

Approved 3-24-87  
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at  
Chairperson

10:00 a.m./~~p.m.~~ on March 17, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research  
Norman Furse, Revisor of Statutes Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

James A. Powers, Acting Director, Division of Environment, KDHE  
Margaret Baggs, Kansas Water Office  
Kevin Davis, League of Kansas Municipalities  
Leland Rolfs, Legal Counsel, Division of Water Resources, Kansas State  
Board of Agriculture  
Willie Martin, Intergovernmental Coordinator, Sedgwick County, Kansas

Others attending: see attached list

James Powers continued testimony begun on March 16, 1987, on SB-285, SB-286 and SB-287. Mr. Powers stated that this bill was needed to protect the water supply and give KDHE authority to ensure provision of adequate water and waste water services to new subdivisions, also to protect the environment through state laws and regulations. (attachment 1)

Margaret Baggs testified and presented written testimony in support of SB-285 and SB-286. Ms. Baggs stated that the protection mechanisms now available are not adequate as contaminants are still being found in the water supply. It was also stated that SB-286 would address the problems that have arisen due to improperly planned subdivisions. (attachment 2)

Kevin Davis testified and presented written testimony in opposition to SB-285 as it is written. Mr. Davis stated the League of Kansas Municipalities did support the Kansas Water Plan. He also stated his organization believed the advisory task force should meet and establish the rules and regulations proposed in this bill prior to the requirement for renewable public water supply system permits. (attachment 3)

Leland Rolfs spoke of a concern with SB-285, questioning the intent of lines 0099 to 0101, "specify the duties of state agencies, local governmental entities and public water supply systems with respect to the development and implementation of this section." (attachment 4)

Willie Martin spoke in support of the concept of SB-285, which is the protection of the public water supply systems and opposed the bill as it is written. Ms. Martin stated that it was felt that the task force should be appointed to study the area of concern and return with recommendations. Areas of concern are listed in the written testimony. (attachment 5)

The chairman advised the committee that Senator Kerr had asked that a request be made to transfer SB-319 to the Judiciary Committee, and that this would be done.

The meeting adjourned at 11:00 a.m. The next scheduled meeting will be March 18, 1987.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3/17/87

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

Margaret Baggs	Ks Water Office
Joel Wentz	Ks Water Office
Jeni Clements	MHS
Yolanda Schick	MHS
Nicholey Traddell	MHS
Bob Foley	"
Samantha Moore	MHS
Renee McKain	MHS
Kirk Doherty	MHS
Shelly Smith	MHS
Tim Zimmerman	MHS
Dodd Huff	"
Manard	Glasco
Angie Klein	MMAA
Lynette Bleneman	MMAA
Michelle Stanik	Minneapolis High School
Tresa Beigan	MHS government class
Lisa Husin	MHS guitar class
Mary Ann Bradford	League of Women Voters of KS.
Gyula F. Kovach	KDHE
Lavene Brenden	KDHE
James Power	KDHE
Leland E. Rolf	DWR, KSBA



Testimony presented to  
Senate Public Health & Welfare Committee  
March 16, 1987

by  
James A. Power, Acting Director  
Division of Environment  
Kansas Department of Health & Environment  
S.B. 287

This bill implements requirements of the 1986 Amendments to the Federal Safe Drinking Water Act (SDWA) concerning use of lead products in public water systems.

Section 1417 of the Safe Drinking Water Amendments:

- prohibits use of solder or flux containing more than 0.2% lead, or pipe and pipe fittings containing more than 8.0% lead, in new installations and repairs of public water supply systems or in the plumbing of any building providing water for human consumption; and
- requires public water supply systems to give notice to consumers who may be affected by lead contamination, of the potential lead sources, potential health effects, and possible methods of mitigating lead contamination.

States are required by the SDWA to implement these two provisions of federal law or forfeit up to 5% of the grant received from the Environmental Protection Agency for administration of the public water supply supervision program.

This bill amends K.S.A. 65-171(r), "Prohibited Acts", to add the lead solder/flux/pipe ban and to prohibit sale of lead solder or flux with more than 0.2% lead unless the product is properly labeled.

This bill also amends K.S.A. 65-171o, to allow the Secretary of KDHE to require public water suppliers to give notice to their customers whenever lead contamination from the distribution system materials or from the corrosivity characteristics of the water is possible.

This bill will place the State of Kansas in compliance with the requirements of federal law.

Lead has no known useful function in the human body. Lead is a well-known toxin causing damage to the nervous system, the blood forming processes, the gastrointestinal system and the kidneys. Recent studies have shown that lead also causes cognitive damage, can stunt children's growth and raise blood pressure in adult males, even at low levels. Health effects range from subtle biochemical changes at low doses to severe retardation or death at higher levels. Young children and fetuses are most at risk to damage from exposure to lead.

*S.P.H.W.*  
*3-17-87*  
*attachment 1*

Lead rarely occurs naturally in drinking water sources. The major source of lead in drinking water is the plumbing of individual houses dissolved by corrosive water. how much lead leaches from pipes and soldered joints containing lead depends upon the time of contact between the water and the plumbing, the corrosivity of water and the age and condition of the plumbing. New solder, particularly, leaches lead easily.

Kansas waters are not generally aggressive and lead contamination of drinking water has not been determined to be a problem in this state. However, lead contamination can occur with new plumbing and solder, particularly if the water is softened. These changes in Kansas Statute are necessary to place the state in compliance with federal law.

Mr. Chairman and members of the committee, the department requests your support of this bill.

ibed by a State pursuant to this under its laws. Any requirement ted under this section is condi- as if such requirement was part lation.

oursuant to this subsection shall unless the exemption for which istrator under subsection (d)(2) ator under such subsection. tion under subsection (a) shall anting of such exemption. Such e exemption (including the basis 3) before the exemption may be xemption.

effective date of the interim name Administrator shall complete ranted (and schedules prescribed ne-year period beginning on such duct such subsequent reviews of essary to carry out the purposes

be completed within each 3-year review under this subparagraph. bparaph, the Administrator the Federal Register. Such notice e location of data and other in- viewed (including data and other ers bearing on such exemptions), it comments on the exemptions m. Upon completion of any such the Federal Register the results sive to comments submitted in

state has, in a substantial number nting exemptions under subsec- accordance with subsection (b), of his finding. In determining if ting exemptions in a substantial shall consider the number of per- and if the requirements applicable mplied with. A notice under this

ystem with respect to which the

, and s of specific exemptions or pro- public water systems, or both. asonable notice and public hear- pursuant to subparagraph (A). o subparagraph (A), the Ad- which the notice was given and on, or (ii) promulgate (with such

modifications as he deems appropriate) such exemption revocations and revised schedules proposed in such notice as he deems appropriate. Not later than 180 days after the date a notice is given pursuant to subparagraph (A), the Administrator shall complete the hearing on the notice and take the action required by the preceding sentence.

(C) If a State is notified under subparagraph (A) of a finding of the Administrator made with respect to an exemption granted a public water system within that State or to a schedule prescribed pursuant to such an exemption and if before a revocation of such exemption or a revision of such schedule promulgated by the Administrator takes effect the State takes corrective action with respect to such exemption or schedule which the Administrator determines makes his finding inapplicable to such exemption or schedule, the Administrator shall rescind the application of his finding to that exemption or schedule. No exemption revocation or revised schedule may take effect before the expiration of 90 days following the date of the notice in which the revocation or revised schedule was proposed.

(e) For purposes of this section, the term "treatment technique requirement" means a requirement in a national primary drinking water regulation which specifies for a contaminant (in accordance with section 1401(1)(C)(ii) each treatment technique known to the Administrator which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 1412(b).

(f) If a State does not have primary enforcement responsibility for public water systems, the Administrator shall have the same authority to exempt public water systems in such State from maximum contaminant level requirements and treatment technique requirements under the same conditions and in the same manner as the State would be authorized to grant exemptions under this section if it had primary enforcement responsibility.

(g) If an application for an exemption under this section is made, the State receiving the application or the Administrator, as the case may be, shall act upon such application within a reasonable period (as determined under regulations prescribed by the Administrator) after the date of its submission.

*Section 1417. PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX*

*(a) IN GENERAL -*

*(1) PROHIBITION - Any pipe, solder, or flux, which is used after the enactment of the Safe Drinking Water Act Amendments of 1986, in the installation or repair of -*

*(A) any public water system, or*

*(B) any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system, shall be lead free (within the meaning of subsection (d)). This paragraph shall not apply to leaded joints necessary for the repair of cast iron pipes.*

*(2) PUBLIC NOTICE REQUIREMENTS*

*(A) IN GENERAL - Each public water system shall identify and provide notice to persons that may be affected by lead contamination of their drinking water where such contamination results from either or both of the following:*

(i) The lead content in the construction materials of the public water distribution system.

(ii) Corrosivity of the water supply sufficient to cause leaching of lead.

The notice shall be provided in such manner and form as may be reasonably required by the Administrator. Notice under this paragraph shall be provided notwithstanding the absence of a violation of any national drinking water standard.

(B) CONTENTS OF NOTICE—Notice under this paragraph shall provide a clear and readily understandable explanation of—

(i) the potential sources of lead in the drinking water,

(ii) potential adverse health effects,

(iii) reasonably available methods of mitigating known or potential lead content in drinking water,

(iv) any steps the system is taking to mitigate lead content in drinking water, and

(v) the necessity for seeking alternative water supplies, if any.

(b) STATE ENFORCEMENT—

(1) ENFORCEMENT OF PROHIBITION—The requirements of subsection (a)(1) shall be enforced in all States effective 24 months after the enactment of this section. States shall enforce such requirements through State of local plumbing codes, or such other means of enforcement as the State may determine to be appropriate.

(2) ENFORCEMENT OF PUBLIC NOTICE REQUIREMENTS—The requirements of subsection (a)(2) shall apply in all States effective 24 months after the enactment of this section.

(c) PENALTIES—If the Administrator determines that a State is not enforcing the requirements of subsection (a) as required pursuant to subsection (b), the Administrator may withhold up to 5 percent of Federal funds available to that State for State program grants under section 1443(a).

(d) DEFINITION OF LEAD FREE—For purposes of this section, the term “lead free”—

(1) when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead, and

(2) when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead.

## Part C—Protection of Underground Sources of Drinking Water

### REGULATIONS FOR STATE PROGRAMS

**Sections 1421.** (a)(1) The Administrator shall publish proposed regulations for State underground injection control programs within 180 days after the date of enactment of this title. Within 180 days after publication of such proposed regulations, he shall promulgate such regulations with such modifications as he deems appropriate. Any regulation under this subsection may be amended from time to time.

(2) Any regulation under this section shall be proposed and promulgated in accordance with section 553 of title 5, United States Code (relating to rulemaking), except that the Administrator shall provide opportunity for public hearing prior to promulgation of such regulations. In proposing and promulgating regulations under this section, the Administrator shall consult

with the Secretary, the National appropriate Federal entities a

(b)(1) Regulations under such programs shall contain minimum vent underground injection w the meaning of subsection (d) program, in order to be appr

(A) shall prohibit, effe underground injection cont jecton in such State which State (except that the re underground injection by

(B) shall require (i) in authorization of undergrou the permit to inject must sa will not endanger drinking gram which provides for su be promulgated which aut dangers drinking water sou

(C) shall include inspectio requirements; and

(D) shall apply (i) as pres jectons by Federal agencie other person whether or no the United States.

(2) Regulations of the A underground injection contrc which interfere with or impac

(A) the underground injec to the surface in connection gas storage requirements,

(B) any underground inj of oil or natural gas, unless such requirements are of drinking water will not be

(3)(A) The regulations of mit or provide for consider historical conditions in differ

(B)(i) In prescribing regu. shall, to the extent feasible, would unnecessarily disrupt which are in effect and bein

(ii) For the purpose of th the Administrator under th underground injection contr comply with both such regu control program.

(iii) For the purpose of th the Administrator under th if, without such regulation, not be endangered by any

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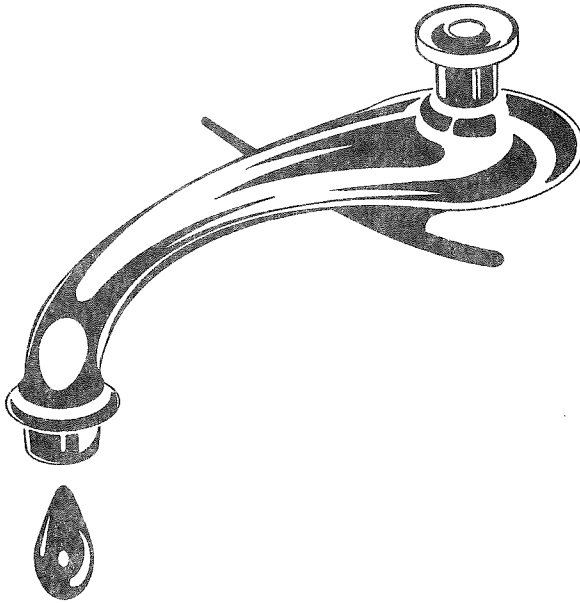
Final Version

Pre-publication Copy



# Lead in Drinking Water

## Should You Be Concerned?





## The water you drink may have high concentrations of lead.

### THE FACTS ARE:

- \* Too much lead in the human body can cause serious damage to the brain, kidneys, nervous system, and red blood cells.  
You have the greatest risk, even with short-term exposure, if:
  - you are a young child, or
  - you are pregnant.
- \* Lead levels in your drinking water are likely to be highest:
  - if your home or water system has lead pipes, or
  - if your home has copper pipes with lead solder, and
    - if the home is less than five years old, or
    - if you have soft water, or
    - if water sits in the pipes for several hours.
- \* The only way to be sure of the amount of lead **in your household** water is to have the water tested by a competent laboratory. Your water supplier may be able to offer information or assistance with testing. Testing is especially important for apartment dwellers, because flushing may not be effective in high-rise buildings with lead-soldered central piping.
- \* While you are waiting for your home's test results:
  - **Anytime the water in a particular faucet has not been used for six hours or longer, "flush" your cold-water pipes by running the water until it becomes cooler** (this usually takes about two minutes). The more time water has been sitting in your home's pipes, the more lead it may contain.
  - **Use only water from the cold-water tap for drinking, cooking, and especially for making baby formula.** Hot water is likely to contain higher levels of lead.

The two actions recommended above are very important to the health of your family. They will probably be effective in reducing lead levels because most of the lead in household water usually comes from the plumbing in your house, not from the local water supply.

For more details on the problem of lead in drinking water and what you can do about it, read the questions and answers in the remainder of this booklet.

### Why is lead a problem?

A. Although it has been used in numerous consumer products, lead is a toxic metal now known to be harmful to human health if inhaled or ingested. In the last few years, federal controls on lead in gasoline, "tin" cans, and paint have significantly reduced people's exposure to lead.

The degree of harm depends upon the level of exposure (from all sources). Known effects of exposure to lead range from subtle biochemical changes at low levels of exposure, to severe neurological and toxic effects or even death at extremely high levels.

### Q. Does lead affect everyone equally?

A. Young children, infants, and fetuses appear to be particularly vulnerable to lead poisoning. A dose of lead that would have little effect on an adult can have a big effect on a small body. Also, growing children will more rapidly absorb any lead they consume. A child's growth can be irreversibly stunted by over-exposure to lead. In addition, children whose diet consists of liquids, such as baby formula, can receive large doses of lead.

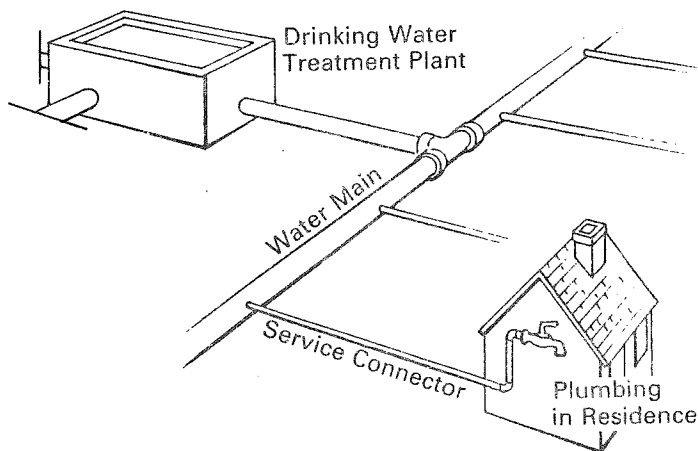
### Q. How could lead get into my drinking water?

A. Typically, lead gets into your water *after* the water leaves your local treatment plant or your well. That is, the source of lead in your home's water is most likely pipe or solder in your home's own plumbing.

The most common cause is corrosion, a reaction between the water and the lead pipes or solder. "Soft" water (which lathers soap easily) is a common cause of corrosion. All kinds of water, however, may have high levels of lead.

One factor that increases corrosion is the practice of grounding electrical equipment (such as telephones) to water pipes. Any electric current traveling through the ground wire will accelerate the corrosion of lead in the pipes. (Nevertheless, wires **should not be removed** from pipes unless a qualified electrician installs an adequate alternative grounding system.)

### Drinking Water Supply System



**Q. Does my home's age make a difference?**

**A.** Lead-contaminated drinking water is most often a problem in houses that are either very old or very new.

Up through the early 1900's, it was common practice, in some areas of the country, to use lead pipes for interior plumbing. Also, lead piping was often used for the service connections that join residences to public water supplies. (This practice ended only recently in some localities.) Plumbing installed before 1930 is most likely to contain lead. Copper pipes have replaced lead pipes in most residential plumbing. However, the use of lead solder with copper pipes is widespread. Experts regard this lead solder as the major cause of lead contamination of household water in U.S. homes today.

Scientific data indicate that the newer the home, the greater the risk of lead contamination. Lead levels decrease as a building ages. This is because, as time passes, mineral deposits form a coating on the inside of the pipes (if the water is not too corrosive). This coating insulates the water from the solder. But, during the first five years (before the coating forms) water is in direct contact with the lead. **Water in buildings less than five years old is likely to have high levels of lead contamination.**

**Q. How can I tell if my water contains too much lead?**

**A.** You should have your water tested for lead. Testing costs between \$30 and \$100. Since you cannot see, taste, or smell lead dissolved in water, testing is the only sure way of telling whether or not there are harmful quantities of lead in your drinking water.

You should be particularly suspicious if your home has lead pipes (lead is a dull-gray metal that is soft enough to be easily scratched with a housekey), if you see signs of corrosion (frequent leaks, rust-colored water, stained dishes or laundry), or if your non-plastic plumbing is less than five years old. Your water supplier may have useful information, including whether or not the service connector used in your home or area is made of lead.

Testing is especially important in high-rise buildings where flushing might not work.

**Q. How do I have my water tested?**

**A.** Water samples from the tap will have to be collected and sent to a qualified laboratory for analysis.

Contact your local water utility or your local health department for information and assistance. In some instances, these authorities will test your tap water for you, or they can refer you to a qualified laboratory. You may find a qualified testing company under "Laboratories" in the yellow pages of your telephone directory.

You should be sure that the lab you use has been approved by your state or by EPA as being able to analyze drinking water samples for lead contamination. To find out which labs are qualified, contact your state or local department of the environment or health.

## What are the testing procedures?

**A.** Arrangements for sample collection will vary. A few laboratories will send a trained technician to take the samples; but in most cases, the lab will provide sample containers along with instructions as to how you should draw your own tap-water samples. If you collect the samples yourself, make sure you follow the lab's instructions exactly. Otherwise, the results might not be reliable.

Make sure that the laboratory is following EPA's water-sampling procedure, especially taking a "first draw" and a "fully flushed" sample. (The first-draw sample will have the highest level of lead, while the fully-flushed sample will indicate the effectiveness of flushing the tap before using the water.)

## Q. How much lead is too much?

**A.** Federal standards limit the amount of lead in water to 50 parts per billion (ppb). In light of new health and exposure data, EPA has proposed tightening this standard to 20 ppb. If tests show that the level of lead in your household water is in the area of 20 ppb or higher, it is advisable—especially if there are young children in the home—to reduce the lead level in your tap water as much as possible. (EPA estimates that more than 40 million U.S. residents use water that can contain lead in excess of 20 ppb.)

Note: One ppb is equal to one microgram per liter ( $\mu\text{g/L}$ ) or 0.01 milligram per liter (mg/L).

## Q. How can I reduce my exposure?

**A.** If your drinking water is contaminated with lead—or until you find out for sure—there are several things you can do to minimize your exposure. Two of these actions should be taken right away by everyone who has, or suspects, a problem. The advisability of other actions listed here will depend upon your particular circumstances.

### Immediate Steps

- The first step is to refrain from consuming water that has been in contact with your home's plumbing for more than six hours, such as overnight or during your work day. Before using water for drinking or cooking, "flush" the cold water faucet by allowing the water to run until you can feel the water get cooler. You must do this for each drinking water faucet—taking a shower will not flush your kitchen tap. Buildings built prior to about 1930, may have service connectors made of lead. Letting the water run for an extra 15 seconds after it cools should also flush this service connector. Flushing is important because the longer water is exposed to lead pipes or lead solder, the greater the possible lead contamination. (The water that comes out after flushing will not have been in extended contact with lead pipes or solder.)

Once you have flushed a tap, you might fill one or more bottles with water and put them in the refrigerator for later use that day. (The water that was flushed—usually one to two gallons—can be used for non-consumption purposes such as washing dishes or clothes; it needn't be wasted.)

Note: Flushing may prove ineffective in high-rise buildings that have large-diameter supply pipes joined with lead solder.

- The second step is to never cook with or consume water from the hot-water tap. Hot water dissolves more lead more quickly than cold water. So, do not use water taken from the hot tap for cooking or drinking, and **especially not for making baby formula**. Use only thoroughly flushed *cold* water for any consumption.

## Other Actions

- If you are served by a public water system (more than 219 million people are) contact your supplier and ask whether or not the supply system contains lead piping, and whether your water is corrosive. If either answer is yes, ask what steps the supplier is taking to deal with the problem of lead contamination.

Drinking water can be treated at the plant to make it less corrosive. Cities such as Boston and Seattle have successfully done this for an annual cost of less than one dollar per person. (Treatment to reduce corrosion will also save you and the water supplier money by reducing damage to plumbing.)

Water mains containing lead pipes can be replaced, as well as those portions of lead service connections that are under the jurisdiction of the supplier.

- If you own a well or another water source, you can treat the water to make it less corrosive. Corrosion control devices for individual households include calcite filters and other devices. Calcite filters should be installed in the line between the water source and any lead service connections or lead-soldered pipes. You might ask your health or water department for assistance in finding these commercially available products.

- You can remove lead from tap water within your house. Point-of-use treatment devices such as reverse osmosis devices and distillation units are now commercially available. But, they are expensive, their effectiveness may vary, and they are often difficult to maintain. You should insist that the installer of any such device demonstrate its effectiveness for lead removal and set up an effective and practical maintenance program. There is no other way to be certain it is doing the job intended.

Since these devices also soften water, they should only be installed at the faucet. If one is placed elsewhere in the plumbing system, it will tend to increase corrosion in the pipes between the device and the faucet. Of course, attaching a unit to the kitchen tap will not solve a problem at the tap in the bathroom.

- You can purchase bottled water for home consumption. (Bottled water in interstate commerce is regulated by the Food and Drug Administration. Water that is bottled and sold within a state may be controlled by the state. EPA does not regulate bottled water.)

- Instruct, in writing, any plumber you hire to use only lead-free materials for repairs or in newly installed plumbing.

- Before you move into a newly built home, remove all strainers from faucets and flush the water for at least 15 minutes to remove loose lead solder or flux debris from the plumbing. Occasionally, check the strainers and remove any later accumulation of loose lead.

### **Q. Aren't there a lot of treatment devices that would work?**

**A.** No. Some of the products which may seem to offer help in reducing lead in water or corrosion, but that actually have no positive effect are:

- Carbon filters, sand filters, and cartridge filters. These do filter out some water contaminants, but they do not remove lead and they do nothing to prevent corrosion.

- Water softeners, iron removal systems, and ion exchange units. Soft wa. actually increases corrosion and, thus, the likelihood of lead contamination.

**Q. What is the government doing about the problem of lead in household water?**

**A.** There are two major governmental actions to reduce your exposure to lead:

- EPA, under the authority of the Safe Drinking Water Act, limited the amount of lead in drinking water to 50 ppb. In November 1985, the Agency began to revise this standard by proposing a tighter goal of 20 ppb. EPA is scheduled to complete the revision process by June 1988. Utilities must assure that water from the customer's tap meets the standard, and notify citizens of all violations of the standard.

- In June 1986, President Reagan signed amendments to the Safe Drinking Water Act. These amendments require the use of "lead-free" pipe, solder, and flux in the installation or repair of any public water system, or any plumbing in a residential or non-residential facility connected to a public water system.

Under the provisions of these amendments, solders and flux will be considered "lead-free" when they contain not more than 0.2 percent lead. (In the past, solder normally contained about 50 percent lead.) Pipes and pipe fittings will be considered "lead-free" when they contain not more than 8.0 percent lead.

These requirements went into effect immediately. The law gives state governments until June 1988 to implement and enforce these new limitations. A number of states have already banned all use of lead materials in drinking water systems. These states (as of January 1987) are: Delaware, California, Connecticut, Illinois, Massachusetts, Minnesota, New York, Oregon, Rhode Island, Virginia, and Wisconsin. Such bans do not eliminate lead contamination within existing plumbing.

**Q. Where can I get more information?**

**A.** You should direct any unanswered questions to your drinking water supplier, or your county or state department of health or environment.

## DEFINITIONS

**Corrosion:** A dissolving and wearing away of metal caused by a chemical reaction (in this case, between water and the piping that the water contacts or between two different metals).

**First Draw:** The water that immediately comes out when a tap is first opened.

**Flush:** To open a cold-water tap to clear out all the water which may have been sitting for a long time in the pipes.

In new homes, to flush a system means to send large volumes of water gushing through the unused pipes to remove loose particles of solder and flux. (Sometimes this is not done correctly or at all.)

**Flux:** A substance applied during soldering to facilitate the flow of solder. Flux often contains lead and can, itself, be a source of contamination.

**Public Water System:** Any system that supplies water to 25 or more people or has 15 or more service connections (buildings or customers).

**Service Connector:** The pipe that carries tap water from the public water main to a building. In the past, these were often made of lead.

**Soft water:** Any water that is not "hard." Water is considered to be hard when it contains a large amount of dissolved minerals, such as salts containing calcium or magnesium. You may be familiar with hard water that interferes with the lathering action of soap.

**Solder:** A metallic compound used to seal the joints between pipes. Until recently, most solder contained about 50 percent lead.

TESTIMONY BY THE KANSAS WATER OFFICE TO THE  
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE  
MARCH 16, 1987  
ON SB 285 AND 286

The Kansas Water Office supports the passage of SB 285 and 286. Both bills were submitted to implement sub-sections of the Quality Section of the Kansas Water Plan. These sub-sections were approved by the Kansas Water Authority in December, 1984 and included in the Kansas Water Plan. The sub-sections were discussed during 11 public meetings and 2 formal public hearings during 1984.

SB 285

SB 285 would implement the recommendations in 2 sub-sections of the Kansas Water Plan - Public Water Supply Protection Plan for Small Water Impoundments and Public Water Supply Aquifer Protection Plan. There is an abundance of potential pollution sources in our environment that have the potential to seriously degrade the quality of our water supplies. There are some existing control mechanisms available to local units to protect public water supply sources. There are, as well, control programs for most point sources of pollution. These protection mechanisms are not enough, however, as evidenced by the fact that we are finding contaminants in public water supplies, that in some cases have caused abandonment of the source.



SB 285 would require the secretary of Kansas Department of Health and Environment, with the assistance of a task force, to adopt rules and regulations for the development and implementation of a public water supply protection plan to be submitted as part of a public water supply permit application for new and existing public water supply systems.

This bill will require owners of public water supplies to examine what potential contaminants exist in the area of the source that may have an adverse effect on the water supply. Prevention of water pollution is much more desirable than after-the-fact abatement of problems.

SB 286

SB 286 would implement the recommendations in the New Subdivision Water and Waste Water Plan sub-section of the Kansas Water Plan. This bill would address the problems that have arisen due to unplanned or improperly planned sub-divisions. There have been instances of development without adequate water and sanitary services, such as occurred in a Jefferson County Rural Water District and the reported widespread use of septic tanks in Reno County. This improper development can result in failing septic tanks, overloaded sewer lines, inadequate water pressure and inadequate treatment facilities -- which in turn can

result in public health problems, nuisances and economic hardships for the homeowners in the subdivisions. SB 286 would require all counties and cities to adopt sanitary codes by July 1, 1990 and that no local body will approve subdivision plans or proposals that are not in compliance with the adopted county wide wastewater management plan or an approved sanitary code. By also requiring that the approval be certified to Kansas Department of Health and Environment, the development of sub-divisions without adequate water and sanitary services and the potentially resulting public health problems, can be avoided.



# League of Kansas Municipalities

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

TO: Senate Public Health and Welfare Committee  
FROM: Kevin R. Davis, Attorney  
DATE: March 16, 1987  
SUBJECT: SB 285

The League of Municipalities' Water and Environmental Policy Committee has taken a position in opposition to SB 285 as it is written. The League supports the Kansas Water Plan and could support this bill with certain amendments.

We believe that the advisory task force should meet and establish the rules and regulations proposed in this bill prior to the requirement for renewable public water supply system permits. We recommend that the bill be modified so that the requirement of a renewable public water supply system permit not take effect until at least one year after the adoption of the rules and regulations required by this bill. This would allow for at least a one-year period in order for public water supply systems to evaluate and comply with the rules and regulations adopted. We would expect that the rules and regulations would provide for a phasing in of these requirements for existing public water supply systems. That is, we would expect that existing systems operating under a valid permit would have a reasonable time period to prepare the required water supply protection plan in compliance with this bill.

*S P H & W  
3-17-87  
attachment 3.*

President: John L. Carder, Mayor, Iola • Vice President: Carl Dean Holmes, Mayor, Plains • Past Presidents: Ed Ellert, Mayor, Overland Park • Directors: Robert C. Brown, Commissioner, Wichita • Robert Creighton, Mayor, Atwood • Irene B. French, Mayor, Merriam • Frances J. Garcia, Commissioner, Hutchinson • Donald L. Hamilton, City Clerk/Administrator, Mankato • 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 • Deane P. Wiley, City Manager, Garden City • Douglas S. Wright, Mayor, Topeka • Executive Director: E.A. Mosher

We also suggest that it is not clear under Section 1 (2) how the new permit process would apply to existing and established water supply system permits. We suggest the language be clarified to address this situation.

Our amendments would effectively provide for a task force to develop the rules and regulations as provided in this act. It would further establish a one-year grace period before the rules and regulations became applicable to permits for water supply systems.

Again, we support the Kansas Water Plan and the intent of this bill. However, we recommend the establishment of the task force and development of the rules and regulations prior to the requirement for renewable public water supply system permits made applicable to holders of existing permits.

STATEMENT TO THE SENATE PUBLIC  
HEALTH AND WELFARE COMMITTEE

ON MARCH 16, 1987

BY LELAND E. ROLFS  
LEGAL COUNSEL  
DIVISION OF WATER RESOURCES  
KANSAS STATE BOARD OF AGRICULTURE

ON SENATE BILL NO. 285  
CONCERNING PUBLIC WATER SUPPLY SYSTEMS

Chairman Littlejohn and Members of the Committee thank you for this opportunity to appear on Senate Bill 285.

Although the Bill apparently does not relate directly to the Division of Water Resources of the Kansas State Board of Agriculture, Lines 99 thru 101 allow the Secretary of the Department of Health and Environment to "specify the duties of state agencies, local governmental entities and public water supply systems with respect to the development and implementation of this section..."

We are not quite certain what the intent of this language is and it may be perhaps a bit broad. It could possibly conflict with the administration of the Kansas Water Appropriation Act by the Division of Water Resources, because the Division is also involved in the issuance of permits to appropriate water for beneficial use which each public water supply system must also have.

It would seem inappropriate to give the Secretary of Health and Environment authority under Rule and Regulation to effect the Division of Water Resources' authority to administer the Kansas Water Appropriation Act without even being required to consult with the Division of Water Resources.

With this one clarification the Division of Water Resources would have no objection to this bill. Thank you very much for this opportunity to make a statement.

*SRA/W*  
*3-17-87*  
*attachment 4*



SEDGWICK COUNTY, KANSAS

Intergovernmental Coordinator

WILLIE MARTIN

County Courthouse  
Suite 315  
Wichita, KS 67203-3790  
(316) 268-7552

TO: Senate Public Health and Welfare Committee

FROM: Willie Martin, Intergovernmental Coordinator

DATE: March 13, 1987

RE: Senate Bill 285  
Public Water Supply Protection Plans

Chairman Ehrlich and Members of the Committee:

I am Willie Martin representing the Sedgwick County Board of Commissioners. I appreciate the opportunity to testify on SB 285.

We support the concept of SB 285, which is the protection of public water supply systems; however, we strongly oppose the bill as written, and recommend that the task force described in the draft legislation be appointed to study the area of concern, and return with recommendations regarding the mechanisms needed for implementation of the public water supply protection concept. Those recommendations could then be drafted for future legislation.

In addition, the draft legislation is premature because:

- a. the Groundwater Protection Strategy for Kansas has not yet been finalized;
- b. the EPA Wellhead Protection Program guidelines have not yet been established; and
- c. the legal and liability issues regarding the public water supply protection concept have not yet been addressed and defined.

For example, the issue of how an entity can be responsible for and control and direct an area outside of its political jurisdiction remains unaddressed.

*S. D. H. W.*  
*3-17-87*  
*attachment 5*

We feel strongly that it is appropriate for the task force to study the areas of concern, consider the guidelines being developed by the state and federal governments, and then propose legislation for implementation. To adopt SB 285 in its present form, and appoint a task force to study the issue afterwards, would appear to be getting the horse before the cart.

We respectfully request your careful consideration of SB 285.

WM:cr