



# State of Louisiana

## Department of Health and Hospitals

### Office of Public Health

## Louisiana Standards for Water Works Construction, Operation and Maintenance Committee

August 21, 2013

### History of Ten State Standards in Louisiana

- Created in 1953 by the Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers
- In 1974, the 1968 Edition was adopted by LA into the State Sanitary Code (LAC 51)
  - Code language stated that permits shall be issued in accordance with Ten State Standards
- In 1977, DHH acquired primacy delegation from EPA to regulate public water systems based on these adopted waterworks standards for design and construction
- In 1984, Sanitary Code updated to the 1982 Edition of Ten State Standards
- In 2004, Sanitary Code updated to the 2003 Edition of Ten State Standards
- In 2013, for the first time ever, rulemaking to provide exemptions from Ten State Standards that are not anticipated to compromise the continued safe supply of drinking water to meet Louisiana's needs for existing systems and to make permanent amendments based on our unique circumstances
- Act 292 creates a committee to develop LA standards

### EPA vs. State

- EPA promulgates the federal drinking water regulations (40 CFR 141-143) and supervises the State's administration and enforcement of the Safe Drinking Water Act regulations via monthly calls, yearly reviews and 3-year audits.
- DHH was granted primacy (authority) in 1977 to administer/enforce the Safe Drinking Water Act regulations in Louisiana.
- DHH must adopt and request primacy for each new drinking water regulation promulgated by EPA.
- DHH currently has primacy for all Safe Drinking Water Act regulations except for the Ground Water Rule and the Revised Total Coliform Rule.
- DHH received interim primacy for the Stage 2 Disinfectants/ Disinfection Byproducts Rule, Long Term 2 Enhanced Water Treatment Rule and Lead/Copper Short Term Revisions on July 2, 2013.
- Currently, EPA has primacy for the Ground Water Rule which means that EPA oversees State implementation of the rule and conducts formal enforcement of the rule (*i.e.*, issues violations and administrative orders).
- DHH is required to conduct sanitary surveys and determine/cite deficiencies and then report public water system noncompliance to EPA on a routine basis.
- Federal drinking water regulations are mandatory. If state law or regulations are less restrictive than the federal requirements then primacy will be revoked and EPA will directly supervise the water systems.
- EPA released the Revised Total Coliform Rule (RTCR) on February 13, 2013. The compliance date for the water systems is April 1, 2016. DHH will start providing training in 2014.

## An Interim New Approach

### *Surveys*

- The program will be different in light of Act 292 and DHH is implementing changes to our business practices and still protect public health
- Deficiencies that are causing or have to the potential to cause the introduction of contaminants into the water supply system (Significant Deficiencies) are still enforceable under the LASWTR, GWR, and Act 292.

*But, we would like the input and feedback of the Committee members.*

### *Deficiencies – Current*

- Currently our deficiency set contains approximately 551 deficiencies. Broken down by severity code the counts are as follows:
  - Significant Deficiencies = 493 (89%)
  - Minor Deficiencies = 22 (4%)
  - Recommendations = 36 (7%)
  - Total = **551**
- Currently there is a total citation count of 4,601 citations for public water systems in our database. Currently, 2,025 of these are unresolved.
- It is important to note that only 191 deficiencies of the total 551 have ever been utilized/cited. The remaining 360 have never been cited/utilized thus far. Most likely because many of them are specific to treatment processes that are utilized by few water systems in Louisiana or none at all.

### *Proposed Changes*

- We are proposing to modify the severity categorization of 139 of the 551 deficiencies from Significant to Minor or Recommendation. Six of the significant deficiencies have exceptions.
- This change will account for 1,233 citations of which 617 are unresolved deficiencies.
- Furthermore, this change will account for 26 percent of the total deficiency count, 27 percent of the total citation count, and 30.5 percent of the unresolved deficiency count.
- The deficiency set break down by severity code will now look like the following:
  - Significant Deficiencies = 375 (68%)
  - Minor Deficiencies = 74 (13%)
  - Recommendation = 102 (19%)
  - Total = **551**