is something that has to be fixed within 120 days for groundwater. We are going to use these in the surface water treatment rule as well so it's the same for every system. But if it's significant it can get to a treatment technique level which is a tier two you have to do public notice. And there's a much shorter timeframe. A deficiency or recommendation falls under our quote unquote regular sanitary survey. Might give you a longer time period to fix it because it's not critical.

ROBERT GILBRIDE: But you still have to fix it.

AMANDA LAUGHLIN: A deficiency, yes.

ROBERT GILBRIDE: Right now the difference between major and minor is major I have to, minor I can say thank you for the recommendation and I'll look into it.

AMANDA LAUGHLIN: I think you still have to respond with the timeframe.

PATRICK KERR: Yes, you do. Under federal law. For

chapter one part 12 has language in here about a compliance order and I think what we're doing here is if there's something that is significant enough that it's an acute risk of public health and an inspector finds it the proper venue to fix that immediately, not in a 120 days is compliance order, correct. Could be a boil order. But boiling it might not fix it. There's lots of things get in the water that boiling makes it worse. You may get a do not use order. But my point is, if you see something that is so critical that it gets fixed now the proper way for the department to tell us to fix it now is the compliance order, correct?

SYDNEY BECNEL: Call it an administrative order.

AMANDA LAUGHLIN: Part one that would be like for sewage and anything else in the sanitary code part 12 we have our own enforcement procedure.

PATRICK KERR: Well, there's no language in part 12. There used to be about what Dr. Guidry can do. All the language about what the State Health Officer can do about emergencies is in part one. So it covers all the parts. I'm looking at it under penalties back there. I guess my point is--

AMANDA LAUGHLIN: That's one place we have our own procedure.

PATRICK KERR: I guess my point is you can find all

emergencies to be significant, caused by significant deficiencies and once you declare it to be an emergency and it needs to be fixed now there's great language in here about how that's done. What we're doing with this significant deficiency thing when it's not on the list is we're kind of surprising people and not giving them an out. If you came to me and said that's a significant deficiency and I said no it's not and you as a sanitarian think this is really critical to public health it ought to result in today an administrative order for me to fix it. That means fix it now. Not tell your customers about it and come up with a plan and fix it in 120 days. Fix it now. Anything else we've got some time and that should be a negotiation between the department and a system in my mind. Your failure to fix a deficiency per the schedule we've worked out means it's going to become a significant deficiency.

AMANDA LAUGHLIN: So you're saying that all this would have to be fixed now?

PATRICK KERR: Yes. If I have a connection to an unfit source I think it gets fixed now or--

AMANDA LAUGHLIN: But what you're saying is if an inspector upgrades something in the field that means they need to fix it right then and there?

PATRICK KERR: The inspector can't issue a compliance

order. I think only he can. Maybe he can delegate that to you.

AMANDA LAUGHLIN: That's not my point. My point is that all of these aren't going to result in an immediate administrative order. If I upgrade something in the field I would be doing a different process than I would if I found something on this paper.

PATRICK KERR: I think you would do both. If you find something that needs to be fixed like in the next 120 days it's just a significant deficiency that drives on like we've always done.

CARYN BENJAMIN: If we identify contamination of a system we will issue an order. When we go out and identify these if we don't see that it's immediate contamination that's going to probably require samples then this has to be done through a sanitary survey process.

PATRICK KERR: But the federal code is very clear that a significant deficiency, and it uses the word may, result in contamination of the water delivered to customers, not finished water, not sourced water, delivered to customers. If you find that something is contaminating water delivered to customers there should be an order issued. If you find that it may we ought to have a discussion before it becomes a significant deficiency that has to be reported to customers. That's all I'm pitching.

JIMMY GUIDRY: You're argument is making me think about what's going to happen now that we've shared the list with everybody. They're going to say it's not on the list, I disagree.

PATRICK KERR: Dr. Guidry, you're right.

JIMMY GUIDRY: That's not my intent. My intent is to not make people look for so many things.

PATRICK KERR: I agree.

JIMMY GUIDRY: I don't want people to say this is the only list you can work from or you're going to have to have an administrative order. Trust me on this one.

PATRICK KERR: Y'all play with it. I'm just looking for a way there can be an arbiter in the department.

JIMMY GUIDRY: This is what I would offer. If there is disagreement to the point you want to come to my level we'll do it.

PATRICK KERR: We come through Caryn.

JIMMY GUIDRY: You come through their supervisors and it gets to me. I have never refused a meeting, ever.

PATRICK KERR: That could be the due process.

JIMMY GUIDRY: There shouldn't be much push back. I'm trying to make it simpler and easier for people. But if there is I want to know about it because I'm going to pay the price just like I have for two years.

PATRICK KERR: Only two.

JIMMY GUIDRY: The two worse years.

PATRICK KERR: Let me ask you this. If there's a significant deficiency on a survey and I fix it do I still have to report it at least once to my customers?

JENNIFER KIHLKEN: Nope. Let me, I think, am I only the person in the room that actually issues the survey letters. Okay, so here's what you do. I come out to see Ben, who is one of my favorite people to go see, and I tell him hey these are the significant deficiencies. I go back to my office, I write up my letter, I send it to Ben. He makes the repairs, he writes me back. It has to be in writing cause that's the problem we seem to have, people don't want to write us back. He says Jennifer they're all fixed. I go into the computer, I immediately close them out and he doesn't come up on my list as needing a treatment technique violation from EPA or from us once we get primacy. He also never has to do public notice and tell anybody that he had to replace the screen on the vent. He just has to go replace the screen on the vent and notify me that he did it and I close it out. You are right, after a certain amount of time with the CCR it does appear in the next years if you have an extension or never completed it it would appear in there. And you'd only have to do formal public notice to the newspaper and hand or mail out in the event that you got the treatment

technique violation, the TT45 is what we call it. So that's when you have to do formal public notice where everybody gets a mailed out copy and it goes in the newspaper.

CHRIS RICHARD: So you have 120 days to go back and have you withdraw that as a significant deficiency.

AMANDA LAUGHLIN: Once it's completed you don't get a treatment technique violation.

CHRIS RICHARD: So Pat if you disagree you say I don't agree with this and you get them to remove it.

PATRICK KERR: And you can rescind a significant deficiency?

JENNIFER KIHLKEN: Yeah, there's a way to reject a significant deficiency in our database. Our database can do all sorts of stuff.

CHRIS RICHARD: I've had them remove it before where you discuss it and they agree with you and they take it off and it's done.

DIRK BARRIOS: Significant deficiencies come back and make permanent corrections. If something's significant, let's say it's a very expensive deal and I can come and make temporary corrections to it and say look it's going to cost us a half a million dollars to do, we're going to put it in the budget, we're going to replace it. And y'all have worked in the past.

AMANDA LAUGHLIN: Treatment techniques typically only occur when a system doesn't respond or care. It's not for people-- like I've never, a lot of people negotiate schedules back and forth with their regional office because it cost money. And if it's a dire situation well you're probably going to end up in an order immediately. But we don't have a lot of those cases. Most of the time the system responds back in writing and says I need XYZ time. You know I'm seeking funding, there's all kind of things that play into it and the agency always grants extensions.

CHRIS RICHARD: We've actually had some where we requested an amount of time and the water system, for whatever reason, didn't comply by the deadline and we sent a letter and explained why it wasn't done and we have always gotten an extension.

JENNIFER KIHLKEN: And we make multiple contacts with the water systems to make sure. Ben knows, if you don't respond to me, you go put the vent screen on and you think I'm going to write her when I get back to the office and then all heck breaks lose somewhere else we send multiple emails and letters that say hey you're at your due date. I need to hear back from you. Typically the TT45 goes to the person that I'm knocking on the door and you won't answer. I think that's across the board in all four

districts they try to do it that way. We want to make contact. If we can close it out it's better for us too.

AMANDA LAUGHLIN: How many have you issued out of your office, like the Shreveport office?

JENNIFER KIHLKEN: We've probably issued since 2009 to now we may have issued 15.

PATRICK KERR: I feel better. So there is a negotiation.

AMANDA LAUGHLIN: And that was based on like 5,000 significant deficiencies. Only 22 plus the ones we may see in the field. It's even less likely.

BEN BRIDGES: These three pages this is our new Bible. This is the bare bones. This is what we start working from. And of course you can't cover every nuance that can come up so you have a leeway to make it important if it's deemed necessary.

AMANDA LAUGHLIN: Yeah, we're going to revise our survey process.

PATRICK KERR: I would suggest you put the last one on page one in other so it covers all the sections.

RUSTY REEVES: Can I ask a question. In April 16 when revised total coliform rule comes into place and some of these systems have to do the self assessment a lot of these questions going to be on the self assessment?

AMANDA LAUGHLIN: Yeah. Like so yeah sanitary defects, that's the new thing that's defined in the RTCR rule and

they will be very similar.

RUSTY REEVES: Technically if they had a violation, if they had a positive or a set of positives they would already have a look see of what the inspector's coming out to do every three years or whatever.

PATRICK KERR: Triggers another inspection and then a third party if that doesn't fix it.

RUSTY REEVES: But what I'm saying is the system itself will be looking at itself to find possible problems to correct before they come do the inspection.

PATRICK KERR: Right. That triggers an extra inspection.

RUSTY REEVES: But it's self inspection.

AMANDA LAUGHLIN: The first one is a self inspection. If you have more than one of those then the district engineer will be coming out to do an inspection.

RUSTY REEVES: I guess what I'm getting at is you've self inspected yourself, then you had a district inspector you had another violation. You get dinged here you probably had it coming to you.

RANDY HOLLIS: Before we accept these wholesale the way they're written, and I'm sorry I am a detailed person, I'm starting to look at some of these things, if these are going to be written up, for example on finished water storage if you look at that one it says any event, overflow, or water level control gage provided on tanks or

other structures containing potable water shall be constructed so as to prevent the entrance of birds, insects, and dust. I'm sorry, our vents do not prevent the introduction of dust into these tanks. You have insect screens at the bottom and you've got quarter inch at the top. Now apparently mosquitoes can't fly 150 feet high so they allow quarter inch at the top. Before we accept this wholesale the way it's written and an inspector goes out and says well this is the way it's written guys. How do you prevent dust in this tank. I think we need to look at these things. I don't want to derail the train here but.

JIMMY GUIDRY: I needed it yesterday, I needed it two months ago. How about we can still make changes, but I got to have something to work from.

CHRIS RICHARD: It's on the list now as dust.

AMANDA LAUGHLIN: It is in our code.

RANDY HOLLIS: And the code's wrong. Whoever wrote the code was wrong.

PATRICK KERR: They were good folks sitting around arguing just like us.

RANDY HOLLIS: Just because it's in the code doesn't mean it's right.

SYDNEY BECNEL: But really like in New Orleans don't they have an underground storage tank right there at the plant,

right on Claiborne Avenue and you see a vent opening right there. It's not 150 feet in the air either.

PATRICK KERR: But it has insect screens on it.

SYDNEY BECNEL: I don't know what screens, but what I'm saying if you go cut the grass on top of it you're going to create some dust. It could be things like that.

RANDY HOLLIS: How are we going to prevent dust from getting into those things?

SYDNEY BECNEL: Maybe we'll shut our eyes when we come look at it.

JIMMY GUIDRY: It's already written in our code. It's what we've been using. If we took dust off that list it says or other contamination that's wide open. That includes dust or anything that can get in there.

RANDY HOLLIS: I would like to revisit it in the future.

JIMMY GUIDRY: This will not be in stone. This will be a working document if you voted today so I can get started on the process of educating our folks. I've got to get back to public service commission and some of these requirements that went around and people had to get rate increases I'm not requiring.

PATRICK KERR: I will make the motion.

CHRIS RICHARD: I'll second.

JEFFREY DUPLANTIS: We need to make a motion--

PATRICK KERR: That the department use this as a basis for

sanitary survey.

JEFFREY DUPLANTIS: I would like to add is to move the bottom, the sentence or two sentences at the bottom of page one to other. And the clause that any additions.

JIMMY GUIDRY: Leave it there and to other or?

JEFFREY DUPLANTIS: Just move it to other so it covers any type of critical component. And then also add a clause if any are to be added or removed from this list that it be put back in front of the committee. So if we go out and find some that are significant and they didn't account for this and they want to add it.

JIMMY GUIDRY: Trying to think how that plays out when people out there come up with a list.

JEFFREY DUPLANTIS: No, this is just if they're out at a site and they find something they deem it significant that's fantastic. But if you want to add it to this list.

JIMMY GUIDRY: It was my same concern for today. If we don't have a quorum, there's no vote, there's no change.

JEFFREY DUPLANTIS: If you got five people happening and it's a significant thing that's fine. It's just at some point we want to change this list we don't have to change the list next month, we can wait till the following month to change the list. You still have the authority to enforce it and still have the authority to call it significant.

JIMMY GUIDRY: Again, I'm not trying to be difficult. I'm just trying to see how EPA reads that that a committee tells me what's on my significant deficiency list. I almost lost primacy over the law that's written right now.

JEFFREY DUPLANTIS: Well, if that's the case why are you asking us to vote on a list then?

JIMMY GUIDRY: Because I'm trying to honor state law, but the feds don't like it. They do not like it. So I'm in trouble, they're looking at us, if I don't get this done and I have to keep answering to a committee they're not happy about it. I'm not lying, I'm putting on it table.

PATRICK KERR: Dr. Guidry, I think-- I'm sorry, I'm going to say this again, this committee is part of the department. We are under the state law part of the department and its process. And we're not outside the department and that's the difference. We need to tell the feds that this committee is part of the department. Just as any other adviser to you becomes a part of your deliberations.

JIMMY GUIDRY: I've been doing this for 20 years Pat and I have never had a committee that told me how to do my business. They advise me, but I made the final decision.

PATRICK KERR: I know.

JIMMY GUIDRY: This law says I can't do anything without approval of this committee. I have never had that happen.

PATRICK KERR: I agree, but I'm saying what we tell the feds. I don't have a problem with this. Why don't you drive on with it and if the committee has an objection to it we can bring it up to the committee.

JIMMY GUIDRY: No, but he's adding language that says if I want to put anything on the list I got to have approval from the committee. The law already says--

PATRICK KERR: Exactly and so if we demand to have a say in it under state law you have to let us so we don't need to put it in here. It's already there.

JIMMY GUIDRY: That's my point.

PATRICK KERR: If we object to something as a committee we can rely on the state law.

JIMMY GUIDRY: My significant deficiency list has to be approved by this committee by law.

PATRICK KERR: So let's approve it.

JEFFREY DUPLANTIS: Okay, then just move that to the other and that would be the only change if everybody's okay with that.

CHRIS RICHARD: They have the authority regardless of moving it or not to do anything that's on the list.

PATRICK KERR: I mean then worse case if something is so dadgum objectionable they can't see it and they go get it thrown out by a judge cause the committee didn't approve it. And then I would just suggest when you do make

changes bring it to committee, let us talk about it just to keep yourself in compliance with the state law too.

JIMMY GUIDRY: Well, let me just say this. By December by law I have to have the emergency rule on the amoeba final rule. Y'all want to hear what we're proposing for the final rule before we go to notice of intent?

PATRICK KERR: If you're going to change the existing emergency rule I would love to hear it.

JIMMY GUIDRY: So what I'm offering is if you want to know everything we do, there's a lot of stuff we're working on. There's manganese and iron rule. By law we have to come up with a manganese and iron rule. And it's esthetic, it's not even health.

PATRICK KERR: And it's the purview of this committee too.

JIMMY GUIDRY: So get ready to have more meetings and get ready to weigh in.

GREG GORDON: I'm all for it.

JIMMY GUIDRY: It's not a threat. You can share the misery.

PATRICK KERR: For you to do a permanent rule you got to go through the rule making process anyway. You're going to have public notice and everything else.

JIMMY GUIDRY: Well, I wasn't arguing the fact what he said was true. I just don't want to hear what I already have in law. So do I have motion?

JEFFREY DUPLANTIS: Does your motion change to move that one thing?

PATRICK KERR: With Jeffrey's amendments I move that we…

CHRIS RICHARD: Not both of them.

JEFFREY DUPLANTIS: No, just moving that last.

PATRICK KERR: Move the last thing on page one to other so it applies to everything which gives you more latitude.

JIMMY GUIDRY: Let's do this. Let's vote on just that piece and then we'll vote on the entire piece. The amendment will be to move that bottom on page one to other, at the end of other. So all in favor aye.

(council unanimously responds "aye")

JIMMY GUIDRY: Any oppose? Okay, good. The next do we have a first and second on accepting this as our working significant deficiency list?

CHRIS RICHARD: Pat and I seconded it.

JIMMY GUIDRY: So a first and a second. Do I hear from the committee to use this as our working document going forward until it's changed in the future. All in favor say aye.

(council unanimously responds "aye")

JIMMY GUIDRY: Any opposed? All right. This is historical. What we've done today is historical. I hope it doesn't come back to haunt me. I feel strongly that it's important that we work with everyone to make sure

that we protect health. I hope we haven't left stuff off that protects health. We chose the best, but we still again will need your input going forward to make sure that we understand what the problems are.

JEFFREY DUPLANTIS: Quick question Amanda. The ones that didn't make it on this as significant are those now categorized something similar, just a tier lower?

AMANDA LAUGHLIN: Right. Some may go to recommendations. Some you may never see again.

RANDY HOLLIS: Does anybody else in here use fluoride saturators?

AMANDA LAUGHLIN: Just Crowley. There might be a system or two on the river towards New Orleans possibly, but they're the only one I know.

JIMMY GUIDRY: Any public comments? No public comments. Do I hear a motion adjourn?

PATRICK KERR: I think we can put this hydropneumatic tank thing to bed. Why don't we use the language and if there's a question just require hydrostatic test at one and a half times working pressure. And so I can either fix it or get it tested. If I got a 50 PSI working pressure or 70 PSI working pressure system I do a hydrostatic test at 135, it's sound, I can continue to use it. I know it's not perfect, but it gets rid of some of the subjectivity and I'm happy with the hydropneumatic

language as written if we can demonstrate.

CHRIS RICHARD: Would you do working pressure or maximum?

RANDY HOLLIS: No, one and a half times the maximum discharge pressure of the pump.

(council speaking simultaneously)

RANDY HOLLIS: What if your operating pressure is 50 your tank is now at that level.

JIMMY GUIDRY: If we're going to finish this.

PATRICK KERR: Okay, do we have a pressure relief on a tank?

RANDY HOLLIS: Yeah, we should.

SPEAKER: Some multiple of working pressure.

RANDY HOLLIS: You're operating 75 it would be easy to put a pressure relief at 85 or 90.

PATRICK KERR: Okay, so then I can test it at one and a half times working pressure and I'm going to exceed the pressure at which it will pop off.

RANDY HOLLIS: That's if the pop off fails.

PATRICK KERR: We can't put on both suspenders. Let's just wear one or the other.

RANDY HOLLIS: I'd say one and a half times the pressure of the pump. I think you can get there.

CHRIS RICHARD: If you put it at that then you won't worry about it because it's not going to get any higher than the pump.

RANDY HOLLIS: Most pumps will flat line once you get to that point anyway. They're not going to sit here and go to 300 PSI. So you're sitting in the back part of the curve where it's not going to be that much greater.

PATRICK KERR: I'll defer to y'all on that. Is that all right?

AMANDA LAUGHLIN: One and a half times the pump pressure?

RANDY HOLLIS: Maximum discharge pressure of the pump, the shutoff of the pump. Cause you will get there.

BEN BRIDGES: That way you can't supersede it.

PATRICK KERR: You can still do it with a transient but.

RANDY HOLLIS: You should be protected with air volume and everything else on the tank.

PATRICK KERR: So that makes you happy. So we use the 2012 language verbatim and add that one and a half times shutoff pressure of the supply, hydrostatic test is adequate to demonstrate the integrity of the tank or something like that.

AMANDA LAUGHLIN: What is your typical max shut off pressure?

RANDY HOLLIS: It can vary from 80, 85 pounds.

AMANDA LAUGHLIN: So similar to the other two times the working operating pressure.

PATRICK KERR: It's similar. It's just a little higher.

RANDY HOLLIS: But that's the thing. You'll get into an

argument about what's the working pressure of the system. We're normally a 40, we're normally a 50. Whether it's 55 or 40 if you use that you have a defined pump curve you know what that is.

CHRIS RICHARD: You change the pump you change the test.

JIMMY GUIDRY: I'm not sure if we're ready to vote on it, but we have more language to tweak it, right.

PATRICK KERR: So we take verbatim the language in this 2012 version which includes ASME exception and we just add to it a hydrostatic test if there's a question. An inspector can require a hydrostatic test.

RANDY HOLLIS: Yep.

JIMMY GUIDRY: Do I hear a motion to adjourn.

RUSTY REEVES: Adjourn.

JIMMY GUIDRY: All right DHH family. You're now released.

(seconded by Greg Gordon)