

Water Meeting

November 19, 2015

JIMMY GUIDRY: All right. We think we are ready to start. Hopefully we'll be able to get consensus today and quickly so we can reach some closure to some of the chapters we worked on thus far. Just go around the table again for benefit of those in the audience who we are and then we'll get into the agenda. I'm Dr. Guidry, state health officer.

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

JIMMY HAGAN: Jim Hagan representing ASCE.

RICK NOWLIN: Rick Nowlin representing Police Juror Association of Louisiana and I'm back.

RANDY HOLLIS: Randy Hollis representing LMA.

CARYN BENJAMIN: Caryn Benjamin representing DHH.

AMANDA LAUGHLIN: Amanda Laughlin, DHH.

RUSTY REEVES: Rusty Reeves representing Louisiana Rural Water.

PATRICK KERR: Pat Kerr with Baton Rouge Water.

ROBERT BROU: Robert Brou representing Louisiana Rural Water Association.

BEN BRIDGES: Ben Bridges, southwest section, American Water Works.

CHRIS RICHARD: Chris Richard, LES.

JIMMY GUIDRY: Since we don't have a large audience can we have an introduction of the audience who you are and who you represent.

DAVID HATCHER: Hi, I'm David Hatcher representing Thornton Musso and Bellemin.

TONY: Tony, Thornton Musso and Bellemin.

SIDNEY BECNEL: Sidney Becnel representing DHH.

CONNIE BANHAM: Connie Banham with Dow Chemical.

JIMMY GUIDRY: If we could, let's do a quick roll call.

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

JIMMY GUIDRY: Thank you. All right, do I have a motion to approve the minutes from the October 14th meeting?

RANDY HOLLIS: I motion.

BEN BRIDGES: Second.

JIMMY GUIDRY: Anyone opposed to the approval of the minutes as first and seconded as written? Okay, accepted the minutes approval. We thought we would start out with new business is the notice of intent for the final rule on disinfection. Let me just say we took a lot of input from our members and from our folks that were interested in the

final rule. Certainly appreciate everybody letting us know how they felt about it and we took it to heart and made significant changes. If we could quick review of what changes we made so that we can at least bring you up to where we are today. This will go to notice of intent at the end of December and will become final rule after input from the public.

AMANDA LAUGHLIN: At the last meeting Caryn did a presentation going over the proposed rule and we have made some changes based on comments. Instead of 2016 one of the comments was that the nitrification control plan be revised by June 1st 2016 and there was some concerns that was not long enough so we did move that date back to January 1st 2017. We had several parameters to be monitored. Once per day at the POE was free chlorine, total chlorine, PH, free ammonia and mono chloramine and that was changed to free ammonia once per week at the point of entry only, one parameter. Also on that particular parameter you can do once per week in the water delivered to the POE unless there's an alternate measurement or method approved by the state health officer. Originally we had once per week within the distribution system to monitor for free ammonia, and total chlorine, PH, and mono chloramine. That was changed to nitrite once a quarter and in response to any action level

trigger in your distribution at sites per nitrification. So that would be part of your plan. Still had the reporting requirements and the minimum disinfectant residual stayed the same. The notice of intent is December 20th and the public hearing is January 25th 2016 at 9:00 in the morning. And those were the changes. I think everyone got an actual notice of intent copy. If you have any additional comments on the rule after today you can do it in the public hearing. That's that.

JIMMY GUIDRY: Any questions? I think we've come a long way from where we first started, right. My biggest goal is to make sure that by next summer people prepare for amoeba season and make sure there's no amoeba in their system. Hopefully people will look at the nitrification that's occurring in their systems and try to address them before the amoeba finds a place to settle. What about an update on the systems that had positives, where are we, we know that at this point?

AMANDA LAUGHLIN: We have one system left to resample. That's North Monroe. And all of the other systems have gone through their re-sampling and everyone has been negative so far. So that's good. We have got the Schriever results today.

JIMMY GUIDRY: Good job. All right. That's good news. Another year the amoeba has gone by. Okay, now we'll get

to old business. And I think we sent this out, but certainly discussed this. What I was hoping to get done today is finish the discussion and get approval so we can finish this. And all we'll have left, unless we revisit anything, will be the chapter is it 4 or 6? Four is the only one left. The plan would be to have a side by side on it, get some discussion around it, get it done, and then we would be ready to go to rule making on all the work we've done.

PATRICK KERR: What about backflow prevention, 10.

AMANDA LAUGHLIN: We're actually meeting on Monday and probably going to propose an emergency rule to cover all of the items on backflow prevention that aren't going to be covered in the IPC amendments in part 12.

PATRICK KERR: In which part of part 12?

CARYN BENJAMIN: 344.

PATRICK KERR: I disagree with you putting it in a part of chapter 12 that this committee does not have any jurisdiction over.

CARYN BENJAMIN: It's chapter 3, you do. Water quality.

PATRICK KERR: I thought water quality was under the department under the law, correct? Isn't that where the emergency rule for disinfection is also?

CARYN BENJAMIN: Some of it.

AMANDA LAUGHLIN: It covers several actually.

CARYN BENJAMIN: That's where it currently exists.

PATRICK KERR: I understand. Again, I think that is something that should be subject to this committee's input and deliberation. Whether you do an emergency rule or not is your call.

JIMMY GUIDRY: But verify for me cause I don't have to do anything with backflow.

PATRICK KERR: I want to do something with backflow.

JIMMY GUIDRY: Clarify for me what you'd like to see.

PATRICK KERR: My concern is we can get buy in from this committee and sell it. It's been such a contentious issue for so long that if we can get everyone at the table to buy into it I think we have a better chance of selling it and maybe getting some legislative relief if there's a battle to be fought. I think it's in the department's best interest. Also, I'm an incredible advocate of backflow prevention and cross connection control. But I do think it should be in a section we have purview over.

JIMMY GUIDRY: I think the urgency, and I want to have this discussion real quick even though it's not part of the agenda because I'm trying to figure out how to get around the fact that come January these people haven't figured this out because a law that was passed I no longer have authority over the plumbing code. Which means a lot of things for all of us. It means that the uniform

construction code council will have authority to go around and approve plumbing. And every day I have issues with plumbing that's not done correctly. I don't know if they know what they've bitten off, but they've bitten off something that's very complex. And they've not taken a lot of our advice on what needed to be amended on the IPC code. There's a lot of plumbing that has not been addressed including backflow. So I'm concerned and I think the reason we were going to emergency rule was to align it with them not so much to get around the committee, but to make sure we get their attention.

PATRICK KERR: Emergency rule is fine with me Dr. Guidry. I think we could act as quickly as you can.

JIMMY GUIDRY: What you would like to see is what we come up with for the rule before the committee.

PATRICK KERR: And I hope the committee would pass it as we have every other part and you could make the emergency rule making in a section other than water quality.

CARYN BENJAMIN: Y'all do have purview from 1 to 3. And the next water committee meeting was December 15th so we were going to probably provide a draft before then so that you can weigh in. But it's just the revision to insure continued protection. We're not increasing the requirements. It's to take whatever's in 14 that didn't get put in the IPC and make sure it remains in place so

systems can take action, or continue to take action.

JIMMY GUIDRY: I'm just trying to make it clear. I'm not trying to pull a fast one.

PATRICK KERR: Oh, I know that.

JIMMY GUIDRY: And I am concerned here because we won't have authority over the plumbing that comes to your system. So if it's not done appropriately and it's checked off on there's risk that your system will get contaminated more so than it's ever been before. And the reason I know this will happen is because the things I deal with that aren't done appropriately that get by us now it's not even going to be looked at. For instance, the thing that gets my attention that we have the most heartburn over is a grease trap. They don't want to size it correctly, they don't want to treat the grease, it ends up in the sewage, it backs up. If sewage backs up there's a chance your system could get contaminated. That seems far-fetched, but it has happened. I'm not dreaming this up. Again, we're going to need your help come legislative time. I think the plumbers are going to be in force because they're very upset about what's going forward. But I think y'all are at risk of getting more contamination. Believe me, less headache for me cause if I'm not over plumbing I don't have all the calls and everything that goes about trying to get around the



plumbing code. It's not more work for me. What's more work for me is what happens when it doesn't work and there's a health outbreak and then I have to come back behind them and fix it. That's the headache I'm worried about. And you are too. On the record I think we have a process and I hope everybody agrees. Who is going to discuss ASME final language and hopefully getting closer to approval.

AMANDA LAUGHLIN: We came up with some language for the committee's review about ASME tanks. And you have a copy. Basically simplified it and just said that pressure tanks shall meet ASME code requirements or an alternative approved by the state health officer. Any alternative must be rated to at least one and a half times maximum discharge pressure of the pump. That's pretty much the conversation we had at the last committee meeting. So that's what we came up with. If you have any comments anybody.

RANDY HOLLIS: I move we accept.

PATRICK KERR: Second.

JIMMY GUIDRY: Wait a minute, that's too easy.

RANDY HOLLIS: I read the minutes from the last meeting we beat it to death.

AMANDA LAUGHLIN: Laurie says you need a full vote to move past.

JIMMY GUIDRY: Is there anyone opposed?

LAURIE JEWELL: This will just go back into part 7 that y'all already approved the rest of.

JIMMY GUIDRY: We now have this piece so everything has been approved. All right, that was easy. I hope the next one is the same. Day tank. Are we saving all our energy for day tanks. Here's a new day tank, I don't know if we'll call it final language, but here's the new with everybody's input this is the language we came up with. We need to finalize this to get approval of part 5 once this is done. Discussion.

PATRICK KERR: I don't think we discussed the 55 gallon shipping container as the trigger for day tanks for any chemical. We bantered about a bit, but I thought we came to the consensus that we were going to pick certain chemicals we were concerned about and then use day tanks or other engineering solutions to insure that we don't overfeed. But the 55 gallon shipping container language went away I think three or four discussions ago. There are lots of systems that have chemicals stored in greater quantities than 55 gallons. I think if you want to look at specific chemicals and set a threshold size that's fine, but to do it for things like ammonia which overfeeds don't cause an acute health problem. For any number of chemicals that have other triggers that you would see

almost immediately with an overfeed or have simple solutions. I would like to take the 55 gallon container out.

JIMMY GUIDRY: So it would stop at, you're recommending to be fed from shipping containers or.

PATRICK KERR: If the engineer comes to you with a solution for fluoride, and that's what we're talking about here, well in two places, subparagraph A I think applies to all chemicals, right. So again, you cannot feed anything from containers over 55 gallons for any chemical the way this is written. And then for fluoride we have the 55 gallon limit again. And I think if this engineering solution is sound to prevent an overfeed it doesn't matter what size tank it is, it matters whether your controls are effective or not. I think we're back here to regulating every chemical, requiring a day tank for every chemical the way subparagraph A is written. I think it must be just an over site cause we settled on day tanks for fluoride and nothing else I thought.

JIMMY GUIDRY: So you're saying A would be correct if we said for fluoride?

PATRICK KERR: Yeah, or move this to day tanks for fluoride or something like that and then took away A and just had one A. I don't know how you would do it. But if fluoride is the only chemical we're left with day tanks, then yes

this 5.1.11 ought to be fluoride day tanks. But as written right now we're back to day tanks for everything. And I don't know what the difference is between everything else and fluoride anymore because we have the same 55 gallon limit. And you might say day tanks provide bulk storage of fluoride or fluorosilicic acid is provided. We got to limit to fluoride because that's what we agreed to, correct? Am I off the reservation here?

RANDY HOLLIS: Significant deficiencies fluoride is the only one lifted.

CARYN BENJAMIN: For surveys.

AMANDA LAUGHLIN: This is for new construction.

PATRICK KERR: And again, so we're back to wanting day tanks for everything. There's no exception.

AMANDA LAUGHLIN: There is an exception.

JIMMY GUIDRY: I'm reading big letter A under 1 when an approved process control and/or procedure to provide chemical overfeed protection that provides at least the same level of protection as a day tank. So if you meet that requirement you don't have to put a day tank.

PATRICK KERR: Provided your tank is less than 55 gallons or where chemicals are fed directly from shipping containers no longer than 55 gallons, right?

CARYN BENJAMIN: It's either one or the other. If it meets the requirements of the 5.1.5 or if it's fed from a 55

gallon you don't have to have a day tank.

CHRIS RICHARD: You don't have to have a process control if you have a 55 gallon. The 55 gallon is to allow you to directly feed, the way I'm reading it, from a bulk tank. So A is the exception to the 55 gallon or a day tank.

PATRICK KERR: So what you're saying is we can use any size bulk storage?

CHRIS RICHARD: Except for fluoride.

PATRICK KERR: Except for fluoride.

CHRIS RICHARD: If you have process control in all procedures.

JIMMY GUIDRY: There's exceptions for everything, but fluoride is the way I read it. If we take off the 55 gallons under big A what does that mean? Where chemicals are fed directly from shipping containers and just leave it at that. Is it confusing?

CHRIS RICHARD: The way I read it is process control can be used in lieu of the 55 gallon tank requirement or the day tank.

PATRICK KERR: So if you have a bulk storage tank greater than 55 gallons you must have a day tank or an exception from the health department?

CHRIS RICHARD: Or an approved process, correct.

JIMMY GUIDRY: This is on new systems so we're going to have to approve them anyway.

BEN BRIDGES: What is that approved process? The gist I understand is the day tank should not allow you to feed more product in a given 24 hours so you don't harm public health. And every case that I have ever been associated with the day tank has been more of a problem by overflowing when they go to fill up the day tank every day they've overflowed caustic or whatever which is a greater hazard than the original cause of not having more than 30, 40, 50 gallons on site that could be pumped at one time. The real crux is sizing the pump so it doesn't have the capability to pump 200 gallons of chlorite, or whatever that is, that you size. I use chlorite because that's a good example. I size my chlorite pumps where they cannot exceed the MCL even if we lost all chlorine based on that production of maximum output of water. We're not going to have a 15 or 20 gallon per minute pump on there when a 5 or 100 gallon per day pump is the maximum that you could get by with. I think what we're focusing on to me is we ought to be looking at the pumping equipment more so than the size of the vat that's holding the chemical. The day tank doesn't give me any more security, in my opinion, when you're pumping something like this whether it's a 55 gallon drum or 8,000 gallon bulk tank. It's the pumping mechanism that allows it to get in and maybe you need controls over it, but you're not going to get these smalls

systems to invent tens of thousands of dollars of high dollar equipment to monitor this stuff when a simple sizing of the pump may fix 90 percent of your problems.

AMANDA LAUGHLIN: That's exactly what an approved process control would be.

RANDY HOLLIS: Because it's not just the pump. You have to make sure you have an anti siphon valve in addition to the pump so you don't suck the material. So if we start trying to outline every single thing we would be here forever. But I think the words approved process control includes the pump, anti siphon--

CHRIS RICHARD: And all procedures.

AMANDA LAUGHLIN: Right.

ROBERT BROU: But with all of that in mind instead of saying you need a day tank and then we have all these exceptions why don't we just say you need an approved process or procedures to prevent overfeed and don't talk about day tanks. It clears everything up except there's an exception fluoride needs a day tank. It would clarify everything cause all the rest of the verbiage is absolutely correct, but if that's going to be the main way you go and day tanks are an option for others, but it would be an approved process control to prevent overfeed and then--

PATRICK KERR: Could we call this chemical feed process

control and then just have big A and it just says an approved process control and take out all the other?

CHRIS RICHARD: I think you need to go and see where it fits cause this section is heading day tanks. If you're going to do something like that it probably fits under some section that's already written that you may stick it under, don't create a new section.

PATRICK KERR: I guess what I don't like about this is we're saying day tanks are the standard and you might get an exception for process control whereas I think we should be saying process control is the way to control this and if you can't you need a day tank.

CHRIS RICHARD: You could also say day tank is a method of control.

PATRICK KERR: It is.

CHRIS RICHARD: But what I'm saying is we can't just make that decision without seeing the entire section 5 because we don't know where it's going to fit in.

PATRICK KERR: And the title might be overfeed protection.

BEN BRIDGES: Can it be as simple as pump sizing could be your control mechanism.

PATRICK KERR: Yes.

BEN BRIDGES: Because when I read that maybe I read more into it than what I should. I'm thinking more like a system of a control system than sizing a pump accurately



from day one.

CHRIS RICHARD: Also says procedure. People see process control and they think SCADA type systems. It doesn't necessarily have to be a SCADA system. It's just control of the process.

BEN BRIDGES: But that's vague. If it's vague to me then it's going to be vague to somebody else too.

ROBERT BROU: I think you take the focus off of day tanks and put it on process control.

JIMMY GUIDRY: I've heard enough about day tanks. I think we're trying to fit something here. I would have to go back, but this 5.1 is probably on day tanks. That's the way it's written in 10 state standards?

BEN BRIDGES: Right.

JIMMY GUIDRY: So what we're trying to say is we don't want that section. We want other language that clarifies what we're trying to say here, but we really don't want the day tank section. That's what I'm hearing.

PATRICK KERR: I think if we just said, whatever the title of this is, overfeed protection, day tank/overfeed protection, we took out all the language and just said what A says. Water systems shall use an approved process control and/or procedure to provide chemical overfeed protection that is acceptable to the state health officer. I think you would be fully protected. Not an if this is

an exception, this is the preferred method I would think, that systems aren't going to run out of chemical because they had a day tank problem. And we're not going to overfeed it because we came to an agreement about what adequate controls are.

CHRIS RICHARD: The only thing you add by adding approval of state health officer it seems like you're adding some approval each time you do it. The way it's written it doesn't require.

PATRICK KERR: It requires it to use something other than a day tank.

ROBERT BROU: And they were focusing on new construction. If it's written carefully it could be on existing.

CHRIS RICHARD: Do you have chapter 5 to see where it would fit?

ROBERT BROU: Five is chemicals, feed rate.

AMANDA LAUGHLIN: We're looking now.

CHRIS RICHARD: If you're eliminating this I wouldn't create a new section.

JIMMY GUIDRY: I think we're giving it a minute so she can find it.

AMANDA LAUGHLIN: There's several sections in 5 that you can fit it into. They have a control section, they have a feed section, a bulk liquid storage tank, supply in storage of chemicals, siphon control.

RANDY HOLLIS: I like titling it overfeed protection.

PATRICK KERR: And leave it as 5.1.11

ROBERT BROU: 5.1 is feed equipment. So 5.1.11 would not be a problem to have it as overfeed control.

RANDY HOLLIS: We all want it. We want overfeed protection.

BEN BRIDGES: We just have heartburn over a day tank.

SIDNEY BECNEL: You have to look at 5.1.11 cause it does get into details on day tanks because we still require the day tank for fluoride, right. Calls for a maximum size and this and that and the other. If you're chunking things that you probably don't know you're chunking.

AMANDA LAUGHLIN: Yeah, it goes all the way from A through H. We stopped this one at B. There are other things.

JIMMY GUIDRY: So if we leave it at day tanks and just supply the discussion of fluoride and have this other discussion for overfeed in another section I think we're going to meet everybody's concerns, I hope.

PATRICK KERR: So it would be fluoride, day tanks and then--

CHRIS RICHARD: Well, you got to leave it at day tanks because people want to do a day tank they still have to meet these requirements.

PATRICK KERR: True. Another suggestion might be to have this become 5.1.11 overfeed protection and then have an A

that is fluoride and picks up A through H of this. And a B that is all other chemicals and just says what you have in big A in the language here. That probably would be the cleanest way to do it. Sidney is kind of shaking his head.

JIMMY GUIDRY: Sidney, could I get you to work on that for us so we can get some more language. I'm not saying today, but I'm about done talking about day tanks.

SIDNEY BECNEL: It makes sense. Just put a subsection A for fluoride and subsection B for the other chemicals. Overfeed protection, something like that.

JIMMY GUIDRY: So do you want to do that now?

SIDNEY BECNEL: No.

JIMMY GUIDRY: You'll get back to us.

SIDNEY BECNEL: Yes, sir.

JIMMY GUIDRY: We're going to give it to Sidney to come up with what you're recommending today. Hopefully this will make it clear for everybody cause if it's not clear to you, it's not going to be clear to people and that's not my goal. I thought we had killed this baby, but we haven't.

ROBERT BROU: I did have one more comment on day tanks. It's actually from one of the other committee members who could not be here, Dirk Barrios. He was questioning the need for drains on day tanks when a lot of day tanks are

sized such that having additional drain on it really just creating more potential for leaks when it's not necessary that they easily can be cleaned out or pumped out because of the size. He'd like for you to at least consider getting rid of the requirements for drains.

AMANDA LAUGHLIN: I thought that was removed.

ROBERT BROU: He references a section 5.1.10. Cause you say you have to meet all the requirements of 5.1.10. It requires a drain on every tank.

RANDY HOLLIS: Is he asking for bulk storage he doesn't want a drain, or day tanks?

ROBERT BROU: On day tanks because of size.

AMANDA LAUGHLIN: Has a method to be drained. H under 5.1.10 each liquid storage tank shall be provided with a method to be drained. That was changed.

PATRICK KERR: So a jockey pump.

ROBERT BROU: I'll pass it on to him. Which section?

PATRICK KERR: Randy, you want to revisit fluoride?

AMANDA LAUGHLIN: 5.1.10 H.

RANDY HOLLIS: We got fluoride resolved for Crowley. We actually went to the CDC. We pulled up the manual from CDC and saturators are a weird animal and so there's no affective way to put a day tank on a fluoride saturator. The CDC recommended all the process and controls we follow which we did to the T and so for that reason it's fine

with the saturators.

PATRICK KERR: Are you going to get a variance for that?

Or is a saturator not considered a bulk storage tank?

RANDY HOLLIS: You know I've got approval from DHH so I'm okay. I'm the only one in the state. It's an existing system.

AMANDA LAUGHLIN: It's the only saturator in the state, I'm pretty sure.

RANDY HOLLIS: And I'm never going to put another one in.

JIMMY GUIDRY: We will bring back some language to address day tanks, fluoride and Sidney will work on that with your suggestions. I have another handout here, I don't know who gave this to us, it's not on the agenda. Unless somebody left this here. It's chlorate-sulfuric acid process.

ROBERT BROU: That was about day tanks for those chemicals and if we changed the language we should not have to deal with that.

JIMMY GUIDRY: I want to make sure everybody gets their input. I guess the only thing I have left to share with you one many of you probably got an email from Secretary J.T. Lane that he is not chairing, going to be chair, and I have to look at the language, thinking of putting Amanda as vice chair just so we have a quorum. Sometimes it's hard to get a quorum. The work we have to finish of

course has to do with the last chapter and side by side and accepting it and then going to rule making. The one thing that I'm thinking there's a lot of things that we've done that are going to make a lot of folks out there hopefully happier, but make the legislature happier who were the ones that put us together. The one thing that I don't think we've addressed, and I may be wrong, and I will just go back to this it comes from the developers, some developers, not many, for the requirement of a second water well for a development. This is what I think could happen, and I just want to share with the committee for transparency sake. We can keep it that if a new system puts forward they want to get a permit that the requirement is there, we've taken in to where it's not a significant deficiency on an older system. If they have a second source or they have a way to get water to folks. And they may come to the session and they may decide to put a law in place that takes away that requirement. The reason I share this is because some of, we're having issues with small developments that somebody builds a subdivision, puts in a water well, and they have enough homes on the water well, their water system, nobody owns it. The developer is long gone. Very difficult to work with folks on maintaining a water system when nobody wants to take the responsibility. That's a little different

than having a second well, but imagine if you have one well and nobody owns it and it goes bad because nobody is taking care of it and there's not a second source. I know the committee feels strongly about the second source. I know we voted on it and it's going to go forward in our rules, but we may still get some pushback because of that requirement because some of the developers don't want to have to go through the expense of having something on standby that may never be used. I can understand their view, but again once they develop, they get their money, they're gone. And then the homeowners are stuck without a second source. And I only want to share it with you because I think we're getting very close to our mandates on what we needed to get done so that when the session comes around, and it's going to be a hectic one cause there's going to be new administration, a huge learning curve and they're going to have much bigger issues than water, that we're on the same page and we may be looking for help to address the backflow issue. Which you're going to need help on as far as making sure we get the protections that we need. And we need to all be on the same page because if we're at odds on some of these issues and they put us at odds we're going to be meeting like this forever. I'm not against us meeting, but I just don't think we need to meet every month once we get the



majority of our work done. That's my goal is we don't need to meet every month. I want to hear your thoughts on all the work we've done which I think has been phenomenal. I think we've built a relationship. We're getting closer to getting things done. Do we need to revisit, do you all hear from anybody else that that's a big issue for developers, or is this just something we're hearing one region where they're unhappy with it where there's a lot of development? Do you hear it or is it a problem for you all when you all go to new developments to have the requirement for two wells?

PATRICK KERR: Dr. Guidry I'll tell you that it's not just two wells, but two sources of supply. And yes, we get pushback from developers when we force them to connect a new subdivision to two different waterlines for example. One connection's enough, I don't think it is. I think what we've been doing with looping and things like that are important and a second supply is critical. We would support, and maybe there's a workaround that they could coordinate, and we don't do it, I don't know if anybody in the state does, but some states have bulk transports of water that you can have on retainer like a generator. But I think we have a very real responsibility to make sure that folks have water both for drinking and for sanitary purposes maybe within a day or 36 hours or something. If

there's an extreme case where they can't afford or can't do a second source maybe they have a provision for emergency transfer of water. Not the National Guard, but some other way to do that. I really am an advocate for having two sources. We have some single source systems that I'm responsible for. It's really difficult to fix it after the fact. The time to fix it I think is in plan review for new systems. I'm sorry you buy cheap dirt away from city services and there's some expenses for providing your own services that developers need to bear.

JIMMY GUIDRY: I definitely want to be able to go before the committee and say that our committee, the experts, feel this protects public health. Cause there's argument from other folks you don't need a second well, you just need a second source. And so it's this well that's getting expensive to drill wells. That's the argument.

PATRICK KERR: Well, second source would be adequate. If you can connect to a neighbor.

JIMMY GUIDRY: Yeah, but where we're getting the heartburn is development where there's not a nearby source.

AMANDA LAUGHLIN: That's typically what happens in these new developments that might be one subdivision outside of city limits they don't have anyone to connect to so they have to drill two wells. But those are the ones that he is mainly talking about.

PATRICK KERR: Or maybe have a storage requirement or a contract for bulk deliveries. No such animal exist in the state right now, but you could make a market for it.

JIMMY GUIDRY: It's not that I agree with their argument, it's that they have the power to change it in law. And I put this before you so that if it comes up at the capitol I'm going to be telling you this is what's coming up, they're trying to remove this requirement and it's part of our code, it's going to be part of our code.

BEN BRIDGES: How does it not come back under like a homeowners group once they put in a subdivision and the contractor's gone how does enough housing, if you get enough houses to create a PWAS how does it not have an owner tied to that when it's created.

AMANDA LAUGHLIN: It does. It usually does. We check for that in the plans review. They have to have an owner, like a utility type with a certified operator, all of that. You can't get a permit from DHH without having all that in place. What happens is later they walk away. We get that all the time.

BEN BRIDGES: Doesn't that fall back on the homeowners group? In my experience it has fallen back on us. As the homeowners group it's our baby if we want to have water we have to do ABC. I don't see where the gap comes in.

JIMMY GUIDRY: Some of these small subdivisions 40 homes,

30 homes and nobody wants to take it. And my threat to them is I'm cutting off that well, I'm stopping your well. So now 40 homes without water. It's real hard for me to go in and stop people getting water, but they're putting themselves at risk. It's a known risk. They don't want to put up the money to treat their water. They don't have enough members and they don't have any legal responsibility other than I can say it's unhealthy to have that one well, it's not being monitored, it's not being treated. It can no longer be your source of water. You each need individual wells. It's not something we run into a lot, but it's getting more and more because a lot of these older systems there's nobody to go to.

RICK NOWLIN: Dr. Guidry, I agree with the second source. If a developer puts a subdivision in and he disappears. And we have subdivisions where there are no homeowners associations. They just sold individual lots, they never organized a homeowner. Or maybe they organized it, but it's been dormant for years. Who picks up the tab when there's a problem. Probably it's going to be my parish. So the developers actually transfer the cost from themselves to the parish, which I don't really appreciate. If the people are going to buy a nice home in a rural subdivision out away from town there are costs associated with it. Kind of like we have developers come in and

develop a real nice subdivision and put a substandard road in and then they want the parish to come in and upgrade the road. That's the reason your lot was only 20,000 dollars. It would have been 45 if you would have had a descent road in there. One aspect while we're thinking about the second source is that we don't allow contractors, developers to transfer their legitimate cost on to the local governing entity.

RANDY HOLLIS: Dr. Guidry, let me ask the question. If I own a car and I have the title to that car and I decide to abandon it somewhere and they find that I think DMV's just done that with a lot of people with insurance. My question is how can someone, a developer, abandon a well because no one's taken it over, no one's taken the title to it so isn't it still his legally? How can he get out of doing anything?

JIMMY GUIDRY: I have to look at the legal question because it's a legal maneuver. They do form a homeowners when they have the subdivision development and then once the developer's out of it the homeowners are responsible and then they disband and none of them want to take the responsibility. What's interesting is that these water systems have to have electricity, they have to have a pump so somebody's paying the bill. But none of these homes are metered. There's not even a way to figure out who's

using the most water, who needs to pay the most of the bill. They're just all connected to this one well and not keeping it treated, not keeping the chlorine. It's getting tough to make people do what they need to do to protect their health.

RANDY HOLLIS: This is treacherous ground, but I'm going to mention it anyway. If your main well goes down you can't have a tank large enough if the screen fails because it may take six months to get a well back by the time you drill it and do everything. But on a secondary well, if it is a backup well, could we look at a reduced capacity well for the backup. Because the main well is sized for peak day, peak event for 20 years down the road. Could we look at a secondary supply as being a much smaller than to handle average day conditions which is intended to get them by until they can get the primary well back in service. Then you might not get as much pushback from those developers. And maybe you're already trying that.

JIMMY GUIDRY: I actually talked to them what are they doing. Some of them are getting together when their developments aren't too far apart and they're buying that second well together and then it becomes a source to their developments. But I don't think anybody has come back and said can the second well be a smaller well or cheaper well. But I'm not sure the code defines that the second

well has to be able to do what the first well.

CHRIS RICHARD: I don't know if that would be a big difference on a small subdivision. You're not talking about a big difference between a peak flow for 20 homes an average day. I think it would pretty much the same size well. And on your first point what happens, and I've seen it in Lafayette and a lot of areas in North Louisiana too, where with water and wastewater these guys go in and run these systems and they collect their fees to hopefully put back in the system and maintain it and then they skip town. Sometimes they go to jail, but sometimes that doesn't happen so the community is left with these systems they have to deal with.

JIMMY GUIDRY: We looked at this a few years back public service commissioner I think they do require a bond now if somebody skips town there's a bond to back that up because exactly that. There's quite a few that just took the money and ran. But I think they have to put up a bond now that if they do that their bond will cover the expense. How well it's enforced I'm not sure. But anyway, some thoughts. That's kind of our agenda for the rest of the year. Probably looking at rule making early next year. Probably at the session there will probably be something on plumbing, probably something on backflow, and probably something on, maybe on second well requirements.

PATRICK KERR: I wonder if there is a way that you during plan review could contractually obligate the owner to maintain the permit, maintain the operator or transfer ownership to someone who is qualified. But make known in that permit that they are responsible for it until such transfer takes place or they turn the well off. We have certificates of occupancy for homes. If there's a problem with a home the parish can pull the CO and I'm sorry, you can't live there anymore. But there's no such certificate of occupancy and Entergy will go turn their power off as soon as we pull the CO. There's no such CO for a pump station. But if there could be some way that we could put some teeth into it that power may not be provided to a pump station, an operating utility unless a certified operator is in place. You guys can come up with some language. But maybe we could do that in rule making so that you're not the bad guy, their operator went away, I'm sorry we cannot allow water to be produced. You need to figure that out subdivision. And they'll go real quick to somebody as a certified operator or hire them to bring the system back. There's all kinds of folks who do that for a living. You may not be the boogie man there. So if the permit holder walks away from it, there's no transfer of the permit, we pull their electric meter.

JIMMY GUIDRY: What I'm seeing is that the people that do



this for a living they want to develop and then they want the homeowners to take over cause they don't want the system. But then the developer, the folks that have the subdivision going they disband because they don't attend the meetings, they don't want to put up any money, whatever the reason, and then nobody seems to have responsibility. And the only thing I have left is to go and say you know what you're responsible for this well as a group. And if y'all can't agree and you're not going to work it out we're turning off this well and you're going to have to have your own well to have water. Not a nice thing to do.

PATRICK KERR: Back to the DMV thing. You have to prove you have insurance. Maybe you make it incumbent upon a certified operator to report secession of his contract with a system. So if a system has a certified operator under contract it's the operator's responsibility to say I just got fired and then you know immediately and somebody has to be operating it. I think you can maybe figure out a way to short circuit that.

JIMMY GUIDRY: Really you get a permit to operate and then you lose your permit, what do we do with that. You no longer have a permit. Who had the permit. The developer is long gone, the home association has disbanded.

PATRICK KERR: That's not your problem Dr. Guidry.

RUSTY REEVES: What about a possible disclosure on the lots they are selling that this is a public water system with a single source of supply. The developer would have to put that disclosure when he sold the lot. So in the event this water system is disbanded you as a homeowner are going to be responsible.

CHRIS RICHARD: How do you keep that going, how do you enforce that? And what happens when the homeowner sells that house to somebody else? There's no continuation.

PATRICK KERR: If there's no responsible party there should not be water treatment. We have to figure out how to stop that and make it not your problem.

JIMMY GUIDRY: It's not a big problem, it's just a major obstacle. Where you have a lot of development eventually they're all going to tie in. It's where you have these isolating developments and there's not enough people to pay what it takes to run a water system.

RUSTY REEVES: And I think now it's the newer ones coming on. The existing ones think we've kind of worked that situation out. But it's the new ones coming on. And if there was a disclosure maybe that person wow, wait a minute. You mean I could be without water. I'm not interested in that lot no more. The thing is we get back to either you stay in town and you pay the fees and abide by the rules, or you move way out of town and don't have

rules, but you may not have water Sunday morning either.

RANDY HOLLIS: That goes into the convenience of the subdivision. That's what happened with our subdivision. I know in our homeowner's association what happened, in thinking back through it now, is that when 50 percent of the lots were sold by the developer he had formed the homeowners association all responsibilities for common grounds were then turned over to the homeowners association. So that was the trigger, 50 percent of the lots were sold. I don't doubt it's probably the same thing with a water well or a wastewater plant. When 50 percent of the lots are sold it would be an easy way that it triggers something. That would be in convenience and that would be almost very difficult for somebody to find when they're looking at a lot. I didn't get my convenience until after I bought it and everything.

PATRICK KERR: When that transfer occurs the department should be notified the ownership of the well has changed.

RANDY HOLLIS: I like your idea of the operator being responsible. Whenever a sanitary survey is done or anything--

PATRICK KERR: That's three years.

RANDY HOLLIS: Well, okay. Or a change in ownership that the operator has to disclose that to DHH.

JIMMY GUIDRY: You know what I'm hearing, and of course I

already have enough enemies over there, really you need an operator of the water system that's going to be continuing, not somebody that's developing something and is gone.

PATRICK KERR: Most developers are not operators Dr. Guidry. They hire one.

JIMMY GUIDRY: They hire one, but then they turn over that responsibility to a group that may or may not stay in existence. Like one of these subdivisions I'm talking about there's like three other roads that are on the well and the other three roads are individual water systems. Side by side. So you don't have enough people on the water system for upkeep. Literally they should either all be on individual or should all be on the well to make it affordable.

AMANDA LAUGHLIN: And over time originally it had an owner and an operator. That man ran it for several years, he passed away. His daughter says, I'm not running the water system. The neighbor in the neighborhood was like I need water to my house so he volunteers to run it. And then we get word of that and by that time there's no one that owns it. The property has been sold a couple of times. I don't even think the people that own the property the well is on know they are a public water system supply. So it just gets more and more in depth and it's hard to fix.

And then when you go to the homeowners and they've had water for 30 years. And they probably don't even know that they're on a public water supply because they don't get bills.

RICK NOWLIN: Amanda, how is the department notified when the ownership or operating control of the system is transferred from the developer to the homeowners association? Are you notified?

AMANDA LAUGHLIN: Sometimes, not all of the time.

RICK NOWLIN: It's not a requirement?

AMANDA LAUGHLIN: Right. A lot of the times we find out from sanitary surveys which are every three years and then we realize there's a new owner or it's changed hands.

RICK NOWLIN: Maybe the initial permit could include a provision that the transfer of ownership or any operating of control whether it's by deed, donation, or sale, or contract with an operator they have to inform the department.

AMANDA LAUGHLIN: The permits are issued to the owner at that time.

RICK NOWLIN: Possibly you could also have the homeowners association, existence of it attached to the deed so that anybody that got a deed would have an attachment to it that described the obligation of the homeowners association.

AMANDA LAUGHLIN: In this particular case they had a homeowners association registered at the Secretary of the State and then they just quit one day. They don't renew with the Secretary of the State.

JIMMY GUIDRY: I appreciate the input, but now we have before us new language. And so let's take a few minutes for you to kind of peruse it and see what gives you heartburn. If we met what you suggested or not. Maybe we can actually vote on this before you leave and close this chapter.

CHRIS RICHARD: Do we want to say something right now it says if day tanks are only going to be provided for fluoride. Do you want to say that somehow the requirements for day tanks would be applicable to any day tank?

ROBERT BROU: I was going to suggest in the second sentence taking out for fluoride bulk storage. Cause the first one mandates that it is for fluoride, has to be used, but you don't want to take the option of a day tank away from it. So the second sentence day tank shall meet all requirements and everything else stay the same.

RANDY HOLLIS: Where is that?

ROBERT BROU: Under B, the second sentence in B currently says day tanks for fluoride bulk storage. Take out for fluoride bulk storage in that sentence. Day tank shall

and everything else can remain. And the first sentence is just saying you will always use day tanks for fluoride.

JIMMY GUIDRY: Read the sentence for me if you will cause I'm having trouble. Day tanks shall be provided period.

ROBERT BROU: No. The first sentence would be day tanks shall be provided for fluoride bulk storage. The second sentence, day tanks shall meet all the requirements of section 5.1.10, except for that shipping containers do not require F overflow pipes and H drain methods or method.

AMANDA LAUGHLIN: Are you saying because you want to take out for fluoride bulk storage because you want it to refer to all day tanks?

ROBERT BROU: Correct.

AMANDA LAUGHLIN: I don't read it like that when you say it that way. I would think you were referring back to your first sentence about fluoride day tanks.

RANDY HOLLIS: I agree. It needs to say day tanks for all chemicals.

AMANDA LAUGHLIN: Correct. I think that day tanks shall be provided for fluoride bulk storage should be its own sentence and then day tanks, when used, day tanks shall something like that.

ROBERT BROU: I'm fine with that.

JEREMY: When used for fluoride or any other storage.

(council speaking simultaneously)

CHRIS RICHARD: Leave it B and put C.

JIMMY GUIDRY: What if you added a little A? If day tanks are used for overfeed protection such tanks are required in section read below. If day tanks are used for overfeed protection such tanks should meet the requirements of section B. 5.1.11b.

PATRICK KERR: Can I throw more out there on A. I think it might be better to take fluoride out of there completely and just say when liquid chemical feeds are supplied from bulk storage an approved process control or procedure shall be provided period. And then one of the approved process controls is day tanks, we all know that. We drop down and we talk about what day tanks require. So we don't have to mention fluoride in the first one. We just say an approved process control is required for all chemical feeds. Even for a 55 gallon tank.

AMANDA LAUGHLIN: Let's go back to the first one. Caryn is trying to edit while we're talking.

PATRICK KERR: If we were to say an approved process control or procedure shall be provided for liquid chemical feeds period. An approved process control shall be provided for liquid chemical feeds.

JIMMY GUIDRY: And then the next statement would be what we just heard. If day tanks are used for overflow protection the tank shall meet read below. Requirements of B.



PATRICK KERR: So then we go back to what Amanda said. We do have a sentence that says day tanks shall be provided for fluoride feed. Again, I don't think bulk storage needs to be there for fluoride feeds.

RANDY HOLLIS: Bulk storage.

PATRICK KERR: That's fine. And then the next section is day tanks and we lay out everything on day tanks.

AMANDA LAUGHLIN: We're still editing A.

PATRICK KERR: So take out the whole first part of it, the whole red and just start at an. An approved process control and/or procedure shall be provided for liquid chemical feeds period.

BEN BRIDGES: What if your 55 gallon drum is your bulk storage?

AMANDA LAUGHLIN: Do y'all want to use the 55 gallons?

BEN BRIDGES: If you have a 55 gallon drum you got to have a day tank. And it is with a 55 gallon drum if that's your bulk.

AMANDA LAUGHLIN: No, because the second sentence says the process control.

PATRICK KERR: I don't know why you want to leave that siphon control in there.

BEN BRIDGES: That's part of the process control to have siphon control.

PATRICK KERR: There's a lot of things you're going to have

for process control. Basically what I'm saying is if you have a chemical feed you need to demonstrate to the department that you're not going to overfeed. And 55 gallons of some things could be very detrimental. Fifty-five gallons of fluoride in a 40 home subdivision could be very detrimental. So I don't think we need to go there.

BEN BRIDGES: So what determines bulk storage? A 55 gallon drum could be a bulk storage for a small system, right.

PATRICK KERR: Well, only bulk storage is going to apply to fluoride.

BEN BRIDGES: What's the quantity to get to bulk storage? Why can't a 55 gallon drum be their bulk storage?

PATRICK KERR: It can be.

JIMMY GUIDRY: Any kind of storage of fluoride.

BEN BRIDGES: But there's not a gallon associated with it.

PATRICK KERR: Well, if you want to put the 55 gallons in that's fine. There's nothing magic about 55 gallons other than it's a standard size drum.

CHRIS RICHARD: Then you just say day tanks shall be provided for fluoride. Take off the bulk storage. The way it reads right now doesn't make sense to me.

PATRICK KERR: And then C is day tanks where used shall meet the following requirements. And that applies to any day tank.

ROBERT BROU: Day tanks shall be provided for fluoride period makes more sense to me cause 55 could be way more than a 30 hour supply. Maybe your 30 hour supply is a 5 gallon.

JIMMY GUIDRY: I'm going to read it again. An approved process control shall be provided for liquid chemical feeds. If day tanks are used for overflow protection the tank shall meet requirements of B.

CHRIS RICHARD: Make it C.

BEN BRIDGES: C as in cat.

JIMMY GUIDRY: What's B?

CHRIS RICHARD: B is just day tanks shall be provided for fluoride.

BEN BRIDGES: So fluoride's got to have day tanks.

JIMMY GUIDRY: On mine C is day tanks should hold no more than 30 hour supply.

AMANDA LAUGHLIN: That's going to move to another.

JIMMY GUIDRY: So what's the letter? And I don't know if we should refer to letter or just next section.

PATRICK KERR: So we're going to have three high level subsections. The first one that says process controls required for liquid chemicals feeds. The second one says day tanks are required for fluoride--

RANDY HOLLIS: Bulk storage.

PATRICK KERR: For fluoride bulk storage.

RANDY HOLLIS: You don't understand it, please leave bulk storage in there.

PATRICK KERR: Okay, we're going to have to define bulk storage somewhere. And then the third section is where day tanks are used you meet all of the follow requirements and you put them in there just that way.

RANDY HOLLIS: Day tanks if provided have to be provided.

CHRIS RICHARD: That says at the top.

JIMMY GUIDRY: You know it's more than day tanks are used because you have to clarify you're saying day tanks are used for fluoride, but you can use day tanks for other things besides fluoride.

PATRICK KERR: Exactly.

JIMMY GUIDRY: So before you start your requirements for day tanks you probably have to say day tanks used for fluoride, bulk storage, or for the process--

PATRICK KERR: I'm saying any day tank. All day tanks where used.

JIMMY GUIDRY: Yeah, but we never mention anywhere that day tanks can be used for anything but fluoride.

CHRIS RICHARD: You said it in the first sentence.

PATRICK KERR: They're required for fluoride, but you can use them for anything.

BEN BRIDGES: If you so desire to.

JIMMY GUIDRY: So if day tanks are used.

CHRIS RICHARD: You said that at the top in your first paragraph.

AMANDA LAUGHLIN: We can read back what we wrote. A now says an approved process control and/or procedure shall be provided for liquid chemical feeds period. The process control and/or procedure must be in addition to the requirements of section 5.1.5 siphon control. When day tanks are used for overfeed protection day tanks shall meet requirements of C which has changed.

JIMMY GUIDRY: It was too confusing to refer to another section so we said B was the way it is. And that talks about fluoride bulk storage and then when we get to the next section that's when we say day tanks are used it meets all the following.

CHRIS RICHARD: It's indented like it looks like it's a separate subsection, but it's not. They're all independent. You can't refer to C.

AMANDA LAUGHLIN: That's what A would say. And then B says day tanks shall be provided for fluoride bulk storage. And then C now says where day tanks are used day tanks shall meet all the requirements of 5.1.10 except that shipping containers do not require F overflow pipes and H drain method.

PATRICK KERR: Perfect.

RANDY HOLLIS: Should you under that C, just so that

someone doesn't misinterpret this, should we put day tanks if provided for fluoride or other chemicals so that it says for other chemicals.

AMANDA LAUGHLIN: You can say when day tanks are used for chemical feeds, something like that.

(council speaking simultaneously)

JIMMY GUIDRY: Day tanks for fluoride or if used for other chemicals.

PATRICK KERR: If you use a day tank you got to do all this stuff.

BEN BRIDGES: If day tanks are used follow this.

RANDY HOLLIS: If you just follow the paragraph under fluoride.

JIMMY GUIDRY: I guess when I read C where they're used day tanks shall meet all the requirements we refer to another section except and we give an exception, but then we go with what follows that. So it's not like what follows that, looks like C stands alone. It refers back to section.

CHRIS RICHARD: It's because everything's indented below C and it shouldn't be. When you first look at it you think it's a subsection and it's not.

ROBERT BROU: Well, they are under C now.

CHRIS RICHARD: No. They all stand alone.

JIMMY GUIDRY: And then I don't know how you're going to

letter under C, but those aren't letters anymore.

CARYN BENJAMIN: We'll fix the format. I have one question. This one said except for fluorosilicic acid here, but is this one applicable? Do you think should I not delete where motor driven. I couldn't tell.

SIDNEY BECNEL: I think it's all applicable now that you are generally referring to day tanks. I think we should eliminate the strike out.

PATRICK KERR: So add it back.

CARYN BENJAMIN: The whole thing or just that second sentence?

SIDNEY BECNEL: The whole thing. What about this, a tip rack you wouldn't be using a tip rack for fluorosilicic acid.

JIMMY GUIDRY: So we can take out that statement?

SIDNEY BECNEL: At least except for fluorosilicic acid maybe you can use a tip rack. I think you want to keep yourself away from that.

BEN BRIDGES: Why do you have to have bulk in there Randy?

RANDY HOLLIS: Because it's a saturator. It's a totally different animal than bulk. So please don't change it from bulk please. You have no idea what we've gone through. I'm begging you.

JIMMY GUIDRY: Anybody have a thought on tip rack? Do we need that piece in there?

PATRICK KERR: Why don't we take out, can't we just leave the last sentence and take out the rest of it? Where motor driven transfer pumps are provided overflow shall be provided.

RANDY HOLLIS: You could actually change it by putting a comma after container and make that part of the sentence and then another comma saying and for motor driven pumps.

PATRICK KERR: Why do you care if people use tip racks or hand pumps? All we care about is preventing an overflow.

BEN BRIDGES: And the same with a motor driven pump if you have the procedures in place.

PATRICK KERR: There just needs to be an automatic means to prevent overflow. Let's just leave that last sentence and take out the rest. Now I'm going to ask another question. Why does the Health Department care if your day tank overflows? I don't think the Health Department needs to regulate that. They should be able to clean it up and things like that. There should be no automatic transfer to a day tank. It should be manual.

CARYN BENJAMIN: I was going to say in the case of fluoride there is one bulk storage near a school so if they did have an overflow that was a good quantity that could affect the neighboring community. That's why we would care, at least for fluoride.

PATRICK KERR: Well, might we just need to say on E filling



of day tanks must be a manual process or-- I guess I could program my SCADA system to refill my day tanks and there goes my 30 hour limit. It just keeps on refilling it when it gets low.

RANDY HOLLIS: Like the transfer of fluoride you do use motor driven pumps. You don't want to prevent that. I'm scared about taking out that part about hand pumps because 10 years from now somebody may get 10 state standards and this standard and say well gosh, that committee took hand pumps out. They took it out on purpose so you can't do that.

CHRIS RICHARD: But if it's not there where does it say you can't do it?

RANDY HOLLIS: I'm scared of someone's interpretation down the road.

CHRIS RICHARD: An omission doesn't mean you can't do it. Just cause it's not listed in there that if you provide it doesn't mean I can't do it. To me it's actually the opposite. You're not restricting it, I'm allowed to do it.

RANDY HOLLIS: I understand, I just hate someone's interpretation down the road pulling this up and they pull up ours and they say the committee must be smarter than we are and they took it out on purpose.

PATRICK KERR: Does that sentence hurt anybody, does

anybody care?

JIMMY GUIDRY: Y'all are getting very close to being like lawyers.

PATRICK KERR: Does anybody care? I don't care.

ROBERT BROU: I think the main reason we were solid on a lot of things in here is that it is not a regulation. This should be a regulatory document. It doesn't necessarily specifically mention every allowance. It says what can't be done or what has to be done. Taking out something that says may or something that really has nothing to do with regulatory agency really should be left out of this document.

PATRICK KERR: I like the last sentence. I think it's important.

ROBERT BROU: I think you're better off losing the first two.

RANDY HOLLIS: Can we go with it like it is?

PATRICK KERR: Sure.

JIMMY GUIDRY: The only thing Sidney how strong do you feel about the tip rack being there?

SIDNEY BECNEL: I guess it could be used for certain chemicals. I don't see it being used for fluorosilicic acid. It's good I think.

JIMMY GUIDRY: Yeah, but the way I read that sentence is that except for fluorosilicic acid all these things that

follow can be used, but you can't do that for fluorosilicic acid.

PATRICK KERR: No, I don't think so.

ROBERT BROU: That's not how it was intended.

SIDNEY BECNEL: It's talking about hand pumps.

JIMMY GUIDRY: Yeah, I think there's too much in that section that's not related. It's too confusing to me. You're talking about hand pumps, you're talking about tip rack, transfer pump.

SIDNEY BECNEL: They don't want you to use a hand pump to transfer fluorosilicic acid.

BEN BRIDGES: That's all I read, don't use a hand pump.

SIDNEY BECNEL: But I think you have to use a motor driven pump for fluorosilicic acid anyway, right. So you have to leave the last sentence for sure. Can I ask another question. You eliminated the fluoride bulk storage and I'm confused about that.

PATRICK KERR: We're not eliminating it.

SIDNEY BECNEL: Day tanks shall be provided for fluoride bulk storage. To me a pump storage is the fluoride the man delivers in the truck, right, and fills your tank up. All right, so saying that's going to be your day tank. It's a humungous tank.

PATRICK KERR: No, no, no. Where he delivers it to is your bulk storage.

RANDY HOLLIS: Where you have your bulk storage you're bringing in an 18-wheeler you're required then to have a much smaller day tank then you have the bulk storage.

SIDNEY BECNEL: To me the wording's not exactly right.

PATRICK KERR: Chris is right. It should say fluoride bulk storage shall be.

BEN BRIDGES: B, right there.

RANDY HOLLIS: Fluoride bulk storage shall incorporate day tanks.

CHRIS RICHARD: It's saying the bulk storage is the day tank.

RANDY HOLLIS: Fluoride bulk storage shall utilize day tanks.

PATRICK KERR: There you go.

SIDNEY BECNEL: One other question. You know at the top, the very first sentence says the liquid chemical feeds but don't you use a day tank, maybe I'm mistaken, if you have dry chemicals and you have to mix it with water what would you call that?

BEN BRIDGES: That would be a batch tank. Your day tank is a smaller vessel that holds the same strength of product as what you have in an 8,000 gallon tank. The premise is that if you lose a line going to your chemical feed room you don't lose 8,000 gallons you lose 200 gallons. You're reducing the severity of the loss and the spill

possibility. However, nine out of ten times you overflow the day tank because your operator goes turns on the valves, goes smoke a cigarette, comes back and it's overflowing running down the hill and you've wasted more than you would have if you didn't even have a day tank.

SIDNEY BECNEL: What about that sentence that talks about, that last sentence it was talking about an automated means to prevent an overflow shall be provided when you have a motor driven transfer pump. What is that about? Isn't that kind of trying to eliminate that?

ROBERT BROU: An automated method to prevent overfeed could be something as simple as a alarm.

PATRICK KERR: In E down there if we put except for fluorosilicic acid colon and then three bullets under it hand pumps may be provided, a tip rack may be used, and an automated overflow prevention shall be provided. You have to do all three. Except for fluoride hand pumps may be provided, tip rack may be used, and you have to have an overflow prevention. Right, is that what we're trying to say?

SIDNEY BECNEL: Doesn't the last sentence kind of say that, or am I misreading it?

ROBERT BROU: Are you saying now when I have fluoride I do not have to have an automated means to prevent overflow?

BEN BRIDGES: Right, you're negating the fluoride side.

PATRICK KERR: It's required for all day tanks.

CHRIS RICHARD: It needs to go on its own.

PATRICK KERR: Filling of day tanks shall not be automated are you talking about?

ROBERT BROU: No, you just said except for fluoride you have to have automated means of overflow. You negated that need for the automated means of overflow.

JIMMY GUIDRY: Looks to me the issue is this, we start a sentence except for fluoride you don't know if the rest of that paragraph refers back. What we need to say is hand pumps may be provided the transfer from a shipping container except for fluorosilicic acid. The rest of that stuff doesn't necessarily apply, right. When you put that at the beginning it looks like the rest of that applies.

PATRICK KERR: So Dr. Guidry I think if you did that, if you look the last sentence and moved it down to H and put it down at the bottom. Well, put it in H. Just cut that sentence and paste it at the end of H.

PATRICK KERR: It applies to H.

CHRIS RICHARD: Actually, not necessarily. One is saying if you're using an automatic pump to do a transfer the other one is just an automated transfer. Even if it's a manual operation, but it's a motor driven pump the way it reads right now if it's a motor driven pump you have to have a means to provide overflow. It has nothing to do

with whether it's automated or not. It has to do with it's motor driven.

PATRICK KERR: So you want to make it an I Chris?

CHRIS RICHARD: Yeah.

PATRICK KERR: That's fine.

CHRIS RICHARD: You can use a tip rack for fluoride, that's okay.

JIMMY GUIDRY: We started on this we had about a one paragraph on day tanks.

RICK NOWLIN: Now it's a miniseries.

PATRICK KERR: Well, no. The whole thing was still in there Dr. Guidry.

JIMMY GUIDRY: Are we ready to look at it one final time?

CHRIS RICHARD: Finish B. Day tanks shall be provided where bulk storage--

RANDY HOLLIS: Day tanks shall be provided where bulk storage of fluoride--

PATRICK KERR: Where fluoride is stored in bulk.

CHRIS RICHARD: Just add is used. Put is used after fluoride.

AMANDA LAUGHLIN: What about under C we talked about adding where day tanks are used for chemical feeds or something like that under C so that it applies to all other chemicals.

PATRICK KERR: All of this applies to all other chemicals

except for D.

RANDY HOLLIS: Just because it follows B it somewhat implies C.

ROBERT BROU: D needs to not be indented. The only one under C is day tanks shall be 30 hours.

LAURIE JEWELL: It would just be a 1.

ROBERT BROU: And then D is by itself.

PATRICK KERR: No, D is part of C.

CHRIS RICHARD: I agree.

PATRICK KERR: There's only three main paragraphs and all the things below there are part of C.

CHRIS RICHARD: I agree. Remember all this was separate. The heading was day tanks. Everything was under the heading of day tanks. We eliminated that.

PATRICK KERR: I move we accept this language.

CHRIS RICHARD: Second.

JIMMY GUIDRY: Everybody in favor, aye.

(council responds unanimously "aye")

JIMMY GUIDRY: Anybody oppose?

JEREMY: I want to put my two cents in. The first statement an approved process, what about approved overfeed process. And then also the section where it says day tanks, I'm sorry C, where day tanks are used day tanks shall meet all of, put of between all and the. An approved overfeed process control and/or procedure. I



know the previous edits is overfeed protection. Without overfeed it just makes it sound like you need to have an approved process to inject chemicals or feed chemicals.

PATRICK KERR: It probably ought to say a state health officer approved.

SIDNEY BECNEL: The where under B should be a when.

PATRICK KERR: I do think it needs to say a state health officer approved overfeed process.

AMANDA LAUGHLIN: I think they should all be the same.

JIMMY GUIDRY: Are we there? So once again, let me have a first and a second now that we've amended the language.

PATRICK KERR: I move Dr. Guidry.

RICK NOWLIN: Second.

JIMMY GUIDRY: Oppose? Anybody move that we adjourn?

PATRICK KERR: Second.

JIMMY GUIDRY: This meeting is adjourned. We'll send you out information on our next meeting and hopefully we got the things we wanted to achieve. Thank y'all.