

Approved

Ken Grotewiel
Date 3/25/91

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Representative Ken Grotewiel at
Chairperson

3:30 ~~xxx~~ p.m. on March 20, 19⁹¹ in room 526-S of the Capitol.

All members were present except:

Representative Freeman, excused
Representative Glasscock, excused
Representative Shore, excused

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Pat Mah, Legislative Research
Lenore Olson, Committee Secretary

Conferees appearing before the committee:

Ken Kern - Executive Director, State Conservation Commission
Teresa (Terry) Duvall - Administrative Officer, Kansas Water Office
Karl Mueldener - Director, Bureau of Water, Division of Environment
Scott Andrews - Sierra Club, Kansas Chapter
Eileen Koutelas - Water District No. 1 of Johnson County
Gary Custis - Professional Lawn Care Association of Mid-America
Dave Murphy - Kansas Environmental Education Protection Council
Howard Uhl for Mike Miller - City of Topeka

Chairperson Grotewiel called the meeting to order and opened the hearing on SB 88.

Ken Kern, State Conservation Commission, testified in support of SB 88, stating that there have been inquiries from Rural Water Districts that need a water supply if they would qualify for the Multipurpose Small Lakes Program. These districts are not eligible according to the current statute. (Attachment 1)

Terry Duvall, Kansas Water Office, testified in support of SB 88. She stated that this bill "fine tunes" a program that has been a success since its origin in 1985, and passage of this bill will make a good program better. (Attachment 2)

Scott Andrews, Sierra Club, Kansas Chapter, testified that they support SB 88 but it should be amended. They feel the adoption of their amendment would lead to more responsible management of water resources and could save the state money by reducing the size and number of small lakes needed for water supply and flood control. (Attachment 3)

The Chair closed the hearing on SB 88 and opened the hearing on SB 89.

Terry Duvall, Kansas Water Office, testified in support of SB 89, stating that it would create one new fund and one new account within the fund to manage receipts and payment of costs relating to the State Water Plan Storage Act and to the State Water Marketing Program. She also stated that they believe this legislation will benefit the state and the rate payers under the State Water Marketing Program. (Attachment 4)

Written testimony in support of SB 89 was submitted by Mike Wildgen, City Manager, City of Lawrence. (Attachment 5)

The Chair closed the hearing on SB 89 and opened the hearing on SB 157.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,

room 526-S Statehouse, at 3:30 ~~am~~/p.m. on March 20, 1991

Karl Mueldener, Bureau of Water, testified in support of SB 157. He stated that cross connections represent a threat to the quality of the public water supply and the consumer's well being. Cross connections can be as simple as a hose lying in the sink, or more complex, or hidden within industrial installations, hospitals, boiler feed systems, and high rise buildings. (Attachment 6)

Eileen Koutelas, Water District No. 1 of Johnson County, testified in support of SB 157. She stated that they believe this bill provides greater protection to public water supply systems against backflow contamination through lawn irrigation systems and bulk chemical application tanks. (Attachment 7)

Gary Custis, Professional Lawn Care Association of Mid-America, testified in support of SB 157, but said that they are concerned with the language in Section (k). He stated that his association feels that it is important to obtain continuity in the programs that will be adopted across the state. (Attachment 8)

Dave Murphy, Kansas Environmental Education Protection Council, testified they support the intent of SB 157, but are concerned with the language in Section (k). He stated that the injection of fertilizer or pest control products through an irrigation system or the filling of fertilizer or pest control tanks from public water supplies presents a special risk of contamination of the water supply unless air gaps and/or reduced pressure zone backflow prevention devices are used. (Attachment 9)

Howard Uhl, City of Topeka, testified in place of Mike Miller, Director, Intergovernmental Relations, City of Topeka. Mr. Uhl stated that they oppose SB 157 because with the amendment allowing for backflow protection devices, they feel that their public water supply and the health of their citizens could be threatened. He recommended that the words "or reduced pressure zone backflow prevention device" be struck from line 31 on page 2 of this bill. (Attachment 10)

Written testimony on SB 157 was submitted by Jim Coleman, Heart of America Golf Course Superintendents Association. This testimony indicated concern with the language calling for each public water supply to set standards for safety measures to prevent backflow and back syphonage of contaminated water. (Attachment 11)

The Chair closed the hearing on SB 157.

The meeting was adjourned.



State Conservation Commission

109 S W 9TH STREET, Suite 500

TELEPHONE (913) 296 3600

TOPEKA KANSAS 66612-1299

TESTIMONY ON THE
PROPOSED AMENDMENTS TO THE
MULTIPURPOSE SMALL LAKES ACT

SENATE BILL NO. 88

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

Kenneth F. Kern, Executive Director

March 20, 1991

The Sub-Section: Multipurpose Small Lakes Program, of the Management Section, Kansas Water Plan, was approved by the Kansas Water Authority in 1985. The Sub-section recommended the development of a state program that would: (1) Facilitate the construction of multipurpose structures with public water supply storage in areas of future water supply need and, (2) provide for local responsibility in ultimately paying for the public water supply development. These provisions were incorporated into the Multipurpose Small Lakes Act, K.S.A. 82a-1601 et seq. passed by the 1985 Legislature.

There have been inquiries from Rural Water Districts that need a water supply if they would qualify for the Multipurpose Small Lakes Program. These districts are not eligible according to the current statute. The addition of the Rural Water Districts as a sponsor will allow the districts to be an eligible sponsor. This is in line with the State's intent to provide a multipurpose structure with public water supply storage in areas of future need.

ELNR
3/20/91
Attachment 1

When state funds are used for construction of water supply storage, the Kansas Water Office applies for a water appropriation right. The proposed amendments exempt the Kansas Water Office from paying all applicable fees imposed pursuant to K.S.A. 82a-701, et seq., as amended.

The current language states "The state may recover its costs incurred in providing the public water supply storage in such class I (or II) project by selling such storage and the associated water right." Since the Kansas Water Office is the holder of the water right, the proposed amendment identifies the Kansas Water Office as the state agency responsible for recovering the State's costs incurred in providing the public water supply storage.

The proposed amendment to K.S.A. 82a-1606, provides for consistency of the intent of the Multipurpose Small Lakes Act to facilitate the construction of water supply storage in areas of future need. The proposed amendment to a Class III project would provide for state participation in the public water supply storage portion of the project if the sponsor cannot finance 100% of the costs associated with the public water supply storage, the same as Class I and Class II projects. All state costs associated with the public water supply storage shall be repaid by the public water supply sponsor upon purchase of the water right and storage from the state.

The State Conservation Commission supports the proposed amendments to the Multipurpose Small Lakes Act, K.S.A. 82a-1603, 82a-1604, 82a-1605, and 82a-1606.

Teresa Duvall

Testimony of

Kansas Water Office

Before the
House Energy and Natural Resources Committee

RE: S.B. 88
Multipurpose Small Lakes

March 20, 1991

*E+NR
3/20/91
Attachment 2*

Testimony by
Kansas Water Office
Before the
House Energy and Natural Resources Committee
RE: S.B. 88
March 20, 1991

Members of the Committee:

The Multipurpose Small Lakes Program was conceived in the *Kansas Water Plan* and implemented by the 1985 Legislature. The program was intended to facilitate development of small lakes to provide water supply in addition to flood control or recreation benefits in areas of present and future needs. The current law allows participation by the state with a local sponsor to develop structures. Since the enactment of the original legislation, we have found complications in the program which were not anticipated at its inception. Senate Bill 88 remedies these problems.

First, rural water districts, a major purveyor of water supply in the state, have been unable to participate in the program because of the existing definition of "Sponsor." Section 1 of Senate Bill 88 includes rural water districts in the definition of sponsor.

Second, current law requires the Kansas Water Office to acquire the necessary water rights to ensure the dependable yield from water supply storage, in cases where sponsors are unable to finance the storage, thus, requiring state funding assistance. This requirement of the program, in turn, requires the Kansas Water Office to pay the appropriate fees for filing the application as well as for inspecting the diversion works and extending the time for perfecting the permit, if necessary. The Kansas Water Office only acts as a caretaker of the storage until the ultimate users come forward to use the water. The state does not manage, use or benefit from this storage. Nonetheless, current statutes do not allow the Division of Water Resources to recognize this special situation and waive the required fees. Thus, money is shifted from

the State General Fund to the Water Appropriation Certification Fund established under K.S.A. 82a-731. The language of Senate Bill 88 exempts the Kansas Water Office from paying such fees and brings the role of the Kansas Water Office into line with its filing of water reservation rights for storage in Corps of Engineers lakes. The proposed language would allow the Kansas Water Office to file applications to appropriate water on a more timely basis ahead of the actual funding of a small lake project.

Third, the bill clarifies the Kansas Water Office as the responsible agency to recoup the state's cost of water supply storage in these small lakes. The present bill does not identify the responsible agency.

Finally, the bill allows the state to anticipate future water supply needs and include water supply storage in Class III lakes, just as it does for Class I and II lakes. Class III lakes are those which lie outside watershed districts and which are not eligible for financial participation from the State Conservation Commission or the federal PL-566 Program.

In summary, the bill "fine tunes" a program that has been a success since its origin in 1985. Passage of this bill will make a good program better.

The Kansas Water Office supports Senate Bill 88 and requests favorable action on it.



SIERRA CLUB

Kansas Chapter

Testimony to House Energy and Natural Resources

S.B. 88 - Proposed Amendment for Alternatives Review

I am Scott Andrews representing the Kansas Chapter of the Sierra Club. S.B. 88 expands the state subsidy of multipurpose small lakes projects to include more potential sponsors and for the state to pay up to 100% of the cost of water supply on class III projects. We have no basic disagreement with this expanded subsidy. We do, however, believe it emphasizes the lack of state or local review of possible less expensive alternative solutions for water supply and flood control.

While there is a review of proposed projects by Division of Water Resources and often by other agencies via the Environmental Coordination Act, no one reviews alternatives to the project.

- No one is required to look at non-structural options for flood control (i.e. watershed management, wetland and riparian enhancement, conservation easements, flood plain zoning).
- No one is required to look at water conservation or re-use and whether that could reduce the needed size (and cost) of the project or even eliminate it.
- There is no public review or period for public comment.

So, an amendment is being offered to address this lack of review of alternatives.

We feel the adoption of this amendment would lead to more responsible management of water resources and could save the state money by reducing the size and number of small lakes needed for water supply and flood control.

E+NR

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Attachment 3

S.B. 88 Amendment

Sect. 1 (f) define "general plan" to include a cost-benefit analysis of alternatives including non-structural flood control options, and water conservation and re-use.

New Section:

- (a) Before any state agency makes a loan... DWR reviews cost-benefit analysis of project and alternatives including, but not limited to; water conservation and re-use to reduce the need for new water supply storage, and non-structural options for flood control.
- (b) Appropriate state agencies review project and alternatives as provided in [Env. Coordination Act].
- (c) DWR must publish notice of project review and make general plan available to public for a 30 day public comment period following publication of the notice.
- (d) If a reasonable, less expensive alternative to the project is identified in the review and the funding agency proceeds with the original project, they must submit information on the review and justification for their decision to the legislature in their budget review process.

Testimony by

Kansas Water Office

Before the
House Energy and Natural Resources Committee

RE: S.B. 89

March 20, 1991

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3/20/91
Attachment 4

Testimony by
Kansas Water Office
Before the
House Energy and Natural Resources Committee
RE: S.B. 89
March 20, 1991

The proposed legislation would create one new fund and one new account within the fund to manage receipts and payment of costs relating to the State Water Plan Storage Act (K.S.A. 82a-1301 *et seq.*), the State Water Marketing Program:

1. The new fund (State Water Marketing Fund) would be used for deposit of all revenues relating to the State Water Marketing Program and for payment of annual costs associated with that program.

2. A new account would be created within the State Water Marketing Fund for deposit of up to one cent per 1,000 gallons of water paid for under water user contracts each year. The monies in this account would be designated to be used solely to offset unusual operation and maintenance costs associated with the storage space controlled by the state under the State Water Marketing Program, or to cover any shortfall which may be experienced in any one year between operation and maintenance receipts and expenses.

Background Creation of Water Marketing Fund

Each year the Kansas Water Office has requested General Fund appropriations through the legislative budget process to cover annual payments to the federal government for principal and interest, and operation and maintenance costs associated with the Water Marketing Program. On the other hand, the Kansas Water Office has deposited receipts from purchasers to the General Fund until its calculated obligation to the General Fund for principal and interest (capital costs), operation and maintenance, and administration and enforcement has been met. All receipts in excess of the amount needed to cover these costs are deposited in

the State Conservation Water Supply Development Fund (K.S.A. 82a-1315(b)). There has been no direct link between receipts and payment of costs associated with the program. This financial arrangement has been necessary since expenditures have exceeded available revenues for this program since its inception in 1974. This program is now self supporting and revenues are exceeding program expenditures, repaying approximately \$64,000 to the General Fund for past expenditures to meet shortfalls in 1990. In future years, this program will reimburse the State General Fund the entire amount of its costs associated with financing the program.

Senate Bill 89 would establish a new Water Marketing Fund to be used for the financial administration of this program. This would eliminate the annual demand for State General Fund appropriations for expenditures associated with the program and allow for a continuation of reimbursement to the State General Fund for repayment of the State General Fund's prior appropriations. Creation of the new Water Marketing Fund would enable the Kansas Water Office to maintain records more easily understood by purchasers, the legislature and others interested in the status of the program.

Background Operation and Maintenance Accrual Account

In 1989, major repair work was required at one of the nine reservoirs in the Water Marketing Program. The operation, maintenance and repair costs in that year were \$1,193,158 compared to the previous year's bill of \$408,506. To compute the rate component charged to water users under the program for operation and maintenance, we divide last year's actual costs by last year's actual water use. Thus, the entire bill for the previous year is to be collected from users. The rate component for operation and maintenance jumped from 2.392 cents to 7.382 cents in that one year, an increase of almost 5 cents. It is expected that in

addition to continued increases in costs due to inflation and other economic factors, operation and maintenance costs will occasionally spike again as the reservoirs age.

Creating an accrual account will allow flexibility in dealing with unusual costs without corresponding spikes in the rate paid by purchasers. In addition, with 96 percent of the water currently under contract obligated to purchasers who have capped contracts (price cannot be adjusted to more than 10 cents per 1,000 gallons), the continuing inflationary increases in operation and maintenance costs, and the unpredictability of weather conditions as they relate to annual water use, occasional shortages in revenue to meet the annual operation and maintenance costs may occur. The accrual account would provide revenues to meet these shortfalls.

The Kansas Water Office and Kansas Water Authority support this legislation and believe it will benefit the state and the rate payers under the State Water Marketing Program.



City of Lawrence KANSAS

MIKE WILDGEN, CITY MANAGER

CITY OFFICES 6 EAST 6th
BOX 708 66044-0708 913-841-7722

CITY COMMISSION
MAYOR
SHIRLEY MARTIN-SMITH
COMMISSIONERS
ROBERT L. WALTERS
DAVID PENNY
MIKE RUNDLE
BOB SCHUMM

To: The Honorable Representative Ken Grotewiel, Chairman,
House Energy and Natural Resources Committee, and
Committee Members
From: Mike Wildgen, City Manager, City of Lawrence
Re: Senate Bill 89, Water Marketing Program
Date: March 19, 1991

The City of Lawrence urges your support of Senate Bill 89. Senate Bill 89 would create a new fund and one new account to manage receipts and disbursements under the State Water Marketing Program.

Of particular significance is subsection (5) of New Section 1, which allows an annual set-aside for a reserve account of up to 1¢ per 1,000 gallons of water paid for under water user contracts each year. This "reserve account" would be used to meet any shortfall in revenue or unusual expenses relating to operation, maintenance and repair costs of reservoirs operated under the water marketing program.

The City of Lawrence, along with other water users under the water marketing program, should benefit from this important measure. The City of Lawrence has two water marketing contracts with the Kansas Water Authority under the State Water Marketing Program. The first contract allows a maximum use of 10 million gallons per day from Clinton Reservoir with a contract price of 10¢ per 1,000 gallons. The second contract recently approved by the Kansas Water Authority provides for an additional 4 million gallons of water per day from Clinton. The rate for raw water which must be paid for under terms of this contract will be 16.939 cents for each 1,000 gallons during calendar year 1991.

As with any structure, unexpected maintenance or operational costs can occur with reservoir facilities. Senate Bill 89, by establishing a reserve account for unexpected costs, will help avoid unexpected surges in rates. This is of benefit not only to cities such as Lawrence, but also to water utility customers who must eventually pay for such costs through their water bills.

cc: City Commission
Douglas County House delegation members
Terry Duvall, Kansas Water Office

E+NR
3/20/91
Attachment 5



Testimony presented to
House Committee on Energy and Natural Resources
by
The Kansas Department of Health and Environment
Senate Bill 157

The Department of Health & Environment supports S.B. 157. The term cross connection describes a connection between a drinking water system and a potential source of contamination. Cross connections represent a threat to the quality of the public water supply and the consumer's well being. Cross connections can be as simple as a hose lying in the sink, or more complex, or hidden within industrial installations, hospitals, boiler feed systems, and high rise buildings.

Last summer controversy arose in Johnson County concerning cross connections from residential lawn irrigation systems. The concern arose over the possible injection of fertilizer and pesticides into residential irrigation systems, and the resultant threat to users of the public water supply. To guard against potential high risk to the water supply from chemical injection, the local water utility required a complex, expensive, and proper device be installed with home irrigation systems. This device is considerably more expensive and difficult to install than other cross connection devices accepted for use when chemical injection is not anticipated. In other words, to guard against the potential of residential chemigation, home lawn sprinkler systems were being required to install an expensive backflow prevention device. The costs, management problems, and controversy associated with the high cost backflow device caused the utility to re-examine their proposed method of protecting against possible chemical injection. The local utility, in concurrence with the State, concluded it would be more practical to prohibit the practice of residential chemigation thereby reducing the need for the more expensive devices on all home irrigation systems.

The bill would also prohibit the direct connection of public water supplies and bulk chemical tanks. This provision was added because of the Department's concern with backflow from the filling of mobile chemical tanks, or spray systems. Occasionally, we discover a chemical spray truck filling its large tank directly from a fire hydrant, without a backflow prevention device. Due to concentrated chemicals, and the large diameter direct connection to the water supply, we believe these potential connections need to be specifically prohibited. If such a connection is found, the local

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Attachment 6*

utility might take action under the appropriate local ordinance, if any. Health & Environment's administrative response to such a cross connection is generally limited to action against the public water supply, not the person making the cross connection. This bill would specifically prohibit the practice under State law, thereby clearly stating that the practice shall be prohibited, and also allowing State administrative action as appropriate.

KDHE discussed this issue with the State Board of Agriculture, Plant Health Division, which administers the State chemigation law. We are aware of no conflicts with the State chemigation law since it excludes lawn irrigation systems.

Testimony presented by: Karl W. Mueldener
Director, Bureau of Water
Division of Environment
March 20, 1991

WATER DISTRICT NO. 1 OF JOHNSON COUNTY



5930 Beverly — Mission, Kansas 66202
Mailing Address: P.O. Box 2921, Mission, Kansas 66201

Tel. (913) 722-3000
FAX (913) 262-0375

**TESTIMONY PRESENTED TO
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
BY
WATER DISTRICT NO. 1 OF JOHNSON COUNTY
SENATE BILL 157**

Good Afternoon Mr. Chairman, members of the committee. My name is Eileen Koutelas and I represent Water District No. 1 of Johnson County in support of SB 157. Our utility serves 17 cities and approximately 250,000 individuals throughout Johnson County.

We believe SB 157 strengthens existing laws that protect the public water supply. Specifically, it provides greater protection to public water supply systems against backflow contamination through lawn irrigation systems and bulk chemical application tanks.

Technology now makes it possible for chemicals, fertilizers and pesticides to be applied directly to lawns through lawn irrigation systems. While these practices offer the promise of increased convenience for consumers, they also create a real and significant threat to the public water supply because of the increased risk of backflow contamination.

In the interest of public safety, SB 157 seeks to prohibit the application of chemicals, fertilizers, and pesticides through lawn irrigation systems, **except** where the public water supply system has a KDHE approved program for the detection and elimination of cross connection, backflow and backsiphonage.

Where such programs exist, application of chemicals through the lawn irrigation system could be allowed, subject to the inspection and approval of the local water supplier. Such approval would depend on the use of the appropriate backflow prevention device or air gap to isolate the irrigation system from the public water supply.

Although chemical application through lawn sprinkler systems can be prohibited by local rules, local ordinances typically do not address **backpressuring of irrigation systems** under current plumbing codes. SB 157 would provide consistency in the interpretation of these codes that vary from city to city throughout the state.

Thank you for the opportunity to appear before you. I will be happy to answer any questions you have or will direct them to Dan Grover, our Cross Connection Control Manager.

March 20, 1991

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*E + NR
3/20/91
Attachment 7*

TESTIMONY OF
PROFESSIONAL LAWN CARE ASSOCIATION OF MID-AMERICA
Presented by S. Gary Custis, CPAg

TO
HOUSE ENERGY AND NATURAL RESOURCES
SENATE BILL 157

My name is Gary Custis, I am a Regional Technical Manager with a national lawn care firm, a certified professional agronomist, and a director of the Professional Lawn Care Association of Mid-America.

Our association is in favor of Senate bill 157 in its intent to protect our water systems.

Our association feels that it is important to obtain continuity in the programs that will be adopted across the state. It should be the states responsibility to provide a set of standards that should be used in the development of the local protection programs. As stated currently in bill 157, it will become illegal to operate a business in areas where public water is used to fill application tanks, a state approved program is not in place, and an air gap is not used. The sole use of an air gap is a restriction which eliminates the use of current protection systems which use industry approved backflow devices.

Under the current language of bill 157, a water supplier will be able to prevent businesses from operating simply by not submitting a plan to the state for approval.

The protection of public water sources is not unique to our industry, as many different industries use public water without the installation of air gaps.

I appreciate this opportunity to address this committee.


S. Gary Custis, CPAg
Professional Lawn Care Association of Mid-America

Testimony of
Kansas Environmental Education Protection Council
K.E.E.P. Council
presented by David S. Murphy

Good Day. It is an honor to address this distinguished committee.

My name is Dave Murphy. I am a local lawn care business man from Johnson County Kansas. I am here to represent the Kansas Environmental Education Protection Council also known as K.E.E.P. Council. This council is a composite of environmental and professional associations from agriculture, horticulture and similar industries.

The members of K.E.E.P. Council unanimously and vigorously support the intent of Senate Bill 157. The injection of fertilizer or pest control products through an irrigation system or the filling of fertilizer or pest control tanks from public water supplies presents a special risk of contamination of the water supply unless air gaps and/or reduced pressure zone backflow prevention devices are used.

On the other hand, we have one major concern in the wording that should be addressed prior to voting on SB 157.

Paragraph (k) says that no person may fill a bulk chemical tank unless the public water supply system has adopted an approved program. The state currently requires these plans from all public water supply systems, yet not all have chosen to comply in a speedy manner. Out of the 650 or so water systems, about 400 are not yet in compliance. While this is not an alarming problem in itself, it does present a problem in light of this bill. These 400 systems make up 2/3 of the states systems. In the communities served by these systems neither lawn services, tree services, farmers, cattlemen, arborists, nor homeowners will be able to fill their fertilizer or pest control tanks.

Industries will be in violation because their public water supply systems are not in compliance with longstanding state regulations.

We know that in time, all public water systems will eventually adopt an approved program, but in the meantime we cannot put ourselves out of business.

This law would put in violation arborists controlling bagworms on Christmas trees, dairymen controlling flies at their a dairy or lawn care operators ridding their customer's lawns of grubworms. Industries all over the state use bulk chemical tanks for everything from fertilizer to embalming the dead. Even the water companies that are in violation of the current regulations fill their bulk chemical tanks from the public water supply system. This would put the water companies themselves in violation

In talking to some of the folks from Johnson County and from the Secretary of Health and Environment's office, they have agreed that this was not their intent. They have also agreed that the wording needs to be changed to avoid the hardships the current wording would create.

E+NR
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Attachment 9

The Kansas Environmental Protection Council (K.E.E.P. Council) suggests the following wording be substituted for paragraph (k):

(k) the use by any person of a public water supply system as a source of make-up water for bulk chemical application tanks without an air gap or reduced pressure zone backflow prevention device. In areas where the public water supply system has adopted a program for the detection and elimination of cross connections and prevention of backflow and backsiphonage which has been approved by the Secretary of Health and Environment, such use shall be permitted by the public water supply system upon its periodic inspection and current approval of an air gap or reduced pressure zone backflow prevention device to protect the public water supply. In areas where the public water supply system has not adopted a program approved by the secretary of health and environment, such use shall be permitted provided that an air gap or a reduced pressure zone backflow prevention device is used.

This bill was a combined effort from the Johnson County water district and the Department of Health and Environment. Karl Mueldener from the Department of Health was the one who proposed this paragraph. He is in the room today and has agreed in a meeting yesterday that the wording needs to be changed. I also spoke to Eilene Koetellis from the Johnson County Water District, who has been very involved in the development of this bill. She is also here today and has agreed that the wording must be changed.

In light of these facts, I respectfully ask you to amend paragraph (k) and adopt SB 157 with the amendment.

For the remainder of my 5 minutes I would like to have Karl Mueldener from the Department of Health and Environment and Eilene Koetellis from Johnson County Water District step forward to verify my comments.



CITY OF TOPEKA

Chief Administrative Officer
215 E. 7th Street Room 355
Topeka, Kansas 66603
913-295-3725

March 18, 1991

Chairman Ken Grotewiel
House Committee on Energy and Natural Resources
State Capitol, Room 426-S
Topeka, KS 66612

Re: Senate Bill 157, Regarding Public Water Supplies.

Dear Chairman Grotewiel,

As originally drafted, S 157 would have offered protection to users of public water systems. With the amendment allowing for backflow protection devices, we feel that our public water supply and the health of our citizens could be threatened.

Under the Clean Water Act, purveyors of public water systems are responsible for water quality all the way to the tap, regardless of any chemicals introduced into the water system through a private cross connection. If this world was perfect and there was some guarantee that backflow prevention devices would be properly maintained and overhauled by their owners, the chance for contamination decreases, but is still not fail-safe. Backsiphonage does occur from improper maintenance and device failure. Changes in pressure, demand or local elevation differences can contribute to potential backsiphon problems. Backflow devices do not offer enough protection to prevent the introduction of unwanted chemicals into the water system.

We recommend that the words "...or reduced pressure zone backflow prevention device.." be struck from line 31 of the bill. The air gap is the best and only reliable protection for our public water supplies.

Sincerely yours,


Mike Miller, Director
Intergovernmental Relations

cc: Edie Snethen, Public Works Director
R. E. Pelton, Water Superintendent
Howard Uhl, Assistance Code Enforcement Director

E+NR
3/20/91
Attachment 10



Organized
1933

The Heart of America Golf Course Superintendents Assn.

March 20, 1991

TO WHOM IT MAY CONCERN:

The Heart of America Golf Course Superintendent Association does recognize & support the need to protect our water supplies from contamination.

Our only concern is the language Senate Bill 157 calling for each public water supply to set standards for safety measures to prevent back flow & back syphonage of contaminated water.

We would ask that the Secretary of Health & Environment set the standards for the entire state. Manufacturers & suppliers will be reluctant to comply with numerous variation in specifications & standards established by the variety of water suppliers.

We feel this will incur needless expense on the industry.

We would also question the ability for the state to allow local authorities to regulate the means of pesticide applications. The federal insecticide, fungicide & rodenticide act was intended to be implemented at the state level and at no level of Government below the state. This mandate has been upheld by several Federal courts in several states.

For the good of the people of Kansas & the industries of Kansas, we would ask that the state set the requirement, not individual water suppliers.

Respectfully,

Jim Coleman

Jim Coleman

E+NR

3/20/91

Attachment 11