

**House Bill 2633 – Amendments to K.S.A.65-166b, 65-4513 and 65-4514, and repealing K.S.A 65-4506
Relating to fees for water and wastewater operators and providing additional sources of revenue for the
water program management fund**

**House Water Committee
Kansas Department of Health and Environment Testimony**

February 6, 2024

Chairman Minnix and Members of the Committee:

The Kansas Department of Health and Environment (KDHE) supports House Bill 2633. This legislation accomplishes several initiatives:

1. K.S.A. 65-166b, allows certification fees for operators of water supply systems and wastewater treatment facilities to be deposited in KDHE’s water program management fund instead of the current practice of depositing those fees into the State General Fund.
2. Allows the water program management fund to pay for costs of administering the water and wastewater operator certification programs.
3. Eliminates the \$25 cap on certified operator fees but caps any fee for operator certification examinations at the actual cost of those exams.
4. Eliminates the provision of allowing completion of a correspondence course of instruction offered by KDHE in lieu of requiring classroom instruction for certification.

The motivation for House Bill 2633 is fourfold:

- 1) to direct the fees levied on certified water and wastewater operators to the program that oversees the certification of those operators.
- 2) to create flexibility for KDHE to utilize external services to provide customized, consistent examinations for operators by eliminating the constraint of capped fees that are inadequate to cover the costs of those examinations.
- 3) to create flexibility for KDHE to levy fees on water and wastewater operators in the future to adequately maintain a stable and robust operator certification program.
- 4) to eliminate an archaic provision for correspondence courses for operator certification which has never been utilized by Kansas in the almost 50 years of operator certification in the state.

Issues of poor exam pass rates have plagued the operator certification program for years. The quality of the test questions and the ability to customize exams for the diversity of water treatment systems has hampered the education and training of the next generation of operators. Water systems comprise ground water systems, surface water systems, ground water under the influence of surface water systems and distribution

only systems that purchase finished drinking water from another supplier. The population served by these systems spans from dozens of people to over 100,000. KDHE wishes to standardize its testing of water system operators by utilizing the services of a national association that specializes in testing and certification of water operators. In discussions with the utility associations in the state, the consensus is that streamlining the testing process will improve the quality of operators certified to run water supply systems, as well as the ongoing education and training of the operator workforce.

However, the current cost for the national exams is \$125, which is \$100 more than the currently allowed Kansas fee capped by statute at \$25. Removing that cap will allow KDHE to utilize the national examination services for water operators.

The redirection of operator fees to the water management program fund housed within KDHE will allow direct support of the state operator certification program for both water and wastewater. In other words, the operators paying the fees would directly benefit from the fees paid. Adequate fees for supporting the program would be provided through administrative regulations.

Finally, the option of utilizing a correspondence course in lieu of classroom training has never been developed by KDHE. Classroom training and education are most effective at raising the technical acumen of water and wastewater operators by individuals that have experienced the nuances of system operators that one cannot glean from static reading material.

Strong state programs provide regulatory certainty for systems that treat drinking water for the public and ensure wastewater does not impair the environment of Kansas streams, lakes, and aquifers. Maintaining a strong and competent workforce to operate those systems is the highest priority for KDHE. We believe the changes brought about by House Bill 2633 provide the flexibility to ensure KDHE can maintain a strong operator certification program. Therefore, KDHE stands in support of House Bill 2633 and urges its passage.