



Emergency Water Rule Frequently Asked Questions

Updated: November 6, 2013

What does the Emergency Rule entail?

- The Emergency Rule requires, among other things, that water systems in the state maintain a higher residual disinfectant level and increase their number of sampling sites by 25 percent;
- Most drinking water systems in Louisiana will be required to meet this new higher standard by February 1, 2014;
- The Emergency Rule outlines some exceptions and ways that systems can request additional time to make necessary infrastructure improvements.

Why is DHH issuing an emergency rule regarding *Naegleria fowleri* and not following the regular rule-making process?

- The regular rule-making process will take a minimum of 90 days to complete. This time period is not conducive to effectively protect the public from the *Naegleria fowleri* amoeba. While DHH is issuing this emergency rule now, the Department will promulgate a final regular rule at a later date.

When will compliance determinations at the new minimum disinfectant level begin?

- The effective date of the compliance order is February 1, 2014. Unless a system receives an approved extension request, it will collect samples and report them to DHH by March 10, 2014. DHH will begin compliance determinations and issue notices of violation on March 10, 2014, for systems that are not granted additional time.

What is DHH doing to assist water systems who cannot become compliant within the timeframe of the Emergency Rule?

- DHH is committed to working with local water systems to help them achieve compliance with this rule as quickly as possible;
- DHH has contracts in place to provide one-on-one technical assistance through the Louisiana Rural Water Association and the firm Thornton, Musso & Bellemin. DHH will also host workshops for implementing the Emergency Rule, with dates and locations to be announced soon;
- The State Health Officer may grant a system additional time to make necessary infrastructure improvements if this is necessary for compliance.

In addition to chlorination, what other options do water systems that have a variance today and use their water for industrial purposes have to be compliant with this rule?

- Systems that currently do not disinfect and who use their water for industrial processes may request more time to comply by February 1, 2014, may choose not to disinfect and instead notify their users quarterly that they do not disinfect and explain the risks associated with *Naegleria fowleri*, or may present an alternate plan for treating their water and protecting the public health of their users to the State Health Officer.

If a system is eligible to retain its variance because the water is used for onsite industrial purposes and the system elects to inform users that it does not disinfect our own water, can the system develop the language for that notification?

- Yes, as long as the language clearly states that the system is choosing not to disinfect the water and clearly outlines the risk associated with the *Naegleria fowleri* ameba and ways users can protect themselves. DHH is available to assist the system with the development of language that meets these requirements.

How did DHH create and on what did they base the standards and methodology of the emergency rule?

- Guidance from the CDC states that the *Naegleria fowleri* ameba can be controlled in water systems with 0.5 mg/L residual chlorine level;
- In addition, DHH has formed a Scientific Advisory Workgroup and contracted with Jacobs Engineering to consolidate all knowledge and research on the *Naegleria fowleri* ameba. This group will provide scientific advice to DHH in evaluating risks and mitigation strategies related to the ameba.

Is there any documentation on what concentration of *Naegleria fowleri* is necessary to cause a human to become infected?

- No. It is unknown at this point in time what concentration of the ameba has to be present in the water to cause an infection.
- CDC reports that currently one ameba is the minimum number of ameba necessary to be present to infect a human.

Is *Naegleria fowleri* only present in warm water? If so, why are water systems required to increase chlorine levels in the winter months?

- There is little scientific research and data that proves the ameba is only present in warm water.
- DHH has formed a Scientific Advisory Workgroup and contracted with Jacobs Engineering to consolidate all knowledge and research on the *Naegleria fowleri* ameba. This group will provide scientific advice to DHH in evaluating risks and mitigation strategies related to the ameba.

How did DHH recommend the timeframe in which water systems have to become compliant with the emergency rule?

- The Emergency Rule gives systems more than 60 days to bring their residuals up to the higher level, with the option of requesting additional time if infrastructure improvements are necessary;
- DHH used CDC recommendations, which were based on the results of a similar incident with *Naegleria fowleri* in Western and Southern Australia. This is the first time in America that deaths linked to *Naegleria fowleri* were traced back to a drinking water system.

How can water systems seek additional guidance to understand the 25 percent additional chlorine monitoring mandate?

- DHH will hold webinars and provide technical assistance to water systems to further explain the 25 percent additional chlorine requirement.
- DHH will also help systems develop individual monitoring plans and provide new forms for the plans.

Where should water systems direct other questions?

- Water systems can also contact DHH by sending inquiries to jake.causey@la.gov or by calling 225-342-7499.

Can systems revert back to their original monitoring plans once the Emergency Rule expires after 120 days?

- DHH intends to renew this emergency rule until a permanent or final rule is promulgated and the threat of *Naegleria fowleri* to public health is eliminated.

Why is DHH implementing a nitrification control plan?

- Nitrification can cause low chlorine residuals in a water system, which can affect the ability to control the *Naegleria fowleri* amoeba.

Why is the Total Coliform Rule (TCR) being revised?

- TCR monitoring must be performed in accordance with federal regulations. Based on federal regulations DHH is clarifying that routine total coliform samples shall be collected at sites that are representative of water throughout the distribution system and that sample sites shall not be used more than once per month for routine sampling. Chlorine residual monitoring is required to be collected with each TCR sample. This monitoring is performed to determine areas of the distribution system where microbial growth may be occurring which may be indicative of other problems such as *Naegleria fowleri*.

How does DHH define ‘regular time intervals’ as it relates to sample collection?

- ‘Regular time intervals’ is a general term used in the Code of Federal Regulations in the Total Coliform Rule to effectively mean that not all samples are collected on the same day or within a day of each other. This indicates that sample collection should be spread out over multiple weeks of each month.

What is the procedure for dismissing a potential violation?

- There is no procedure intended for dismissing violations of the Emergency Rule. Procedures are in place for appeals to the Division of Administrative Law if DHH would take a formal enforcement action, such as issuing an administrative order.

How does DHH define ‘imminent’?

- The State Health Officer determines if something is “imminent” based on the threat to the public’s health.

How does DHH define ‘maximum residence time’?

- DHH defines ‘maximum residence time the same way it is defined in the Code of Federal Regulations and is not specific to only distance or tracer study. The term is meant as an active point in the distribution system where the water has been in the system longest relative to the entry point to the distribution system (EPTDS).

How long will water systems have to keep records of chlorine residuals?

- The federal Safe Drinking Water Act requires that water systems keep records of chlorine residuals for ten years. This was an existing requirement under federal law.