

# **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, 2008, will result in a twenty percent Drinking Water Revolving Fund grant withholding in fiscal year 2009.

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, 2008.

## **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 2005, a total of 240 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 2005, approximately 464 administrative orders have been issued. Of these, approximately 311 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 1200 individuals since the beginning of 2006 at training sessions throughout the state. Over 3000 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 goal of the program is to optimize the efficiency of particle removal at existing surface water treatment plants for the purpose of maximizing public health protection from waterborne diseases caused by microbial contaminants. This program, under EPA advocacy, has been in development since the mid- 90's, with Louisiana having been prominent in the pilot program and in continuing efforts to date.

One of the most important components of the Area-Wide Optimization Program process is the Comprehensive Performance Evaluation. 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. Four evaluations have been completed and six are currently taking place at surface water plants in Louisiana since 2005.

The next major component of the Area-Wide Optimization Program is to provide comprehensive technical assistance. Office of Public Health personnel are presently participating in this component through provision of performance-based training, utilizing group classroom and on-site training over a 12-15 month period of time. After the training is completed, an assessment of the effectiveness of the Area-Wide Optimization Program on individual plants will be made.

Louisiana is a state which has 84 water systems utilizing surface water. These systems serve in excess of 2 million people (nearly half the State's population). Success of the Area-Wide Optimization Program will therefore constitute a major stride in providing safe drinking water to the people of Louisiana.

#### 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. There have been no management training sessions conducted by the state since 2005. The Capacity Development program has been unable to obtain a contract with a vendor because of a lack of cooperation from the Louisiana Department of Health and Hospitals Contract Division. The Capacity Development Program has supplied the Contracts Division with all the information requested to secure a contract with a vendor in a timely manner. Whether due to mistakes or incompetence, the Contracts Division has been unable to secure a contract for a management training vendor over the past three years. However, the Louisiana Rural Water Association (LRWA) and the community Resource Group (CRG) have continued to provide training to water systems that request it. LRWA continues to offer training at its annual conference each July in Alexandria, Louisiana.

## **VII. REPORT AVAILABILITY**

This report is available on the web at:  
[www.dhh.louisiana.gov/offices/?I=203](http://www.dhh.louisiana.gov/offices/?I=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. 4<sup>th</sup> St., Baton Rouge, LA 70810.