

Approved April 2, 1986
Date

E&NR SUB-
MINUTES OF THE HOUSE COMMITTEE ON NATURAL RESOURCES

The meeting was called to order by Representative Kent Ott at
Chairperson

3:30 ~~am~~/p.m. on March 24, 1986 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Ramon Powers, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office

Conferees appearing before the committee:

Fred Allen
Judy Seltzer
Charlie Belt
Willie Martin
M. S. Mitchell
Larry Panning
Kevin R. Davis
Sharad Bhatia

The meeting was called to order by Chairman Ott for the purpose of hearing SB 482, SB 486 and SB 487. The following testified on these bills.

Mr. Fred Allen, Kansas Association of Counties

Judy Seltzer, Reno County Health Department. (Attachment No. 1)

Charlie Belt, Wichita Area Chamber of Commerce. (Attachment No. 2)

Willie Martin, Sedgwick County Commission (Attachment No. 3)

M. S. Mitchell, Sedgwick County, speaking on behalf of Doug Hahn.
(Attachment No. 4)

Larry Panning, Chairman Water Quality Section of Kansas Water Authority.

Kevin R. Davis, League of Kansas Municipalities. (Attachment No. 5)

Sharad Bhatia, Kansas Department of Health & Environment. (Attachment No. 6)

John Metzler, Johnson County, was not present, but submitted written testimony. (Attachment No. 7)

The meeting was adjourned at the close of the hearing.

TESTIMONY ON : SB 482

PRESENTED TO: HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES
March 24, 1986

PRESENTED BY: JUDITH A. SELTZER, R.N., B.S.
DIRECTOR/HEALTH OFFICER
RENO COUNTY HEALTH DEPARTMENT

PRESENTOR'S POSITION: SUPPORTIVE

BACKGROUND INFORMATION:

As Director of Reno County Health Department and Health Officer for Reno County since 1981, I have spent an increasing amount of our Department's time on public and private water supply contamination problems. Each problem situation has supported a need for long range planning in regards to water/wastewater planning between our cities and the county.

Although the problems were small in number in 1981 and 1982; significant problems started to surface in the summer of 1983.

Problem I.

In a subdivision East of Hutchinson, an investigation was began by Kansas Department of Health and Environment, due to an individual's concern that his water had a disagreeable taste and odor.

By Early Spring of 1984, an extensive study had revealed the following:

The ground water in an area involving approximately 100 homes sites was contaminated by a traces of 13 Volatile Organic Chemicals. Although all samples concentrations were considered below the "Suggested No Adverse Response Levels" for short term use, KDHE indicated that the long term effects were not clear and that a safe course would be to obtain an alternate water supply.

The study also revealed that a public grade school's water supply was involved in VOC contamination.

The area was served by septic tanks and private drinking wells. As the study unfolded, it was found that the school ground boarded an old city land fill site used in the 1950's. The area also boards a large industrial complex, through which the ground water flows.

Although no direct or immediate Public Health problem could be identified due to the drinking of water in the area, one can only say, we found 4 cases of leukemia in children living in the area at the time of the study.

The outcome resulted with the homeowners organizing and obtaining connection to the city of Hutchinson's water supply through special assessments.

Problem II.

Although the VOC problems were dominating our attention on the east side of Hutchinson, a new problem began to draw the health department's attention in the north-east part of Hutchinson and surrounding area in County.

In 1983 and 1984 we were called in to investigate Bacterial contamination of a private drinking wells. Some of the contamination levels varied from 80 to 800 coliform bacteria.

We also found the department investigating several clusters of Giarrdia(a significant water-born illness).

We found several sub-divisions in the area with small lot sizes and homes were primarily served by private water wells and septic tanks.

We further found the number of septic tank failures were growing in the area as well as problems of Nitrates in the drinking water supplies.

In both of these studies several consistent issues came to the surface.

- (1) The Ground water tables are high in the Northeastern and East parts of our county.
- (2) The soil is very sandy and porous over large portions of our county.
- (3) Drinking wells were often shallow and in many cases located between 30 to 75 feet of a septic tank.
- (4) The Area serves as a recharge area for the equus beds .
- (5) Previous studies indicate septic tanks were not going to function well in many parts of the sand hills.

Problem III.

In 1982 and again in 1984 four municipal wells within the city of Hutchinson were showing traces of VOC's at a low level.

In 1985, one city well in Hutchinson had to be shut down due to being contaminated with Carbon tetrachloride at an unsafe level.

The city's wells are vulnerable, due to same soils and also due to the fact that there are still a number of septic tanks and private wells, some which may be providing direct contamination links to the aquifers used by the city.

A recent gasoline spill, has increased monitoring of another city well.

The city of Hutchinson is now facing an urgent need to locate a new field of wells outside the city. We are beginning to question how can the new wells be protected from contamination.

We also have a number of our rural cities beginning to have VOC's show up in their wells. Problems with nitrate build up is increasing for private and municipal water supplies in all parts of our county.

Summary:

The past three years events in Reno County has caused a great amount of focus for us on how to prevent further problems and most importantly preserve our Water quality in Reno County.

We are beginning to realize, due to our soil makeup, wastes that enter the ground may not be filtered out before they enter the groundwater.

We have discovered our water is vulnerable to those who plan present and future development.

We have discovered the cost of cleaning up a water resource, if even possible, may be prohibitive. The economic impact could be devastating if we cannot provide safe water.

Most of all, we have discovered we need cooperative long range plans between cities, the county, and private citizens.

It seems appropriate therefore we move toward an organized and unified protection plan of our Water resources in Kansas.

What will be the future for Reno County and for Kansas if we allow our water supplies to be vulnerable to waste water and other waste materials that can cause permanent contamination.

I urge the committee to support the development of water and waste water management plans in counties.

Thank you.



WICHITA

AREA
CHAMBER
OF
COMMERCE

TESTIMONY
BEFORE THE
HOUSE ENERGY AND NATURAL RESOURCES
SUB-COMMITTEE
BY
CHARLES BELT
WICHITA AREA CHAMBER OF COMMERCE
MARCH 25, 1986

THANK YOU MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE FOR THIS OPPORTUNITY TO TESTIFY ON BEHALF OF THE WICHITA AREA CHAMBER OF COMMERCE. MY NAME IS CHARLES BELT AND I APPEAR TODAY IN OPPOSITION OF SENATE BILLS 482, 486 AND 487 .

SOME OF OUR REASONS FOR THIS RECOMMENDATION ARE:

1. STATE LEGISLATION ALREADY EXISTS WHICH REQUIRES WASTEWATER MANAGEMENT PLANS.
2. COUNTIES WITH LESS THAN 30,000 POPULATION HAVE AS MUCH NEED FOR PROPER PLANNING AS DO COUNTIES WITH LARGER POPULATIONS.
3. SB 482 CALLS FOR A COMMITTEE WHICH CAN BECOME EXCESSIVELY LARGE AND DIFFICULT FOR IT TO BE PRODUCTIVE.
4. THE ARBITRARY LINES OF COUNTY BOUNDARIES MAY NOT BE AN APPROPRIATE PLANNING AREA. THE FOUR-MILE CREEK SITUATION

ATTACHMENT NO. 2

IS ONE SUCH EXAMPLE SINCE THE PROPER SOLUTION FOR WASTE-
WATER ENCOMPASSES BOTH SEDGWICK AND BUTLER COUNTIES.

5. SUBDIVISIONS IN URBANIZED AREAS, AS DEFINED IN SB 486,
MOST CERTAINLY WILL BE LESS THAN 10 ACRES; AND, THEREFORE,
WILL COME UNDER THIS PROPOSED LEGISLATION AND RESULTING
REGULATIONS. TRACTS IN EXCESS OF 10 ACRES ARE EXEMPT.

THESE CONCERNS SUMMARIZE THE BASIS ON WHICH OUR RECOMMENDATION
IS MADE. WE REITERATE OUR SUPPORT FOR PROPER PLANNING, WATER RESOURCE
AND ENVIRONMENTAL PROTECTION AND WILL CONTINUE TO BE ACTIVE IN WATER
RELATED ISSUES. WATER IS A SCARCE RESOURCE WHICH REQUIRES APPROPRIATE
MANAGEMENT. WE STRONGLY SUGGEST THAT SENATE BILLS 482, 486 AND 487
WILL NOT ASSIST IN ACCOMPLISHING THIS END AND REQUEST THAT THE COM-
MITTEE NOT FORWARD THE BILLS TO THE HOUSE AS A WHOLE.



SEDGWICK COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS

BUD HENTZEN
CHAIRMAN
THIRD DISTRICT

DONALD E. GRAGG
CHAIRMAN PRO-TEM
FIRST DISTRICT

TOM SCOTT
COMMISSIONER
SECOND DISTRICT

COUNTY COURTHOUSE • SUITE 320 • WICHITA, KANSAS 67203-3759 • TELEPHONE (316) 268-7411

House Energy & Natural Resources Sub-committee
March 24, 1986
S.B.482 - 486 - 487

Testimony by Willie Martin
Sedgwick County, Kansas

Compliance with the planning requirements of SB 482 would require the expenditure of up to \$500,000 in Sedgwick County. We do not quarrel with the objectives of SB 482 but feel it imperative that the state legislature continue to be sensitive to local financial limitations. If the objectives sought by the enactment of SB 482 and 486 are to be achieved at the local level, we strongly urge the House Energy and Natural Resources Sub-committee consider the necessity of state cost-sharing assistance.

The concept and intent of the water/waste water plan is sound but we strongly suggest that more careful analysis and consideration is needed before such a plan is adopted.

ATTACHMENT NO. 3

TESTIMONY FOR
ENERGY AND NATURAL RESOURCES

SB 482

BY

M.S. MITCHELL

HOME BUILDERS ASSOCIATION OF KANSAS

MARCH 18, 1986

My name is M.S. Mitchell, Legislative Chairman, for the Home Builders Association of Kansas.

Mr. Chairman, Members of the Committee, thank you for the chance to talk to you about the legislation which is before you today, and the effect it will have on the choice of home sites which Kansans now have, but may lose in the future. What is being proposed under the guise of a Water Quality issue is really a land use control issue. That issue is simply this, who will decide where new homes are to be built, the developer-builder who supplies a product to the free-choice market or the Secretary of Kansas Department of Health and Environment whose staff is committed to restricting development to only those areas which can be economically served by large regional or municipal water, sewer and wastewater systems?

Senate Bill 482 seeks to bring back to life a concept first made law in 1979 in the wake of the national goal of providing fishable and swimmable waters in the next decade, and the national commitment to fund the state and local studies and projects needed to meet that goal. So sure was KDHE that federal funding would go on forever that the law was later amended so that "No provision of the act would be deemed mandatory until 75% or more of the moneys necessary to implement such provisions are certified by the Secretary of Health and Environment to be available from the federal government. The remaining costs of implementation of such provisions shall be shared equally by the state and county."

Not long after that amendment went into effect, the Federal carrot of funding for wastewater management plans was withdrawn and only eight counties had made application for a federal grant to prepare the plans. Since 1981 no additional counties have commenced preparation of the plans and there has been no attempt to enforce them to do so.

When KDHE was asked to write the Water Quality Section of the Kansas Water Plan for consideration by the Kansas Water Authority, it drafted nine subsections which outlined "new policy proposals." County Water/Wastewater Management Plans, Subdivision Water/Wastewater Plans and Public Water Supply Aquifer Protection Plans were three of the nine which resulted in legislative proposal for the 1986 legislature. A fourth, Public Water Supply Protection Plan for Small Water Impoundments will require legislation which has not been introduced. All three bills will have a profound effect on the future of land development in Kansas and should be studied carefully to weight the perceived need for government control against the loss of choice by the home-buying public.

Specifically addressing SB 482, major changes in the current law are the amendment of K.S.A. 65-3313 to remove the 75% Federal and 12.5% State funding provision and placing the total cost of preparing, obtaining approval of, and up-dating the plans on the counties and the addition of countywide water supply and service to the wastewater element. Both actions add to the cost of compliance which must be paid for by local taxes at a time when all sections of local government are facing shortfalls in revenue and cutting existing services. The question which will be asked by those county governments, is what service which we now provide is less important than the preparation of another plan? It will be difficult for them to justify further belt-tightening at home just because these plans are part of the Kansas Water Plan already endorsed by the Kansas Water Authority.

The Water Quality subsection of the Kansas Water Plan that was adopted by the Kansas Water Authority had proposed that the State make up part of the lost Federal funding and share the cost with County governments on a 50-50 basis. Somewhere

along the line that recommendation was lost. It is not quite fair to report that the bill before you now was adopted by the Kansas Water Authority which never saw the amendments you are considering today.

KDHE staff would have you believe that the enlarged plans are needed to set priorities for Federal funds to improve or build new wastewater treatment facilities. Not true! Federal funds available now are being allocated to local governments by a rating system which does not need another plan to operate, while the few Federal funds which will trickle down in the future should be administered according to the same priorities in order to be fair to all counties, not just the ones which have prepared plans.

KDHE staff would also have you believe that "establishment of numerous small sewerage and water supply systems"—"surrounding suburban or rural areas"—are the cause of "costly, redundant systems" and that the only trouble-free sewerage treatment systems are those which are part of a regional or large municipal collection and treatment system. There are thousands of on-site water and sewerage treatment systems throughout the state which perform satisfactorily and have given years of service which would not benefit from connection to a regional system. Stories abound about the horrors of overflowing septic tanks or private lagoons which have been breached and now flow out onto the ground. These stories all have some basis for truth, but like so many stories, get stretched in the telling. What is less heard about are the stories about the health hazard created when a regional or municipal type system collection system is temporarily blocked or surcharged with stormwater and backs up several feet deep in basement living quarters. An example is found in the Wichita system which had over 200 backups in two storm periods in 1983 and 1985. Redundant systems are not only found in small collection and treatment systems, the City of Wichita is faced with a \$20 million addition to its sewerage treatment facility in order to meet a new federal discharge standard, and finds that the plans they had to make a \$10 million improvement to the plant are no longer acceptable.

When the amendments proposed in SB 482 are added to the new law proposed by SB 486 and the proposed requirement for an environmental protection plan and

implementation as amendments in SB 487, the picture of statewide control of development outside cities becomes clear. The stated objective of KDHE staff is to direct all development to areas which are, or can become, part of a Regional or Municipal Service Area for water supply and sewerage collection and treatment. All three of the senate bills listed above will make that objective easier to achieve. All three will limit or prohibit development outside regional or municipal service areas and give a State agency control over land use policies which have traditionally been the province of local government. The most devastating of the three is SB 482 which, not only takes away local control over water supply and sewerage treatment decisions, but forces the County governments to pay for such a privilege.

For these reasons we ask that you reject SB 482 and consider the two other senate bills dealing with Subdivisions and Environmental Protection Plans as companions and reject them also.



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: House Committee on Energy and Natural Resources
FROM: Kevin R. Davis, Attorney
DATE: March 24, 1986
SUBJECT: SB 482 and SB 486

The League of Kansas Municipalities has taken a position in support of the Kansas Water Plan. We believe that there are sufficient problems that state action is necessary and that water quality and protection must be addressed on a regional basin approach and therefor is beyond the authority of local governments. Further, we feel the preventative nature of planning could eliminate many future environmental problems. The League has an adopted policy position on this issue which states:

J-3. Environmental Health. ...The state department of health and environment should be authorized to adopt minimum standards for water supply and sewerage facilities not subject to city or county regulation...Counties should adopt and enforce comprehensive sanitary codes applicable to areas? not subject to municipal regulation.

In regard to SB 482 we are in support of the principle of establishing and requiring minimum standards for water-wastewater facilities in areas where there are currently no standards. As I read SB 482, it seems to address two main areas:

1. Requires a water-wastewater management plan, with KDHE standards and approval, for all counties over 30,000 and others as designated (8-counties planning, 10-counties required and in need of planning, 9-counties under 30,000 needing planning).
2. KDHE would set standards for sanitary codes adopted under K.S.A. 12-3301, et seq., and K.S.A. 19-3301, et seq. This would apply to all counties adopting standards and relates to SB 486.

I would point out that there is a fiscal note on this bill, from Recommendation No. 61 of the Kansas Water Plan, of \$700,000. I don't know if that budget includes the 9 additional counties under 30,000 which also need a plan. In our support of the Kansas Water Plan it was our full intent that the state would be a financial partner in any regulations imposed to protect these regional or basin interests. Realistically, the effectiveness of this legislation would be lost without appropriate state or federal participation.

In regard to SB 486, our comments are basically the same. The bill requires the adoption of a plan or an approved sanitary code as specified under existing law. In either event the plan

ATTACHMENT NO. 5

President: Ed Eilert, Mayor, Overland Park • Vice Presidents: John L. Carder, Mayor, Iola • Past President: Peggy Blackman, Mayor, Marion
Directors: Robert C. Brown, Mayor, Wichita • Robert Creighton, Mayor, Atwood • Irene B. French, Mayor, Merriam • Donald L. Hamilton, City Clerk/Administrator, Mankato • Carl D. Holmes, Mayor, Plains • Paula McCreight, Mayor, Ness City • Jay P. Newton, Jr., City Manager, Newton • John E. Reardon, Mayor, Kansas City • David E. Retter, City Attorney, Concordia • Arthur E. Treece, Commissioner, Coffeyville • Dean P. Wiley, City Manager, Garden City • Douglas S. Wright, Mayor, Topeka • Executive Director: E.A. Mosher

or code must meet the requirements and be approved by KDHE. We are in support of the provision which requires KDHE to establish procedures for the approval of subdivision plats in counties without a plan or sanitary code. This is assuming the intent is to impose minimum standards for water and sewerage facilities in these areas.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on Senate Bill 482

Presented to the
House Energy and Natural Resources Committee
March 18, 1986

By
Sharad V. Bhatia, Director
Division of Environment

The Kansas Department of Health and Environment supports the passage of Senate Bill 482. Current statutes (K.S.A. 65-3308, et seq.) passed by the 1980 and 1981 Legislatures require counties to develop countywide wastewater management plans. These plans define areas where water and sewer systems will be constructed to meet population growth, and also define areas where individual sanitary facilities will not be permitted. The existing law requires plan preparation only if federal funds are available. Federal funds, however, are no longer available for that purpose.

Senate Bill 482 amends existing statutes to require, for the following reasons, that plans be prepared even if federal funds are not available. Scattered subdivisions with their own water and sewer systems are often allowed to develop randomly around urban centers with little or no long-range planning. This results in the proliferation of small separate systems, which are costly and difficult to maintain, are frequently replaced within a short period of time, and are likely to create nuisance conditions and public health problems. From a public health as well as economic standpoint, therefore, it is the Department's belief that counties should be required to develop these comprehensive plans even if federal funds are unavailable. Senate Bill 482 accomplishes that. This concept, you may wish to note, was presented and discussed at several public meetings of the Kansas Water Authority, and was eventually approved as recommendation No. 61 of the 1985 Kansas Water Plan.

The existing statutes provide that counties with populations less than 30,000 may apply to the Secretary of Health and Environment for an exemption from the plan preparation requirement. Senate Bill 482 would continue that exemption. Using the criteria of the existing statutes, 19 counties were identified as having a need to prepare the countywide plan. Of these 19 counties, 8 received federal grants and have or have nearly completed their plans. If Senate Bill 482 is passed, the remaining 11 counties which did not receive federal grants would be required to develop their plans. They are: Barton, Douglas, Johnson, Leavenworth, Lyon, Montgomery, Reno, Riley, Saline, Sedgwick, and Wyandotte.

In conclusion, Mr. Chairman, members of the Committee, the Department supports the passage of Senate Bill 482 and urges your approval of the same.

* 700,000 FN

Exemption Less than 30,000 pop.

6

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
VOLATILE ORGANIC CHEMICALS IN PUBLIC WATER SUPPLY WELLS

The Kansas Department of Health and Environment (KDHE) is in the process of sampling all public water supply wells in Kansas for the presence of volatile organic chemicals (VOC). The KDHE program was initiated because two federal studies completed in the early 1980's indicated VOC were present in Kansas public water supply wells.

Volatile organic chemicals are chemicals used or produced in the manufacture of modern day conveniences such as detergents, pharmaceuticals, dyes, and insecticides, and are found in household products such as spot removers, rug cleaners, drain cleaners, air fresheners, shoe polish and solvents. These chemicals are not normally found in groundwater, and their presence is an indication of man-made contamination.

The Department has completed analysis of one-third of the public water supply wells in Kansas. Nineteen of these wells contained VOC in excess of the Kansas Action Level (KAL), the level at which KDHE advises no longer using the water for consumption. These wells, with four exceptions (Turon, Doniphan RWD #2, and Salina #3 and #5, have been removed from service), exceed the KAL but remain in service until an alternate source of acceptable quality can be developed. The customers served by these two wells have been notified of the contamination. The following Tables summarize the findings to date:

TABLE 1
PUBLIC WATER SUPPLY VOC STATUS

PWS Wells in Kansas	2100
PWS Wells Sampled	726
PWS Wells With No VOC	491
PWS Wells With VOC Detected	84
PWS Wells With VOC KAL (See Table 3)	19

TABLE 2
VOC DETECTED IN KANSAS PWS WELLS

<u>VOC</u>	<u># WELLS</u>
Tetrachloromethane	20
1,3-dichloroethane	18
Tetrachloroethylene	15
Xylenes	12
Benzene	9
Toluene	9
Trichloroethylene	8
1,1,1-trichloroethane	3
1,1-dichloroethylene	2
Cisortrans 1,2-dichloroethylene	2
Vinyl Chloride	1
1,1-dichloroethane	1
1,2-dichloropropane	1
Ethylbenzene	1

TABLE 3
PUBLIC WATER SUPPLY WELLS
VOC GREATER THAN KAL -- MARCH 1986

<u>Owner</u>	<u>Well I.D.</u>	<u>County</u>	<u>Contaminant</u>	<u>Status</u>
Abilene	#8	Dickinson	PCE;TCE	(1)(2)
Bendena (RWD#2)	#1	Doniphan	CCl ₄	(2)(4) sole source, seeking new source
Clearwater	#2	Sedgwick	PCE	(1)(2)
Concordia	#17	Cloud	1,2-dichloroethane	(1)(2)
Galva	#4	McPherson	CCl ₄	(1)(3)
Glasco	#2	Cloud	CCl ₄	(1)(2) purchase from RWD
Hutchinson	#8	Reno	CCl ₄	(1)(3)
Kensington	#1	Smith	1,2-dichloroethane	(1)(2)
McPherson	#5	McPherson	PCE	(1)(2)
Morrill	#5	Brown	CCl ₄	(1)(2)
Potwin	#1	Butler	CCl ₄	(1)(2) purchase from El Dorado
Salina	#3 & #5	Saline	PCE	(5)
Strother Fields	#2 & #8	Cowley	TCE & others	(1)(3)
Turon	#3	Reno	CCl ₄	(3)(4) seeking new well
Park City	#6	Sedgwick	Benzene	(1)
Randall	#2	Jewell	CCl ₄	(1) standby well

PCE = Tetrachloroethylene

TCE = Trichloroethylene

CCl₄ = Tetrachloromethane

(1) = Well was taken out of service

(2) = Investigation needed

(3) = Investigation started

(4) = Well in service, public notified

(5) = Well in service, no VOC detected following treatment

(6) = Well in service, periodic resampling will be conducted

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Fact Sheet on Occurences of Pesticides in
Raw Lake Water and
Finished Drinking Water in
Community Water Supply Lakes

There are approximately 44 small (21,000 surface acres) community drinking water supply lakes in Kansas. Watershed activities can influence raw water quality in these lakes and, therefore, also in the finished drinking water. In 1983, water quality was studied in 18 of these lakes. Pesticides were detected in 7 of them. Records of pesticide analysis of the finished drinking water conducted at three-year intervals since 1977 as required by federal and state law were examined. Of the same 18 lakes, 8 had some record of pesticide detection in the final finished drinking water. For both raw and finsihed drinking water, Atrazine and Alachlor were the main pesticides detected. In 1984, three water supplies known to be impacted by pesticides were sampled for pesticides simultaneously at both the raw water intake and finished drinking water outlet. Atrazine, Alachlor, and Dual were detected in raw water, and at slightly lower concentrations, in the finished water. Treatment of the water has insignificant predictable removal effect on these pesticides. The data are not adequate for accurately predicting exactly how many lakes are effected, or how frequently Kansans are drinking agricultural chemicals. However, it seems likely that many drinking water supplies from lakes in agricultural watersheds are impacted by agrichemicals to some significant extent. The attached Table lists pesticide data for Kansas water supply lakes.

PESTICIDE CONCENTRATIONS (ppb)

CITY	SOURCE	DATE	PESTICIDE CONCENTRATIONS (ppb)				
			ATRAZINE	ALACHLOR	DUAL	2,4-D	2,4,5-T
Alma	Alma City Lake	5-4-83	-	-	-	-	-
		9-5-83	-	-	-	-	-
	finished supply	9-6-79	-	-	-	-	-
		8-25-82	-	-	-	-	0.22
Altamont	Altamont West Lake	4-26-83	-	-	-	-	-
		9-28-83	-	-	-	-	-
	finished supply	3-8-77	-	-	-	-	-
		3-8-81	-	-	-	-	-
Carbondale	Strowbridge Lake	4-20-83	-	-	-	-	-
		10-26-83	2.5	-	0.54	-	-
		5-4-84	2.1	-	0.38	-	-
		9-12-84	3.3	-	1.2	-	-
	finished supply	6-3-77	4.0	-	-	-	-
		8-14-79	4.5	0.51	-	-	-
		8-11-82	1.3	-	0.33	-	-
		5-4-84	-	-	-	-	-
		9-12-84	3.4	-	0.70	-	-
Edna	Edna City Lake	4-26-83	-	-	-	-	-
		9-26-83	580 (4)	-	-	-	-
		5-23-84	-	-	-	-	-
	finished supply	4-5-77	-	-	-	-	-
		4-19-79	-	-	-	-	-
		4-28-82	-	-	-	-	-
		5-23-84	-	-	-	-	-
Herington	Herington Reservoir	5-4-83	-	-	-	0.51	-
		9-15-83	-	-	-	-	-
	finished supply	8-24-77	-	-	-	-	-
		8-13-80	-	-	-	-	-
		8-10-83	4.8	-	-	-	-
Holton	Prairie Lake	5-11-83	-	-	-	-	-
		10-25-83	3.2	-	-	-	-
	finished supply	4-12-78	-	-	-	-	-
		11-6-79	-	-	-	-	-
		10-13-82	-	-	-	-	-

Howard	Polk Daniels Lake	4-27-83	-	-	-	-	-
		9-29-83	-	-	-	-	-
	finished supply	4-12-77	-	-	-	-	-
		4-12-79	-	-	-	-	-
		4-12-82	-	-	-	-	-
	Louisburg	Louisburg Lake	4-21-83	-	-	-	-
10-4-83			-	-	-	-	-
finished supply		9-1-77	-	-	-	-	-
		8-25-82	-	-	-	-	-
Lyndon	Lyndon City Lake	4-20-83	-	-	-	-	-
		8-17-83	-	0.63	-	-	-
		10-25-83	-	0.28	-	-	-
	finished supply	8-13-79	-	-	-	-	-
		8-11-82	-	-	-	-	-
Madison	Madison City Lake	7-12-83	-	-	-	-	-
		10-24-83	-	-	-	-	-
	finished supply	5-11-77	-	-	-	-	-
		5-14-80	-	-	-	-	-
		6-1-83	-	-	-	-	-
Moline	Moline Reservoir	7-12-83	-	-	-	-	-
		9-29-83	-	-	-	-	-
	finished supply	4-12-77	-	-	-	-	-
		4-19-79	-	-	-	-	-
		4-26-82	-	-	-	-	-
Mound City	Mound City Lake	9-25-83	-	-	-	-	-
		10-3-83	-	-	-	-	-
	finished supply	6-29-77	1.0	-	-	-	-
		6-20-80	-	-	-	-	-
6-24-83		-	-	-	-	-	
Osage City	Osage City Lake	9-13-83	4.0	0.43	-	-	-
		5-4-84	-	-	-	-	-
	Melvern Res.	9-12-84	4.2	-	-	-	-
	finished supply	8-14-79	-	-	-	-	-
		8-10-82	1.2	-	-	-	-
		5-4-84	-	-	-	-	-
		9-12-84	3.7	-	-	-	-

Paola	Lake Miola	4-26-83	-	-	-	-	-
		10-4-83	-	-	-	-	-
	finished supply	6-23-77	4.0	0.75	-	-	-
		8-1-79	-	-	-	0.80	-
		8-16-82	-	-	-	-	-
Pleasanton	East City Lake	4-21-83	-	-	-	-	-
		10-3-83	-	-	-	-	-
	finished supply	7-6-77	2.2	1.1	-	-	-
		6-18-80	-	-	-	-	-
		6-30-83	2.2	-	-	-	-
Sedan	Sedan South Lake	7-12-83	-	-	-	-	-
		9-28-83	-	-	-	-	-
	finished supply	3-9-77	-	-	-	-	-
		3-29-79	-	-	-	-	-
		3-30-82	-	-	-	-	-
Sabetha	Sabetha City Lake	6-25-79	2.8	0.36	-	-	-
		5-3-84	-	-	-	-	-
		9-21-84	16.0	2.6	1.1	-	-
	finished supply	9-16-77	-	-	-	-	-
		10-25-79	2.5	-	-	-	-
		10-28-82	-	-	-	3.2	-
		5-3-84	-	-	-	-	-
9-21-84	9.5	2.1	-	-	-		
Winfield	Winfield City Lake	4-27-83	-	-	-	-	-
		9-14-83	-	-	-	-	-
	finished supply	3-2-77	-	-	-	-	-
		3-9-79	-	-	-	-	-
		3-17-82	-	-	-	-	-
Yates Center	Yates Center Res.	8-9-83	2.4	-	-	-	0.21
		10-24-83	1.4	-	-	-	-
	finished supply	5-17-77	-	-	-	-	-
		5-30-80	-	-	-	-	-
		6-1-83	-	-	-	-	-

- means that pesticide was not detected

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
ADDITIONAL INFORMATION CONCERNING
S.B. 482, S.B. 486 AND S.B. 487

In accordance with the 1985 Kansas Water Plan, the Kansas Department of Health and Environment has proposed three bills to assist local governments in the resolution of problems associated with inadequately planned or protected water and wastewater treatment facilities but, more importantly, the proposed legislation presents a means by which local governments may prevent the future occurrences of similar problems. The concept of these three bills, the Countywide Wastewater Management Plan Bill (S.B. 482), the Subdivision Certification Bill (S.B. 486), and the Water Supply Protection Plan Bill (S.B. 487), have been presented and discussed throughout the state as part of the recommendations of the 1985 Kansas Water Plan and have received the endorsement of the Kansas Water Authority in presenting them to the legislature during the 1986 session. Over the years we have learned much in how to do things or, alternatively, how not to do things with respect to provision of sanitary services for communities or clusters of homes in such proximity that one home may have an impact on the sanitary conditions at a neighboring home. In learning from the mistakes of the past, it is the intention of these bills to assist local governments in assuring a provision of safe water supplies and adequate provisions for disposal of wastewater to ensure a better quality of life for the citizens of any affected area.

A brief summary and the purpose of the bills is presented below:

Countywide Water/Wastewater Management Plan (S.B. 482)

The bill currently proposes to amend K.S.A. 65-3308 through K.S.A. 65-3313. The amendments specifically provide for more emphasis on water service planning in the countywide water and wastewater management plans and remove the requirement that the planning is required only if Federal funds are available to assist in the preparation of the plans. Adequate area-wide plans are necessary for the provision of sanitary services, water and wastewater treatment, to assure that effected local governments can provide a reasonable degree of safety for the residents of proposed development areas and also to assure that provision of sanitary services to the areas are done both from sound environmental standpoints, but also in these economic times, with the least financial impact on the current residents as well as future residents.

Subdivision Certification (S.B. 486)

This bill proposes for each county to adopt either a water supply and sewerage management plan or a county sanitary code or a city code for the regulation of locations and sizings for sanitary facilities for affected areas. Each new subdivision plat must comply with the adopted document and the local governing body must certify compliance with the local documents to the Secretary of the Department of Health and Environment. The purpose of this bill is to assure that local governments thoroughly review any proposed development plans and assure the long range resolution of sanitary problems in the proposed development areas.

Environmental Protection Plans for Public Water Supplies (S.B. 487)

This bill amends K.S.A. 65-163. The amendments requires all public water supplies, both surface water and/or groundwater, prepare and implement an environmental protection plan for the area surrounding their public water supply source. The plan would be required to be submitted to Kansas Department of Health and Environment in conjunction with construction plans and specifications for any proposed facilities. The purpose of this bill is to require or allow local governments the power to limit what may be located in close proximity to their water supplies. For example, the local governments would be allowed to develop siting restrictions in areas surrounding their wells to assure a potential contaminant source would not be located within the zones of influences of their public water supply wells, or alternatively, if they have a surface water supply source that the contaminant source not be located immediately upstream in the drainage basin to their water supply lake. The proposed amendment to K.S.A. 65-163 would also limit the time of public water supply permits to not to exceed five years. The purpose of this provision is to require local governments to update and review the status both quantity and quality of their public water supply base supplies to assure the facilities remain current and also to indicate when and if improvements would be necessary.

Discussion

The safe and adequate disposal of body wastes and many household wastes by water carriage is essential whether we dwell in the largest city or the most isolated rural area. The vast majority of the population in Kansas, an estimated 75 percent, utilize municipal sewers for the removal of the wastewater. The remaining population utilize a variety of on-site sewerage systems, the most common of which is a common septic tank lateral field and soil absorption system. Other on-site sewerage arrangements include direct raw discharges, injection into the ground by cesspool, septic tank treatment with surface discharge, package aeration units followed by soil absorption, individual waste stabilization ponds, and mound evapotranspiration systems. Approximately 600,000 Kansans in an estimated 180,000 households utilize on-site sewerage arrangements. These arrangements work with varying degrees of success. It has been the general experience by Kansas sanitarians that at any given time, 25 percent of all septic tank lateral field systems are in some state of failure. These failures can become significant public health problems. Public health problems impact both rural and urban areas.

Problems associated with providing adequate sanitary services are not limited only to failing on-site systems. Inadequately planned developments in areas surrounding our urban cities have lead to a proliferation of small and inadequately operated and maintained treatment facilities. This results in both public health concerns as well as directly impacting the water quality of the waters of the state. For example, growth in the greater Topeka area lead to proliferation of treatment facilities numbering approximately 60 surrounding the greater metropolitan area. Because of both treatment system failures and increased development, some areas of Shawnee County Sewer District No. 33 are now paying for their fourth treatment facility. This is occurring in houses and areas where houses are less than 20 years old. In a time when tax revenues

the limited and cries for relief of property tax are being heard, you can imagine the financial impact a local homeowner who is now having to pay for a fourth treatment system, many times while still paying for the previous three. Inadequate local development plans and inadequate local control or lack of adequate sanitary codes in their enforcement have resulted in financial hardships to many Kansas citizens. Again, the goal of the bills proposed is to prevent the future occurrence of similar public health problems and economic hardships for the people.

The following is a summary of the efforts made by the Department of Health and Environment in recent years to identify and correct public health problems associated with inadequate planning for water and wastewater.

A recommendation of the 1979 Kansas Water Quality Management Plan adopted by Senate Concurrent Resolution 1620 dealt with preparation of Countywide Water and Wastewater Management Plans to identify those areas where on-site systems were not suitable for wastewater treatment and to also identify local governmental entity responsibilities for adequately providing water and wastewater service to areas interested in development. The requirement for such planning was particularly necessary in those urban counties where more rapid growth and development was occurring. The proliferation of suburban subdivisions in areas around established metropolitan areas particularly became problems areas when on-site systems such as septic tanks and lateral fields were allowed to be installed on inadequately sized lots. Subsequent problems associated with these type developments included the surfacing of inadequately treated wastewater with overflows through yards and streets into area drainways and subsequently into creeks and streams. The problem is not limited to metropolitan areas, however. Many small communities throughout Kansas, particularly those in the eastern one-third of the state where soils are not conducive to septic systems, are experiencing failure rates that mandate either reconstruction of soon to be again doomed systems or construction of central collection and treatment system to adequately serve the needs of the area.

The Kansas Department of Health and Environment has been active through the years in correction of problem areas where on-site systems have failed. Kansas was one of the leading states through the EPA Construction Grants Program in constructing central collection systems and treatment facilities for those areas where public health concerns warranted corrective action. The Department of Health and Environment has also supported communities in obtaining both HUD funds and FmHA funds through those respective programs. In December 1981, amendments to the Federal Clean Water Act mandated that Federal funds no longer be used for construction of collection systems beginning in Federal Fiscal Year 1985 (October 1984) unless the Governor of the state and the designated agency elected to reserve up to 20 percent of the construction grants funds for similar projects. The Kansas Department of Health and Environment assessed the impact of the no collection system mandate on the State of Kansas and decided it was very important to the state to continue to fund collection systems in unsewered areas, particularly those with high failure rates. In Fiscal Year 1985, nine grants totalling \$2.786 million in Federal money were made to five Kansas communities for construction of collection systems in failing septic tanks areas. The City of Kansas City received three grants, the City of Leawood received two grants, and the other recipients were Labette County, Hiawatha, and Chautauqua. Kansas City received approximately \$0.7 million in Federal monies and Leawood received \$1.2 million in Federal monies to correct problems of failing systems. There are currently approximately \$58.9 million estimated in collector system needs currently identified on the Federal funding priority list.

There are still several areas within the state requiring additional corrective methods for inadequate on-site sewerage systems. For example, the City of Kansas City currently has identified 32 septic tank islands throughout the City. The area north of the City of Topeka is experiencing a one in three failure rate for on-site systems as well as a need to eliminate a number of inadequately sized treatment facilities and combine them into flow to the City of Topeka system. In the Wichita area, the problems of groundwater pollution attributed to failing on-site systems are evident in the North Broadway area and also in the South Broadway area in the City. In addition in the Sedgwick County area, the failure rate of on-site systems in the Four Mile Creek area have virtually mandated that a central collection system and regional treatment facility be constructed in the near future. In the Reno County area, the City of Hutchinson and the Reno County health officials have recently completed an assessment of the problems in the north part of Hutchinson with respect to contaminated groundwater due to failing on-site septic systems. Further west, the City of Dodge City has requested approximately \$3 million in collector system projects be included on the priority list for Federal funds to solve unsewered area problems in that City. Additionally, the areas on the west side of the City of Garden City is also an area with a high rate of failure of on-site septic systems. These problems are not only limited to metropolitan areas. For example, the City of Hazelton in Barber County is a documented area where septic tank effluent is being directed directly into the groundwater through abandoned wells. In the Crawford County area in Southeast Kansas, the areas surrounding Pittsburg and many of the unincorporated areas, pass septic tank wastes directly into old mine shafts with subsequent groundwater pollution problems.

Several areas of the state have acknowledged the need for planning for water and wastewater facilities throughout the county with or without additional funding to provide that planning. For example, Douglas County and the City of Lawrence have cooperated in preparation of a county plan effort to address the needs of the City of Lawrence and Douglas County in the area between the City and Clinton Lake and subsequent proposed developments around Clinton Lake. These two entities cooperatively have realized it is much easier and cost-effective to provide an acceptable solution up front rather than to install septic systems which are doomed to fail. Sedgwick County officials also report they are budgeting for plan preparation. All of these efforts in no way prevent a person from developing his land in a manner to which may be to his advantage. The planning efforts instead provide the conditions and identify the local authorities to whom the developer must answer in order to develop his land. We must not forget that the ultimate recipient of an inadequately planned system is the homeowner or many generations of homeowners who are stuck with potential public health problems or are stuck with the economic burden of correcting the developer's mistakes.

Attached is a list of areas of known problems associated with inadequate sanitary facilities. The list is not meant to be all inclusive and was prepared in a very short period of time to demonstrate the real need for local governments with state assistance to solve local sanitary problems. It would seem that we Kansans should be able to learn and benefit by our mistakes. Local control is without question the best. The local governments will retain the prerogative of deciding where and under what conditions growth and development will occur within their jurisdictions. The three bills provide a mechanism that allows local regulatory agencies to apply and enforce those minimum public health standards. The cities and counties need to steer the course of their own development fates rather than live with sanitary problems

associated with random development. The Kansas Department of Health and Environment remains prepared to assist those local entities, both on a technical and on a regulatory basis, to determine how best to provide sanitary services, both to existing troubled areas and also again to prevent problems in the future.

PRELIMINARY LIST OF
AREAS OF KNOWN OR SUSPECTED ON-SITE
SEWAGE DISPOSAL PROBLEMS

In the 19 identified Countywide Wastewater Management Plan counties:

Kansas City - 32 septic tank "islands"
Overland Park
Leawood
Stanley
Spring Hill
Shawnee
Olathe City Lake
Emporia City Lake (Kahola)
Lyon County - Thorndale
Pittsburg area - discharges to mines
Crawford County unincorporated areas - discharges to mines
Barton County Subdivision/commercial establishments
Topeka/Shawnee County - 1/3 failure rate north of city
Manhattan area - many subdivisions/Tuttle Creek area
Butler County - many subdivisions
Andover
Winfield
Garden City - areas west
Hutchinson - areas north
Wichita - N. Broadway/S. Broadway many subdivisions
Sedgwick County - 4 Mile Creek
Leavenworth - Sarcoxie Lake
Gardner City Lake
Hays area - subdivisions/commercial establishments
Salina - subdivisions
Arkansas City
Derby

Other Problem Areas Statewide:

Hazelton - discharges to wells	Atchison
McPherson - areas surrounding	Hiawatha
Assaria	Horace
Langley	Dodge City
Herington City Lake	Liberal
Council Grove Reservoir	Medicine Lodge
Council Grove City Lake	Pratt
Manchester	Cheney Reservoir area
Talmage	Matfield Green
Brookville	Marion County Lake
Culver	McDonald
Ionia	Goodland
Vining	Gove
Ada	Munjor
Dunlap	Stuttgart
Lowell	Alton

Mulberry
Chautauqua
Baxter Springs
Westphalia
Redfield
Chanute
Weir - discharges to mines
Ludell
Marysville

Prairie View
St. Peter
Walker
Waldo
Timken
Jefferson County
Lake Perry
Pottawatomie Co. - Hwy. 24 Corridor
Burlingame

Other Areas Statewide:

Conservatively, there are at least 50 more unsewered communities or areas across the state with little or no information available.

FISCAL IMPACT - S.B. 482

KDHE

The current KDHE staff and resources of the agency are adequate to address the work load associated with the state's responsibility in preparation of water/wastewater management plans. Therefore, there would be no additional impact associated with the implementation of the program.

Local

The total costs for preparation of the Countywide Wastewater Management Plans in the eight counties receiving federal and state monies under K.S.A. 3308, et seq, was as follows:

<u>County</u>	<u>Total Cost</u>
Butler	\$32,480
Cowley	47,000
Crawford	25,500
Ellis	58,400
Finney	29,600
Geary	41,100
Harvey	36,500
Shawnee	66,000
Average Cost per Plan	\$41,100

Under K.S.A. 3308, et seq, the following counties were also identified to prepare plans:

Barton	Lyon	Saline
Douglas	Montgomery	Sedgwick
Johnson	Reno	Wyandotte
Leavenworth	Riley	

The goal of Countywide Water and Wastewater Management Planning is to utilize and update any existing documents. In all cases it will not be necessary to start all over. For example, Douglas County has recently prepared a document which addresses a majority of the K.S.A. 3308, et seq, requirements. Based upon a great reliance on existing information, the estimated average cost per plan is not expected to significantly exceed \$50,000. For the remaining eleven plans the total estimated cost should be no more than \$500,000-\$600,000 for the basic plans to meet the intent of K.S.A. 3308, et seq.

FISCAL IMPACT - S.B. 486

KDHE

The Bureau of Water Protection included funds to implement the bill in its C Level FY 1987 budget. The proposal calls for an Environmental Engineer II to administer the program. That result includes salaries (Code 100) of \$31,656; \$1,600 for contractual services (Object Code 200); \$100 for commodities (Object Code 300); and \$1,250 for necessary equipment which would include desk, chairs, etc., under capital outlay (Object Code 400). The total for this proposal is \$34,606.

Local

Nearly all of the 19 counties currently identified to prepare Countywide Water and Wastewater Management Plans already have the staff available to complete this task. Some are already doing it.

For those counties without sanitary codes, KDHE offers a draft document at no charge which greatly simplifies and standardizes basic functions. If the counties prefer instead to create their own documents rather than utilizing the fill-in-the-blank form available, those additional costs would be borne locally.

From a personnel standpoint, the amount of activity within the county would predicate the needs. For the great majority of counties, certifications could be made by the county health officer or designated public works staff. Other counties may wish to combine forces and share the services of a sanitarian or even create a multi-county health agency. Local needs will dictate but costs should be minimal if well planned. Certainly, the cost should not include one fulltime employee.

KDHE

Expenditures to carry out the intent of this bill have been included in the Bureau of Water Protection's FY 1987 budget request. The budget proposes a half-time Environmental Engineer II with a fiscal impact of \$24,788 in FY 1987. Under Object Code 100, Salaries and Wages, the impact would be \$15,828. The impact of Object Codes 200 and 300 will be \$8,960. It should be noted that the Environmental Engineer proposed to carry out this responsibility would also have the responsibility for minimum stream flows in the FY 1987 budget.

Local

Local officials currently employ professional help to develop studies, plans, and specifications for new public water supplies. The concept of siting and protection plans is included in KDHE's Minimum Standards of Design for Public Water Supply Systems. Therefore, there should ordinarily be no additional costs to local governments to implement this provision for new facilities. Existing facilities may incur some additional costs to develop the initial plan which should include a pollution source inventory within the zone of influence of the water supply. Available soil and geohydrological information to predict the potential for source (groundwater or surface water) contamination and to guide necessary prevention, such as separation distances, will have to be included in the plan. Costs will vary according to the size and complexity of the municipality. An average figure for a 5,000-10,000 population city may range between \$3,000-\$10,000.

Normally, the minimum five year review period should not be any financial burden to local governments since the professional services for any extension or expansion of services should already include an assessment of the system's ability to accept the change. In cases where no extension or expansion of services has occurred in the five-year period, permit renewal could simply be a certification by local officials that no extension or expansion has occurred and the services are adequate. This would be subject to state annual inspection, however.

FINAL DRAFT
Kansas Water Plan
Summary of Recommendations

January 1985

Table of Contents

<u>Section</u>	<u>Color Code</u>
Management	Blue
Conservation	White
Quality	Canary
Development	Green

STATE OF KANSAS



John Carlin, Governor

KANSAS WATER OFFICE

Joseph F. Harkins
Director

Suite 200
109 SW Ninth
Topeka, Kansas 66612
913-296-3185

Dear Fellow Kansans:

This Summary of Recommendations has been prepared to acquaint you with the final draft of the Kansas Water Plan. If you would like to review the entire draft of the Plan, it is available for your inspection at the County Extension Office and Conservation District Office located in each county.

The Kansas Water Plan is the product of the planning process conducted during the calendar years of 1983 and 1984. This process included monthly meetings with the Kansas Water Authority and the presentation of plan drafts to more than 3,000 people at 29 public meetings held throughout the state. Four formal public hearings were also held in which public comments were solicited prior to the preparation of the final plan draft. Two of these hearings pertained to the overall plan, while the other hearings were specifically on minimum desirable streamflows. The final draft has been approved by a unanimous vote of the Kansas Water Authority.

The proposed plan now requires the approval of the Kansas Legislature. The planning process is a continuous one, thus sections of the Plan may be revised in the future and new sections added as new problems and issues are identified.

We look forward to submitting a new section on Recreation, Fish and Wildlife to the 1986 Legislature.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Harkins".

Joseph F. Harkins
Director

JFH:dk

Public Water Supply Protection Plan for Small Water Impoundments-

Recommendation #55

The state should require preparation of an environmental protection plan as a condition of the permit for new public water supply lakes and for existing lakes with contamination problems.

Discussion

An environmental protection plan would outline in detail the steps a community could take to prevent contamination of a public water supply. The Department of Health and Environment would provide technical assistance, review and approval of plans.

Legislation

Legislation is needed.

Estimates of State
Financial Requirements

Initial Year:	\$11,000
Long Term:	\$11,000 annually

Public Water Supply Aquifer Protection Plan

Recommendation #57

The state should require preparation of an environmental protection plan as a condition of the permit for new public water supply wells and for existing wells with contamination problems.

Discussion

An environmental protection plan would outline in detail the steps a community could take to prevent contamination of a public water supply. The Department of Health and Environment would provide technical assistance, review and approval of plans.

Legislation

Legislation is needed.

Estimates of State
Financial Requirements

Initial Year:	\$11,000
Long Term:	\$11,000 annually

Countywide Water/Wastewater Plan

Recommendation #61

K.S.A. 65-3308 et seq. should be revised to require preparation of countywide water/wastewater management plans without federal financial support. All counties greater than 30,000 persons, without a plan, should be required to prepare a plan. The state should participate in 50-50 cost-sharing.

Discussion

Federal funding is no longer available to counties for the preparation of countywide water/wastewater management plans. Additional state assistance is needed for counties in which plans are still needed.

Legislation

Legislation is needed

Estimates of State
Financial Requirements

Initial Year:	\$350,000
Long Term:	Second year - \$200,000
	Third year - \$150,000

New Subdivision Water and Wastewater Plan

Recommendation #62

Local governments need to certify to the state that subdivision plans meet the state and/or local water and wastewater plan standards.

Discussion

Assurances that subdivisions are built with adequate sanitary services are necessary to protect the public from health problems, nuisances and economic hardships.

Legislation

Legislation is needed.

Estimates of State
Financial Requirements

Initial Year:	\$40,000
Long Term:	\$40,000 annually

JOHNSON COUNTY
UNIFIED WASTEWATER DISTRICTS

MAR 13 1986

SUMMARY OF BILL NO. 482

1. The bill amends the statutes pertaining to County-wide Wastewater Management Plans and renames the Plans to Water-Wastewater Management Plans, with the apparent intent that these plans address drinking water also, not just wastewater. Because of the very different state statutory authority under which wastewater and water utilities operate, this will greatly complicate the planning process. Rather than having to coordinate just wastewater agencies within a County, often a difficult task in itself, all of the drinking water agencies within the County will also have to be coordinated with the plan. Although there are definite advantages to coordinating water and wastewater systems, particularly in relationship to septic tank systems in rural subdivisions, the difficulties in developing a County-wide Wastewater Management Plan have been approximately doubled by this action.
2. The bill requires KDHE to establish minimum standards for sanitary codes and minimum standards for new subdivisions (apparently primarily for those without access to existing sewer systems) and that the County-wide plan is to submit proposed codes and standards for review and approval by KDHE. KDHE has little experience with sanitary code administration, and would not have the expertise for establishing good minimum code standards for state-wide application. Additionally, there is a large diversity of situations that could arise as a result of rural subdivisions, and a minimum state-wide standard will reduce local control of how growth occurs in these areas.
3. The bill removes the provision in the original County-wide Wastewater Management Plan which stated wastewater management plans would not be required if Federal funds were not available to fund the plans. Therefore, now even if Federal funds are not available, a plan must be done. Instead, the act directs that these studies be funded with County and/or Municipal funds. However, I think there are some significant statutory obstacles to counties funding such a study. KDHE needs to propose legislation to clearly establish that a County-wide levy can be assessed for the study.
4. This bill removes all deadlines for development of a plan, so any county could conceivably delay development of the plan indefinitely. It is possible that Senate Bill 486 addresses this issue, however, that bill uses different terminology, and does not specifically refer to the statutes which Senate Bill 482 is amending. The relationship between these two bills is confusing, as is further discussed in the comments on Senate Bill 486.

ATTACHMENT NO. 7

JAM/jes
99-1703

JOHNSON COUNTY
UNIFIED WASTEWATER DISTRICTS

MAR 13 1986

SUMMARY OF BILL NO. 486

1. This is possibly a bill related to Senate Bill 482, but it uses different language, and makes only a passing reference to the statute (K.S.A. 65-3308 to 65-3313) that Bill 482 amended, relating to the definition of a governing body. This bill requires that each appropriate local government as defined in Senate Bill 482 to develop an "approved water supply and sewerage management plan" or "an approved sanitary code". It is not clear if this is the same document as "Water-Wastewater Management Plan" referred to in Senate Bill 482. The intent is probably that these documents are to be the same, but the different language is confusing.
2. This bill gives a July 1, 1989 deadline for completion of the plan. This is likely to not be enough time due to the following reasons.
 - a. The legal authority of the County to fund such studies without considerable delays due to the provisions of Senate Bill 155 will seriously delay development of the plan.
 - b. Addition of water utilities into the picture greatly complicates the local coordination and cooperation issues.
 - c. Recognizing that local government must establish each annual budget by August of each year, it is clear that there will not be enough time between the passage of this statute, if it does occur this year, and August 1, 1986 to include money for these studies in 1987 budgets. Consequently, these studies would have to be funded in the 1988 budget year, and in most counties, it would difficult if not impossible to obtain the services of a consulting engineer, complete the studies and get KDHE approval by July 1, 1989.
3. As discussed under Senate Bill 482, the Kansas Department of Health and Environment needs to develop legislation which clearly allows counties to fund such studies on a county-wide basis.

JAM/jes
99-1704