

SENATE BILL No. 120

By Committee on Agriculture and Natural Resources

1-31

1 AN ACT concerning water; relating to water infrastructure projects;
2 authorizing the secretary of health and environment to adopt rules and
3 regulations for an annual certification program for the replacement of
4 distributions systems segments; increasing the amortization period on
5 loans from the Kansas water pollution control revolving fund;
6 amending K.S.A. 65-163 and 65-3326 and repealing the existing
7 sections.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 65-163 is hereby amended to read as follows: 65-
11 163. (a) (1) No person shall operate a public water supply system within
12 the state without a public water supply system permit from the secretary.
13 An application for a public water supply system permit shall be submitted
14 for review and approval prior to construction and shall include:

15 (A) A copy of the plans and specifications for the construction of the
16 public water supply system or the extension thereof;

17 (B) a description of the source from which the water supply is to be
18 derived;

19 (C) the proposed manner of storage, purification or treatment for the
20 supply; and

21 (D) such other data and information as required by the secretary of
22 health and environment. No source of water supply in substitution for or in
23 addition to the source described in the application or in any subsequent
24 application for which a public water supply system permit is issued shall
25 be used by a public water supply system, nor shall any change be made in
26 the manner of storage, purification or treatment of the water supply
27 without an additional public water supply system permit obtained in a
28 manner similar to that prescribed by this section from the secretary.

29 (2) Whenever application is made to the secretary for a public water
30 supply system permit under the provisions of this section, it shall be the
31 duty of the secretary to examine the application without delay and, as soon
32 as possible thereafter, to grant or deny the public water supply system
33 permit subject to any conditions—~~which~~ *that* may be imposed by the
34 secretary to protect the public health and welfare.

35 (3) The secretary may adopt rules and regulations establishing a
36 program of annual certification by public water supply systems that have

1 staff qualified to approve the extension of distribution systems *or the*
2 *replacement of segments of distribution systems* without the necessity of
3 securing an additional permit for the extension *or replacement* provided
4 the plans for the extension *or replacement* are prepared by a professional
5 engineer as defined by K.S.A. 74-7003, and amendments thereto.

6 (b) (1) Whenever a complaint is made to the secretary by any city of
7 the state, by a local health officer, or by a county or joint board of health
8 concerning the sanitary quality of any water supplied to the public within
9 the county in which the city, local health officer or county or joint board of
10 health is located, the secretary shall investigate the public water supply
11 system about which the complaint is made. Whenever the secretary has
12 reason to believe that a public water supply system within the state is
13 being operated in violation of an applicable state law or an applicable rule
14 and regulation of the secretary, the secretary may investigate the public
15 water supply system.

16 (2) Whenever an investigation of any public water supply system is
17 undertaken by the secretary, it shall be the duty of the supplier of water
18 under investigation to furnish to the secretary information to determine the
19 sanitary quality of the water supplied to the public and to determine
20 compliance with applicable state laws and rules and regulations. The
21 secretary may issue an order requiring changes in the source or sources of
22 the public water supply system or in the manner of storage, purification or
23 treatment utilized by the public water supply system before delivery to
24 consumers, or distribution facilities, collectively or individually, as may in
25 the secretary's judgment be necessary to safeguard the sanitary quality of
26 the water and bring about compliance with applicable state law and rules
27 and regulations. The supplier of water shall comply with the order of the
28 secretary.

29 (c) (1) As used in this subsection—~~(e)~~, "municipal water treatment
30 residues" means any solid, semisolid or liquid residue generated during the
31 treatment of water in a public water supply system treatment works.

32 (2) A public water supply system may place or store municipal water
33 treatment residues resulting from sedimentation, coagulation or softening
34 treatment processes in basins on land under the ownership and control of
35 the public water supply system operator provided that such storage or
36 placement is approved and permitted by the secretary under this section as
37 part of the public water supply system.

38 (3) The secretary shall adopt uniform and comprehensive rules and
39 regulations for the location, design and operation of such basins. Such
40 rules and regulations shall require permit applications by the public water
41 suppliers for such basins to include a copy of the plans and specifications
42 for the location and construction of each basin, the means of conveyance
43 of the treatment residues to such basins, the content of treatment residues,

1 the proposed method of basin operation and closure, the method of any
2 anticipated expansion and any other data and information required by the
3 secretary.

4 (4) Whenever complaint is made to the secretary by the mayor of any
5 city of the state, by a local health officer or by a county or joint board of
6 health, or whenever an investigation is undertaken at the initiative of the
7 secretary, relating to any alleged violation of the provisions of the permit
8 for placement or storage of municipal water treatment residues in such
9 basins, the public water supply system operator shall furnish all
10 information the secretary requires. If the secretary finds that there is any
11 violation of the terms of the permit, that the means of placement and
12 storage exceed the terms of the permit or that any other condition exists by
13 reason of the means of placement and storage that may be detrimental to
14 the health of any inhabitants of the state or to the environment, the
15 secretary shall have the authority to issue an order amending the permit or
16 otherwise requiring the operator to perform remedial measures to curtail or
17 prevent such detrimental conditions.

18 (d) Orders of the secretary under this section, and hearings thereon,
19 shall be subject to the provisions of the Kansas administrative procedure
20 act. Any action of the secretary pursuant to this section is subject to review
21 in accordance with the Kansas judicial review act. The court on review
22 shall hear the case without delay.

23 (e) The secretary shall establish by rule and regulation a system of
24 fees for the inspection and regulation of public water supplies. No such fee
25 shall exceed \$.002 per 1,000 gallons of water sold at retail by a public
26 water supply system. All such fees shall be paid quarterly in the manner
27 provided for fees imposed on retail sales by public water supply systems
28 pursuant to K.S.A. 82a-954, and amendments thereto. The secretary shall
29 remit all moneys collected for such fees to the state treasurer in accordance
30 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
31 receipt of each such remittance, the state treasurer shall deposit the entire
32 amount in the state treasury to the credit of the public water supply fee
33 fund created by K.S.A. 65-163c, and amendments thereto.

34 (f) There is hereby created an advisory committee to make
35 recommendations regarding:

- 36 (1) Fees to be adopted by the secretary under subsection (e);
- 37 (2) means of strengthening on-site technical assistance to public
38 water supply systems;
- 39 (3) standards for on-site and classroom water treatment operator
40 certification programs;
- 41 (4) other matters concerning public water supplies; and
- 42 (5) to advise the secretary regarding expenditure of moneys in the
43 public water supply fee fund created by K.S.A. 65-163c, and amendments

1 thereto. Such advisory committee shall consist of one member appointed
2 by the secretary to represent the department of health and environment,
3 one member appointed by the director of the Kansas water office to
4 represent such office and two members appointed by the secretary as
5 follows: One from three nominations submitted by the Kansas section of
6 the American waterworks association, and one from three nominations
7 submitted by the Kansas rural water association. Members of the advisory
8 committee shall serve without compensation or reimbursement of
9 expenses. The advisory committee shall meet at least four times each year
10 on call of the secretary or a majority of the members of the committee.

11 Sec. 2. K.S.A. 65-3326 is hereby amended to read as follows: 65-
12 3326. (a) Municipalities ~~which~~ *that* desire the provision of a loan under
13 K.S.A. 65-3321 through 65-3329, *and amendments thereto*, shall submit
14 an application therefor to the secretary. Applications shall be in such form
15 and shall include such information as the secretary shall require and shall
16 be submitted in a manner and at a time to be determined by the secretary.

17 (b) The secretary may enter into agreements with any municipality
18 for the provision of a loan thereto for payment of all or a part of project
19 costs and any municipality may enter into such an agreement and may
20 accept such loan when so authorized by its governing body. The purposes
21 of the loan to be provided, the amount thereof, the interest rate thereon,
22 and the repayment terms and conditions thereof, all of which may vary
23 among municipalities, shall be included in the agreements. Loans shall be
24 provided at or below market interest rates and may be provided interest
25 free. All such agreements shall require that municipalities establish a
26 dedicated source of revenue for repayment of the loans as provided in
27 K.S.A. 65-3327, *and amendments thereto*. Such agreements shall further
28 provide that repayment of any loan received shall begin not later than one
29 year after completion of the project ~~and that~~. *For agreements entered into*
30 *on or before June 30, 2023, such loan shall be repaid in full no not later*
31 *than 20 years thereafter. On and after July 1, 2023, agreements for loans*
32 *shall provide that such loans shall be repaid in full not later than 30 years*
33 *thereafter.*

34 (c) In the event any municipality to which a loan is made available
35 under K.S.A. 65-3321 through 65-3329, *and amendments thereto*, fails to
36 enter into an agreement with the secretary for the provision of such loan in
37 accordance with the requirements of such statutes, the secretary is
38 authorized to make the amount of the loan available for one or more other
39 projects on the project priority list.

40 (d) The secretary shall provide any municipality, upon ~~its~~ request,
41 with technical advice and assistance regarding a project or an application
42 for a loan for the payment of all or a part of project costs.

43 Sec. 3. K.S.A. 65-163 and 65-3326 are hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.