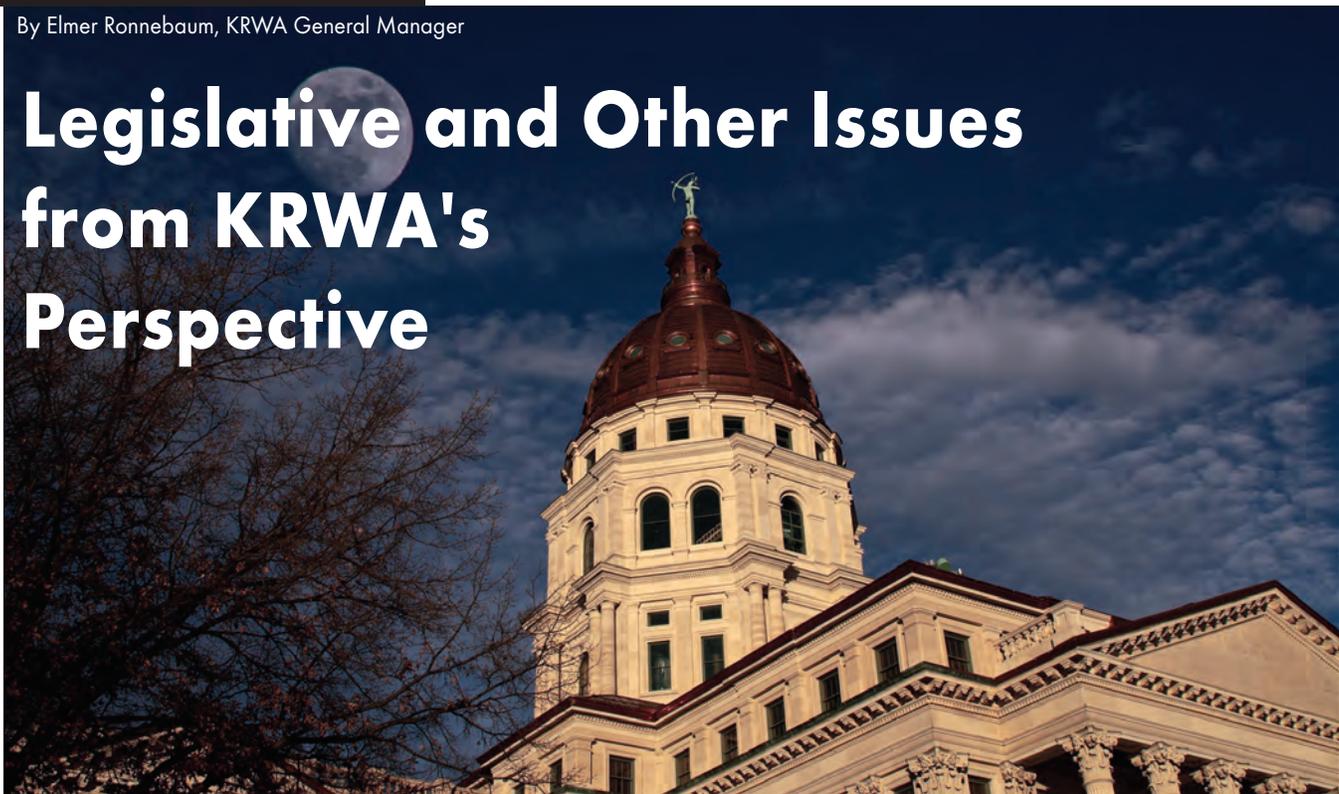


Legislative and Other Issues from KRWA's Perspective



— Photo by Dennis Schwartz

I was pleased to recently present comments on behalf of the Kansas Rural Water Association to the Water and Environment Committee of the Kansas House of Representatives. The positions that KRWA takes on legislative issues are approved by the Association's legislative committee. Some of the comments presented were introductory to new members of the Legislature. Rep. Tom Sloan, Lawrence, is chairman of the Committee. Rep. Sloan has been the chairman of a rural water district for more than 30 years.

I relayed to the Committee the concerns that are so frequently expressed by KRWA members and non-members alike. First, the assistance that water systems receive is appreciated; the training they receive is necessary. In 2016, KRWA provided 113 days of training that were attended by 6,955 people. While the annual conference is highly attended, without the other training sessions that have been provided by KRWA I'm not sure how system operators could access enough sessions in order to maintain their certification hours. When it comes to technical assistance, KRWA staff know something about nearly every water and

wastewater system in the state and many of the people who are operating those systems. KRWA staff have the institutional and regulatory knowledge to help respond to the variety of issues that local water and wastewater systems face.

Concerns expressed by Association members

A major concern of water systems is to comply with all the federal drinking water regulations and the inherent testing. EPA's current enforcement and compliance assistance approach is not necessarily helping small and rural communities. Non-compliance in these communities is tied to their limited resources. Local water supplies are governed and operated by people whose families drink the water every day. As the National Rural Water Association recently advised EPA, "Enhancing drinking water and wastewater quality in small communities is more of a resource issue than a regulatory problem ... and it generally requires physical help which is far more effective in addressing non-compliance and enhancing water quality than an enforcement-focused policy where the emphasis is on tools, webinars and workgroups."

As one example, thanks to what often seems an over-reaction to problems with lead and copper sampling in Flint, Michigan, EPA is proposing that states develop a statewide plumbing code – and if the states don't do that, then local water systems are expected to do so. Utility organizations and local communities are rightfully concerned about such over-reach. KRWA encouraged the members of the Kansas Legislature to watch for any new state regulations that may be proposed in this regard.

Water conservation

Various regional planning committees have been discussing the Governor's 50-Year Vision for Water. Some groups have suggested that public water systems should reduce use by 10 or 20 percent. The operation of water systems is a local matter and systems possess a great variety of capacity to provide water. In reality, if Topeka or Lawrence or WaterOne have the capacity to treat and deliver water, there seems little purpose for asking customers to reduce use because an estimated 40 percent of the water use in those communities is returned to the Kansas River and otherwise just flows down the stream.

Fees to support "water in Kansas"

The water use by municipal systems is a fraction of overall use in Kansas. Yet, the State Water Plan requires fees from public water systems, while the real burden on water use in Kansas – irrigation, pays no fee. Public water systems have been generating approximately 50 percent of the revenue to the State Water Plan. The opinion by the KRWA Legislative Committee is that water systems would support additional fees on public water systems contingent on irrigation users also paying fees to financially support programs that are designed to help, save and protect water resources. Only \$.01 per thousand gallons of all irrigation water recorded in 2015 in Kansas would result in nearly \$10 million of revenue.

Fees on public water systems presently total \$.062 per thousand gallons. Those consist of \$.03 to the State Water Plan and \$.03 to the Clean Drinking Water Fee which is paid by the vast majority of systems in lieu of paying sales tax on purchases, and a \$.002 fee that goes to the Kansas Department of Health & Environment. The \$.002 was established in 1991 at a time when the KDHE requested

The opinion by the KRWA Legislative Committee is that water systems would support additional fees on public water systems contingent on irrigation users also paying fees to financially support programs that are designed to help, save and protect water resources.

funding to support staff to deal with the new Lead and Copper Rule.

Loss of human capital

The Association deals with hundreds of very small water systems. Many of these communities are finding it more and more difficult to obtain and retain qualified persons to become certified to operate water or wastewater systems. In some cases, the loss of human capital begs the question of how those communities are expected to maintain compliance with all the regulations. In other cases, very small communities are being pushed into the construction of

very expensive to build and expensive to operate treatment works. As you read in this issue, the city of Clayton, Kansas, with a population of 58, constructed an arsenic removal plant. The cost was \$511,000 with \$327,000 in grant from USDA Rural Development and Dept. of Commerce – all federal money. The 58 citizens in Clayton now have a \$184,000, 40-year federal loan. The city of Pretty Prairie has had a consent agreement with EPA since about 1995 to provide bottled water to expectant persons and others because of nitrate that exceeds the national contaminant level of 10 parts per million. The threat of civil penalties by EPA and KDHE forced the city to agree to proceed with the construction of a new nitrate removal plant. However, as of January 20, the city was advised that the application for their Community Development Block Grant was not approved and therefore the project is going to go on hold. It's KRWA's opinion that whatever treatment option is supported by the local system should be considered and if bottled water is the route that a community wants to go, then that should be a local decision.

Water Use Reports

Only water right holders are required to submit the annual Water Use Report to the Division of Water Resources. While many systems that purchase water do submit the report, there is no requirement for all systems to do so. It may be appropriate to require all systems to make those reports as they can provide meaningful information and alerts to high unaccounted for water.

Present legislation in Kansas

As of January 20, four new bills have been introduced at the request of KRWA. They are:

- ◆ HB 2066 which would require that public wholesale water supply districts be reimbursed for pipeline installed in public right-of-way, similar to how rural water districts have been since 1995.
- ◆ HB 2079 would clarify how local counties deal with licensing of "water district" vehicles. It would allow such vehicles to be tagged in the same way as cities, counties, school districts, etc.
- ◆ HB 2080 would require that rural water districts accept the amount of the delinquent fees for reinstatement of a "benefit unit". The bill allows for an additional administrative fee of no more than 20 percent of the cost of a new membership. The KRWA Legislative Committee appreciates that some systems may not like this legislation however, the vast majority of rural water districts in Kansas will reinstate a benefit unit upon payment of back charges. There have been numerous complaints from citizens who often end up in something of a "gotcha" trap" when requesting to transfer the water district account to them.

In an effort to generate revenue for the State Water Plan, the Committee also introduced HB 2032. It would add \$.03 per thousand to water sold at retail. KRWA plans to support the bill contingent on a fee also being to be paid on all irrigation use. One cent on irrigation use would generate about \$10 million annually. Others have been promoting the idea of dedicating one-tenth cent sales tax to the Plan. That would generate an estimated \$43 million annually.

For news and legislative updates, check KRWA's Website at www.krwa.net/ONLINE-RESOURCES/Legislative-News

Elmer Ronnebaum is KRWA General Manager; he has been employed by KRWA since 1983. He served seven years on the KRWA board of directors prior to that. He also helped develop a large RWD and served for fourteen years on a water district board of directors.

