



Alicia (Schartz) Straub
Senator, District 33

SB 510 Municipal Sewer Connection
February 29, 2024

Proponent Testimony
Oral In-Person with Written Testimony

Senate Local Government Committee
Honorable Chair McGinn and Committee Members:

First, thank you for the opportunity to present to you, SB 510. I requested this bill be drafted to clarify the responsibilities that a Municipality and Municipal Sewer System have to the citizens and property owners of the city in which it serves. A new subsection “(d) Any city that has previously provided sewer service to a property that was disconnected from such system, shall reconnect such property to the sewer system within 10 days of the request of the property owner at no cost to such property owner, if the disconnection was not a failure to pay sewer fees.” was added to ensure that the interests and rights of the property owners paying the fees that fund the municipal sewer system are represented as well as for the benefit to the entire community. The language of this statute was also corrected by the revisor to bring it current.

Municipal sewer systems are a fundamental component of urban infrastructure, and their proper maintenance and functionality are essential for public health and the overall standard of living for residents. Unfortunately, the disconnection of a property’s lateral sewer line from the sewer main does happen, although infrequently. When it does, this can lead to a variety of issues, including environmental contamination, inconvenience for citizens, and even economic detriment.

Aging sewer infrastructure in Kansas can pose significant challenges for municipalities. Maintaining and upgrading municipal sewer systems requires substantial investment of time and resources. Failure to address maintenance needs and proper sewer main connections can result in legal issues for the city, including property damage claims and public health violations. Property owners may file claims against the municipality for sewer system failures and negligence of proper maintenance. This may even involve legal proceedings and settlements.

Regulatory agencies, such as the Environmental Protection Agency (EPA) and Kansas Department of Health and Environment (KDHE), oversee municipal sewer systems. These agencies may take action against a city that violates these regulations with fines and penalties.

It is ultimately the property owners in a city that pay these fines and settlements, as they are the ones that fund the municipal sewer system through fees and taxes.

The Universal Plumbing Code (UPC) is a set of standardized plumbing regulations and standards adopted by many cities across the state. While the UPC provides guidelines, it typically defers to local building codes and regulations, which often vary from one municipality to another.

In many cases, shared sewer connections between multiple properties (shared sewer taps), are allowed with approval and inspection by the municipality. The specifics of these agreements, can vary significantly from city to city. Shared sewer taps typically involve an agreement between property owners and regulatory authorities

specifying responsibilities. Federal, state, and municipal codes and regulations must all be followed while addressing the needs of property owners involved when an improper sewer line disconnect issue arises. When there is no legal agreement between two properties with a shared sewer tap, it is crucial for the property owners to be able to rely on a concise set of laws and regulations. Coordinating local officials, licensed plumbers, and regulatory agencies to determine the legalities is quite burdensome. This only creates confusion and barriers for the property owner that was previously connected to the sewer main.

According to K.S.A. 12-631 a municipality can currently force property owners of buildings to connect to the municipal sewer system, *(b) If any person or persons, shall fail, neglect or refuse to so connect any building or buildings with the sewer system as herein provided for, for more than 10 days after being notified in writing by the board of health or governing body of such the city to do so, such city may cause such buildings to be connected with said sewer system...* However, there is currently no language in Kansas statute to protect the rights of the property owner from the municipality wrongfully disconnecting a building from the municipal sewer system without cause or notice. Functional Municipal Sewer Systems are essential for public health, standard of living, and the overall well-being of the community.

For all of these reasons, I kindly ask for your support of SB 510.

Gratefully,
Senator, Alicia Straub
District #33