

HOUSE BILL No. 2462

By Committee on Water

Requested by Representative Pickert

1-15

1 AN ACT concerning water; requiring the secretary of health and
2 environment to adopt rules and regulations by July 1, 2028, allowing
3 for the direct and indirect potable reuse of treated wastewater;
4 ~~{prohibiting requiring such rules and regulations from requiring to~~
5 ~~prioritize prescriptive treatment processes that make the reuse of~~
6 ~~treated wastewater—unaffordable affordable or otherwise~~
7 ~~unachievable achievable;}~~ amending K.S.A. 65-162a and 65-171m
8 and repealing the existing sections.
9

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

11 Section 1. K.S.A. 65-162a is hereby amended to read as follows: 65-
12 162a. As used in K.S.A. 65-163 and, 65-163a; and in K.S.A. 65-171m to
13 through 65-171t, inclusive and amendments thereto, unless the context
14 clearly requires otherwise, the following words and phrases shall have the
15 meanings respectively ascribed to them in this section:

16 (a) "Direct potable reuse" means using ~~an~~ advanced treatment
17 processes to produce finished drinking water through the utilization of a
18 water source that contains treated wastewater that has not passed through
19 an environmental buffer.

20 (b) "Indirect potable reuse" means the planned delivery or discharge
21 of treated wastewater to an environmental buffer, such as ground or
22 surface waters, for the development of, or as a supplement to, a drinking
23 water supply.

24 (c) "Person" means an individual, corporation, company, association,
25 partnership, state, municipality or federal agency.

26 ~~(b)(d)~~ (1) "Public water supply system" means a system for the
27 provision to the public of piped water for human consumption, if such
28 system has at least ~~ten~~ (10) service connections or regularly serves an
29 average of at least ~~twenty-five~~ (25) individuals daily at least ~~sixty~~ (60)-
30 days out of the year. ~~Such term~~

31 (2) "Public water supply system" includes any source, treatment,
32 storage or distribution facilities under control of the operator of the system
33 and used primarily in connection with the system, and any source,

1 treatment, storage or distribution facilities not under such control but
2 which are used in connection with such system.

3 ~~(e)~~(e) "Secretary" means the secretary of health and environment.

4 ~~(d)~~(f) "Supplier of water" means any person who owns or operates a
5 public water supply system.

6 Sec. 2. K.S.A. 65-171m is hereby amended to read as follows: 65-
7 171m. (a) (1) The secretary of health and environment shall adopt rules
8 and regulations for the implementation of ~~this act~~ K.S.A. 65-162a, 65-163,
9 65-163a, 65-170b and 65-171m through 65-171t, and amendments
10 thereto.

11 (2) ~~{(A)}~~ *On or before July 1, 2028, the secretary of health and*
12 *environment shall adopt rules and regulations allowing for the direct and*
13 *indirect potable reuse of treated wastewater.*

14 **~~{(B)}~~ The rules and regulations ~~adopted~~ submitted pursuant to this**
15 **paragraph shall ~~not require~~ prioritize prescriptive treatment processes**
16 **that make the reuse of treated wastewater ~~unaffordable~~ affordable or**
17 **otherwise ~~unachievable~~ achievable.}**

18 (b) In addition to procedural rules and regulations, the secretary may
19 adopt rules and regulations providing for, but not limited to:

20 ~~(a)~~(1) Primary drinking water standards applicable to all public water
21 supply systems in the state. The primary drinking water standards may ~~(4)~~
22 :

23 (A) Identify contaminants ~~which~~ *that* may have an adverse effect on
24 the health of persons;

25 ~~(2)~~(B) specify for each contaminant either:-

26 (i) A maximum contaminant level that is acceptable in water for
27 human consumption, if it is economically and technologically feasible to
28 ascertain the level of such contaminant in water in public water supply
29 systems; or

30 (ii) the treatment techniques or methods which lead to a reduction of
31 the level of the contaminant sufficient to protect the public health, if it is
32 not economically or technologically feasible to ascertain the level of the
33 contaminant in the water in the public water supply system; and ~~(b)~~
34 ~~establish the~~

35 (2) requirements for adequate monitoring, maintenance of records
36 and submission of reports, sampling and analysis of water, citing criteria
37 and review and inspections to ~~insure~~ *ensure* compliance with the
38 contaminant levels or methods of treatment and to ~~insure~~ *ensure* proper
39 operation and maintenance of the public water supply system; and ~~(e)~~

40 (3) the definition of different categories of public water supply
41 systems, such as community water supply systems and noncommunity
42 water supply systems, and may provide for varying requirements for
43 monitoring, maintenance of records and reporting, sampling and analysis

1 of water, citing criteria; and review and inspections based on numbers of
2 persons served, source of supply whether surface or groundwater or other
3 conditions as the secretary may determine to be in the interest of public
4 health and welfare and economic benefits.

5 (c) The standards established under this section shall be at least as
6 stringent as the national primary drinking water regulations adopted under
7 public law 93-523. No primary drinking water standard or rule and
8 regulation may require the addition of fluorides to public water supplies.

9 Sec. 3. K.S.A. 65-162a and 65-171m are hereby repealed.

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