

SENATE BILL No. 171

By Committee on Utilities

2-13

1 AN ACT concerning the department of health and environment; relating to
2 public water supply systems; loan program requirements; installation or
3 repair, lead levels; amending K.S.A. 65-163d, 65-163i, 65-170d and
4 65-171r and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-163d is hereby amended to read as follows: 65-
8 163d. As used in K.S.A. 65-163d through 65-163u, and amendments
9 thereto:

10 (a) "Fund" means the public water supply loan fund established by
11 K.S.A. 65-163e, and amendments thereto.

12 (b) "Municipality" means: (1) Any political or taxing subdivision
13 authorized by law to construct, operate and maintain a public water supply
14 system, including water districts; (2) two or more such subdivisions jointly
15 constructing, operating or maintaining a public water supply system; or (3)
16 the Kansas rural water finance authority.

17 (c) "Project" means any acquisition, construction, reconstruction,
18 improvement, equipping, rehabilitation or extension of all or any part of a
19 public water supply system. ~~"Project" does not include any project related
20 to the diversion or transportation of water acquired through a water
21 transfer, as defined by K.S.A. 82a-1501 and amendments thereto.~~

22 (d) "Project costs" means all costs or expenses which are necessary or
23 incident to a project and which are directly attributable thereto.

24 (e) "Public water supply system" has the meaning provided by K.S.A.
25 65-162a, and amendments thereto.

26 (f) "Secretary" means the secretary of health and environment.

27 Sec. 2. K.S.A. 65-163i is hereby amended to read as follows: 65-163i.

28 (a) Municipalities which desire the provision of a loan under this act shall
29 submit an application therefor to the secretary. Applications shall be in
30 such form and shall include such information as the secretary shall require
31 and shall be submitted in a manner and at a time to be determined by the
32 secretary.

33 (b) The secretary may enter into agreements with any municipality
34 for the provision of a loan thereto for payment of all or a part of project
35 costs and any municipality may enter into such an agreement and may
36 accept such loan when so authorized by the municipal governing body.

1 The purposes of the loan to be provided, the amount thereof, the interest
2 rate thereon and the repayment terms and conditions thereof, all of which
3 may vary among municipalities, shall be included in the agreements.
4 Loans shall be provided at or below market interest rates. All such
5 agreements with municipalities shall require that municipalities establish a
6 dedicated source of revenue for repayment of the loans as provided in
7 K.S.A. 65-163j, *and amendments thereto*. Such agreements shall further
8 provide that repayment of any loan received shall begin not later than one
9 year after completion of the project and that such loan shall be repaid in
10 full no later than ~~20~~ 40 years thereafter.

11 (c) If a municipality to which a loan is made available under this act
12 fails to enter into an agreement with the secretary for the provision of such
13 loan in accordance with the requirements of this act, the secretary may
14 make the amount of the loan available for one or more other projects on
15 the priority list.

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

19 Sec. 3. K.S.A. 65-170d is hereby amended to read as follows: 65-
20 170d. (a) Any person who violates: (1) Any term or condition of any
21 sewage discharge permit issued pursuant to K.S.A. 65-165, and
22 amendments thereto; (2) any effluent standard or limitation or any water
23 quality standard or other rule or regulation promulgated pursuant to K.S.A.
24 65-171d, and amendments thereto; (3) any filing requirement made
25 pursuant to K.S.A. 65-164 or 65-166, and amendments thereto; (4) any
26 reporting, inspection or monitoring requirement made pursuant to this act
27 or K.S.A. 65-166, and amendments thereto; or (5) any lawful order or
28 requirement of the secretary of health and environment shall incur, in
29 addition to any other penalty provided by law, a civil penalty in an amount
30 of up to \$10,000 for every such violation. In the case of a continuing
31 violation, every day such violation continues shall, for the purpose of this
32 act, be deemed a separate violation.

33 (b) The director of the division of environment, upon a finding that a
34 person has violated any provision of subsection (a), may impose a penalty
35 within the limits provided in this section, which penalty shall constitute an
36 actual and substantial economic deterrent to the violation for which it is
37 assessed.

38 (c) No such penalty shall be imposed except upon the written order of
39 the *secretary of health and environment* or the director of the division of
40 environment to such person stating the violation, the penalty to be imposed
41 and the right of such person to appeal to the secretary ~~of health and~~
42 ~~environment~~. Any such person may, within 15 days after service of the
43 order make written request to the secretary of health and environment *on*

1 *such matter* for a hearing thereon. ~~The secretary of health and environment~~
2 ~~shall hear such person or persons~~ *If such order is appealed, a hearing*
3 *shall be conducted* in accordance with the provisions of the Kansas
4 administrative procedure act ~~within 30 days after receipt of such request.~~

5 (d) Any action of the secretary pursuant to this section is subject to
6 review in accordance with the Kansas judicial review act.

7 Sec. 4. K.S.A. 65-171r is hereby amended to read as follows: 65-
8 171r. The following acts are prohibited:

9 (a) The operation of a public water supply system without first
10 obtaining a valid public water supply system permit under K.S.A. 65-163,
11 and amendments thereto;

12 (b) the operation of a public water supply system in violation of the
13 conditions of the public water supply system permit under K.S.A. 65-163,
14 and amendments thereto;

15 (c) the failure of a supplier of water under investigation to furnish
16 information to the secretary under K.S.A. 65-163, and amendments
17 thereto;

18 (d) the failure of a supplier of water to comply with any final order of
19 the secretary issued under the provisions of K.S.A. 65-163 or 65-163a, and
20 amendments thereto;

21 (e) the failure of a supplier of water to comply with a primary
22 drinking water standard established under K.S.A. 65-171m, and
23 amendments thereto, and rules and regulations adopted pursuant thereto
24 unless a variance or exception has been granted;

25 (f) the failure of a supplier of water to comply with the rules and
26 regulations of the secretary for monitoring, maintenance of records and
27 submission of reports, sampling and analysis of water and inspections
28 adopted under K.S.A. 65-171m, and amendments thereto;

29 (g) the failure of a supplier of water to give notice as required under
30 K.S.A. 65-171o, and amendments thereto, and rules and regulations
31 adopted pursuant thereto;

32 (h) using any pipe, solder or flux in the installation or repair of any
33 public water supply system or any plumbing in a residential or
34 nonresidential facility providing water for human consumption, which is
35 not lead-free, except that this paragraph shall not apply to leaded joints
36 necessary for the repair of cast iron pipes. As used in this paragraph, "lead-
37 free" means: (1) With respect to its usage in conjunction with solder and
38 flux, solder and flux containing not more than .2% lead; and (2) with
39 respect to its usage in conjunction with pipes and pipe fittings, pipes and
40 pipe fittings containing not more than ~~8%~~ 0.25% lead;

41 (i) the sale of unmarked lead solders and fluxes. A seller of lead
42 solders and fluxes in Kansas shall not sell any solder or flux containing
43 more than 0.2% lead unless the seller displays a sign and a label is affixed

1 to such product which states: "Contains lead: Kansas law and federal law
2 prohibits the use of this product in any plumbing installation providing
3 water for human consumption.";

4 (j) the application of fertilizers, pesticides or other chemicals by any
5 person through any lawn irrigation system connected to a public water
6 supply system except that in areas where the public water supply system
7 has adopted a program for the detection and elimination of cross
8 connections and prevention of backflow and backsiphonage which has
9 been approved by the secretary of health and environment, such
10 application may be permitted by the public water supply system upon its
11 periodic inspection and current approval of the installed air gap or reduced
12 pressure zone backflow prevention device which isolates the irrigation
13 system; and

14 (k) the use by any person of a public water supply system as a source
15 of make-up water for bulk chemical application tanks except that: (1) In
16 areas where the public water supply system has adopted a program for the
17 detection and elimination of cross connections and prevention of backflow
18 and backsiphonage which has been approved by the secretary of health
19 and environment, such use may be permitted by the public water supply
20 system upon its periodic inspection and current approval of an air gap or
21 reduced pressure zone backflow prevention device to protect the public
22 water supply; and (2) in areas where the public water supply system has
23 not adopted a program approved by the secretary of health and
24 environment, such use shall be permitted if an air gap or reduced pressure
25 zone backflow prevention device is used and such device meets nationally
26 recognized standards, as determined by the secretary of health and
27 environment.

28 Sec. 5. K.S.A. 65-163d, 65-163i, 65-170d and 65-171r are hereby
29 repealed.

30 Sec. 6. This act shall take effect and be in force from and after its
31 publication in the statute book.