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Testimony on House Bill 2112
House Committee on Water
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by
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The Kansas Rural Water Association (KRWA) appreciates the opportunity to appear before this committee to discuss an issue that will directly affect each of the 254 rural water and public wholesale districts and 468 cities that comprise the Association's membership and the other 257 public water supplies in Kansas. KRWA opposes House Bill 2112 because of the negative changes KDHE will enact if it passes.

The Association provides training and technical assistance without charge equally to both member and non-member water and wastewater systems and administers the largest operator training program in the state, including water and wastewater exam prep sessions today in Hays, preparing operators for their certification exams tomorrow. In 2024, 4153 operators attended Association sponsored training at 134 different sessions, including the annual conference, which is one of the largest in the U.S.

For many years, KRWA has asked for true operator stakeholder input to advise KDHE on the Drinking Water Operator Certification. Stakeholder input in the form of an Operator Certification Advisory Committee is common and is how at least 18 other states have their programs set up. Those committees provide input and direction to the agencies that administer the operator certification programs. US EPA encourages stakeholder involvement with drinking water operator certification programs. KRWA has met numerous times with agency representatives on this matter.

KDHE staff has proposed sweeping changes to the certification programs, including additional "Distribution" certification requirements for water systems, requiring water system operators to maintain two separate certifications to oversee the drinking water system in addition to a wastewater certification to operate the wastewater utility. The added certification is because the national exams do not incorporate treatment and distribution system questions in the same exam.

The national exams also do not cover the current Small System classification that KDHE utilizes for hundreds of small water systems that treat their own water and systems that purchase water that is already treated. Operators in those small and purchasing systems will still be required to take a KDHE-issued exam and will still have no electronic option to take exams, forcing small systems to send exam takers to one of the available exam opportunities. Those opportunities are limited and usually require operators to travel significant distances to attempt exams. Current exam opportunities for 2025 are scheduled in Hays, Wichita, Newton, McPherson, Lawrence and Topeka.

KRWA continues to oppose eliminating this fee and instead proposes a statutory advisory committee to provide input to the agency, review operator exam questions for relevancy and appropriateness to Kansas drinking water operators and the systems they are responsible for and to make recommendations on appropriate exam fees. The Association's proposal directs the newly formed committee to pursue options for electronic testing to make exam opportunities available for rural operators who don't live near I-70 or I-135. Kansas Rural Water Association has suggested that the Information Network of Kansas (INK) be evaluated to host the online exams. INK does that for other disciplines and surely could do it for water operators.

The advisory committee could also review exam questions and separate groundwater and surface water questions. This long-overdue review would dramatically increase the passing rate of the exams. A team of experienced and determined operators could separate the questions in a day. This is a topic of great importance to the many groundwater systems that are operating nitrate removal plants, which require a higher level of certification.

The main point is that KDHE prefers to outsource these exams to an out-of-state membership-based organization that specializes in providing exams at costs yet to be determined rather than working with experienced operators to ensure the test questions are relevant to their work experience. That's been the problem with the exams, and the Association has met with the agency numerous times and has written about this problem for more than 12 years. In 2018, KDHE commented in an American Water Works Association (AWW) review that the agency was "working on separating the questions". It is six years later and there has been no effort to do any such thing.

The KDHE Wastewater Certification program has recently established an advisory committee of stakeholders and is doing exactly what the Kansas Rural Water Association has been advocating for the drinking water side. The committee has started reviewing exam questions and after only two meetings, is reportedly making good progress. This is being accomplished at no cost to the agency or state other than the agency staff attending the committee meetings.

Nearly every Kansan is personally impacted daily by an operator, whether through the "on-demand" safe and clean water from the faucet or the waste removal to appropriate treatment facilities. Most citizens of Kansas do not give water and wastewater operators a second thought. But the Kansas Rural Water Association IS those operators and that is why the Association remains opposed to HB 2112. We ask that you not support this bill, which will add many complications and costs to operators. Changing to the out-of-state exam will not "create more operators," nor are others presently working in adjoining states going to flock to Kansas. The bottom line is that these proposed changes are mostly for the convenience of KDHE staff.

The Kansas Rural Water Association continues to offer to be a partner with the Kansas Department of Health and Environment to do whatever possible to support the improvement of programs that directly affect water and wastewater utilities across Kansas.