

**State of Kansas**

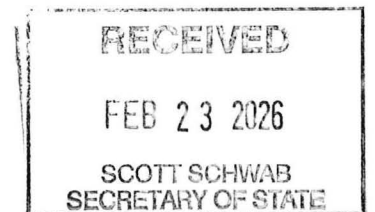
**Department of Health and Environment**

**Notice of Hearing on Proposed Administrative Regulation**

The Kansas Department of Health and Environment (KDHE), Bureau of Water, will conduct a public hearing at 10:00 AM on Thursday, May 21st, 2026 in the Azure Conference Room, Fourth floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended regulation K.A.R. 28-15-16.

The time period between the publication of this notice and the scheduled public hearing constitutes a comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulation. Interested parties may submit written comments prior to 10:00 AM on the day of the hearing, May 21<sup>st</sup>, 2026 to William Carr, Bureau Director, Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS, 66612, or by email to [William.J.Carr@ks.gov](mailto:William.J.Carr@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. To provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. It is requested that each individual giving oral comments also provide a written copy of the comments for the record.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the regulation, economic impact statement, and environmental benefit statement in an accessible format. Requests for accommodation to participate in the



public hearing should be made at least 10 business days in advance of the hearing by contacting the appointed agency contact using the contact information provided.

Copies of the proposed regulation, the economic impact statement, and the environmental benefit statement can be requested by contacting the appointed agency contact at the contact information provided.

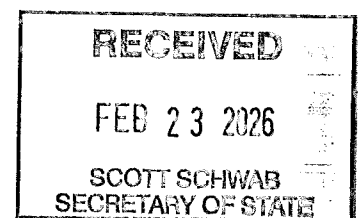
A summary of the proposed regulation, its estimated economic impact, and the environmental benefit follows:

### **Summary of Regulation:**

**K.A.R. 28-15-16. Permit requirements for public water supply systems.** This regulation provides suppliers of water the option to participate in a certification program to extend existing permitted distribution systems without obtaining a permit. K.S.A. 65-163(a)(3) allows for KDHE to establish a certification program for approval of distribution system extensions without the need for an additional permit. However, no rules and regulations have ever been developed. The proposed regulation amendments would implement K.S.A. 65-163(a)(3).

### **Economic Impact:**

There would be a positive economic effect to businesses and local governments that own or operate a public water supply as any costs associated with waiting for KDHE review and approval of distribution extensions would be eliminated for those participating in the certification program. For those entities that choose to participate in the program, there could be costs associated with employing a full-time professional engineer; however, it is likely that entities would not be interested in participating in the certification program unless they already employed a professional engineer or if it was cost effective to hire a professional engineer for this purpose. There is no fee to participate in the program. It would be the public water supply owner's



choice to pass costs or savings on to public utility ratepayers. Eliminating the time for KDHE review of these projects should have a positive economic effect on the state economy as a whole.

These regulations will enhance business activities and growth by reducing the time between project design and construction of the distribution system extensions of participating suppliers of water. The regulations will allow suppliers of water who participate in the program to review and approve these distribution extensions eliminating the time needed for the Kansas Department of Health and Environment (KDHE) to review and approve the project for construction. Additionally, this will free up KDHE staff time and allow for more timely review of more complex projects that are associated with business and growth.

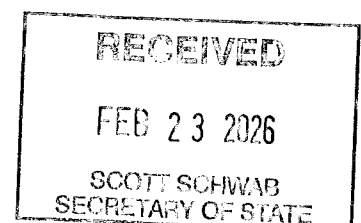
### **Environmental Benefit:**

There will not be an environmental benefit due to these proposed regulation changes. The changes in the regulation would create a voluntary certification program for approving distribution system extensions without obtaining a permit. Any impact or benefit to the environment made by distribution system expansions would not change due to this certification program.

Janet Stanek

Secretary

Department of Health and Environment



28-15-16. Permit requirements for public water supply systems. (a) Each person who operates a public water supply system supplier of water, as defined in K.S.A. 65-162a, and amendments thereto, shall be required to have a public water supply system permit issued by the secretary.

(b) ~~Each application for a public water supply permit shall be submitted~~ Each supplier of water shall submit a public water supply system permit application to the secretary for review and consideration for approval. The public water supply system permit application and shall be required to be approved by the secretary before the use of a source of water supply or the construction of any of the following by the supplier of water:

- (1) New sources of water supply;
- (2) pumping facilities;
- (3) finished water storage facilities;
- (4) water treatment plants, facilities, or systems;
- (5) water distribution systems and extensions to existing distribution systems; or
- (6) chemical storage, handling, and application facilities; or
- (7) waterline extensions to or replacements of segments of existing water distribution

systems, unless the supplier of water meets the requirements of subsection (e).

(c) ~~Each application approved for construction purposes shall be valid for a period of two years, and if construction has not been commenced by that time, a new application shall be required~~ The supplier of water shall not start construction of any appurtenances listed in subsection (b) until the secretary approves the public water supply system permit application and notifies the supplier of water that construction may start. Each supplier of water shall submit a

**APPROVED**

JAN 29 2026

**DEPT. OF ADMINISTRATION**

APPROVED

JAN 30 2026

ATTORNEY GENERAL

RECEIVED

FEB 23 2026

SCOTT SCHWAB  
SECRETARY OF STATE

new public water supply system permit application to the secretary for review and consideration for approval if the supplier of water does not start construction within two years of the approval date of the permit application.

(d) In addition to meeting the requirements specified in K.S.A. 65-163(a)(1) and amendments thereto, ~~each person operating a public water supply system~~ supplier of water shall submit as part of the public water supply system permit application the results of an analysis performed by a state-certified laboratory regarding the physical, bacteriological, chemical, and radiological constituents of the raw water to ensure that the proposed water treatment facilities will produce potable water meeting the primary drinking water regulations established in article 15a of the agency's regulations.

(e) Suppliers of water shall not be required to seek approval for construction of waterline extensions or replacements, and the secretary shall not issue a public water supply system permit if the following conditions are met:

(1) The waterline extensions to or replacements of segments of existing water distribution systems were previously approved by the secretary or constructed pursuant to this subsection;

(2) the water distribution system extension piping to be constructed is 16 inches or less in diameter;

(3) the water distribution system replacement piping to be designed and constructed shall be placed within the same general corridor as the segment of the water distribution system being replaced. The general corridor could include an existing or new utility easement or road right-of-way;

**APPROVED**

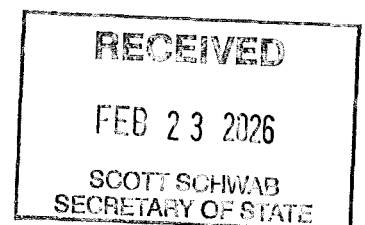
JAN 29 2026

**DEPT. OF ADMINISTRATION**

APPROVED

JAN 30 2026

**ATTORNEY GENERAL**



(4) the water distribution system replacement piping shall not be increased beyond 16 inches in diameter;

(5) the design of the water distribution system extension or replacement piping complies with the requirements of the department's policies, general considerations and design requirements for public water supply systems in Kansas;

(6) the supplier of water has standard waterline construction specifications and details approved by the secretary; and

(7) the supplier of water has obtained a water distribution extension or replacement certification from the secretary pursuant to subsection (f).

(f) Each supplier of water shall meet the following requirements to obtain a one-year water distribution system extension or replacement certification:

(1) Submit an application to the department for certification;

(2) comply with all requirements outlined in the certification approval issued by the secretary;

(3) design all water distribution system extensions or replacements under a professional engineer as defined by K.S.A. 74-7003, and amendments thereto; and

(4) employ a full-time qualified professional engineer as defined by K.S.A 74-7003, and amendments thereto, responsible for approving the design of water distribution system extensions or replacements, separate from the full-time qualified professional engineer that designs the water distribution system extension or replacements.

**APPROVED**

JAN 29 2026

**DEPT. OF ADMINISTRATION**

APPROVED

JAN 30 2026

**ATTORNEY GENERAL**

**RECEIVED**

FEB 23 2026

**SCOTT SCHWAB  
SECRETARY OF STATE**

(g) Upon obtaining the one-year water distribution system extension or replacement certification, the supplier of water shall:

(1) Maintain records of all water distribution system extensions and replacements approved pursuant to subsection (f) and make the records available for review and inspection by the department upon request; and

(2) submit an annual report to the department within 30 days following June 30 each year describing the water distribution system extensions or replacements according to the certification approval issued by the secretary. (Authorized by K.S.A. 65-171m; implementing K.S.A. 2025 Supp. 65-163; effective May 1, 1982; amended Jan. 9, 1995; amended Oct. 1, 2004; amended P-\_\_\_\_\_.)

**APPROVED**

JAN 29 2026

**DEPT. OF ADMINISTRATION**

APPROVED

JAN 30 2026

ATTORNEY GENERAL

**APPROVED  
APPROVED**

FEB 19 2026  
FEB 19 2026

**DIVISION OF THE BUDGET  
DIVISION OF THE BUDGET**

**RECEIVED**

FEB 23 2026

**SCOTT SCHWAB  
SECRETARY OF STATE**

# Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Health and Environment  
Agency

Ben Harring  
Agency Contact

785-368-8337  
Contact Phone Number

28-15-16  
K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes    If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

DOB APPROVAL STAMP  
**APPROVED**  
FEB 19 2026  
DIVISION OF THE BUDGET

RECEIVED  
FEB 23 2026  
SCOTT SCHWAB  
SECRETARY OF STATE

**Section I**

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Bureau of Water of the Kansas Department of Health and Environment (KDHE) is proposing to amend Kansas Administrative Regulation (K.A.R.) 28-15-16, "**Permit requirements for public water supply systems**". The amendments to K.A.R. 28-15-16 provide suppliers of water the option to participate in a certification program to extend existing permitted distribution systems without obtaining a permit. K.S.A 65-163(a)(3) allows for KDHE to establish a certification program for approval of distribution system extensions without the need for an additional permit. However, no rules and regulations have ever been developed. The proposed regulation amendments would implement K.S.A. 65-163(a)(3).

**Section II**

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

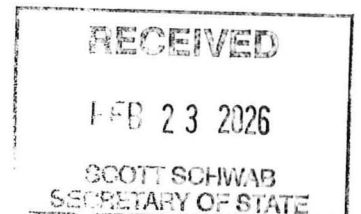
The additions to K.A.R. 28-15-16 are not mandated by federal law. The regulation is needed to implement K.S.A. 65-163(a)(3) which was established in 1996 (L. 1996, ch. 160, § 1). Nebraska, Colorado, Oklahoma, Missouri, and Iowa were consulted. Four out of five of the States had a process for Suppliers of Water to approve distribution system extensions without direct State approval. Differences were minor, mostly pertaining to reporting requirements and frequency.

**Section III**

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These regulations will enhance business activities and growth by reducing the time between project design and construction of the distribution system extensions of participating suppliers of water. The regulations will allow suppliers of water who participate in the program to review and approve these distribution extensions eliminating the time needed for the Kansas Department of Health and Environment (KDHE) to review and approve the project for construction. Additionally, this will free up KDHE staff time and allow for more timely review of more complex projects that are associated with business and growth.



- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

There would be a positive economic effect to businesses and local governments that own or operate a public water supply as any costs associated with waiting for KDHE review and approval of distribution extensions would be eliminated for those participating in the certification program. For those entities that choose to participate in the program, there could be costs associated with employing a full-time professional engineer; however, it is likely that entities would not be interested in participating in the certification program unless they already employed a professional engineer or if it was cost effective to hire a professional engineer for this purpose. There is no fee to participate in the program. It would be the public water supply owner's choice to pass costs or savings on to public utility ratepayers. Eliminating the time for KDHE review of these projects should have a positive economic effect on the state economy as a whole.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

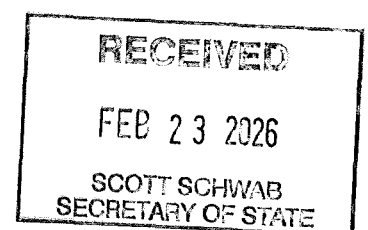
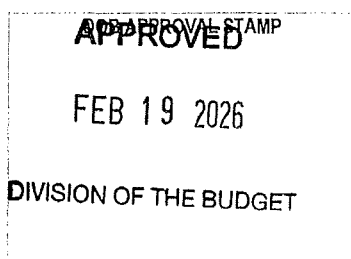
Only businesses that own public water supply systems would be directly impacted by the proposed regulation and only if they chose to participate. Most public water supply systems in Kansas are owned by public entities (i.e., local governments).

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefit of these proposed regulations is a reduction in time between project design and construction. There is no fee to participate in the program. Public water supply system owners and operators that are interested in participating in the program are not likely to incur additional costs if they already employ a professional engineer. Since KDHE staff would no longer review distribution extension projects from participating public water supply systems, it would reduce the time other projects spend waiting to be reviewed.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The proposed regulation is designed to minimize cost and impacts to the regulated community. There is no fee to participate in the program. Businesses and economic development will experience positive impacts utilizing the reduced time required between design and construction of distribution extension projects.



F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

**Total Annual Costs – \$0**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

This is a voluntary program with no annual fee. KDHE does not anticipate owners and operators of public water supply systems to participate unless it is cost effective to hire the required professional engineer to make the approvals. There may be costs associated with publishing the required ordinance or rule as indicated in regulation, but it should be a one-time cost.

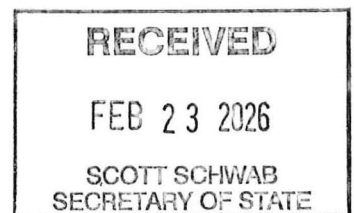
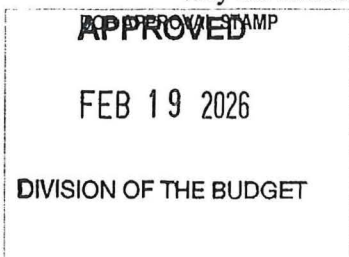
- Yes
  - No
  - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There are no changes in the permitting process. The certification process for those suppliers of water who choose to employ a professional engineer and annually apply for certification would spend less time than they currently do submitting each small extension to the distribution system for KDHE review and approval.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.



G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The regulations will not have an effect on the cities, counties, or school districts within the state. The three above-listed organizations are contacted electronically with program staff contact information and program website information where the approved regulations, economic impact statement, and environmental benefit statement are posted for public review and consideration for comment.

H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

KDHE convened the Legislative Initiative Working Group (Working Group) in 2017. The Working Group met several times during 2017 and 2018 to discuss various legislative and regulatory initiatives associated with oversight and permitting of Kansas public water supply systems. The Working Group supported moving forward with development of regulations to implement the provisions of KSA 65-163(a)(3) as one of the tools to reduce the turnaround time for project review and approvals.

Members of the Legislative Initiative Working Group include: Kansas Section of American Waterworks Association, League of Kansas Municipalities, Kansas Municipal Utilities, Kansas Rural Water Association (KRWA), Kansas Water Office and the City of Wichita.

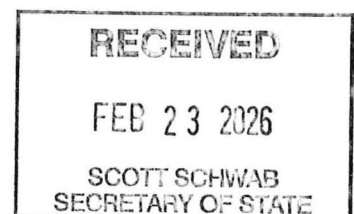
Separately, KDHE staff met with the Kansas Section of the American Society of Civil Engineers. They also supported moving forward with waterline extension regulations.

KDHE convened an advisory committee in 2023 made up of a representative selection of suppliers of water, engineering consultants, and the KRWA to provide feedback on the draft text of the amended regulation. The draft was adjusted based on the suggestions received.

**Section IV**

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.



- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.

This is a voluntary program with no annual fee. KDHE does not anticipate owners and operators of public water supply systems to participate unless it is cost effective to hire the required professional engineer to make the approvals. There may be costs associated with publishing the required ordinance or rule as indicated in regulation, but it should be a one-time cost.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.

\$0. There should be no increase in costs for KDHE to implement and enforce the proposed amendments. The reduced KDHE staff time spent reviewing distribution system extension submittals is expected to be more than the time spent managing and providing oversight for the new certification program. The forms and guidance needed to be developed by KDHE should not be extensive.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

No costs would accrue if the proposed regulations are not adopted.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

This will be a voluntary program with no annual fee. KDHE does not anticipate owners and operators of public water supply systems to participate unless it is cost effective to hire the required professional engineer to make the approvals. There may be minimal courier costs associated with mailing a paper application annually.

DOB APPROVAL STAMP

**APPROVED**

FEB 19 2026

DIVISION OF THE BUDGET

RECEIVED

FEB 23 2026

SCOTT SCHWAB  
SECRETARY OF STATE

\$0 This is a voluntary program with no annual fee. KDHE does not anticipate owners and operators of public water supply systems to participate unless it is cost effective to hire the required professional engineer to make the approvals. There may be costs associated with publishing the required ordinance or rule as indicated in regulation, but it should be a one-time cost.

DOB APPROVAL STAMP  
**APPROVED**  
FEB 19 2026  
DIVISION OF THE BUDGET

RECEIVED  
FEB 23 2026  
SCOTT SCHWAB  
SECRETARY OF STATE



Division of Environment  
Bureau of Water

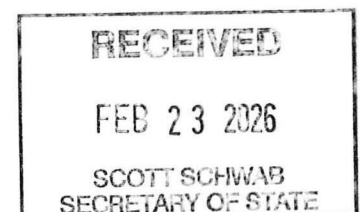
**ENVIRONMENTAL BENEFIT STATEMENT**  
**AND**  
**ADDITIONAL ECONOMIC IMPACTS FOR ENVIRONMENTAL REGULATIONS**

Pursuant to K.S.A. 77-416(d) – (e)

**PROPOSED AMENDMENT OF EXISTING PERMIT REQUIREMENTS FOR  
PUBLIC WATER SUPPLY SYSTEMS:**

**K.A.R. 28-15-16**

December 2024

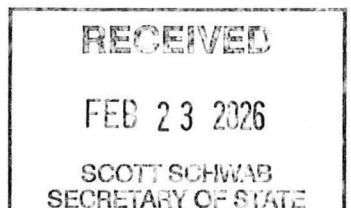


This page intentionally left blank.

RECEIVED  
FEB 23 2026  
SCOTT SCHWAB  
SECRETARY OF STATE

**Proposed**

This page intentionally left blank.



**I. Environmental Benefit Statement**

**1) Need for proposed amendments and environmental benefit likely to accrue.**

**a) Need** – There is no environmental need for these amendments to K.A.R. 28-15-16.

**b) Environmental benefit** – There will not be an environmental benefit due to these proposed regulation changes. The changes in the regulations would create a voluntary certification program for approving distribution system extensions without obtaining a permit. Any impact or benefit to the environment made by distribution system expansions would not change due to this certification program.

**2) When applicable, a summary of the research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rules and regulations or amendment.**

This section is not applicable.

**3) If specific contaminants are to be controlled by the proposed regulations or amendment, a description indicating the level at which the contaminants are considered harmful according to current available research.**

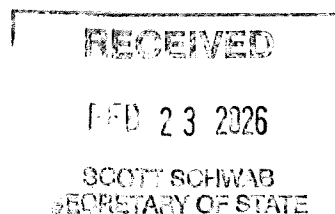
No specific contaminants are to be controlled by the proposed regulation amendments.

**II. Additional Economic Impacts for Environmental Regulations**

**In addition to the Economic Impact Statement prepared for the Kansas Division of the Budget, for all environmental rules and regulations the following descriptions of costs are included:**

**1) Capital and annual costs of compliance with the proposed amendments and the persons who will bear those costs.**

\$0. The certification program created by the proposed regulation changes is voluntary. There is no fee to participate in the program.



**2) Initial and annual costs of implementing and enforcing the proposed amendments, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs.**

\$0. There should be no increase in costs for KDHE to implement and enforce the proposed amendments. The reduced KDHE staff time spent reviewing distribution system extension submittals is expected to be more than the time spent managing and providing oversight for the new certification program. The forms and guidance needed to be developed by KDHE should not be extensive.

**3) Costs which would likely accrue if the proposed regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the regulations.**

No costs would accrue if the proposed regulations are not adopted.

**4) A detailed statement of the data and methodology used in estimating the costs used in the statement.**

This will be a voluntary program with no annual fee. KDHE does not anticipate owners and operators of public water supply systems to participate unless it is cost effective to hire the required professional engineer to make the approvals. There may be minimal courier costs associated with mailing a paper application annually.

