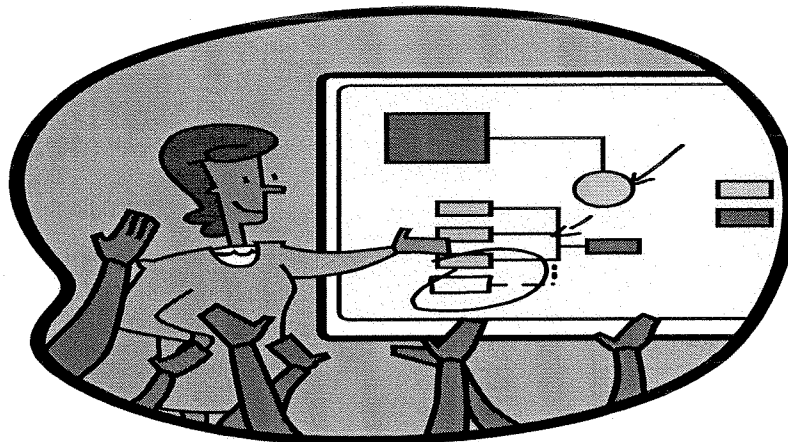


ADMINISTRATIVE ORDER PROCESS



SDWP/ENFORCEMENT STAFF

- McDonald Volentine, Jr.
- Stacy Williams
- LOUISIANA COMPLIANCE INITIATIVE (LCI)
- [CONTRACT ENDED FEBRUARY 2011 – IT PROVIDED A CIRCUIT RIDER AND TWO CLERICAL POSITIONS (1 FOR ENFORCEMENT UNIT AND 1 FOR OPERATOR CERTIFICATION UNIT)]
- AN RFP (REQUEST FOR PROPOSAL) IS READY AND HAS GONE OUT FOR BID

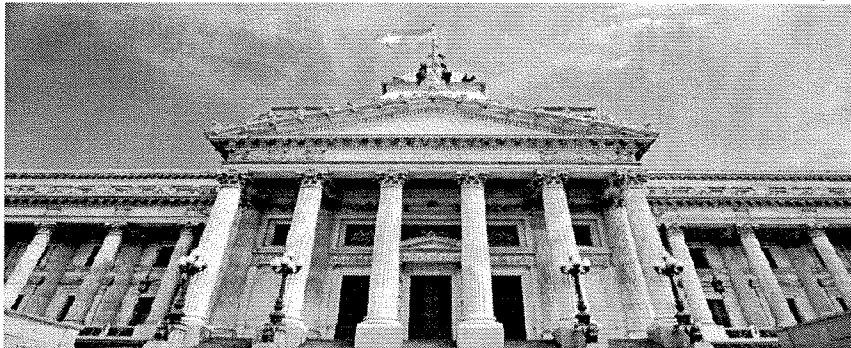
Introduction

Whenever a person opens a drinking water tap in Louisiana – that moment represents the most intimate connection between public trust and the public water system owners/operators' duty as well as the office of public health's to protect the public health

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- Congress unanimously enacted the safe drinking water act (SDWA) amendments of 1986 to safeguard this trust and ensure uniformly safe drinking water quality.



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Primacy

- An essential mechanism for achieving the SDWP's goals are State Primacy Agreements, which allow EPA to delegate SDWA enforcement authority to the states.
- The OPH received primacy for the SDWA in May 1977.

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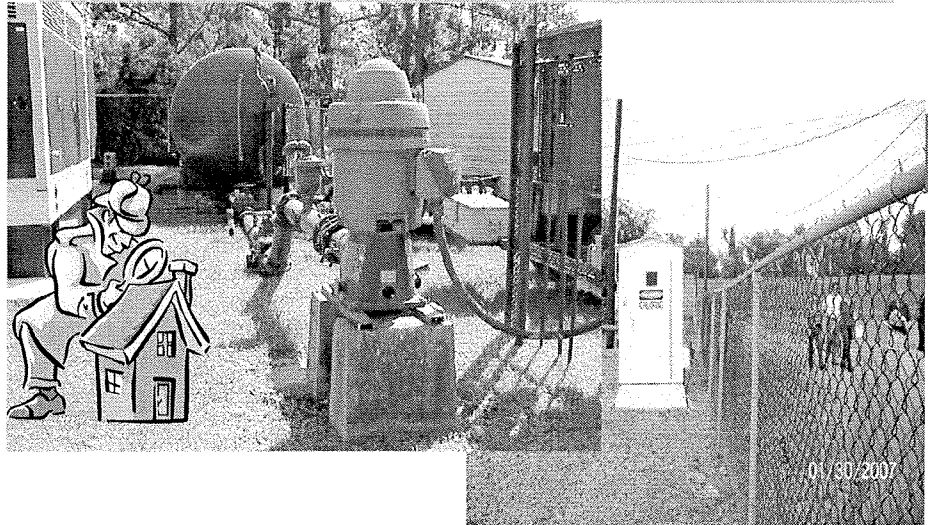
Through This Primacy Agreement, OPH Carries Out the Congressional Mandate by Implementing and Enforcing Federal and State Laws Related to Drinking Water. In Addition, Primacy Allows Us to Perform Numerous Services That Promote Compliance and Enhance the SDWA Mission.



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Among the Vital Services That the OPH Staff Provide Are: Sanitary Surveys



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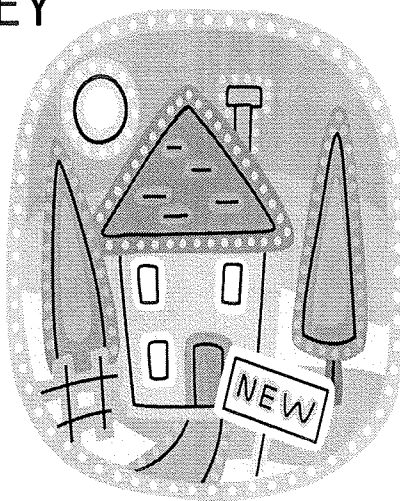
7

SANITARY SURVEYS

- USE SWIFT
- (SAFE WATER INFORMATION FIELD TOOL)
- ELECTRONIC TABLET
- PROMOTE UNIFORM SANITARY SURVEYS
- UPDATE DATABASE QUICKER
- CREATES UNIFORM SANITARY SURVEY LETTERS
- FASTER ISSUANCE TO PUBLIC WATER SYSTEMS

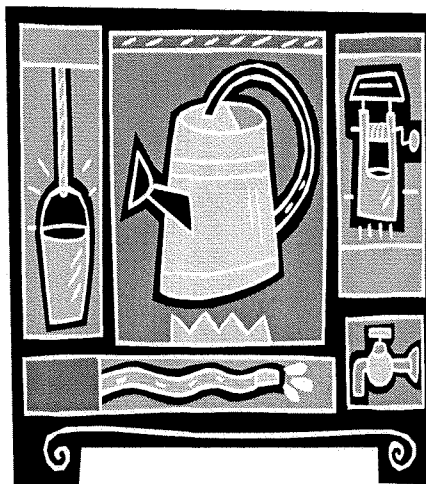
SANITARY SURVEY

- CONDUCT SANITARY SURVEY ON SW AND GW EVERY 3 YEARS WITH A SITE VISIT TO SW EVERY YEAR
- NON-COMMUNITY EVERY 5 YEARS



SANITARY SURVEYS

- GROUND WATER RULE BECAME EFFECTIVE DECEMBER 2009
- REQUIRES PRIMACY AGENCY TO ESTABLISH AT LEAST ONE DEFICIENCY FOR EACH OF THE 8 ELEMENTS OF A SANITARY SURVEY



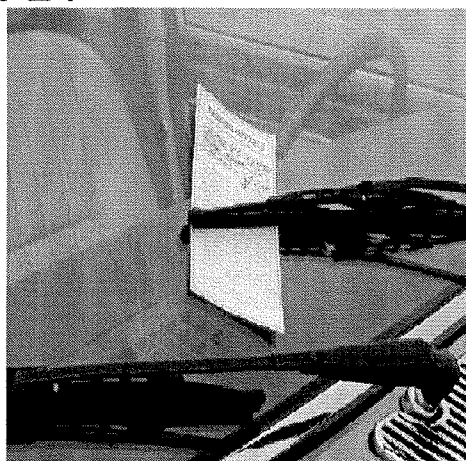
SANITARY SURVEY

8 ELEMENTS OF THE SAN SURVEY

- SOURCE
- TREATMENT
- DISTRIBUTION SYSTEM
- FINISHED H₂O STORAGE
- PUMPS
- M & R & DATA VERIFICATION
- MANAGEMENT & OPERATIONS
- OPERATOR COMPLIANCE

SANITARY SURVEY

- STATE MAINTAINS A UNIFORM SET OF DEFICIENCIES AND OBSERVATIONS
- DEFICIENCIES ARE EITHER:
 - SIGNIFICANT OR
 - MINOR



SANITARY SURVEY

- DEFICIENCIES ARE REQUIRED TO BE CORRECTED WITHIN 60 DAYS OF RECEIPT OF THE SANITARY SURVEY REPORT
- ADDITIONAL TIME MAY BE REQUESTED BY THE PWS



SANITARY SURVEY

- SANITARY SURVEY REPORTS TO BE MAILED OUT WITHIN 30 DAYS OF INSPECTION
- A WRITTEN RESPONSE FROM THE PWS MUST BE RECEIVED BY THE REGIONAL OFFICE WITHIN 60 DAYS OF RECEIPT
- THE RESPONSE DESCRIBES WHAT ACTIONS HAVE BEEN TAKEN TO CORRECT ALL OF NOTED DEFICIENCIES OR MAY REQUEST ADDITIONAL TIME

SANITARY SURVEY

- IF NO RESPONSE FROM PWS WITHIN 60 DAYS A TREATMENT TECHNIQUE VIOLATION WILL BE ISSUED
- IF NO RESPONSE AFTER ISSUANCE OF TT VIOLATION THEN AFTER 60 MORE DAYS (120 DAYS TOTAL)
- AN ADMINISTRATIVE ORDER SHALL BE REQUESTED

SANITARY SURVEYS

- STATE DOES NOT HAVE YET HAVE PRIMACY OF THE GROUND WATER RULE
- SO EPA IS ISSUING THE TREATMENT TECHNIQUE VIOLATIONS
- BECAUSE EPA IS ISSUING THE VIOLATIONS CERTAIN LANGUAGE IS REQUIRED ON THE LETTERS

SANITARY SURVEYS

- WE BEGAN USING SWIFT ABOUT AUGUST 2010
- SANITARY SURVEY LETTERS THAT WENT OUT AT THIS TIME UP UNTIL APPROX. AUGUST 2011 DID NOT INCLUDE LANGUAGE EPA WANTED OR NEEDED TO BE ABLE TO ENFORCE THE VIOLATIONS
- SO APPROX. 300 SANITARY SURVEY LETTERS ARE BEING REVISED AND RE-SENT TO THOSE WS's

SANITARY SURVEYS

- THE REVISED LETTERS ARE BEING SENT OUT BY CENTRAL OFFICE
- SOME HAVE ALREADY BEEN MAILED OUT
- IF A WS HAS ALREADY CORRECTED THE DEFICIENCIES AND SENT IN THEIR RESPONSE – WILL NOT RECEIVE A REVISED LETTER
- IF A WS RESPONDED TO THE SAN SURVEY AND IS ON A PLAN OF ACTION – WILL NOT RECEIVE A REVISED LETTER

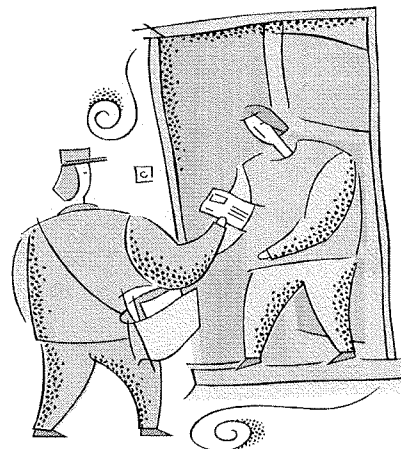
SANITARY SURVEY

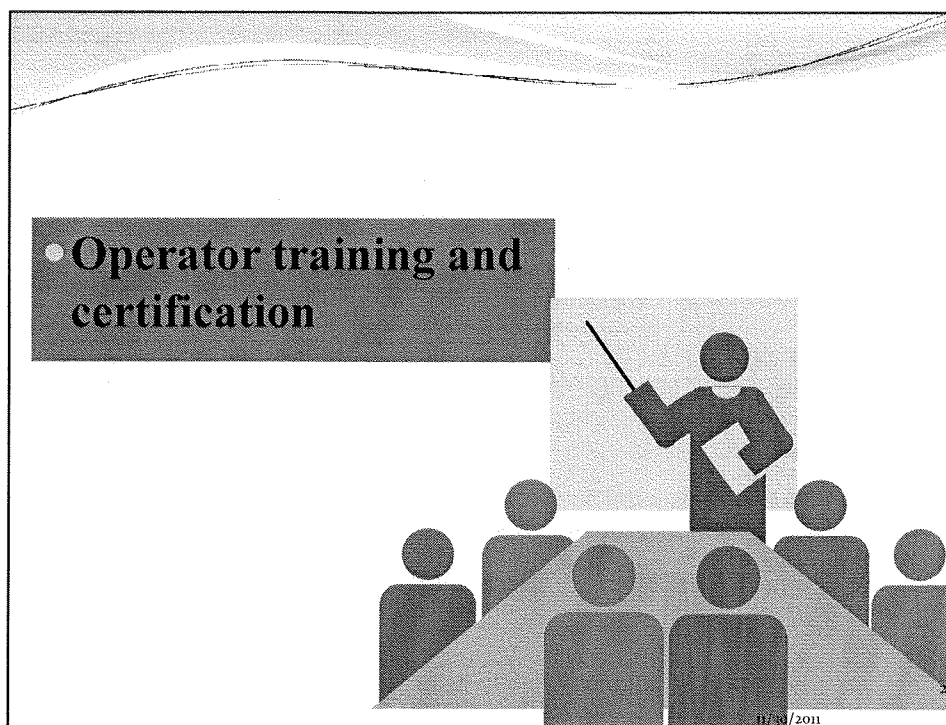
- IF WS CORRECTED DEFICIENCIES AND DID NOT RESPOND BACK - WILL RECEIVE A REVISED LETTER



SANITARY SURVEY


- IF WS DIDN'T RESPOND - WILL RECEIVE A REVISED LETTER
- SO BASICALLY GETTING A SECOND CHANCE



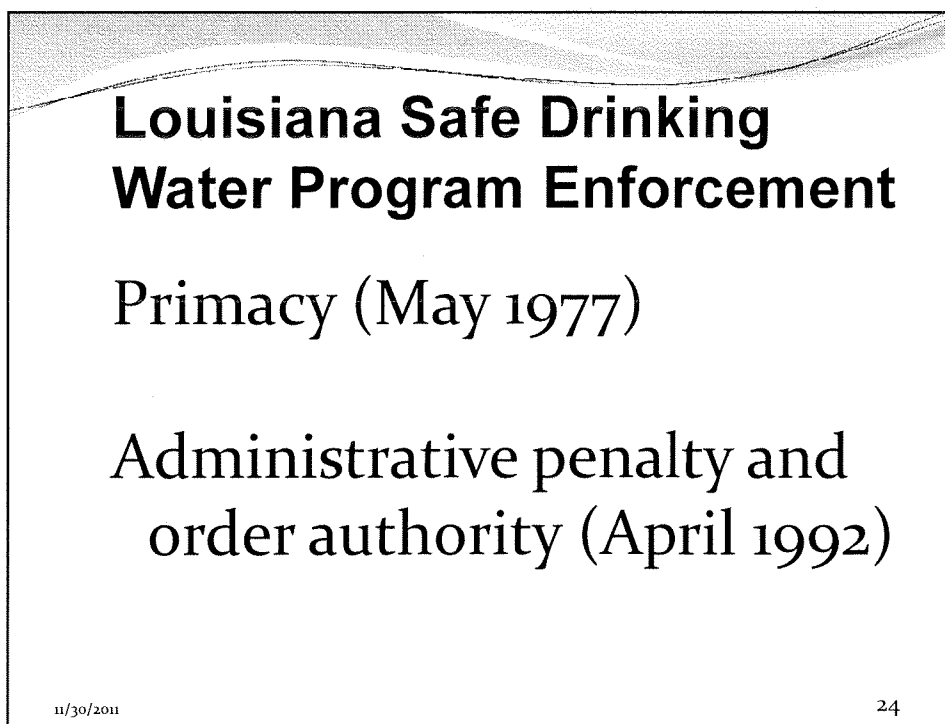
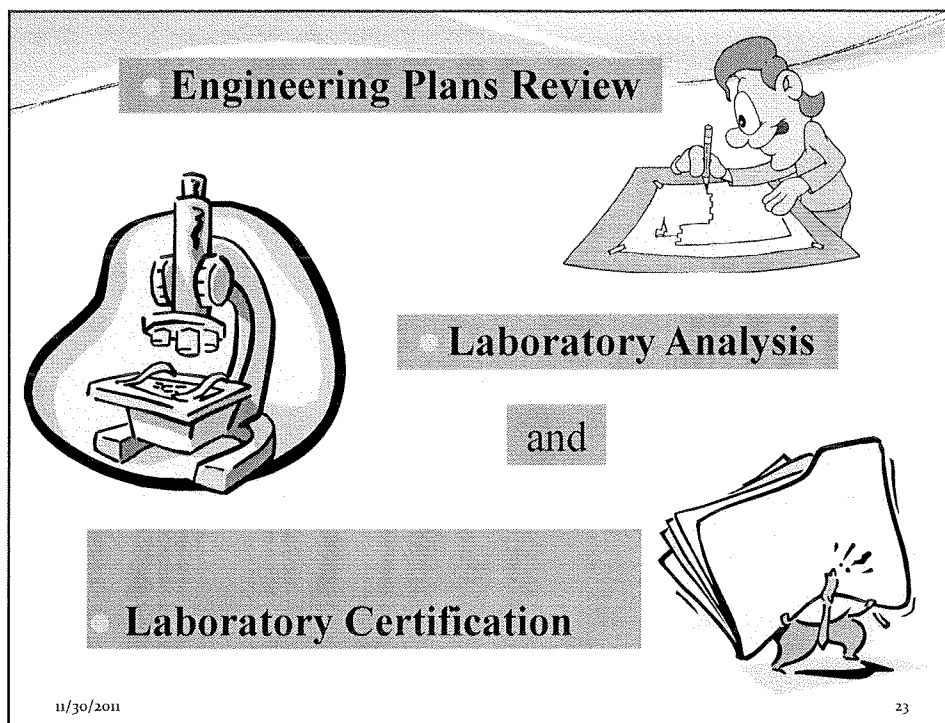


OPERATOR CERTIFICATION

- 11,245 OPERATORS TRAINED DURING FY 2010
- (BOTH WATER AND SEWER)
- WE HAVE TWO GROUPS OUT OF CENTRAL OFFICE WHO PROVIDE TRAINING THROUGHOUT YEAR & THROUGHOUT STATE

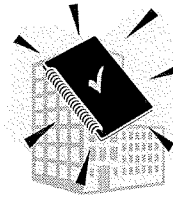


The slide is titled "OPERATOR CERTIFICATION" in a large, bold, sans-serif font. Below the title is a bulleted list with three items. To the right of the list is a black and white line drawing of three people sitting at a long desk, each working on a computer. The person in the center is looking at the camera, while the two on the sides are looking at their monitors. The slide has a light, wavy pattern at the top.



WHAT IS AN ADMINISTRATIVE ORDER?

- ❖ IT IS A DOCUMENT-
- ❖ ISSUED BY THE STATE HEALTH OFFICER AND THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HOSPITALS
- ❖ INSTRUCTING THE WATER SYSTEM TO COMPLY WITH THE VARIOUS RULES AND REGULATIONS.

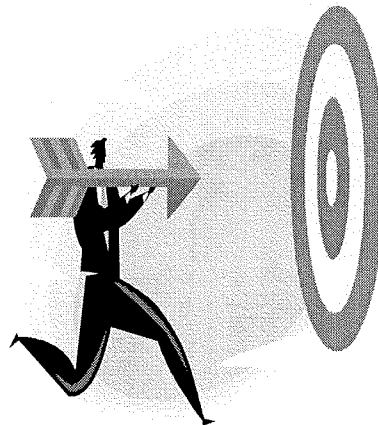


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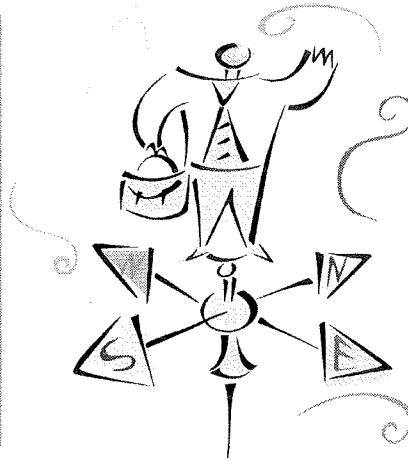
REASONS FOR RECEIVING AN AO

- MET THE ENFORCEMENT TARGETING CRITERIA
- SANITARY SURVEY FINDINGS (DIDN'T RESPOND TO SAN SURVEY)
- REQUEST, ETC.



ENFORCEMENT TARGETING CRITERIA

IT IS A POINT SYSTEM
LOOK AT SYSTEM'S
LAST FIVE YEARS
COMBINE ALL
VIOLATIONS
REFERRED TO AS
ENFORCEMENT
RESPONSE
POLICY/ENFORCEMEN
T TARGETING TOOL
(ERP/ETT)



VIOLATIONS
INCLUDE – BUT
NOT LIMITED TOO

TOTAL COLIFORM
RULE

DDBP RULE

SWTR

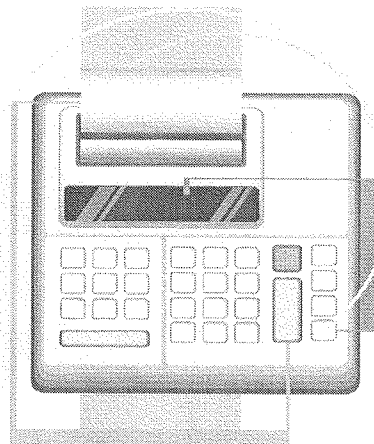


Targeting Criteria examples Cont'd

lead and copper violations
 Operator Certification
 Chlorine Residuals
 Ground Water Rule (began December 1, 2009)

TARGETING CRITERIA

- ENFORCEMENT
TARGETING TOOL
- **SUM OF ($S_1 + S_2 + S_3 + \dots$) + n**



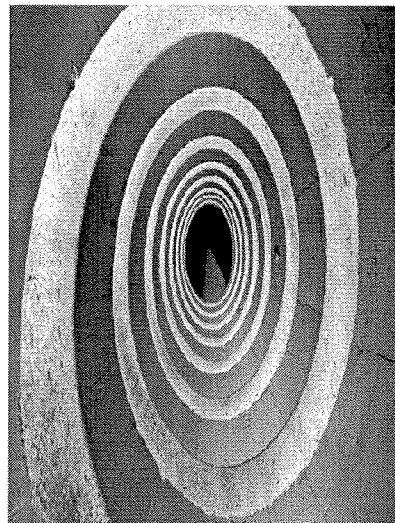
TARGETING CRITERIA

- SUM OF ($S_1 + S_2 + S_3 + \dots$) + n
- S = VIOLATION SEVERITY (BASED ON PUBLIC NOTICE TIERS)
- n = maximum number of years since the system's oldest unaddressed violation



TARGETING CRITERIA

- S values (points)
- 10 points
- Tier 1 (acute) violations
- Ex. Fecal coliforms
- Nitrate MCLs
- Turbidity TT



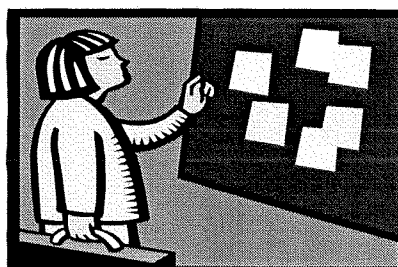
TARGETING CRITERIA

- S values (points)
- 5 points (other health based violations)
- Tier 2 Violations
- Ex. Total Coliform MCL, Repeat Monitoring



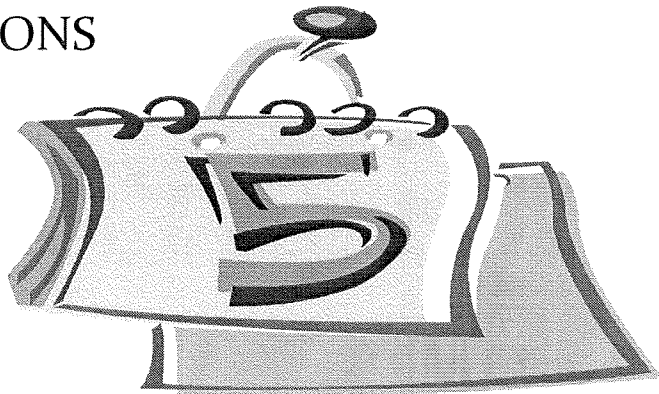
TARGETING CRITERIA

- S values (points)
- 1 point
- Tier 3 Violations
- Ex. Monitoring/Reporting Violations, Public Notice Violations, CCR



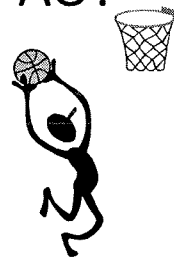
N = maximum number of years

- Go back for five years – LOOK FOR UNADDRESSED/UNCORRECTED VIOLATIONS



HOW MANY POINTS DOES IT TAKE TO BE TARGETED FOR AN AO?

- ELEVEN (11) POINTS
- ADD ALL RULES TOGETHER
- So an AO can have TCR Violations, DDBP Violations, CCR Violations, etc. all rolled into one



AO CRITERIA

- WHEN A WS HAS 11 POINTS OR MORE EPA CALLS THIS A PRIORITY SYSTEM
- WITHIN 6 MONTHS OF BECOMING A PRIORITY SYSTEM: THE SYSTEM MUST RETURN TO COMPLIANCE OR
- HAVE BEEN ISSUED AN ADMINISTRATIVE ORDER

AO CRITERIA

- HOW DOES A WS RETURN TO COMPLIANCE?
- THERE ARE PAGES AND PAGES OF DEFINITIONS OF RETURN TO COMPLIANCE (RTC)

AO CRITERIA

- EXAMPLE:
- RECEIVED A TIER 2 TCR VIOLATION IN JANUARY = 5 POINTS
- IF THIS VIOLATION IS RTC (RETURN TO COMPLIANCE) THIS 5 POINTS IS SUBTRACTED AND THE TOTAL POINTS = ZERO

REMEMBER FROM EARLIER – SDWIS (SAFE DRINKING WATER INFO SYS)

- EVERYTHING IS KEPT IN SDWIS
- VIOLATIONS ARE PUT INTO SDWIS – STATE
- THIS IS TRANSFERRED TO SDWIS – FED
- EVERY QUARTER EPA SENDS A LIST OF THOSE SYSTEMS THAT HAVE POINTS.

PWS List

The Prototype Enforcement Response Policy Targeting Tool
 - PWS Ranking using Sum of (S1 + S2 + S3 + ... + n) Factors

All ETT Scores Sum (S) + r above the following threshold are highlighted yellow.

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Deadline: July 2016 www.elsevier.com/locate/ymbs

(For exact dates, this includes data up to March 31, 2013.)

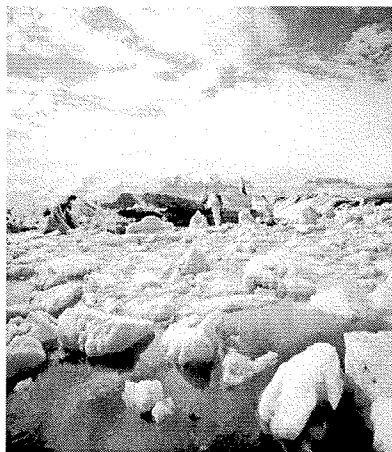
[illegible]

PWSs may also be targeted for AO issuance even though they may not fall into one of the classes above; For example, a PWS with numerous physical violations noted in a sanitary survey performed by OPH's district/regional staff.



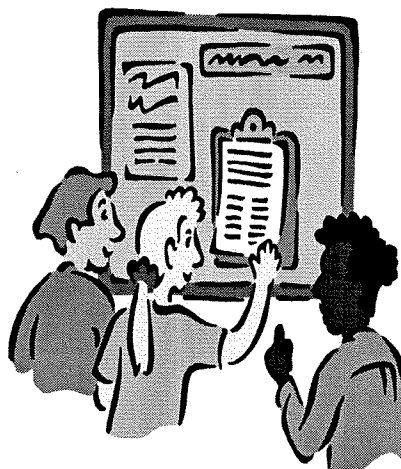
TARGETED FOR AO ISSUANCE

- SANITARY SURVEYS
- PWS HAS 60 DAYS TO RESPOND
- NO RESPONSE – TREATMENT TECHNIQUE VIO.
- ANOTHER 60 DAYS – NO RESPONSE
- AO ISSUANCE



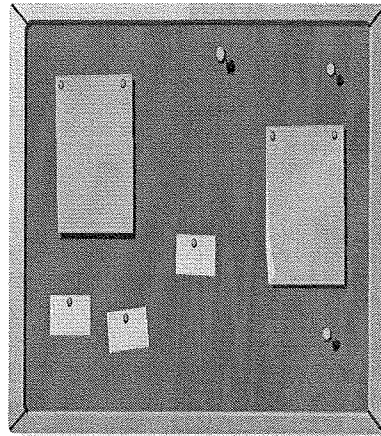
PUBLIC NOTICE

- ISSUING PUBLIC NOTICE VIOLATIONS
- WILL BE ISSUED OUT OF CENTRAL OFFICE



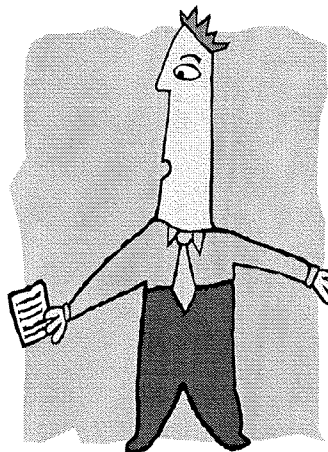
WHAT IS A PUBLIC NOTICE VIOLATION?

- THREE LEVELS OF NOTICES OF VIOLATIONS
- REQUIRES WATER SYSTEM TO INFORM THE PUBLIC
- DIFFERENT LEVELS REQUIRE DIFFERENT TIME PERIODS TO INFORM



PUBLIC NOTICE VIOLATION

- OCCURS WHEN PWS DOES NOT INFORM PUBLIC OF VIOLATION AND/OR PROVIDE CERTIFICATION TO OPH THAT PUBLIC NOTICE WAS DONE





- **Emergency AO's** may also be issued when the state health officer deems that use of the water provided to the public by the PWS will cause a serious and imminent danger to public health, i.e., Boil Water Orders.

Administrative Order Procedures

- Enforcement surveys
- Administrative orders
- Ordered remedial actions
- Compliance deadlines
- Follow-up inspections
- Penalties/civil actions

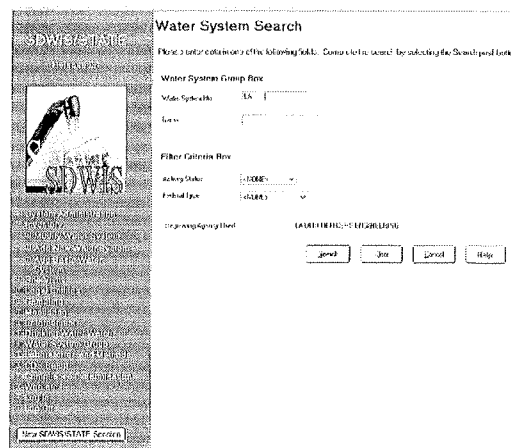
PART XII. WATER SUPPLIES LOUISIANA STATE SANITARY CODE (LAC 51:XII)

THIS IS WHAT WE REFERENCE
FOR WHEN LISTING VIOLATIONS
PART XII ALSO REFERENCES
OTHER DOCUMENTS SUCH AS:
TEN STATE STANDARDS, CODE
OF FEDERAL REGULATIONS, ETC.

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SAFE DRINKING WATER INFORMATION SYSTEM a/k/a SDWIS



Water System Search

Please enter criteria on the following fields. Click on the search button to select the Search and results.

Water System Group Name

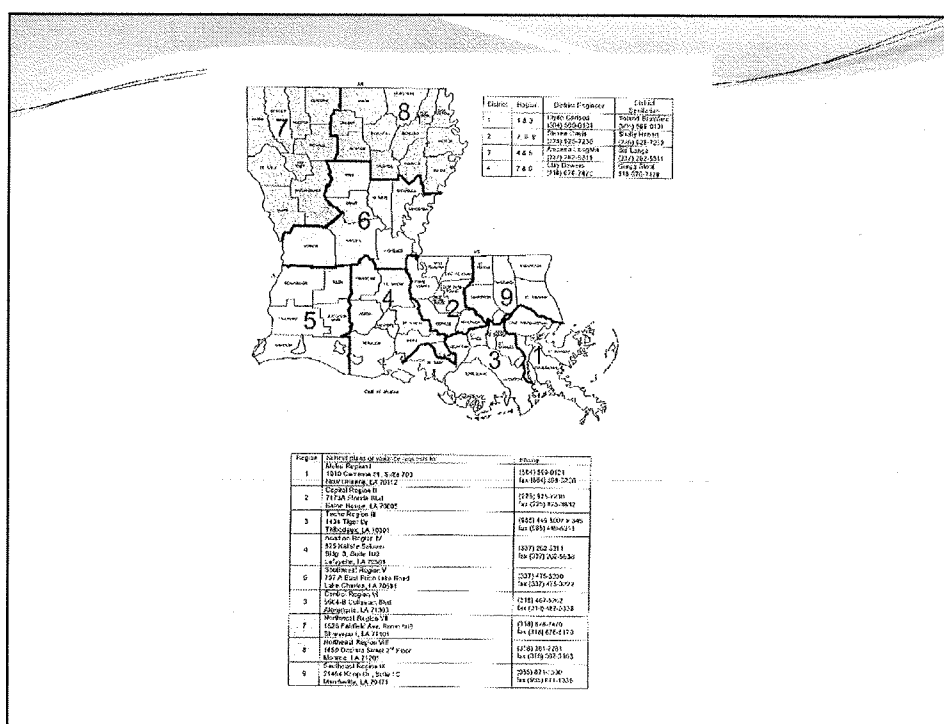
Water System Name:

Filter Criteria Name

Search Status:

Initial Date:

Search Results:



**TITLE 51, PART XII OF THE
LA ADMINISTRATIVE CODE (LAC)
IS AVAILABLE ON-LINE AT:**

<http://doa.louisiana.gov/osr/lac/lactitle.htm>

SDWP Enforcement:

Phone: 225-342-7504

Fax: 225-342-7303

Address:

OPH/CEHS/Enforcement Box 5

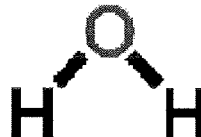
628 N. 4th Street

PO Box 4489

Baton Rouge, LA 70821-4489

remember

together we are one force. one cohesive unit.....



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