

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2047

By Committee on Water

1-17

1 AN ACT concerning water; **relating to water infrastructure projects;**  
2 **authorizing the secretary of health and environment to adopt rules**  
3 **and regulations for an annual certification program for the**  
4 **replacement of distribution systems segments;** relating to the Kansas  
5 water pollution control revolving fund; increasing the amortization  
6 period on loans from the Kansas water pollution control revolving  
7 fund; amending K.S.A. **65-163 and** 65-3326 and repealing the existing  
8 ~~section~~ **sections.**  
9

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

11 **{Section 1. K.S.A. 65-163 is hereby amended to read as follows:**  
12 **65-163. (a) (1) No person shall operate a public water supply system**  
13 **within the state without a public water supply system permit from the**  
14 **secretary. An application for a public water supply system permit shall**  
15 **be submitted for review and approval prior to construction and shall**  
16 **include:**

17 **(A) A copy of the plans and specifications for the construction of**  
18 **the public water supply system or the extension thereof;**

19 **(B) a description of the source from which the water supply is to**  
20 **be derived;**

21 **(C) the proposed manner of storage, purification or treatment for**  
22 **the supply; and**

23 **(D) such other data and information as required by the secretary**  
24 **of health and environment. No source of water supply in substitution**  
25 **for or in addition to the source described in the application or in any**  
26 **subsequent application for which a public water supply system permit**  
27 **is issued shall be used by a public water supply system, nor shall any**  
28 **change be made in the manner of storage, purification or treatment of**  
29 **the water supply without an additional public water supply system**  
30 **permit obtained in a manner similar to that prescribed by this section**  
31 **from the secretary.**

32 **(2) Whenever application is made to the secretary for a public**  
33 **water supply system permit under the provisions of this section, it**  
34 **shall be the duty of the secretary to examine the application without**  
35 **delay and, as soon as possible thereafter, to grant or deny the public**  
36 **water supply system permit subject to any conditions**~~which~~ **that may**

1 be imposed by the secretary to protect the public health and welfare.

2 (3) The secretary may adopt rules and regulations establishing a  
3 program of annual certification by public water supply systems that  
4 have staff qualified to approve the extension of distribution systems *or*  
5 *the replacement of segments of distribution systems* without the necessity  
6 of securing an additional permit for the extension *or replacement*  
7 provided the plans for the extension *or replacement* are prepared by a  
8 professional engineer as defined by K.S.A. 74-7003, and amendments  
9 thereto.

10 (b) (1) Whenever a complaint is made to the secretary by any city  
11 of the state, by a local health officer, or by a county or joint board of  
12 health concerning the sanitary quality of any water supplied to the  
13 public within the county in which the city, local health officer or  
14 county or joint board of health is located, the secretary shall  
15 investigate the public water supply system about which the complaint  
16 is made. Whenever the secretary has reason to believe that a public  
17 water supply system within the state is being operated in violation of  
18 an applicable state law or an applicable rule and regulation of the  
19 secretary, the secretary may investigate the public water supply  
20 system.

21 (2) Whenever an investigation of any public water supply system  
22 is undertaken by the secretary, it shall be the duty of the supplier of  
23 water under investigation to furnish to the secretary information to  
24 determine the sanitary quality of the water supplied to the public and  
25 to determine compliance with applicable state laws and rules and  
26 regulations. The secretary may issue an order requiring changes in the  
27 source or sources of the public water supply system or in the manner  
28 of storage, purification or treatment utilized by the public water  
29 supply system before delivery to consumers, or distribution facilities,  
30 collectively or individually, as may in the secretary's judgment be  
31 necessary to safeguard the sanitary quality of the water and bring  
32 about compliance with applicable state law and rules and regulations.  
33 The supplier of water shall comply with the order of the secretary.

34 (c) (1) As used in this subsection~~(e)~~, "municipal water treatment  
35 residues" means any solid, semisolid or liquid residue generated  
36 during the treatment of water in a public water supply system  
37 treatment works.

38 (2) A public water supply system may place or store municipal  
39 water treatment residues resulting from sedimentation, coagulation or  
40 softening treatment processes in basins on land under the ownership  
41 and control of the public water supply system operator provided that  
42 such storage or placement is approved and permitted by the secretary  
43 under this section as part of the public water supply system.

1       **(3) The secretary shall adopt uniform and comprehensive rules**  
2 **and regulations for the location, design and operation of such basins.**  
3 **Such rules and regulations shall require permit applications by the**  
4 **public water suppliers for such basins to include a copy of the plans**  
5 **and specifications for the location and construction of each basin, the**  
6 **means of conveyance of the treatment residues to such basins, the**  
7 **content of treatment residues, the proposed method of basin operation**  
8 **and closure, the method of any anticipated expansion and any other**  
9 **data and information required by the secretary.**

10       **(4) Whenever complaint is made to the secretary by the mayor of**  
11 **any city of the state, by a local health officer or by a county or joint**  
12 **board of health, or whenever an investigation is undertaken at the**  
13 **initiative of the secretary, relating to any alleged violation of the**  
14 **provisions of the permit for placement or storage of municipal water**  
15 **treatment residues in such basins, the public water supply system**  
16 **operator shall furnish all information the secretary requires. If the**  
17 **secretary finds that there is any violation of the terms of the permit,**  
18 **that the means of placement and storage exceed the terms of the**  
19 **permit or that any other condition exists by reason of the means of**  
20 **placement and storage that may be detrimental to the health of any**  
21 **inhabitants of the state or to the environment, the secretary shall have**  
22 **the authority to issue an order amending the permit or otherwise**  
23 **requiring the operator to perform remedial measures to curtail or**  
24 **prevent such detrimental conditions.**

25       **(d) Orders of the secretary under this section, and hearings**  
26 **thereon, shall be subject to the provisions of the Kansas**  
27 **administrative procedure act. Any action of the secretary pursuant to**  
28 **this section is subject to review in accordance with the Kansas judicial**  
29 **review act. The court on review shall hear the case without delay.**

30       **(e) The secretary shall establish by rule and regulation a system**  
31 **of fees for the inspection and regulation of public water supplies. No**  
32 **such fee shall exceed \$.002 per 1,000 gallons of water sold at retail by a**  
33 **public water supply system. All such fees shall be paid quarterly in the**  
34 **manner provided for fees imposed on retail sales by public water**  
35 **supply systems pursuant to K.S.A. 82a-954, and amendments thereto.**  
36 **The secretary shall remit all moneys collected for such fees to the state**  
37 **treasurer in accordance with the provisions of K.S.A. 75-4215, and**  
38 **amendments thereto. Upon receipt of each such remittance, the state**  
39 **treasurer shall deposit the entire amount in the state treasury to the**  
40 **credit of the public water supply fee fund created by K.S.A. 65-163c,**  
41 **and amendments thereto.**

42       **(f) There is hereby created an advisory committee to make**  
43 **recommendations regarding:**

- 1       **(1) Fees to be adopted by the secretary under subsection (e);**
- 2       **(2) means of strengthening on-site technical assistance to public**
- 3 **water supply systems;**
- 4       **(3) standards for on-site and classroom water treatment operator**
- 5 **certification programs;**
- 6       **(4) other matters concerning public water supplies; and**
- 7       **(5) to advise the secretary regarding expenditure of moneys in the**
- 8 **public water supply fee fund created by K.S.A. 65-163c, and**
- 9 **amendments thereto. Such advisory committee shall consist of one**
- 10 **member appointed by the secretary to represent the department of**
- 11 **health and environment, one member appointed by the director of the**
- 12 **Kansas water office to represent such office and two members**
- 13 **appointed by the secretary as follows: One from three nominations**
- 14 **submitted by the Kansas section of the American waterworks**
- 15 **association, and one from three nominations submitted by the Kansas**
- 16 **rural water association. Members of the advisory committee shall**
- 17 **serve without compensation or reimbursement of expenses. The**
- 18 **advisory committee shall meet at least four times each year on call of**
- 19 **the secretary or a majority of the members of the committee.}**

20       ~~Section 1.~~ **Sec. 2.** K.S.A. 65-3326 is hereby amended to read as  
21 follows: 65-3326. (a) Municipalities ~~which~~ *that* desire the provision of a  
22 loan under K.S.A. 65-3321 through 65-3329, *and amendments thereto*,  
23 shall submit an application therefor to the secretary. Applications shall be  
24 in such form and shall include such information as the secretary shall  
25 require and shall be submitted in a manner and at a time to be determined  
26 by the secretary.

27       (b) The secretary may enter into agreements with any municipality  
28 for the provision of a loan thereto for payment of all or a part of project  
29 costs and any municipality may enter into such an agreement and may  
30 accept such loan when so authorized by its governing body. The purposes  
31 of the loan to be provided, the amount thereof, the interest rate thereon,  
32 and the repayment terms and conditions thereof, all of which may vary  
33 among municipalities, shall be included in the agreements. Loans shall be  
34 provided at or below market interest rates and may be provided interest  
35 free. All such agreements shall require that municipalities establish a  
36 dedicated source of revenue for repayment of the loans as provided in  
37 K.S.A. 65-3327, *and amendments thereto*. Such agreements shall further  
38 provide that repayment of any loan received shall begin not later than one  
39 year after completion of the project ~~and that~~. *For agreements entered into*  
40 *on or before June 30, 2023, such loan shall be repaid in full no not later*  
41 *than 20 years thereafter. On and after July 1, 2023, agreements for loans*  
42 *shall provide that such loans shall be repaid in full not later than 30 years*  
43 *thereafter.*

1 (c) In the event any municipality to which a loan is made available  
2 under K.S.A. 65-3321 through 65-3329, *and amendments thereto*, fails to  
3 enter into an agreement with the secretary for the provision of such loan in  
4 accordance with the requirements of such statutes, the secretary is  
5 authorized to make the amount of the loan available for one or more other  
6 projects on the project priority list.

7 (d) The secretary shall provide any municipality, upon its request,  
8 with technical advice and assistance regarding a project or an application  
9 for a loan for the payment of all or a part of project costs.

10 ~~Sec. 2.~~ **3.** K.S.A. **65-163 and** 65-3326 ~~is~~ **are** hereby repealed.

11 ~~Sec. 3.~~ **4.** This act shall take effect and be in force from and after its  
12 publication in the statute book.