



“Rural Water” Helped Make 2012 A Positive Year For Water Systems

Each year, the Kansas Rural Water Association and its sister organization affiliates of the National Rural Water Association (NRWA) mobilize to petition the federal government and Congress to support federal funding and policy that is most beneficial for small and rural community water priorities. This is the strength of “Rural Water”.

The federal government and Congress are responsible for many important water issues. The following directly benefit water systems in Kansas: funding for circuit riders, training and technical assistance; funding for water infrastructure through USDA Rural Development, EPA State Revolving funds, etc.; federal laws like the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA); the Farm Bill, and more. In addition to advocating for funding, NRWA and its affiliates are the leading voice for regulatory and policy positions that are in the best interests of small and rural communities.

NRWA Board Member and Regulatory Committee Chairman John Sasur (manager of the Three Rivers Fire District in Massachusetts), recently identified many of the policies that the NRWA pressed in 2012.

KRWA staff member Rita Clary is participating on a NRWA committee with EPA to revise V-SAT, a risk assessment tool, to make it more user-friendly for smaller systems.

2012 National policy initiatives

- **H.R. 1427 & S. 2166 – SDWA**

technical assistance authorization legislation introduced in the House and Senate with bipartisan support. If enacted it would allow EPA technical assistance to be similar in award to the circuit rider funding and would allow EPA to fund technical assistance under continuing resolutions.

- **USDA Section 1926(b) Protection –** retain fair and limited federal protection of certain service areas – and assist members,

state associations and municipal associations in resolution of policy conflicts.

- **State Revolving Loans Funds** – supported increased funding for SRFs in collaboration with all other national water associations – resulting in approximately \$2.4 billion in SRF funding.

- **Cybersecurity** – identified NRWA’s position on national cybersecurity legislation and collaborated with all other national water associations to prevent additional regulation of membership. Participated with the Department of Homeland Security in adopting an approach to protection of water cyberinfrastructure. KRWA staff member Rita Clary is participating on a NRWA committee with EPA to revise V-SAT, a risk assessment tool, to make it more user-friendly for smaller systems.

- **EPA Technical Assistance**

Funding – supported Congressional funding of \$15 million in small community technical assistance funding. Promoted additional Congressional directives to ensure funding is most helpful to small and rural communities. The result was that approximately \$7 million was awarded to NRWA to provide training in all 50 states; Texas Engineering Extension Service was awarded nearly \$3 million; \$2.5 million was awarded to New Mexico Environmental Finance Center; \$2 million was awarded to the Rural Community Assistance Partnership to work with small publicly-owned wastewater systems on treatment and operations issues and to help private well owners; and \$500,000 was awarded to the Rural Community Assistance Partnership to provide training and technical assistance to tribally-owned and operated public water systems.

- **H.R. 1340 & S. 1578** – supported House and Senate bipartisan legislation to allow for alternatives to deliver the Consumer Confidence Report (CCRs). KRWA asked for support and Senators Moran and Roberts were the first two co-sponsors of S. 1578. Rep. Jenkins and Rep. Pompeo signed as co-sponsors, the companion bill to HR 1340. On January 8, 2013, US EPA provided a clarification that allows for electronic delivery of CCRs. The cost of mailing the CCRs in Kansas is estimated to be more than \$750,000 annually for postage.

- **Total Coliform Rule (TCR) Reform** – briefed the White House on the urgency of TCR implementation to repeal the identification of total coliform as an MCL and the subsequent public notification requirements. The administration is expected to release the final rule in January 2013. Pat McCool, KRWA consultant, first brought the issue of TCR reform to the forefront in an article published in *The Kansas Lifeline* in July 2005.

- **Release of Local Risk Plans on Internet** – successfully petitioned EPA to reconsider policy to release local risk plans to the public.

- **Lead Free Act** – participated on federal advisory panel in support of interpreting law to not cover operations, maintenance, repair or calibration of components.

- **Lead and Copper Rule (LCR) Rewrite** – NRWA is participating on several federal advisory panels in support of monitoring and public notice reform under rewrite of LCR rule expected summer 2013. Also opposing expansion of current limits of authority over private property under EPA mandates.

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- **Perchlorate Rule Development** – participating on federal advisory panel on rule development. Supporting reasonable analysis of the science and strict compliance with SDWA authorities in standard development. Also supporting maximum reliance on SDWA flexibilities in final rule.

- **Unregulated Contaminant Monitoring (UCMR) Relief** – petitioning the EPA for reform and

relief of small communities and consecutive communities in implementation of UCMR.

- **Hydraulic Fracturing Legislation** – supporting legislation to retain state regulatory authority where appropriate for energy production.

- **Gaseous Chlorine** – supporting retention of use of gaseous chlorine where necessary to protect public health under Clean Air Act implementation and security legislation.

- **Arsenic Rule Review** – participated on federal advisory panel and filed comments on EPA's congressionally directed review of current arsenic rule and its feasibility for small community compliance.

- **EPA Climate Ready Water Utility Guidance** – participated on federal advisory panel to determine guidance and ensure that EPA's policy is non-regulatory.

- **EPA Sustainability Guidance** – participated on federal advisory panel on development of EPA guidance.

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- **Hexavalent Chromium Rule** – with AWWA, petitioned the EPA to include all health effects studies in their analysis to regulate Hexavalent Chromium.

- **Inherently Safer Technology** – opposed federal authority to expand regulatory review of disinfection choices under the Clean Air Act and other legislation.

- **Product Liability Protection for Water Contamination** – opposed legislation to allow for special liability waivers of companies that contaminate groundwater/drinking water sources (with all other national water associations).

- **NPDES E-reporting Rule** – appointed to advisory panel for EPA in implementing new reporting rule for POTWs.

- **Numeric Nutrient Criteria (NNC)** – supported Florida Rural Water Association and a coalition to allow for adoption of the state preferred NNC program. Supported legislation to allow of state primacy in determining NNC plans.

- **CWA Citizens' Suits Legislation** – supported House legislation, H.R. 3544, to limit the authorities under the CWA for filing citizens' suits against communities.

- **SDWA Reform** – supported Senator Inhofe's legislation, S. 3038, the main legislative vehicle to reform the SDWA.

- **USDA Tax Exemption of Guaranteed Loans** – testified before the Congress in favor of legislation to establish this new funding instrument.

- **Water Infrastructure Legislation** – testified in Congress, supporting NRWA priorities in new legislation. NRWA supported legislation (H.R. 5320, The AQUA Act) has been the most advanced water infrastructure legislation in this last Congress.

- **Waters of the United States** – commented in opposition to EPA's use of guidance in defining CWA scope with all other national water association. Agency has not finalized the guidance.

Kansas initiatives

In Topeka, the Kansas Rural Water Association was supportive of in several legislative efforts that are of great benefit to public water systems. These included:

HB 2465 was introduced at the request of KRWA to prohibit the "proxy by default" voting at membership meetings of certain non-profit organizations, namely Kansas One Call. The bill was approved by unanimous vote of the House. KRWA encouraged Kansas One Call to amend its bylaws to eliminate the proxy by default provision. One Call did amend its bylaws; the bill was not heard in the Senate.

By removing this requirement, "participating member" can include non-landowners who own meters with the right to connect to the district's water system.

The intent of the legislation was accomplished.

HB 2472 changed the definition of a "participating member" of a rural water district by removing the requirement that members own land within the district. By removing this requirement, "participating member" can include non-landowners who own meters with the right to connect to the district's water system. The legislation was sought by KRWA. This legislation

immediately benefits several rural water districts that are dealing with demographic changes in their user bases.

HB 2588 provides rural water districts the authority to issue revenue bonds in order to repay any outstanding bonds, warrants, or loans owed to the Kansas Department of Health and Environment or to the United States Department of Agriculture. The bill also gives a water district the authority to issue revenue bonds for the refinancing of up to 95 percent of the original cost of any project. KRWA sought this legislation to clarify existing Kansas law which was precluding refinancing of some outstanding debt.

KRWA also monitored the following bills:

House Sub. for Sub. for SB 148 addresses the division of water rights and the issue of the treatment of water permits for sand and gravel operations.

SB 272 amended existing law in the Kansas Water Appropriations Act that authorizes and governs multi-year flex accounts. The bill establishes an opportunity for water management practices to enable multi-year flexibility in the use of water authorized to be diverted under a groundwater water right, provided such flexibility does not impair existing water rights or increase the total amount of water diverted.

HB 2451 amended a section of law dealing with the abandonment of water rights by deleting a requirement that, to avoid the abandonment process, the owner of groundwater rights in an area declared closed to further appropriation has a means of diversion available "to put water to beneficial use within a reasonable time". When the bill is in effect, groundwater rights in these areas will have due and sufficient cause for nonuse and therefore not be subject to abandonment.

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.

