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**Testimony on House Bill 2633  
House Committee on Water**

**Doug Mays, Legislative Liaison  
Kansas Rural Water Association**

**February 5, 2024**

Good morning, Mr. Chairman and Members of the Committee:

The Kansas Rural Water Association has asked for more than ten years that questions for the water and wastewater operator certification exam be separated between the questions pertaining to groundwater questions from surface water which typically involves a more complicated treating process. In simple terms, the request was to have exam questions relevant to the work experience of the operators.

House Bill 2633 is similar to a legislative initiative in 2019. The testimony by Jamie Gaggero, then Director of the Bureau of Water, before the Senate Utilities Committee on February 20, 2019, appears to provide the reason that the exam questions were never segregated. Ms. Gaggero's testimony on SB 169 includes the comment that the two suggestions by the Advisory Committee at that time were to separate the questions for the exams and that mandatory classroom training be completed prior to taking an exam. Her comment ended with this statement: "These two changes will significantly increase the workload of KDHE staff." It didn't seem to matter to the agency that operators were not passing the exams because the questions were inappropriate; the agency was concerned about their workload.

The comments in that testimony are still the basis for the Kansas Rural Water Association's opposition to HB 2633 as written. In the past year, KDHE's operator certification program has, for whatever reason, lost the records of hours that operators have. Certificate renewals were not provided for months. An online portal that was open to the public where operators could review their training credits was discarded by the agency. In an attempt to monitor their required training hours, scores of operators have called the Association to ask why their hours are not showing up at KDHE. KRWA training sessions were attended by nearly 4,000 operators in 2023. KRWA sends via first-class mail a certificate of attendance to every operator who attends a training session that the Association sponsors. KRWA has one staff member doing this, and she performs a myriad of other membership and office duties. In recent months, KDHE staff have also been contacting the Association to verify training attendance; there is one new staff member at KDHE whom KRWA has commended for being responsive. Generally, water and wastewater systems that contact the KDHE operator certification program call the agency, email the

agency, etc., and receive no response. Some people have tried contacting the agency for more than a month, sending emails, etc. The voicemail of the person who was in charge is generally filled. None of this has anything to do with making sure that the water systems comply with regulations or do better at protecting the public's health. It has to do with the management failure of a program that is supposed to monitor training credits and operator licenses.

The Association respectfully suggests that an Advisory Committee be established in statute and that it be comprised of water and wastewater operators to be nominated by stakeholder organizations. The Committee should meet as necessary to ensure the operator certification program is transparent and to assure the thousands of operators that their training credits are being properly recorded. The Advisory Committee should also ensure that options such as online exams at testing centers, etc., be evaluated. The Association suggests there are resources in Kansas that should be considered, including the Information Network of Kansas which provides similar services to other professionals. It would seem that the operator certification program would be better if controlled by Kansans for Kansans vs. contracting with a testing service only because KDHE has not been willing to divide groundwater questions from surface water questions and is concerned about the workload that doing so would create. Kansas Rural Water Association has offered and will continue to offer to help accomplish the dividing of the questions.

Over the past two years, the Operator Certification Program, as administered by KDHE, has failed water and wastewater operators in Kansas. Beginning with the Operator in Training program designed to assist new operators in their first days, to the actual exams that are unorganized and haphazardly regulated to the recent debacle of the Certified Operator Database vanishing and the agency's handling of continuing education credits. KRWA has serious concerns that if EPA were to look closely at the current Operator Certification Program, it would likely not meet the "Final Guidelines for the Certification and Recertification of Operators of Community and Nontransient Noncommunity Public Water Systems" as published in the Federal Register at 64 FR 5916 on February 5, 1999. The Association respectfully suggests that the entire system is at risk if KDHE continues to manage it without outside guidance.

Conceptually, the Water and Wastewater Operator Certification Advisory Committee would consist of seven members. All members should be certified water and wastewater operators with knowledge and field experience in the different levels of licensure. KDHE shall have a non-voting member serve as Chairperson of the Committee; meetings shall be held at least quarterly. Additional meetings may be called if a majority of Committee members agree. The Committee shall develop license examination questions that are relevant to the operators' actual work responsibilities. The Committee shall evaluate and, if appropriate, select an independent Kansas-based organization to manage the testing process, including but not limited to providing test scores to KDHE and the test-takers, maintaining appropriate records, and ensuring that the test questions are updated appropriately for each subsequent test.

Nominations to the Governor of persons to serve on the Water and Wastewater Advisory Committee shall be made by June 30, 2024, and the Committee shall convene no later than September 1, 2024, to develop the necessary tests and evaluate the feasibility of having an independent Kansas-based third party administer the tests and record keeping.

Thank you for your consideration. I am pleased to take any questions back to the Association.