

**Testimony on SB 331
presented to the
House Committee on Water
by the
Kansas Department of Health and Environment
March 7, 2024**

Chairman Minnix and members of the House Water Committee,

The Kansas Department of Health and Environment (KDHE) respectfully submits this testimony in favor of SB 331. This bill has been proposed to clean up three terms in state statute that have become outdated, inconsistent, and confusing to the regulated community.

First, SB 331 proposes to eliminate the definition of the term “lead free” as it pertains to waterline pipes and pipe fittings in K.S.A. 65-171r(h). Federal requirements require that pipes and fittings have no more than 0.25% lead to be considered “lead free.” Kansas regulations, at K.A.R. 28-15a-43, mirror the federal requirement. The language in K.S.A. 65-171r(h) reflects lead content requirements in place during the early years of the federal Safe Drinking Water Act and is now inconsistent with present-day regulations. Removing the old definition aligns state statutes with federal law and KDHE regulations.

Second, SB 331 proposes to replace the term “small quantity generator” (or “SQG”) in K.S.A. 65-3402, 65-3415, 65-3415a, and 65-3460. The term SQG is still used by KDHE and the U.S. Environmental Protection Agency (EPA), but not as originally defined. Initially, the Kansas and federal use of the term SQG did not match. In Kansas, SQG meant a generator of less than 25 kilograms of hazardous waste per month. To EPA, SQG meant a generator of more than 100 kilograms but less than 1,000 kilograms of hazardous waste per month. In 2011, KDHE renamed the less-than-25-kilograms class as “conditionally exempt small quantity generators” to match EPA’s terminology at that time. EPA subsequently changed the name of this generator class to “very small quantity generator” (or “VSQG”).

SB 331 would replace the use of SQG in statute with references to K.S.A. 65-3451. The reference to K.S.A. 65-3451 provides the greatest level of accuracy because generator category names specified in regulation are subject to change. The reference allows Kansas to avoid further statutory changes by eliminating the regulatory generator class name conventions. Going forward, Kansas regulations would be amended to ensure EPA and Kansas terminology is coordinated. Using the same terminology as EPA reduces confusion for the regulatory community.

Finally, SB 331 proposes to replace references to hazardous wastes generated by “farmer or exempt small quantity generator” in K.S.A. 65-3415a and 65-3460 with the term “agricultural pesticide wastes.” This ensures a consistent use of terms between statutes and is based on the current use of the term “agricultural pesticide waste” in K.S.A. 65-3402(z).

These are minor changes but would greatly simplify and harmonize environmental regulation in Kansas.
Thank you for the opportunity to provide testimony on SB 331.