

Bobby Jindal
GOVERNOR



Bruce D. Greenstein
SECRETARY

State of Louisiana

Department of Health and Hospitals
Center for Environmental Health Services

September 30, 2011

The Honorable Bobby Jindal
Governor, State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Dear Governor Jindal:

I am pleased to submit to you the enclosed "Report on the Efficacy and Progress of the Capacity Development Strategy for Drinking Water Systems in the State of Louisiana," dated September 30, 2011. Submission of this report is a requirement of the Federal Safe Drinking Water Act as amended in 1996; further, we are required to make the report available to the public. Accordingly, we have made arrangements for the report, once approved, to be listed on the Louisiana Office of Public Health website on the Drinking Water Revolving Loan Fund home page.

Sincerely,

Bruce D. Greenstein
Secretary, Louisiana Department of Health and Hospitals

REPORT ON THE EFFICACY AND PROGRESS OF THE CAPACITY DEVELOPMENT STRATEGY FOR DRINKING WATER SYSTEMS IN THE STATE OF LOUISIANA

I. INTRODUCTION

The 1996 amendments to the Safe Drinking Water Act (SDWA) added a new dimension to federal/state drinking water legislation. It authorized annual federal grant money to the states for creation of a low interest loan program to public water systems that qualify. It also made provisions for a percentage of that grant money to be set aside to assist water systems in improving their technical, financial, or managerial operations. In accordance with the latter provisions, Louisiana, along with all other states, devised a Capacity Development Program and began implementing it for new water systems in January 1999 and for existing water systems in October 2000.

This report to the Governor of the State of Louisiana is submitted as a statutory requirement of the SDWA Amendments of 1996. As cited in Section 1420(c)(3) of the Act: “REPORT – no later than 2 years after the date on which a State first adopts a Capacity Development Strategy under the subsection, and every 3 years thereafter, the head of the state agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.” It is further stipulated in Section 1420 that failure to submit this report by September 30, 2011, will result in a twenty percent Drinking Water Revolving Fund grant withholding in fiscal year 2012.

Although this report is submitted as a statutory requirement, the intrinsic value of the report is the opportunity to present to the Governor and the public a comprehensive evaluation of the Drinking Water Capacity Development Program in Louisiana. Since all organizational and functional elements of the Louisiana Safe Drinking Water Program are housed in the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, this report is respectfully submitted by that agency to the Governor of Louisiana this September 30, 2011.

II. BACKGROUND

- A. One of the provisions of the Safe Drinking Water Act Amendments of 1996 created a new Section 1420 titled “Capacity Development.” This provision called for the State to obtain legal authority to ensure that all new community water systems and new non-transient, non-community water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity to meet

National Primary Drinking Water Regulations. A State will receive only 80% of the federal grant allotment that the State is otherwise entitled to receive for the Drinking Water Revolving Loan Fund (DWRLF) unless the State has obtained such legal authority.

- B. Section 1420 further requires the State to develop and implement a Capacity Development Strategy to assist public water systems in acquiring and maintaining technical, financial, and managerial capacity. Failure to develop and implement a strategy will also result in withholding a portion of federal grant money for the DWRLF. Withholding for all Capacity Development purposes is capped at 20% total.

III. LOUISIANA AUTHORITY

- A. In response to the requirement for legal authority stated in II-A above, Act 814 of the 1997 Regular Session of the Louisiana Legislature, R.S. 40:4(a) (8) and 5.8, was enacted. It authorizes the State Health Officer to “prepare and promulgate rules and regulations necessary to develop and implement a Capacity Development Strategy----.“
- B. With the above-cited authority, the Office of Public Health proceeded with rulemaking and the Public Water System Capacity Development Rule (LAC 48:7707-7719) became effective September 20, 1998. This rule enabled the development and implementation of a Capacity Development Strategy which had been stipulated as required (II-B above) and has been approved by EPA.

IV. SIGNIFICANT HISTORY

When Congress included Capacity Development requirements in the SDWA Amendments of 1996, it provided a list of factors to be considered and included as appropriate, but generally allowed wide latitude for the states to develop their individual strategies. Though EPA issued guidance, had meetings, and sponsored workshops on Capacity Development, there was (predictably so) a wide diversity of approaches for the Capacity Development Programs among the states. Some were simple, others more complex; ultimately, many have been revised because of what may be generally summarized as unrealistic approaches or goals.

In Louisiana, the Office of Public Health proceeded to produce a Capacity Development Strategy for new water systems. It was approved by EPA and began implementation in January 1999. The new system strategy ensures that, prior to commencing operations; the system has the technical, managerial, and financial capacity to properly operate the water system. The approval process for new systems includes several elements:

1. Review and approval of plans and specifications for the water system by an OPH registered professional engineer
2. Review and approval of a Business Plan compiled according to OPH-issued guidelines
3. System conformance with applicable operator certification requirements
4. System management personnel attendance at state-sponsored management training
5. A financial audit conducted by OPH staff to determine if the system meets financial capacity requirements
6. Technical assistance provided as necessary to assist the system in meeting Capacity Development requirements

Subsequently, OPH developed and adopted a Capacity Development Strategy for existing water systems, including a prioritization rationale for selecting the systems to be assessed. This prioritization rationale is based upon the systems' past compliance record with regulations. Systems selected for this strategy are required to complete a Capacity Assessment Package (CAP). This package includes a simplified business plan in conjunction with sanitary surveys, mandatory management training, and the provision of technical assistance by staff and contract personnel to provide the essential elements of the existing systems Capacity Development Strategy.

V. PERSPECTIVE

The foregoing background and significant history represents what the Office of Public Health has done toward the establishment and implementation of a formal Capacity Development Program in response to the SDWA Amendments of 1996, utilizing specified set-aside monies from the federal grant for the Louisiana Drinking Water Revolving Loan Fund. It is important to note, however, that these recently initiated Capacity Development activities, however significant, represent only a part of the total Capacity Development efforts which are part of the Office of Public Health Safe Drinking Water Program. Therefore, in making this report on the efficacy and progress of the Capacity Development Strategy for drinking water systems in the State of Louisiana, the following summaries are presented as individual reports on other recognized capacity development elements of the Safe Drinking Water Program in Louisiana.

VI. REPORT

A. Sanitary Surveys

Sanitary Survey means an onsite review of the water source, facilities, equipment operation and maintenance of a public water system for the purpose of evaluating

the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

Current regulations require that a sanitary survey be performed on every water system at least every three years. The Office of Public Health has been routinely scheduling and performing this traditional assessment method through its regional offices for decades. Sanitary surveys are also performed in conjunction with enforcement actions as described in VI B below, and with the capacity assessment process described in IV, preceding. Following the survey, a letter summarizing the violations of the Louisiana Sanitary Code and prescribing required corrective action is sent to the water system. Follow-up on corrective actions is performed by regional offices.

Since 2008, a total of 222 sanitary surveys have been performed for capacity assessment purposes.

B. Enforcement

Although Louisiana has had primary enforcement responsibility for SDWA provisions since 1977, it was not until 1991 that ACT 537 (LSA-R.S. 40:5.8 and 5.9) was passed giving the State Health Officer authority to issue administrative orders to public water systems, to provide for penalties for violations of administrative orders issued by the State Health Officer, and to provide recourse through civil actions. Rules to implement this authority became final in 1992.

This authority, together with the creation of an enforcement unit at that time, gave the Office of Public Health the long-needed tools to help bring systems with violations into compliance. Since 2008, approximately 234 administrative orders have been issued. Of these, approximately 110 have been released. The important trend is that the number of administrative orders issued continues to decrease each passing year. Correspondingly, bacteriological violations from monthly sampling of all 1600 (approximately) water systems in Louisiana have been on the decline over the past decade.

Enforcement activities have been augmented since 1992 by a program which has been titled the Louisiana Compliance Initiative. The program is directed toward water systems which have been issued an administrative order and toward others which have had violations potentially leading to an administrative order. The Louisiana Compliance Initiative provides specialized compliance training schools and on-site technical assistance visits by an experienced field technician. This on-site technical assistance which has been given to systems having first-time bacteriological violations is regarded as a primary contributor to the previously cited reduction in administrative orders.

C. Operator Certification

Water system operator certification requirements have been in effect in Louisiana since 1972, which was prior to the Safe Drinking Water Act of 1974. However, recently enacted federal and state legislation have resulted in stricter educational and training requirements for operators of all water systems in Louisiana. The result is a greatly increased need for new operators and a temporary suspension of hundreds of current operator certifications for lack of adequate training.

The lack of a properly trained and certified operator is considered to be a significant contributing factor to compliance problems, particularly with small systems. Consequently, operator certification is always addressed in the various capacity assessment processes. More and new operator training programs are currently in development.

To meet the expanding need for operator training, the Louisiana Department of Health and Hospitals has trained over 29,203 individuals since the beginning of 2008 at training sessions throughout the state. Over 6,715 certificates of operator certification were also issued in that same time period. Louisiana has made great strides in the area of operator certification over the past three years and Office of Public Health staff will continue in the future to educate water systems and train individuals on the issue of operator certification.

D. Technical Assistance

Set-aside monies from the Drinking Water Revolving Loan Fund Program are utilized to contract with Technical Assistance Providers for water system Capacity Development purposes. The Office of Public Health has contracts with Louisiana Rural Water Association (LRWA), and Community Resource Group (CRG). These contractors provide on-site assistance to water systems throughout the capacity assessment process, including help in technical, financial, and management matters. These contractors provide on-site assistance to water systems throughout the state, including, help in technical, financial, and management matters. Also, training for very small water systems with a population of fewer than 500 continues to be held quarterly throughout the state.

E. Area-Wide Optimization Program

The Area-Wide Optimization Program (AWOP) is a national program facilitated by the Environmental Protection Agency (EPA) through individual state participation with the goal of providing maximum public health protection to the citizens in each state. Louisiana Department of Health and Hospitals has actively participated in this program since 1999 with the EPA Region 6 AWOP kicked off.

One of the most important components of the Area-Wide Optimization Program process is the status component. Under the status component a yearly plant ranking is developed, based upon plant performance, operational factors and compliance violations. All surface water treatment plants are ranked yearly based upon risk to public health. This yearly ranking is used to target AWOP activities within the state. The state has completed 11 yearly ranking of its surface water treatment plants.

Another important component of the AWOP program is the Comprehensive Performance Evaluation (CPE). The evaluation consists of an in-depth investigation and assessment of the unit treatment process capabilities and impact which the design, operation, maintenance, and administration practices have on performance of the facility. A total of 36 CPEs have been conducted in Louisiana since inception of its AWOP program. The last CPE was completed in 2006.

The next major component of the Area-Wide Optimization Program is to provide comprehensive technical assistance. Office of Public Health personnel participated in this component through a hands-on training called performance-based training (PBT). PBT utilizes group classroom and on-site training over a 12-18 month period of time. The 4th turbidity-based PBT series ended in May 2009. Six (6) LA plants and one (1) Texas plant participated.

Three years of performance data has been collected to assess the effectiveness of the training. A year of data post-PBT has been collected, bring the total years being tracked to 3 (pre, during, and post – June 1, 2009s – May 31, 2010).

The Louisiana AWOP program will continue to rank plants on a yearly basis and target evaluation and follow-up activities based upon potential of risk to public health.

F. Consolidation

Consolidation of water systems continues to be a program objective. In Louisiana there is no law which mandates consolidation, but stricter Capacity Development requirements for new systems have been effective in directing the attention of potential new small systems toward the advantages of consolidation with another water system. Also, existing systems which are having difficulties are encouraged and assisted in merging with another system.

G. Management Training

These training sessions are tailored specifically for water system management, and are available to responsible management training personnel of all water system sizes. Since 2008, a total of 502 attendees were added to the management training database. These attendees where trained by Technical Assistance Providers approved by the state.

VII. REPORT AVAILABILITY

This report is available on the web at:

www.dhh.louisiana.gov/offices/?id=203

It is also available for copying and public viewing at the Office of Public Health, Center for Environmental Health Services, which is located in the Bienville building at 628 N. 4th St., Baton Rouge, LA 70810.