

OFFICIAL COPY

LABETTE COUNTY SANITATION CODE

Adopted: October 13, 1994

By: Board of County Commissioners:

C.L. Fish, Chairman
Dale McBride
Lonie R. Addis

Revised: June 30, 2010

By: Board of County Commissioners

Brian C. Kinzie
Jack W. Martin
Lonie R. Addis

For Information Contact: Labette County Health Department
P.O. BOX 786
Parsons, KS 67357
Phone: 620-421-4350

SANITATION CODE

Labette County, Kansas

INDEX

CHAPTER 1 – Administrative Procedures:

| | |
|---|-----------|
| Section 1-1 Legal Authority: | Page 1 |
| Section 1-2 Definitions: | Pages 2-3 |
| Section 1-3 Procedures, Permits, Orders, Appeals: | Pages 4-7 |

CHAPTER 2 – On-Site Wastewater Management:

| | |
|---|-------------|
| Section 2-1 Purpose and Intent: | Page 8 |
| Section 2-2 Applicability: | Page 8 |
| Section 2-3 Definitions: | Page 9 |
| Section 2-4 Prohibited Practices: | Page 10 |
| Section 2-5 General Requirements: | Pages 11-13 |
| Section 2-6 Requirements for Privies: | Page 13 |
| Section 2-7 Sanitary Services: | Page 14 |
| Section 2-8 Subdivision Development: | Page 23 |
| Section 2-9 Construction Standards – Waste Stabilization Ponds/Sewage Lagoons: | Pages 15-16 |
| Section 2-10 Maintenance of Lagoons: | Page 17 |
| Section 2-11 Construction Standards – Septic Tank/ Lateral Fields Systems: | Page 18-19 |
| Section 2-12 Size of the Septic Tank: | Page 20 |
| Section 2-13 Design Standards – Septic Tanks: | Page 20 |
| Table 2-11 Assumed Water Usage: | Page 20 |

CHAPTER 3: Non-Public Water Supplies:

| | |
|--|---------|
| Section 3-1 Purpose and Intent: | Page 21 |
| Section 3-2 Applicability: | Page 21 |
| Section 3-3 Definitions: | Page 21 |
| Section 3-4 General Requirements: | Page 21 |
| Section 3-5 Requirements – Public Water Supplies: | Page 22 |
| Section 3-6 Requirements – Semi-Public Water Supplies: | Page 22 |
| Section 3-7 Requirements – Private Water Supplies: | Page 23 |
| Table 3-1 Minimum Separation Distances: | Page 23 |
| Section 3-8 Requirements for Subdivisions: | Page 24 |

CHAPTER 4: Solid Waste Disposal Facilities:

| | |
|--|-------------|
| Section 4-1 Purpose and Intent: | Page 24 |
| Section 4-2 Applicability: | Page 24 |
| Section 4-3 Definitions: | Page 24 |
| Section 4-4 General Provisions: | Pages 25-27 |
| Section 4-5 Administrative Procedures: | Pages 28-30 |

DIAGRAMS

| | |
|--|---------|
| Diagrams 2-9a and 2-9b – Sewage Lagoons: | Page 31 |
| Diagrams 2-9c and 2-9d – Sewage Lagoons: | Page 32 |
| Diagrams 2-9e – Sewage Lagoon: | Page 33 |
| Diagram 2-10 - Warning Sign | Page 33 |
| Diagrams 2-11a and 2-11b – Lateral Lines | Page 34 |

SANITATION CODE

LABETTE COUNTY, KANSAS

CHAPTER 1

ADMINISTRATIVE PROCEDURES

SECTION 1-1: AUTHORITY AND POLICY:

1-1.1: Legal Authority: This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et seq., as amended.

1-1.2: Declaration of Finding and Policy: The Commissioners find that the provision of adequate and reasonable control over the environmental conditions in the county is both necessary and desirable. The adoption of this Sanitation Code is to eliminate and prevent the development of environmental conditions that are hazardous to health and safety, and to promote the economical and orderly development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Board of County Commissioners to, from time to time at the discretion of the Board, add to, amend or revise this Sanitation Code to provide current regulation of practices that may affect the health, safety or general welfare of the residents of this county.

1-1.3: Purpose: The purpose and intent of this Section is to prescribe the administrative procedures to be followed in administering and enforcing this Sanitation Code, or any amendments thereto, and to prescribe rules and regulations for controlling practices that may affect the health, safety or general welfare of the residents in this county.

1-1.4: Title: This Code shall be known and referred to as the Labette County Sanitation Code.

1-1.5: Applicability: The administrative procedures prescribed in this chapter shall be followed in administering this Code and any amendments thereto.

1-1.6: Effective Date: This Code was adopted October 13, 1994 and revised June 30, 2010.

SECTION 1-2: DEFINITIONS: The following words, terms and phrases appear in one or more chapters of this Code and thus have general application and usage. Words, terms and phrases appropriate or applicable to specific chapters within this Code may be found in that particular chapter.

1-2.1: Administrative Agency: “Administrative Agency” means the entity authorized to implement and enforce the provisions of this Sanitation Code. The Administrative Agency for Labette County is designated as the Labette County Health Department.

1-2.2: Administrative Rules: “Administrative Rules” means those rules and regulations contained in Chapter One of this Sanitation Code which prescribe general procedures to be followed in the administration of the Sanitation Code adopted by Labette County, Kansas.

1-2.3: Agricultural Purposes: “Agricultural Purposes” means a purpose directly related to the production of livestock or crops for commercial sale.

1-2.4: Authorized Representative: “Authorized Representative” means any person who is designated by the Administrative Agency to administer this Sanitation Code or any portion thereof.

1-2.5: Board of County Commissioners: “Board of County Commissioners” means the Board of County Commissioners of Labette County, Kansas.

1-2.6: Board of Health: “Board of Health” means the Labette County Board of Health.

1-2.7: Code: “Code” means any model or standard published compilation of rules in a book, pamphlet or regulation format which has been prepared by a technical association, a Federal agency, this State or any agency thereof, any municipality of this State, any political subdivision of this State, or any regional agency within this State. Such codes may address, but shall not be limited to, management, food management, swimming pools, hot tubs and spas, mass gatherings, general construction guidelines, and tattoo or massage parlors.

1-2.8: Health Officer: “Health Officer” means the Labette County Health Officer, as appointed by the Board of County Commissioners, or his duly authorized representative.

1-2.9: Hearing Officer: "Hearing Officer" means an individual, appointed by the Board of County Commissioners to hear appeals from decisions made by the Health Officer relating to the enforcement and administration of this Sanitation Code.

1-2.10: Person: "Person" means an individual, corporation, partnership, joint venture, association, trust, state or political subdivision thereof, Federal or State agency, municipality, commission, interstate body or other legal entity recognized by law as the subject of rights and duties.

1-2.11: Premise: "Premise" means any lot or tract of land and all buildings, structures or facilities located thereon.

1-2.12: State Department of Health: "State Department of Health" means the Kansas Department of Health and Environment.

SECTION 1-3: ADMINISTRATIVE POWERS AND PROCEDURES:

1-3.1: Right of Entry: Representatives of the Administrative Agency shall have the power and authority to enter into premises, public or private, for purposes of inspecting for compliance with this Sanitation Code.

1-3.2: Permits and Licenses:

1-3.2.1: Applications for Permits and Licenses: Every person required by this Sanitation Code to obtain a permit or license shall make application for such permit or license to the Administrative Agency on such forms as may be required by the Administrative Agency.

1-3.2.2: Issuance of Permit or License: After receipt of an application as required by this Sanitation Code, the Administrative Agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or denied and shall issue or deny the permit or license within 30 days of such receipt. If the permit or license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for the rejection.

1-3.2.3: Permit Nontransferable: No permit or license required by this Sanitation Code shall be transferable, nor shall any fees required and paid therefore be refundable.

1-3.2.4: Permit Revocation: All permits issued hereunder are subject to revocation for reasons of noncompliance or misrepresentation.

1-3.2.5: Standard Fees: The Administrative Agency shall establish and make available to the general public a schedule of fees for all permits and licenses required by this Sanitation Code, and said fees shall be paid to the Administrative Agency and shall be deposited by the Administrative Agency to the Labette County General Fund. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid. No fees for permits or licenses required by this Sanitation Code may be waived.

1-3.3: Notices, Orders, and Appeals:

1-3.3.1: Notice of Violations: When the Administrative Agency shall determine that there has been a violation of any provision of this Code, notice of such violation shall be issued to the person responsible. Such notice shall:

- (1) Be in writing,
- (2) Include a statement of why the notice is being issued and a description of the specific violation(s),
- (3) Allow a reasonable period of time for performance of any work required by the notice, and
- (4) Be properly served upon the owner or agent. Such notice shall be deemed to be properly served when a copy thereof has been sent by registered mail to the last known address of the owner or agent.

1-3.3.2: Appeal for Hearing: Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this Sanitation Code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided such person shall file with the Administrative Agency, within 10 working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of the petition, the Administrative Agency shall confer with the Hearing Officer and set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn.

The hearing shall be commenced no later than 10 working days after the date on which the petition was filed; provided that, upon request of the petitioner or the Administrative Agency the Hearing Officer may postpone the hearing beyond such 10-day period when, in the judgment of the Hearing Officer, the petitioner or the Administrative Agency has submitted justifiable reason for such postponement.

1-3.3.3: Report of Hearing: Within 10 working days after any hearing required by this Sanitation Code, the Hearing Officer shall submit the findings of such hearing in writing to the Administrative Agency. The findings shall include a recommendation that the order in question be sustained, modified, or withdrawn. Upon receipt of the report of the Hearing Officer, the Administrative Agency shall consider the report and issue an order confirming, modifying, or withdrawing the original notice or order. The new order, along with a copy of the findings of the Hearing Officer, shall be delivered to the appellant in the same manner as is provided for in Section 1-3.3.1 herein.

1-3.4: Emergency Orders: Whenever the Health Officer or the Board of Health finds that an emergency exists which requires immediate actions to protect the public, the Administrative Agency shall issue an order reciting the existence of such emergency and specifying the action to be taken to meet or mitigate the effects of such emergency. Such Emergency Orders shall be effective immediately and shall not be subject to appeal or stay of action. Any person to whom such an Emergency Order is directed shall comply therewith immediately.

1-3.5: General Provisions:

1-3.5.1: Enforcement Procedure: The County Attorney shall enforce the provisions of this Sanitation Code and is hereby directed to file appropriate actions for such enforcement upon request of the Administrative Agency. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of this Sanitation Code and shall be governed by the provisions of the Kansas Code of Civil Procedure.

1-3.5.2: Penalties: In addition to, and independently of, the enforcement of procedures in Section 1-3.5.1 herein, any violation of any provision of this Sanitation Code shall be deemed to be an unclassified misdemeanor, except where a separate classification is provided for by law or by this Sanitation Code, and shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense. In the case of continuing violations, each day's violation shall constitute a separate offense.

1-3.5.3: Disclaimer of Liability: This Sanitation Code shall not be construed or interpreted as imposing upon the County or any of its officials or employees (1) any liability or responsibility for damages to any property, or (2) any warranty that any system, installation, disposal facility or portion thereof that is constructed, modified, or repaired under permits, inspections, applications or orders required or authorized by this Sanitation Code will function properly.

1-3.5.4: Separability: If any clause, sentence, paragraph, section or subsection of this Sanitation Code shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional or invalid.

1-3.6: Records:

1-3.6.1: Permit Applications: Applications for permits or licenses required by this Sanitation Code shall be filed with the Administrative Agency and shall be maintained in the records of the Administrative Agency for as long as the applicable system, facility or structure remains in use.

1-3.6.2: Official Actions: A written record of all official actions taken on applications for permits or licenses required by this Sanitation Code shall be kept on file in the Administrative Agency.

1-3.6.3: Notices and Orders: A written record of all notices and orders issued by the Administrative Agency, including the date of issue, the person whom issued, the complete contents of the notice or order, and such background information as may be deemed appropriate, shall be maintained on file within the Administrative Agency.

1-3.6.4: Proceedings of Hearings: The proceedings of all hearings, including findings and decisions of the Hearing Officer, together with a copy of every notice and order related thereto, shall be maintained on file in the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.7: Payment of Fines: Any fines or penalties assessed under the provisions of this Sanitation Code shall be paid to the County Treasurer of Labette County, Kansas, and shall be deposited by the County Treasurer into the Labette County General Fund.

CHAPTER 2

ON-SITE WASTEWATER MANAGEMENT

SECTION 2-1: PURPOSE AND INTENT:

Sewage is a potential source of disease and a potential hazard to the public health, safety, and welfare. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance, and use of on-site wastewater systems, and the removal and disposal of materials removed from such facilities within the legal boundaries of Labette County, Kansas.

SECTION 2-2: APPLICABILITY:

The provisions of this chapter shall apply to all unincorporated areas located within Labette County, Kansas.

SECTION 2-3: DEFINITIONS:

2-3.1: Nuisance: “Nuisance” means any condition or activity which has or threatens to have a detrimental effect on the general health or welfare of the public at large, or any member thereof, or which disturbs the peace or interferes with the private enjoyment of property.

2-3.2: Private Sewerage System: “Private Sewerage System” means any system which does not hold a Kansas Department of Health and Environment (KDHE) wastewater permit, and includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, subsurface disposal, holding tanks, ponding, or any combination of the above.

2-3.3: Sanitary Privy: “Sanitary Privy” means a covered facility with a water-tight vault designed to receive, store and provide for periodic removal of non-water carried wastes from the human body.

2-3.4: Sanitary Service: “Sanitary Service” means the pumping and/or removal of sewage, sludge, human excreta, or other waste from privies, vaults, septic tanks, or private sewerage systems; and/or the transportation of such material to a point of final disposal.

2-3.5: Sewage or Domestic Waste: “Sewage” or “Domestic Waste” means all water-borne wastes produced at family dwellings in connection with ordinary family living, and similar type wastewater produced at offices, churches, industrial and commercial firms, exclusive storm water, foundation drains, cooling water, industrial and commercial wastewater.

2-3.6: Sewerage System: “Sewerage System” means any system, along with the attendant pipes and appurtenances thereof, designed or constructed to collect, store, treat and/or dispose of domestic, industrial or other commercial waste.

2-3.7: Vaults/Holding Tanks: “Vault/Holding Tank” means a water-tight receptacle for the retention of sewage either before, during or after treatment or initial disposal.

2-3.8: Wastewater: “Wastewater” means any water-borne discharge from any domestic plumbing fixture or appliance, or from any industrial or manufacturing process, plumbing fixture, appliance or machinery.

SECTION 2-4: PROHIBITED PRACTICES:

2-4.1: Use of Non-Approved Private Systems: No person shall use, or cause to be used, any alternative wastewater system, septic system, or privy constructed after the adoption of this Sanitation Code until it has been inspected and approved by the Administrative Agency or if, regardless of the date the system was constructed, it:

- a. has been enjoined as a public health nuisance or hazard by a court of competent jurisdiction.
- b. fails to comply with the provisions of the Sanitation Code and written notice thereof has been given by the Administrative Agency;
- c. discharges inadequately treated wastes, sewage or wastewater so that it flows onto or is allowed to collect upon the surface of the ground, except in specifically-approved surface ponds or lagoons, or in any way contaminates any river, creek, stream, or other natural waterway, or
- d. causes, or provides a source for, vector breeding, produces offensive odors, or creates or sustains any condition that is prejudicial to health or comfort, or creates a nuisance.

2-4.2: Use of Private Sewerage Systems within 400 Feet of Public Sewers: No private sewerage system shall be constructed within 400 feet of an existing public sewer unless the Administrative Agency finds that connection to such a sewer system is not feasible and that a private sewerage system, meeting the requirements of this Sanitation Code, can be constructed on the property.

2-4.3: Location of Private Sewerage Systems Below Full Flood Pool: No portion of a private sewerage system shall be installed or located below the flood pool elevation of any reservoir, public or private, unless written approval is obtained from the Administrative agency and any other agency having jurisdiction over such lake or reservoir.

2-4.4: Location of a Private Sewerage System within 50 Feet of a Well: No portion of a private sewerage system shall be constructed or located within 50 feet of a private water well or a pump suction line from a private water well.

SECTION 2-5: REQUIREMENTS FOR PRIVATE SEWERAGE SYSTEMS:

2-5.1: Approval of Plans: After adoption of this Sanitation Code, no person shall develop or construct any private sewerage system until the plans and specifications for such system have been reviewed and approved by the Administrative Agency. All onsite wastewater systems shall be designed, constructed and operated in accordance with standards set fourth in KDHE Bulletin 4-2 "Minimum Standards for Design and Construction of Onsite Wastewater Systems" published March, 1997, as amended, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service. KDHE Bulletin 4-2 is hereby adopted by reference and is included here in as an Appendix to this Code." References utilizing currently approved technology may be used as a guide by the Administrative Agency in reviewing and approving plans for private sewerage systems. All plans submitted for approval shall contain, at a minimum:

- a. complete scale drawing of the proposed system, including complete data as to the size of the proposed lot, the exact location of the sewerage system, including all tanks, pipes and appurtenances,
- b. drawings showing the location, in relation to the proposed sewerage system, of all public or private water lines, water wells, or sewer lines,
- c. results of current soil percolation tests,
- d. a description of the soil type and the depth to impervious rock and the depth to groundwater, and
- e. a written projection of the number of gallons of wastewater to be discharged into the sewerage system each day.

2-5.2: Permits: No person shall construct or modify, or permit to be constructed or modified, any private sewerage system until a permit for such construction or modification has been issued by the Administrative Agency.

2-5.3: Maintenance: All persons, with or without a permit from the Administrative Agency, who use a private sewerage system shall be responsible for the proper operation and maintenance of such sewerage system and shall maintain the same in good and proper working order and condition so that it functions in accordance with the requirements of this Sanitation Code. Whenever the Administrative Agency shall find any private sewerage system malfunctioning, the owner thereof shall be ordered, at the sole expense of the owner thereof, to correct the condition within a reasonable period of time.

2-5.4: Suitable Site: No site shall be approved if:

- a. connection to an approved public sewerage system is feasible or the site violates the provisions of any other section of this Sanitation Code.
- b. the site is, considering overall size, the location of existing or proposed structures and the location of existing well and water lines, too small to allow for the construction of an acceptable sewage treatment system according to the construction guidelines contained in this Sanitation Code.
- c. the soil, topography, or geology of this site are unacceptable as established in the "Environmental Health Handbook", KAS, KSU, KDHE, August 1992.
- d. the soil depth, measured to the first limiting layer, is less than (4) feet and the proposed system incorporates a lateral absorption field.

2-5.5: Construction Approval: All private sewerage systems developed or modified after the effective date of this Sanitation Code must be inspected and approved by the Administrative Agency for compliance with the approved plans; no portion of any such system shall be covered or made inaccessible to inspection prior to approval.

2-5.6: Annual Inspections: Any private sewerage system which incorporates a lagoon or waste stabilization pond shall be subject to an annual inspection by the Administrative Agency and shall be subject to an annual inspection fee as specified in the fee schedule published by the Administrative Agency. Such annual inspections shall address, at a minimum:

- a. maintenance of the lagoon or pond and the associated dykes,
- b. maintenance of adequate fencing,
- c. general condition of the lagoon or pond, including algae or plant growth, wave action, odor, and depth,
- d. maintenance and location of signs indicating that the pond contains sewage,
- e. general conformance of the lagoon or pond with the construction standards set forth in Section 2-9 of this Sanitation Code, and
- f. such other factors as may be deemed appropriate by the Administrative Agency.

2-5.7: Property Resale, Refinance or Transfer: No person shall sell, refinance or transfer any property which utilizes an on-site wastewater system without first having the Administrative Agency inspect and approve the on-site system. Failed systems must be brought into Code compliance. In some cases, a failed system may require a site and soil evaluation. The inspection shall consist of, but is not limited to, the following:

- a. The tank shall be pumped;
- b. The tank shall be checked for proper size, cracks, and presence of correct inlet and outlet baffles;
- c. Properly sized and installed absorption fields;
- d. Evidence of effluent discharge promoting or contributing to an environmental health risk or hazard; and
- e. Wastewater stabilization pond (lagoon) will be checked for proper maintenance, fence, gate, lock and any requirements set forth in the Code.

SECTION 2-6: REQUIREMENTS FOR SANITARY PRIVIES:

2-6.1: Approval of Plans: No person shall construct or modify, or permit to be constructed or modified, any privy until the plans and specifications therefore have been approved by the Administrative Agency.

2-6.2: Approval of Construction: No person shall use or make available for use, or allow to be used, any newly constructed or modified privy until the construction has been inspected by the Administrative Agency for compliance with the approved plan.

2-6.3: Proper Maintenance: No person shall use, or offer for use, or allow the use of, any privy which is not maintained in a clean and sanitary condition or which does not conform to the provisions of this Sanitation Code.

2-6.4: Vault Required: No person shall construct or use, nor permit to be constructed or used, any privy which does not incorporate in its construction and operation a watertight vault for the containment of sewage and wastes.

2-6.5: Location:

- a. No privy shall be constructed or installed less than 100 feet from an existing public or private water well, or a suction line from such public or private water well.

- b. No privy shall be constructed, reconstructed, or maintained on any premise served by a public water supply, or on which water is delivered to any building under pressure, unless special permission for use of such privy is obtained from the Administrative Agency and from all homeowners within 250 feet of the proposed privy.

SECTION 2-7: SANITARY SERVICES:

2-7.1: Permit Required: No person shall remove or transport any wastes from any private sewerage system or privy unless he holds a valid permit from the Administrative Agency for the transporting of such wastes.

2-7.2: Contracting with Unlicensed Persons Prohibited: No person responsible for operating or maintaining a private sewerage system or privy shall contract with any person for sanitary services unless the person proposing to provide such services holds a valid permit from the Administrative Agency for hauling or transporting wastes.

2-7.3: Minimum Standards for Sanitary Service Equipment: All equipment used for rendering of sanitary service(s) shall be of watertight construction and maintained in good working condition to ensure that all materials removed from private sewerage systems or privies will be transported to an approved point of disposal without spillage or leakage of waste materials.

2-7.4: Licensing Requirements: No person shall be granted a permit or license for the transporting of sewage or waste from any private sewerage system unless and until:

- a. all equipment to be used in the provision of such sanitary services has been inspected and approved by the Administrative Agency, and
- b. the applicant has filed with the Administrative Agency and approved plan for the legal and proper disposal of any wastes hauled.
- c. The license holder shall comply with any applicable federal, state, and local regulations or laws including, but not limited to, those set forth now or hereafter adopted in 40 CFR Part 503 regulations Standards for the Use or Disposal of Sewage Sludge, volume 58, number 32, page 9388, of the Federal Register, February 19, 1993, as amended.

2-7.5: Revocation of License: Any license granted for the transporting of wastes or sewage may be revoked for:

- a. failure to comply with the provisions of the disposal plan originally filed with the Administrative Agency,
- b. improper disposal of any sewage, sludge, or waste hauled by the licensee or any employee of the licensee, or
- c. use of unauthorized or improper equipment which allows for leakage or spillage of the wastes.

2-7.6: Term of License: Each license or permit issued under Subsection 2.7.4 herein shall be valid for a period of one (1) year. No new license or permit, or extension of an existing permit, shall be granted until the equipment used in the provision of such sanitary services has been reinspected and reapproved by the Administrative Agency.

SECTION 2-8: REQUIREMENTS FOR SUBDIVISION DEVELOPMENT: After adoption of this Sanitation Code, no person shall develop any subdivision until the plans and specifications for wastewater and sewage treatment or management for such subdivision have been reviewed and approved by the Administrative Agency.

SECTION 2-9: CONSTRUCTION STANDARDS FOR WASTE STABILIZATION PONDS/SEWAGE LAGOONS:

2-9.1: Minimum Size: Waste Stabilization Ponds shall, at a minimum, be constructed in a square of sufficient size to provide a minimum of 80 feet, when measuring from the outside toes of opposing dikes, for a home with 1 to 2 bedrooms. **(See Diagram 2-9a)** For a 3-bedroom home, this measurement shall be increased to 90 feet. For a home with 4 or more bedrooms, this measurement shall be increased to 100 feet. Where, in the opinion of the Administrative Agency, and regardless of the size of the home or the number of bedrooms incorporated in the design, soil conditions combined with projected water usage require a larger capacity, these dimensions may be increased.

2-9.2: Depth: No Waste Stabilization Pond shall be excavated to a depth greater than five feet below the surface of the surrounding ground.

2-9.3: Dikes: Waste Stabilization Ponds shall be completely enclosed by dikes which shall be at least 3 feet higher than the surface of the surrounding ground surface and shall have sloping sides on both the interior and exterior of the dike, sloping at no less than 3 feet of lateral movement for each foot of vertical drop.

2-9.4: Linings: Where soil percolation rates exceed 1 inch of fall per hour, the Administrative Agency may require that the bottom and interior sides of the waste stabilization pond be lined with compacted clay of sufficient thickness to reduce the soil absorption rate to 1 inch or less per hour.

2-9.5: Fencing: All Waste Stabilization Ponds shall be enclosed by a fence, at least 4 feet in height and located along the outside edge of the dikes, constructed of chain link or 2x4 welded wire or 2x4 woven wire and of sufficient strength to keep children and small animals out of the pond area.

2-9.6: Gates: Each Waste Stabilization Pond shall include in the fencing at least one gate, which shall be lockable, of adequate size to allow the entrance of a mower or other maintenance equipment.

2-9.7: Signs: Each Waste Stabilization Pond shall, on at least two opposite sides of the pond, incorporate, on the fencing, a set of signs which shall indicate, at minimum, "WARNING! This pond contains RAW SEWAGE KEEP OUT." **(See Diagram 2-10.)**

2-9.8: Inflow Lines: Inflow lines to Waste Stabilization Ponds shall be constructed so that the normal inflow of sewage to the full pond occurs near the center of the pond at least two feet below the surface of the normal water level. Inflow lines may be constructed of plastic, tile or steel pipe with a minimum diameter of 4 inches.

2-9.9: Roof Drainage: Roof drainage may be included in the drainage to the Waste Stabilization Pond provided that a shut-off is incorporated with the design so that such roof drainage may be diverted away from the pond when required to prevent overflow or impairment of required freeboard.

2-9.10: Cleanout Required: Each Waste Stabilization Pond shall incorporate a cleanout (**See Diagram 2-9**) in the drain line, which cleanout shall be located not more than 10 feet from the residence or other structure from which the discharge originates.

2-9.11: Distance from Property Lines: No Waste Stabilization Pond shall be constructed where the distance from the centerline of any portion of the nearest dike to any adjoining property line is less than 100 feet, provided that this distance may be reduced to not less than 75 feet if written permission for such variance is obtained from each adjoining property owner affected by the reduction and such variance is granted by the Administrative Agency.

2-9.12: Distance to Wells and Water Lines: No Waste Stabilization Pond shall be located within 100 feet, measured from the centerline of the nearest section of the dike to the closest edge of the well, of any private or public water well, nor shall any such pond be located within 25 feet of any public or private water transmission line(s).

2-9.13: Incorporation of a Septic Tank: Waste Stabilization Ponds may incorporate a septic tank as part of the overall waste handling system, but incorporation of a septic tank shall not be required.

SECTION 2-10: MAINTENANCE OF WASTE STABILIZATION PONDS/SEWAGE LAGOONS:

2-10.1: Plant Growth: The pond area, including the interior and exterior portions of the dikes, shall be kept free of weed growth, reeds, trees, and brush.

2-10.2: Mowing: The dikes, on both the interior and exterior sides, shall be seeded to grass and shall be mowed regularly so that the height of the grass is not allowed to exceed 12 inches.

2-10.3: Signs: Warning signs, as required by Section 2-9.7, shall be maintained so that they are clearly visible and clearly readable.

2-10.4: Freeboard: A minimum freeboard of two feet, measured from the top of the dike to the surface of the water in the pond, shall be maintained in each Waste Stabilization Pond. Should freeboard be reduced to less than 2 feet for any reason, including heavy rainfall, the owner of the Waste Stabilization Pond or sewage lagoon shall be required to promptly report such condition to the Administrative Agency and shall take such remedial action as the Administrative Agency may require.

2-10.5: Maintenance of Dikes: Dikes shall be maintained in a state which is as near the original post-construction appearance as possible. Dikes shall be seeded to grass and shall be kept clear of weeds, bushes, and trees. Any burrowing or digging, whether on the interior or exterior side of the dike(s), shall be promptly repaired.

2-10.6: Fencing: Fencing around the Waste Stabilization Pond shall be maintained in a condition which will prevent the unauthorized entry of children and animals. Gates will be maintained in a good working order and shall be kept locked except during periods of mowing or other maintenance.

SECTION 2-11: CONSTRUCTION STANDARDS FOR SEPTIC TANK/LATERAL FIELD SYSTEMS:

2-11.1: Chamber Lateral Lines: Chamber lateral lines shall be level for the entire length of the lateral line. No single lateral line shall exceed 100 feet in total length.

2-11.2: Chambers: Each trench shall be excavated and leveled with a minimum width of 24 inches, and a minimum depth of 24 inches. Make sure that the trenches are level. Verify that the trench is level using a level, transit, or laser.

2-11.3: Earth Backfill: The trench shall be backfilled with soil so that the chamber is covered by a minimum of 12 inches of soil. The backfill should also include 6 inches of additional soil above grade to allow for settling.

2-11.4: Separation of Lateral Lines: Trenches for chamber lateral lines shall be separated by at least six feet of undisturbed soil when measuring from wall to wall of adjoining (parallel) trenches. There shall be at least 10 feet of separation between the wall of any trench and any property line or right-of-way. No lateral line shall be laid within 20 feet of the foundation of any permanent structure.

2-11.5: Vent required: Where the septic tank is installed more than 10 feet from the foundation of the residence or other structure which generates the discharge, a vent shall be installed between the septic tank and the structure.

SECTION 2-11-A: ROCK AND PERFORATED PIPE LATERALS OPTIONAL

2-11-A.1: Length of Lateral Lines: The total length of lateral lines shall be determined according to the assumed water usage specified in Table 2-11. Sufficient lateral line shall be constructed to provide for adequate absorption and treatment at a maximum load of no more than one-half gallon of water per day per square foot of bottom area in the lateral line trench, except that, where a shallow trench is used, the maximum loading per square foot shall be 3/8 gallon per square foot. **(See Diagram 2-11a and 2-11b)** No Single lateral line shall exceed 100 feet in total length.

2-11-A.2: Depth of Trenches for Lateral Lines: Standard trenches (See Diagram 2-11a) shall be dug to a depth of 36". Where approval for shallow trenches has been obtained from the Administrative Agency, the trench depth may be reduced to 24". **(See Diagram 2-11b)**

2-11-A.3: Slope of Lateral Lines: Lateral lines shall be laid so that the line falls no more than 4 inches per 100 feet of lateral line.

2-11-A.4: Rock fill: The bottom of each trench shall be filled with clean crushed rock, using rock ½” to 1 ½” in diameter, to a depth of 12 inches (8 inches for shallow trench construction). The lateral line shall be laid on this rock bed and shall then be covered with at least 6 inches (2 inches for shallow trenches) of rock overfill. **(See Diagram 2-11a and 2-11b)**

2-11-A.5: Soil Barrier Required: A filter fabric (at least 3 ounce nylon or five ounce polypropylene) shall be placed over the rock in the lateral line trench prior to any backfilling with the earth. Materials relatively impervious to air and moisture are not permitted. **(See Diagram 2-11a and 2-11b)**

2-11-A.6: Earth Backfill: After the soil barrier filter fabric has been installed, the remainder of the trench shall be backfilled with soil so that the soil barrier is covered by a minimum of 12 inches of soil. For shallow trench construction, this will require that at least 3 inches of additional soil be mounded over the trench. **(See Diagram 2-11b)**

2-11-A.7: Separation of Lateral Lines: Trenches for lateral lines shall be separated by at least six feet undisturbed soil when measuring from wall to wall of adjoining (parallel) trenches. There shall be at least 10 feet of separation between the wall of any trench and any property line or right-of-way. No lateral line shall be laid within 20 feet of the foundation of any permanent structure.

2-11-A.8: Type of Lateral Lines: Lateral lines shall be constructed of 4-inch agricultural drain tile or perforated non-metallic pipe.

2-11-A.9: Vent required: Where the septic tank is installed more than 10 feet from the foundation of the residence or other structure which generates the discharge, a vent shall be installed between the septic tank and the structure.

TABLE 2-11

ASSUMED WATER USAGE

| <u>Size of Home</u> | <u>Assumed Usage</u> |
|---------------------|----------------------|
| 1-Bedroom Home | 150 gallons/day |
| 2-Bedroom Home | 300 gallons/day |
| 3-Bedroom Home | 450 gallons/day |
| 4-Bedroom Home | 600 gallons/day |

(For additional bedrooms, add 150 gallons/day of estimated water usage per bedroom.)

SECTION 2-12: SIZE OF SEPTIC TANK: For homes with assumed water usage, according to Table 2-11, of 300 gallons per day or less, a septic tank with a minimum capacity of 1000 gallons shall be installed. For homes with assumed usage of 600 gallons per day, a septic tank with a minimum capacity of 1,200 gallons shall be installed. For homes with assumed usage of 750 gallons per day or greater, a tank with a minimum capacity of 1,500 gallons shall be installed. "Tanks sized at three times daily flow are recommended and shall be required when garbage disposals are used." Therefore a three bedroom home with a garbage disposal would require a 1,350 gallon septic tank and a 4 bedroom home with a garbage disposal would require an 1800 gallon tank.

SECTION 2-13: DESIGN STANDARDS FOR SEPTIC TANKS: Septic tanks shall be water tight and may be constructed of precast or poured-in-place concrete, vitrified clay, or coated steel. Coated steel tanks shall conform with the requirements of Commercial Standard 177-62. Precast reinforced concrete tanks shall have minimum wall thickness of 2 1/2" and shall be reinforced with steel to facilitate handling. Tanks shall be free of cracks or other evidence of structural failure. Poured-in-place concrete tanks shall have a minimum well thickness of 5" and shall be reinforced with 3/8" steel bars on 12" centers, both horizontally and vertically. No. 9 reinforcing steel mesh may also be used. Removable slab covers or 20" square manholes shall be provided for all septic tanks. Where the top of the tank is more than 18 inches below the finished grade, a manhole shall be extended above the top of the tank so that the manhole cover is not more than 18 inches below the finished grade. The invert of the inlet shall be at least three inches above the liquid level in the tank. The inlet shall be provided with a vented tee or baffle extending at least six inches below the liquid level in the tank. The outlet tee or baffle shall extend above the liquid level within one inch of the top of the tank and below the liquid level to a point equal to 40 percent of the depth of the liquid in the tank. All septic tanks installed must appear on the KDHE state list of approved septic tanks.

SECTION: 2-14: In existing and unusual cases where compliance with the requirements of this Code is not feasible, the Administrative Agency shall have the authority to waive the requirements, provided reliable information is furnished to show that such waiver does not and will not impair ground or surface water and will not endanger or compromise the environment or public health.

Request for exception to any of the rules and regulations as set out within this Code shall be submitted to the Agency in writing and shall contain all information relevant to the request.

CHAPTER 3

WATER SUPPLIES

SECTION: 3-1: PURPOSE AND INTENT: The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance and use of potable Semi-public Water Supplies and Private Water Systems in Labette County, Kansas, in order that the public health will be protected and the contamination or pollution of the water resources of the county will be prevented.

SECTION 3-2: APPLICABILITY: The provisions of this chapter shall apply to all unincorporated area located in Labette County, Kansas.

SECTION 3-3: DEFINITIONS:

3-3.1: Domestic Uses: "Domestic Uses" means the use of water by any person or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, or for the irrigation of lands not exceeding a total of two acres for the growing of gardens, orchards and lawns.

3-3.2: Potable Water: "Potable Water" means water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming with the latest drinking water standards by the Kansas Department of Health and Environment.

3-3.3: Semi-Public Water Supply: "Semi-Public Water Supply" means any water supply used for domestic purposes serving two (2) to nine (9) residential units (rental or under separate ownership) on a piped system and serving less than 25 persons per year.

3-3.4: Public Water Supply: "Public Water Supply" means any water supply system that is used for domestic purposes by ten (10) or more users or serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

3-3.5: Private Water Supply: "Private Water Supply" means a system that provides water for domestic uses, which serves not more than one dwelling on a daily basis.

SECTION 3-4: REQUIREMENTS FOR WATER SUPPLY SYSTEMS:

3-4.1: Permits: No person shall develop any private, or semi-public water supply system until a permit for such system has first been obtained from the Administrative Agency.

3-4.2: Approved Plans: No permit to develop or operate a private, or semi-private water supply shall be issued until the plans for such system have been submitted to and approved by the Administrative Agency.

SECTION 3-5: REQUIREMENTS FOR PUBLIC WATER SUPPLIES:

3-5.1: State Permit: No person shall operate a public water supply without obtaining a permit from the Kansas Department of Health and Environment (KDHE). A copy of the permit shall be filed with the Administrative Agency.

3-5.2: State-Approved Plans: No person shall construct any public water supply on any property subject to the provisions of this code until the plans and specifications have been submitted to and approved by the Kansas Department of Health and Environment (KDHE). A copy of the plans and specifications shall be filed with the Administrative Agency.

SECTION 3-6: REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES:

3-6.1: Construction: No person shall construct a semi-public water supply until the plans for such water supply have been reviewed by the Administrative Agency and a permit has been issued by the Administrative Agency for such water supply. All water lines within the semi-public system shall conform with the minimum separation distances shown in Table 3-1.

3-6.2: Continued Operation: No person shall operate or maintain a semi-public water supply that has been:

a. constructed or reconstructed after October 19, 1994, until it has been inspected and a permit issued by the Administrative Agency.

b. temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction.

c. found by the Administrative Agency not to comply with the provisions of this code and a written notice thereof has been given to the owner or his/her agent.

3-6.3: Use of a Semi-Public Water Supply: In addition to the requirements of Section 3-7, which pertain to private water wells, the following shall be done and reviewed by the Administrative Agency prior to the issuance of a permit, to assure water quality for the public:

- a. an initial and at least annual Bacterial Analysis testing specifically for the presence of fecal coliform bacteria,
- b. a partial Chemical Analysis done initially and every three (3) years thereafter, and
- c. other tests, such as screenings for pesticides, volatile organic chemicals, and/or heavy metals as required by, and at the discretion of, the Administrative Agency.

SECTION 3-7: REQUIREMENTS FOR PRIVATE WATER SUPPLIES:

3-7.1: Permit Required: No person shall drill, develop, or construct any private water supply well on any premises subject to the regulations of this code until he/she has obtained a permit therefore from the Administrative Agency.

3-7.2: Location: All private water wells used as sources of water for domestic purposes shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table 3-1 below. Such distances may be increased by the Administrative Agency to provide assurance that the well(s) will not become contaminated from any of the sources shown in Table 3-1.

TABLE 3-1

| <u>AREA/SOURCE</u> | <u>MINIMUM SEPARATION</u> |
|--|---------------------------|
| Absorption Field for septic tank effluent: | 50 Feet |
| Sanitary Privy | 100 Feet |
| Septic Tank: | 100 Feet |
| Barnyard, stable, animal pen, manure pile, chicken coop, etc: | 50 Feet |
| Streams, lakes, or ponds: | 50 Feet |
| Sewer lines, not constructed of cast iron or other equally tight construction: | 50 Feet |
| Sewer lines, if constructed of cast iron or other equally tight construction: | 25 Feet |

3-7.3: Construction: The enforcement of this section of this Sanitation Code shall be regulated in accordance with K.A.R. 28-30-1 through K.A.R. 28-30-10, as amended. Recommended standards for design, construction, location, and practices consistent with currently-approved technology shall be followed.

SECTION 3-8: REQUIREMENTS FOR SUBDIVISION DEVELOPMENT: After the adoption of this Sanitation Code, no person shall develop any subdivision until the plans and specifications for any associated public or private water supply system(s) have been submitted to and approved by the Administrative Agency.

CHAPTER 4

SOLID WASTE DISPOSAL FACILITIES

SECTION 4-1: PURPOSE AND INTENT: The management of solid waste(s), including the operation of public and private land filling operations, is necessary to protect the general environment and the health and general welfare of the public at large. It is the purpose of this chapter to provide minimum standards for the operation of solid waste disposal facilities and for the disposal of general solid waste(s) within the legal boundaries of Labette County, Kansas, as well as to allow for routine inspection of solid waste disposal facilities and their daily operations.

SECTION 4-2: APPLICABILITY: The provisions of this chapter shall apply to all unincorporated areas within Labette County, Kansas.

SECTION 4-3: DEFINITIONS:

4-3.1: Administrative Agency: "Administrative Agency" means the Labette County Health Department and designated representatives thereof.

4-3.2: Hazardous Waste: "Hazardous Waste" means waste, or any combination of wastes, which, because of its quantity, concentration, or other physical, chemical, biological, or infectious characteristics, has been determined by the Kansas Department of Health and Environment to cause or significantly contribute to mortality or irreversible or incapacitating illness. Hazardous waste includes substances which, when improperly treated, handled or disposed of, can cause damage to the general environment.

4-3.3: Solid Waste: "Solid Waste" means garbage, refuse, and other discarded materials including, but not limited to, solid, semi-solid, sludges, liquid, and contained gaseous waste materials resulting from industrial, commercial, agricultural, and/or domestic activities. The term "solid waste" does not include materials otherwise classified as hazardous waste.

4-3.4: Solid Waste Disposal Facility: "Solid Waste Disposal Facility" means any landfill, incinerator, composting operation, transfer station, or other location where solid wastes from one or more residential premises or commercial, agricultural manufacturing or municipal operations are consolidated, stored, salvaged, burned, buried, reclaimed, or otherwise processed.

4-3.5: Leachate: "Leachate" means water or other fluids, from whatever source derived, which has been allowed to percolate from, soak through, seep out of or otherwise come into contact with solid wastes or hazardous wastes contained in any waste storage area in any type of solid waste disposal facility.

4-3.6: Nuisance: "Nuisance" means any condition or activity which has or threatens to have a detrimental effect of the general health or welfare of the public at large, or any member thereof, or which disturbs the peace or interferes with the private enjoyment of property.

4-3.7: Open Dumping: "Open Dumping" means the disposal of solid waste or hazardous waste by any means other than those methods specifically authorized herein.

4-3.8: Generator: "Generator" means any person who produces or brings into existence any type of solid waste or hazardous waste.

4-3.9: Person: "Person" means any individual, partnership, firm, joint venture, company, association, corporation, trust, or municipality.

4-3.10: Agricultural Purposes: "Agricultural Purposes" means a purpose directly related to the production of livestock or crops for commercial sale.

SECTION 4-4: GENERAL PROVISIONS:

4-4.1: (a) It shall be unlawful for any person in Labette County, Kansas to:

(1) Dispose of any solid waste by open dumping, except that this provision shall not prohibit:

(A) the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health, or

(B) an individual from dumping or depositing solid waste(s) resulting only from such individual's own residential or agricultural activities onto the surface of land owned by such individual and used for agricultural purposes where such dumping does not create a public nuisance, a health hazard or an adverse effect upon the environment.

(2) construct, operate, alter, or open a solid waste disposal facility, public or private, without a permit which may or may not be required by the Board of County Commissioners of Labette County, Kansas.

(3) operate any solid waste disposal facility, public or private, in any manner not consistent with the specifications of the permit for such operation or in any manner not consistent with the provisions of K.S.A. 65-3401 et seq., as amended, where applicable to such facility; Article 28-29 of the Kansas Administrative Regulations, as amended, where applicable to such facility; this Sanitation Code; or any order of the Board of County Commissioners.

(4) store, collect, transport, process, or dispose of solid waste(s) in any manner which creates a public nuisance,

(5) refuse or otherwise hinder entry, examination, or inspection of any solid waste disposal facility, public or private, by any agent or employee of the Administrative Agency, after such agent or employee has identified and given notice of their purpose.

(b) No person shall be held responsible for failing to secure a permit or for illegal operation of a solid waste disposal facility due to the dumping or depositing of any solid waste(s) upon property owned or leased by such person when such dumping occurred without their expressed or implied consent, permission or knowledge.

(c) Any person violating any provision of subsection (a) of this section shall be guilty of an unclassified misdemeanor and, upon conviction thereof, shall be punishable as provided by law and shall be subject, in addition to any other penalty provided by law, to a civil penalty of up to Two Hundred Dollars (\$200.00) for every such violation, as provided for in Section 1-3.5 of this Sanitation Code. In the case of civil penalties imposed for continuing violations, every day that such violation(s) continues shall be deemed a separate violation.

(d) Title to solid waste collected, processed or disposed of in accordance with the provisions of this Sanitation Code shall vest in the owner of the solid waste management/disposal activity, area or facility in which the solid waste is placed. Solid waste produced from a discrete source and disposed of in ways other than in accordance with this Sanitation Code, or applicable State statutes or regulations, shall remain the property of the generator and the generator, in addition to any civil penalties specified herein, shall be liable for removal of the waste, restoration of the area in which the waste was disposed and to provide for lawful disposal of the waste. It shall not constitute a defense to the generator that the generator acted through an independent contractor in the transportation or disposal of the solid waste.

4-4.2: Control of Leachate: Every solid waste disposal facility, including private disposal facilities on ground used for agricultural or other purposes, in which solid waste is collected, stored, processed, burned, buried, or otherwise processed shall provide or construct a containment ditch, pool, or other approved leachate collection system of sufficient size and capacity to insure that leachate from the solid waste collection or disposal area is retained at the disposal site and is not allowed to flow into any stream, creek, river, or other waterway or into any type of water impoundment. Leachate collection systems shall be lined with clay or other impervious material to prevent seepage of any leachate into groundwater supplies.

4-4.3: Hazardous Wastes Prohibited: No solid waste disposal facility, public or private, shall accept for disposal, storage, transportation, or processing any type of hazardous waste unless approval for such activity has been and remains to be properly permitted and approved by the Kansas Department of Health and Environment.

4-4.4: Limitation of Private Facilities of Generators: No generator of solid waste shall operate a private solid waste disposal facility for any waste, hazardous or otherwise, unless such facility has first obtained a permit as required herein and has complied with the requirements of K.S.A. 65-3407, as amended, regarding permits from the State of Kansas.

4-4.5: Limitations of Burning: No generator of solid waste or operator of any solid waste disposal facility, public or private, shall engage in or allow the burning of refuse or solid waste except as specifically authorized, on specific burning permits issued by the Kansas Department of Health and Environment, where such permits are required by law, and except where specifically approved, in advance of any such burning operation, by the Administrative Agency. Copies of all such permits and the applications therefore, shall be filed with the Administrative Agency upon receipt and prior to the commencement of any burning operations. Any other permits notwithstanding, the Administrative Agency may order the operator to suspend, either temporarily or permanently, all or any activities related to the burning of solid waste(s).

SECTION 4-5: ADMINISTRATIVE PROCEDURES:

4-5.1: Application for Permit: Persons desiring to operate a solid waste disposal facility, public or private, shall apply to the Administrative Agency for a permit which may or may not be required. Applications shall be submitted on such forms as may be required by the Administrative Agency. Each such application shall, at a minimum, include:

- (a) a detailed scale drawing of the disposal site and all appurtenant structures and existing or proposed operations,
- (b) a detailed description of the disposal and processing methods to be used as such solid waste disposal facility,
- (c) a list of the equipment available for operation of the proposed solid waste disposal facility,
- (d) a detailed description of the leachate collection system to be installed and used at such solid waste disposal facility,
- (e) a detailed description of the type(s) of solid waste(s) to be handled at such facility and the sources of generators of such solid waste(s),
- (f) complete copies of any additional applications to be filed, when required, with the Kansas Department of Health and Environment for permits to process solid waste, burn solid waste, or to handle, transport, dispose of, store or process hazardous waste,
- (g) results of soil sampling and testing indicating the soil type(s), depth of topsoil and average depth to either groundwater or impermeable rock formations, and
- (h) an area map showing the relationship of the proposed disposal site to municipalities, commercial operations, manufacturing facilities, and single- or multi- family residences.

4-5.2: Review of Applications: The Administrative Agency shall review all applications submitted under subsection 4-5.1 of this section and shall have the right to require any additional information deemed necessary prior to processing the application. Once all information regarding the applications has been received, the Administrative Agency shall:

- (a) physically inspect the site of the proposed solid waste disposal facility,
- (b) provide all residents within 1 mile of the proposed site with an opportunity to comment upon the proposed facility, and

(c) refer the application, once all processing has been completed, to the Board of County Commissioners for approval or disapproval. Applications referred to the Board of County Commissioners shall include both the comments obtained by virtue of Section 4-5.2(b) and the written recommendations of the Administrative Agency.

4-5.3: Action by the Board of County Commissioners: The Board of County Commissioners shall review all applications submitted to them by the Administrative Agency and may, at their discretion, refer such application to any advisory board organized for the purpose of reviewing solid waste management practices and procedures. The Board of County Commissioners, notwithstanding an additional review or referral, shall consider the original application and all comments or recommendations thereon and shall, within 90 days of the date that the application was first submitted to the Board of County Commissioners, either approve or disapprove the same.

4-5.4: Licenses: Any application submitted hereunder may be denied at the sole discretion of the Board of County Commissioners. Any application which is approved shall be issued a license by the Administrative Agency, which shall be issued a license by the Administrative Agency, which license shall specifically state the activities approved by the Board of County Commissioners.

4-5.5: Revocation of Permits or Licenses: Any permit or license issued under this section may be revoked by the Board of County Commissioners for misrepresentation, failure to comply with the provisions of this Sanitation Code, failure to operate a public solid waste disposal facility in accordance with the regulations published by the State of Kansas, revocation of applicable State licenses or permits, failure to pay any licensing fee(s) required by this Sanitation Code, or for any other reason deemed proper by the Board of County Commissioners.

4-5.6: Licensing Fees: The licensing fee for solid waste disposal facilities whether private single-family solid waste disposal facilities or public or multi-family solid waste disposal facilities, shall be set by the Administrative Agency in the Schedule of Fees which shall be paid to the Administrative Agency with the original application for licensure and annually thereafter on or before the anniversary date of the issuance of the original license. All such fees collected by the Administrative Agency shall be deposited by the Administrative Agency to the Labette County Health Fund.

4-5.7: Inspections: Every solid waste disposal facility licensed under this Sanitation Code shall be subjected to inspection by the Administrative Agency at any time. Such inspection may be scheduled in advance or may be unannounced, at the discretion of the Administrative Agency. In connection with such inspections, the Administrative Agency:

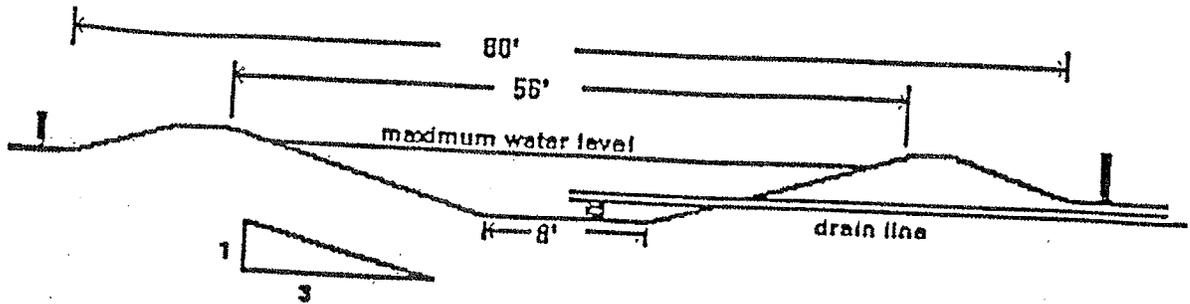
(a) shall provide to the operator, within 30 days following such inspection, written notice of any problems or deficiencies noted and the corrective action(s) required as a result of such deficiencies,

(b) maintain a file of all such inspections and all correspondence related thereto,

(c) perform such follow-up inspections as may be deemed necessary by the Administrative Agency, and

(d) file, with the Board of County Commissioners, a written report of any deficiencies which remain uncorrected for longer than 60 days following the first inspection at which the deficiencies were noted.

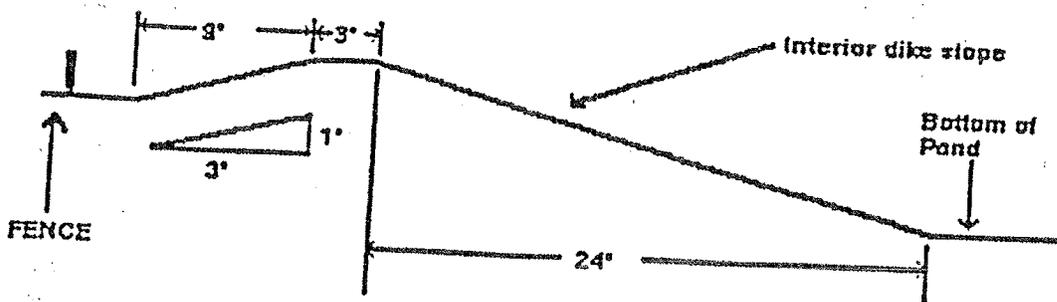
Diagram 2-9a: Waste Stabilization Pond - General Pond Construction



Additional information:

- a. dikes should extend 3' above normal ground surface
- b. maximum pond depth at center of pond is 5'
- c. at maximum water level, water surface should be 2' below top of dike
- d. fencing around pond should be wire with minimum opening of 2" x 4"
- e. fence should incorporate a gate (minimum 4') large enough to allow mower entry.

Diagram 2-9b: Design of dike slopes:



NOTE: Overall pond will be 80' from outside toe to outside toe of opposing dikes.
 Center (bottom) square of pond will be 8' on each side.
 Pond dikes extend 3' above normal ground surface.
 Fence is constructed outside the dikes (leave room for mower inside fence).

Diagram 2-9c
General Layout and Design

c: Waste Stabilization Pond - General Layout

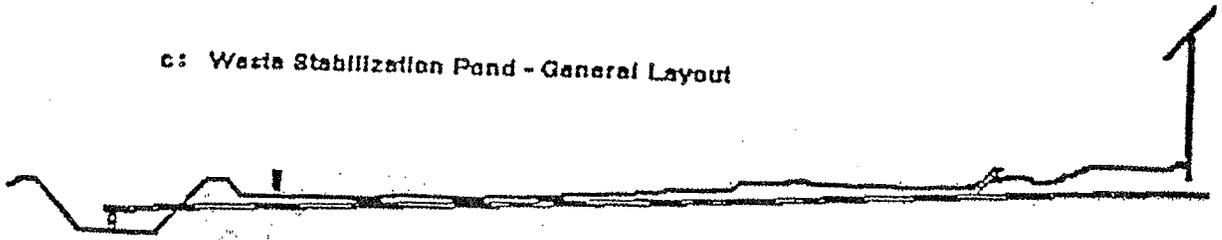


Diagram 2-9d. Waste Stabilization Pond - Aerial View

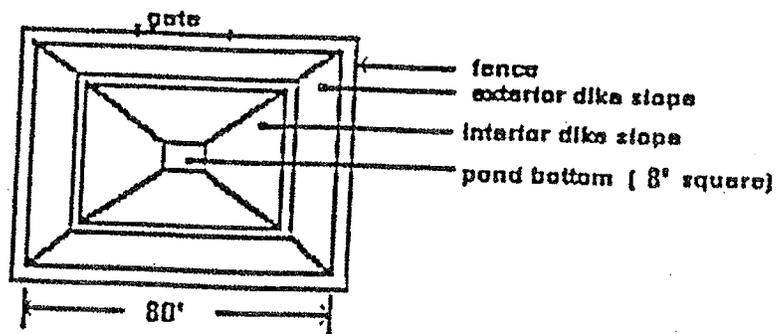


Diagram 2-9a: Waste Stabilization Pond - Overall Appearance

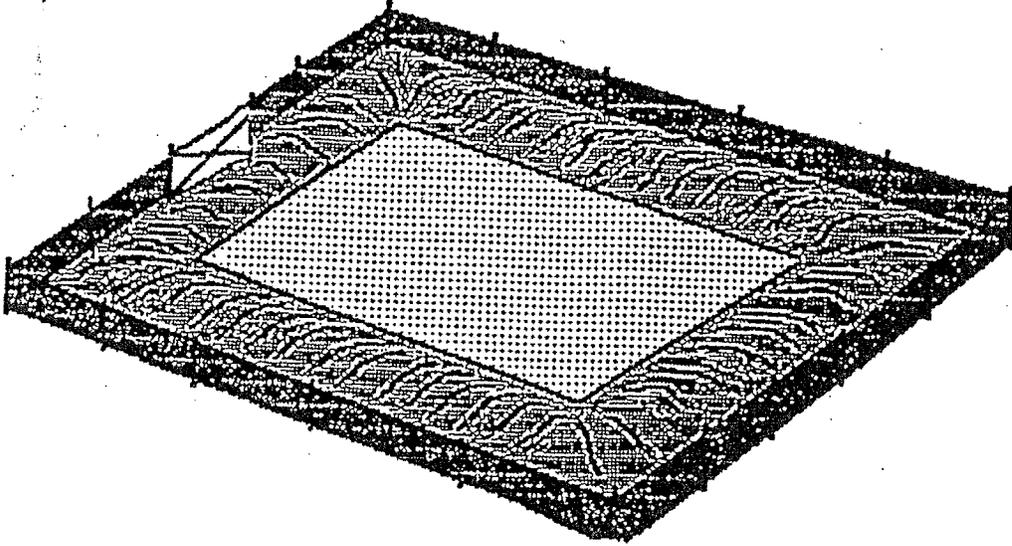


Diagram 2-10

Warning Sign - Waste Stabilization Ponds

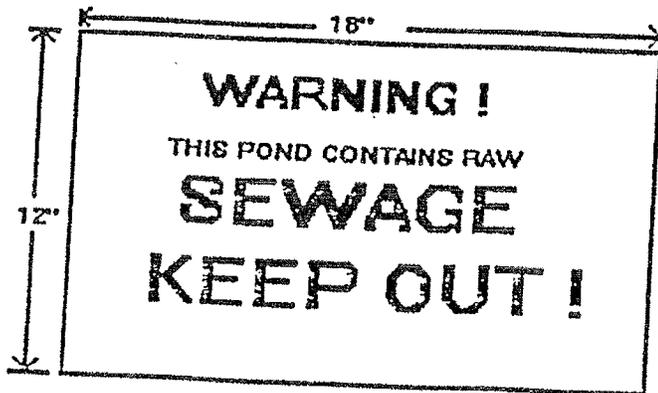


DIAGRAM 2-11a: Lateral Lines: Standard Trench Construction

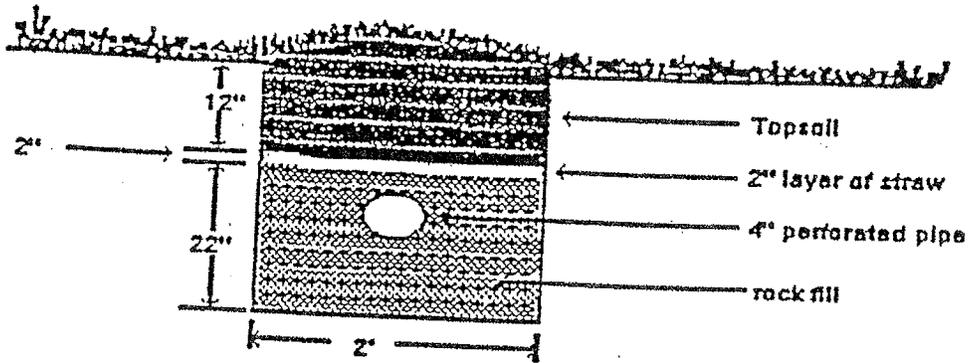
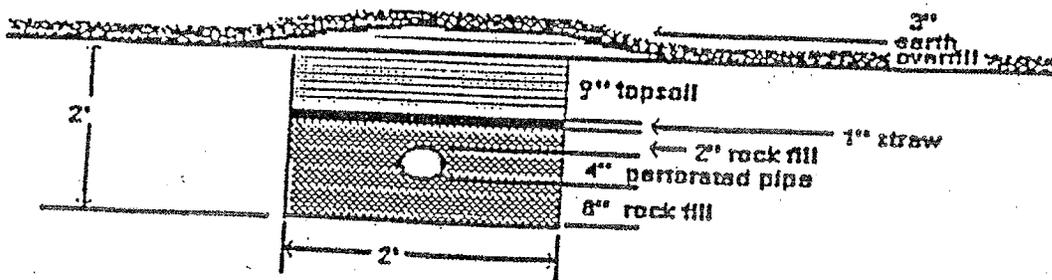


DIAGRAM 2-11b: Lateral Fields: Shallow Trench construction.
 [NOTE: Use of Shallow Trenches requires longer lateral lines.]

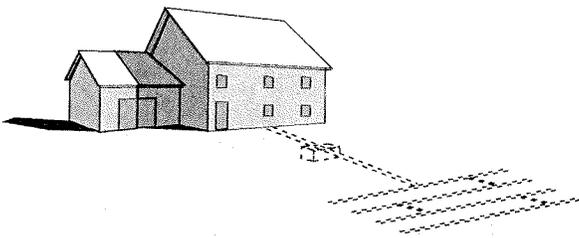


Appendix A

**State of Kansas
Department of Health
and Environment**

Bulletin 4-2, March 1997

**MINIMUM STANDARDS
FOR DESIGN AND
CONSTRUCTION OF ONSITE
WASTEWATER SYSTEMS**



Bureau of Water—Nonpoint Source Section
Forbes Field, Bldg. 283
Topeka KS 66620
(785) 296-4195

In Cooperation with
K-State Research and Extension

Table of Contents

| | |
|--|-------------------|
| Introduction | 1 |
| Wastewater Flows | 2 |
| Site and Soil Evaluation | 2 |
| Septic Tank | 6 |
| Septic Tank Design/Construction Specifications | 7 |
| Septic Tank Placement Specifications | 9 |
| Absorption Field Size | 10 |
| Absorption Field Material Specifications | 12 |
| Field Construction Specifications | 13 |
| Maintaining Onsite Wastewater Systems | 13 |
| Waste Stabilization Ponds | 13 |
| Alternative Systems Guidelines | 14 |
| Appendix A Conducting a Perc Test | 14 |
| Appendix B Sources of Additional Information | 16 |
| KDHE District Boundaries and District Offices | Inside back cover |

Tables

| | |
|---|----|
| 1 Soil Limitation Ratings Used by NRCS for Wastewater Absorption Fields | 2 |
| 2 Design Septic Tank Effluent Loading Rates for Various Soil Textures and Structures | 3 |
| 3 Recommended Absorption Reductions | 4 |
| 4 Soil Absorption Field Loading Rate and Area Recommendation for Septic Tank Effluent Based on Perc | 4 |
| 5 Minimum Required and Minimum Recommended Separation Distances for Onsite Wastewater Systems | 4 |
| 6 General Alternative Option Guide for Moderate or Severe Limiting Soil Conditions | 5 |
| 7 Minimum and Recommended Septic Tank Capacities Based on the Number of Household Bedrooms | 6 |
| 8 Trench Separation Distances | 11 |

Figures

| | |
|---|----|
| 1 Compartmentalized Septic Tank | 6 |
| 2 Design Details for a Precast, Concrete Septic Tank | 7 |
| 3 Septic System Reference Sketch | 8 |
| 4 Typical Step Down or Serial Distribution System | 10 |
| 5 Standard Lateral Trench Design | 11 |

Introduction

Kansas Administrative Regulations (K.A.R. 28-5-6 to 9) authorize the Kansas Department of Health and Environment (KDHE) to establish minimum standards for septic tank–lateral fields. KDHE bulletin 4-2: *Minimum Standards for Design and Construction of Onsite Wastewater Systems* fulfills that purpose. The minimum standards presented in this document are intended to ensure domestic wastewater is managed so that:

- Quality of surface and groundwater is protected for drinking water, recreation, aquatic life support, irrigation, and industrial uses.
- A breeding place or habitat will not be created for insects, rodents, and other vectors that may later contact food, people, pets, or drinking water.
- Wastewater will not be exposed on the ground surface where it can be contacted by children and/or pets, creating a significant health hazard.
- State and federal laws and local regulations governing water pollution or wastewater disposal will be met.
- Nuisance conditions or obnoxious odors and unsightliness will be avoided.

Bulletin 4-2 is not intended to provide an in-depth discussion of the rationale for these standards. For more information, see the *Environmental Health Handbook* and resources identified therein as well as other references in Appendix B (page 16). Most county health departments have a copy of this handbook, or copies are available at cost from Kansas State University, Extension Biological and Agricultural Engineering (see Appendix B).

Local governments have the authority to adopt minimum requirements (codes) for onsite wastewater management systems, to approve individual plans, to issue permits for construction, to issue permits for operation, and to grant variances. County sanitary (environmental) codes specify local design and permitting requirements. Compliance with these requirements helps prevent illness caused by environmental contamination and protects surface and groundwater.

Some local requirements, such as those in wellhead protection or sensitive groundwater areas, may be more stringent than those established in Bulletin 4-2. Often, these stricter requirements provide greater protection of public health and the environment, especially where water resources are vulnerable to contamination.

Sanitary codes are adopted and administered by local government usually through county health departments. The local administering authority should always be contacted before any time or money is invested in system design, plans, installation, or repairs.

If there is no local code, landowners are required to comply with Kansas Administrative Regulations (K.A.R.) 28-5-6 to 9 and minimum standards in this bulletin. If no assistance is available from the health department or other local authority, contact your county Extension Office or KDHE, Bureau of Water, phone (785) 296-4195, or the nearest KDHE District Office (see inside back cover).

K.A.R. 28-5-6 stipulates that all domestic wastewater shall be discharged to an approved sewage collection system or an approved lagoon, septic system, or alternative system. Domestic wastewater means all waterborne wastes produced at family dwellings in connection with ordinary living including kitchen, toilet, laundry, shower, and bath tub wastewater. It also includes similar type wastewater, produced at businesses, churches, industrial, and commercial facilities or establishments.

Wastewater from a home shall be discharged to a properly designed and maintained septic tank–soil absorption field or wastewater pond, an approved alternative treatment and disposal system, or a permitted sewage treatment plant. Seepage pits, cesspools, and dry wells (rat holes) are not permitted. This bulletin provides information on conventional soil absorption fields, wastewater ponds, and alternatives that may be considered when conventional absorption fields or ponds are not suitable.

Bulletin 4-2 covers five basic elements of proper septic tank–lateral field system design:

1. wastewater flow,
2. soil and site evaluation,
3. septic tank standards, for design, construction and installation,
4. lateral field design and construction, and
5. system maintenance.

This bulletin also addresses basic principles for wastewater ponds.

This bulletin is intended to provide information on treatment of domestic wastewater. Domestic wastewater excludes surface runoff from roof, paved areas, or other surfaces; subsurface drainage from springs, foundation drains, and sump pump; or cooling water. Industrial or commercial wastewater (from shops, manufacturing, car washes, etc.) is not permitted to be discharged to an onsite soil absorption system, so it shall not be mixed with domestic wastewater.

By following the standards established in Bulletin 4-2 and your county's sanitary code, you actively contribute to protecting the environment and quality of life for your family, your neighbors, your community, and other Kansans. Your contribution is appreciated!