

**ALLEN  
COUNTY  
SANITARY  
CODE**

***Adopted***

**APRIL 22, 1998**

ALLEN COUNTY SANITARY CODE

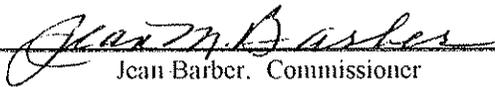
RESOLUTION NUMBER 98006

ADOPTED THIS 22<sup>nd</sup> DAY OF April, 1998, BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEN COUNTY, KANSAS.

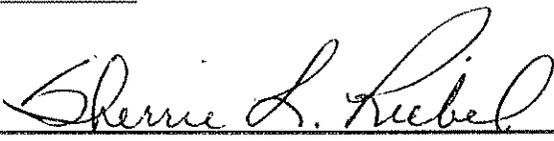
BOARD OF COUNTY COMMISSIONERS  
ALLEN COUNTY, KANSAS.

  
\_\_\_\_\_  
Kent Thompson. Chairman

  
\_\_\_\_\_  
Dick Works. Commissioner

  
\_\_\_\_\_  
Jean Barber. Commissioner

ATTEST:

  
\_\_\_\_\_  
Sherric Riebel. County Clerk

APR 22 1998

the Allen County Sanitary Code.

1-1.5 **Effective Date.** This code shall become effective on April 22, 1998 .

SECTION 1-2.0 **DEFINITIONS.** The following words, terms and phrases appear in more than one chapter 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** means the entity authorized to implement the provisions of this code.

1-2.2 **The Administrative Agency** for Allen County is designated as the Local Environmental Protection Program (LEPP) for Allen County.

1-2.3 **Administrative Rules** means those rules and regulations contained in Chapter 1 of this code, which prescribe general procedures, to be followed in the administration of the sanitary code adopted by the county.

1-2.4 **Agricultural Purpose** means any premises under one ownership which is or can be used for the production of horticultural crops, field crops or livestock.

1-2.5 **Domestic Sewage** means sewage originating primarily from the kitchen, bathroom and laundry sources, including waste from food preparation, dish-washing, garbage grinding, toilets, baths, showers, and sinks. (K.A.R. 28-16-56 a)

1-2.6 **Industrial and Commercial Wastes** means any other liquid or waterborne wastes produced in connection with any industrial or commercial process or operation, other than domestic wastes.

1-2.7 **Authorized Representative** means any qualified person who is recommended by the Administrative Agency, and approved by the Allen County Commissioners. Qualifications will be proposed by the Administrative Agency to the County

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# SANITARY CODE

## ALLEN COUNTY, KANSAS

### CHAPTER 1

#### ADMINISTRATIVE PROCEDURES

#### SECTION 1-1.0 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. or K.S.A. 12-3301 et seq., as amended. This code shall be enforced pursuant to authority granted unto the Board of County Commissioners Allen County, Kansas. Nothing herein is intended to pre-empt nor constitutes a pre-emption of similar authority conferred upon the Kansas Department of Health & Environment, separately enforcing the Water Well Construction Act. (K.S.A. 82a-1201 et seq.)
- 1-1.2 **Declaration of Finding and Policy.** The Commissioners find that the provision of adequate and reasonable control over conditions in the county is necessary and desirable. A sanitary code establishes standards to minimize the development of environmental conditions that are hazardous to health and safety, and promotes the economical and planned 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 adopt and amend a sanitary code to provide current regulation of practices that affect health and safety.
- 1-1.3 **Purpose.** The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administering this sanitary code or any amendments thereto, and to prescribe rules and regulations for controlling practices to minimize health and safety hazards.
- 1-1.4 **Title.** This code shall be known and referred to as

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the Allen County Sanitary Code.

1-1.5 **Effective Date.** This code shall become effective on DATE.

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Commission for approval.

- 1-2.8 **Board of County Commissioners** means the Board of County Commissioners of Allen County, Kansas.
- 1-2.9 **Hearing Committee** means a group, appointed by the County Commissioners, to hear appeals from decisions relating to the administration of this code.
- 1-2.10 **Person** means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.
- 1-2.11 **Premises** means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 1-2.12 **Department of Health** means the Kansas Department of Health & Environment.

**SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES**

- 1-3.1 **Right of Entry:** "The authorized representative of the Administrative Agency shall have the power and authority to identify specific conditions of non-compliance with the Allen County Sanitary Code and which may present a hazard to public health or the environment of the citizens of Allen County. This Right of Entry does not include Right of Entry to buildings or vehicles. Buildings or vehicles may be examined with the owners or occupants permission or with a properly obtained and executed search warrant pursuant to K.S.A 22-2502, et seq., as amended."
- 1-3.2 **Permit and License.** Permit shall mean a written order from the Administrative Agency granting permission to construct a private, domestic water and wastewater system. License shall mean written authorization by the Administrative Agency to install a wastewater system or to provide a sanitary service.

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- 1-3.2.1 **Application for Permit or License.** Every person required by this code to obtain a permit or license, shall make application for such permit or license to the Administrative Agency on standard forms provided for that purpose.
- 1-3.2.2 **Issuance of Permit or License.** After receipt of an application as required by this 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 thirty (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 rejection.
- 1-3.2.3 **Permit Nontransferable.** No permit or license required by this code shall be transferable, nor shall any fees required and paid therefore be refundable.
- 1-3.2.4 **Permit and License Revocation.** All permits and licenses are subject to revocation for reasons of noncompliance or misrepresentation.
- 1-3.2.5 **Standard Fees.** The County Commissioners may establish a schedule of fees for all permits and licenses required by this code, and said fees shall be paid into the Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid. (K.S.A.19-3702 reference)
- 1-3.3 **Notices, Orders, Appeals.**
  - 1-3.3.1 **Notice of Violations.** When the Administrative Agency determines that there has been a violation of any provision of this code, notice of such violation shall be issued to the person responsible.

**The notice shall:**

- a.) be in writing;

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- b.) include a statement of why the notice is being issued;
- c.) allow a reasonable period of time for performance of any work required by the notice; and
- d.) be properly served upon the owner or agent.

Such notice shall be deemed properly served when a copy thereof has been sent by certified mail (return receipt) 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 code may request, and shall be granted, a hearing on the matter before the Hearing Committee; provided such person shall file with the Administrative Agency within ten (10) working days after the date of receipt 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 except in the case of section 1-3.3.4 of this code (Emergency Orders). Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Committee 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 ten (10) working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Administrative Agency may postpone the hearing for a reasonable time beyond such ten-day period, when in the Agency's judgment the petitioner has submitted justifiable reason for such postponement.

1-3.3.3 **Report of Hearing.** Within ten (10) working days after such a hearing, the Hearing Committee shall submit the findings of the hearing in writing to the Administrative Agency. The findings shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the Hearing Committee, the Administrative Agency shall consider the report and issue an order, confirming,

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modifying or withdrawing the notice or order, and shall notify the appellant in the same manner as is provided for in Section 1-3.3.1.

1-3.3.4 **Emergency Orders.** Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, the Administrative Agency may issue an order reciting the existence of such an emergency, specifying action be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

1-3.4 **Records.**

1-3.4.1 **Permit Applications.** Applications for permits or licenses required by this code shall be managed by the Administrative Agency.

1-3.4.2 **Official Actions.** A written record of all official actions taken on applications for permits and licenses required by this code shall be maintained by the Administrative Agency.

1-3.4.3 **Proceedings of Hearings.** The proceedings of all hearings, including findings and decisions of the Hearing Committee, together with a copy of every notice and order related thereto shall be filed with the Administrative Agency. Proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.5 **GENERAL PROVISIONS**

1-3.5.1 **Enforcement Procedure.** The County Attorney shall enforce the provisions of this code and other sanitary codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement within sixty (60) days of receipt of request by the Administrative Agency. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of these

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codes 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 procedures provided in Section 1-3.5.1 herein, any violation of any provision of this sanitary code shall be deemed to be a misdemeanor punishable by a fine not to exceed two hundred dollars (\$ 200) for each offense. Each day's violation shall constitute a separate offense. The Administrative Agency in cooperation with the County Attorney and the County Commissioners, shall establish policies and procedures to resolve violations of the Allen County Sanitary Code.

1-3.5.3 **Administrative Penalties.** In addition to, and independently of the enforcement procedures in section 1-3.5.1 and penalties in section 1-3.5.2 and herein, any violation of any provision of this code shall be deemed to be an unclassified misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200) for each offense. Each days violation shall constitute a separate offense. The Administrative Agency may levy this fine for any violation of any provision of this code. If the violation is not corrected within the time period set forth by the Administrative Agency, the Agency may issue an order requesting the property be vacated until the corrections have been made and the fees have been paid. The commissioners of Allen County will be notified of all actions taken which pertain to this section.

1-3.5.4 **Unpaid Penalties.** Unpaid penalties will be levied against the property tax for collection.

1-3.5.5 **Disclaimer of Liability.** This code and other sanitary codes adopted shall not be construed or interpreted as imposing upon the county or its officials or employees:  
a.) any liability or responsibility for damages to any property, or  
b.) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by code will function properly.

1-3.5.6 **Separability.** If any clause, sentence, paragraph, section or

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subsection of this code shall for any reason be judged 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 to the clause, sentence, paragraph, section or subsection thereof so found to be unconstitutional and invalid. (K.S.A. 19-3708)

- 1-3.5.7 **Supplemental Regulations or Addenda.** Changes or amendments may be proposed by the Administrative Agency for detailed construction specifications, policies and guidelines. These changes or amendments may be revised periodically to provide for the updating of standards and technology. Any change or amendment of this sanitary code shall be adopted by following the same procedure as set forth in K.S.A. 19-3701 which requires approval by County Commissioners and at least one (1) public hearing.
- 1-3.5.8 **Applicability.** The procedures prescribed in this code shall be followed in administering this code and any amendments thereto.
- 1-3.5.9 **Waiver.** The Administrative Agency shall have the authority to grant exceptions when reliable information is provided which justifies the exception; and
- a) alternate methods are available which will attain the objective of the regulations; and
  - b) the Administrative Agency determines the variation from the regulations will not adversely effect public health and safety or natural resources.

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**SANITARY CODE**

**ALLEN COUNTY, KANSAS**

**CHAPTER 2**

**ONSITE WASTEWATER MANAGEMENT**

**SECTION 2-1.0 PURPOSE AND INTENT.**

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

**SECTION 2-2.0 DEFINITIONS**

- 2-2.1 **SEWAGE** means any substance that contains any of the waste products or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry.
- 2-2.2 **Domestic Sewage** means sewage originating primarily from the kitchen, bathroom and laundry sources, including waste from food preparation, dish-washing, garbage grinding, toilets, baths, showers, and sinks. (K.A.R. 28-16-56 a)
- 2-2.3 **Nuisance** means conditions or activities which have or threaten to a detrimental effect on the environment or health of the public or its members.
- 2-2.4 **Private Wastewater System.** means any system which is not required to hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes waste-water disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.

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- 2-2.5 **Sanitary Privy** means a facility designed for the disposal of human waste. Such privy shall not be served by any water supply.
- 2-2.6 **Sanitary Service** means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks or private wastewater systems; and the transportation and disposal of such material.
- 2-2.7 **Domestic Wastewater System** means any system along with attendant pipes and apparatus designed and constructed to collect, store, treat and/or dispose of domestic wastewater.
- 2-2.8 **Vaults/Holding Tank** means a water-tight receptacle for the retention of sewage either before, during, or after treatment.
- 2-2.9 **Seepage Pit/Cess Pool** means a subsurface excavation, which is filled with rock or gravel and receives effluent from treatment devices other than those prescribed and approved by the Administrative Agency. These shall be prohibited.  
(refer bulletin 4-2).
- 2-2.10 **Subdivision** means any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the streets, alleys, or other portions thereof intended to be dedicated for public use, and any redivision of lands.

### SECTION 2-3.0 **PROHIBITED PRACTICES.**

- 2-3.1 **Construction of Nonapproved Private Systems.** No person shall construct or begin to construct any private wastewater system or sanitary privy after the adoption of this code until it has been approved by the Administrative Agency.
- 2-3.2 **Use of Nonapproved Private Systems.** No person shall use, or

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cause to be used, any private wastewater system or sanitary privy constructed after adoption of this code until it has been inspected and approved by the Administrative Agency.

- 2-3.3 **Private Systems.** a private sewage system in use or under construction upon adoption of this code may continue to be used unless they meet a condition of a, b, c, or d.
  - a.) has been enjoined as a public health nuisance by a court of competent jurisdiction; or
  - b.) discharges wastes onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161(a) "Waters of the state means all streams and springs, and all bodies of surface and subsurface waters within the boundaries of the state,"
  - c.) causes excessive vector breeding, produces offensive odors or any condition that is prejudicial to health.
  - d.) receives any wastewater other than domestic wastewater.

2-3.4 **Minimum Separation Distances.** All private wastewater systems shall comply with the separation distances described in Table 2 of this code and in accordance to Bulletin 4-2 (refer Appendix A) Minimum Standards For Design And Construction Of Onsite Wastewater Systems.

2-3.4.5 **Use of Wastewater Systems Within 400 Feet of Public Sewer.** No private wastewater system shall be constructed within four-hundred (400) feet of the existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property.

2-3.5 **Location of Private Wastewater Systems Below Full/Flood Pool.** No portion of a private wastewater system shall be located within the flood pool of any pond, lake, stream or reservoir unless written approval is obtained from the Administrative Agency.

2-3.6 **Location of a Private Wastewater System Within 100 Feet of Well.** No portion of a private wastewater system shall be

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located less than one-hundred (100) feet from a domestic water well or a pump suction line from a domestic water well, unless that portion of the wastewater system is of water-tight construction. No sanitary sewer line, regardless of construction, shall be located less than fifty (50) feet from a water well or a suction line from a domestic water well or one-hundred (100) feet from a public water supply well.

2-3.7 **Cess Pools / Seepage Pits.** The use of cess pools and the installation of new or the modification of existing seepage pits shall be prohibited. (K.A.R. 28-5-8)

**SECTION 2-4.0 REQUIREMENTS FOR PRIVATE WASTEWATER SYSTEMS.**

2-4.1 **Approval of Plans and Issuance of Permits.**  
After adoption of this code no person shall install any private wastewater system until the plans and specifications for such system have been approved by, and a permit obtained from, the Administrative Agency. References (Appendix A) approved by the Kansas Department of Health and Environment shall be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater systems.

2-4.2 **Suitable Site.** No site shall be approved if:  
a.) connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-3.0 of this code; or  
b.) the site contains less than **three** (3) acres of land exclusive of roads, streets, water lines, or other public right-of-way or easements; or  
c.) the soil, topography, and geology does not meet the requirements set forth in Bulletin 4-2 (Appendix A), Minimum Design Standards for On-Site Wastewater Systems.

2-4.3 **Construction Approval.** All private wastewater systems developed or modified after the effective date of this code must be inspected and approved by the Administrative Agency for compliance with the approved plans; and no portion of the system shall be covered or made inaccessible to inspection prior to approval.

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2-4.4 **Proper Maintenance and Operation.** All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency finds any private wastewater system in violation of this code, the owner and/or user shall correct the condition.

2-4.5 **Abandonment of Private Wastewater Systems.** Any existing private wastewater system that is located within an Improvement District, Sewer District or other areas where public sewerage systems are so available, shall be discontinued and the building sewer shall be connected to said public sewerage systems. Connection shall include all domestic waste coming from the building. The continued use of a private wastewater system when a public sewerage system is so available, shall be deemed to be a nuisance and shall be subject to the provisions of this code. (Reference 2-4.5.1)

2-4.5.1 **Abandonment Procedures-Discontinued Private Wastewater Systems That Received Domestic Sewage Only.**  
When a private wastewater system consisting of a septic tank and soil absorption field that received domestic sewage only is abandoned:

- a.) The building sewer is to be disconnected from the private sewage system.
- b.) The septic tank is to be pumped out and contents disposed of by an approved method (2-7.6).
- c.) The septic tank is to be broken and crushed in, then backfilled with soil. The backfill is to be mounded up to allow for settlement and to prevent a low area. If the septic tank is salvageable, it may be removed and reused with the approval of the Administrative Agency
- d.) All lateral lines may be allowed to exist as dormant lines.

2-4.5.2 **Abandonment Procedures-Waste Stabilization Ponds.**  
This section applies to single family waste stabilization ponds that have received domestic sewage only.

- a.) The building sewer is to be disconnected from the private sewage system.

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- b.) Wastewater must be discharged according to the provisions of 2-7.6.  
Care shall be taken to minimize the taking of fresh or untreated sewage and sewage solids within the wastewater that is removed.
- c.) Sewage solids and untreated sewage may be allowed to remain in the waste stabilization pond.
- d.) The waste stabilization pond is to be back filled with soil from the berm dike. The soil is to be mounded up to allow for settlement and to prevent a low area.
- e.) Sewer lines going to the waste stabilization pond may be allowed to exist as dormant lines.
- f.) Waste stabilization ponds with more than one (1) foot of sludge should be desludged prior to back filling.

## SECTION 2-5.0 WASTEWATER DISPOSAL SYSTEM INSTALLERS

- 2-5.1 **Licensing.** No person shall contract to construct, modify, or repair any part of any private wastewater disposal system unless that person holds a valid license issued by the Administrative Agency for that purpose. All licenses shall expire on December 31<sup>st</sup> of each year. Requirements and cost of license shall be determined by the Administrative Agency. A license may be denied if the requirements of the licensing procedure are not met.
- 2-5.2 **Revocation of License.** A license may be revoked if it is determined by the Administrative Agency that the installer has willfully contravened this code or has failed to meet the provisions of this code. License may be permanently revoked by the Administrative Agency for repeated violations of this code.
- 2-5.3 **Contracting With Unlicensed Persons Prohibited.** No person shall allow any unlicensed person to construct, modify, or repair any private wastewater disposal system.

## SECTION 2-6.0 REQUIREMENTS FOR PRIVIES.

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- 2-6.1 **Approval of Plans.** No person shall construct or modify or use or make available for use any privy until the plans and specifications for the proposed construction and/or modifications have been approved by the Administrative Agency.
- 2-6.2 **Approval of Construction.** No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected and approved by the Administrative Agency for compliance with approved plans.
- 2-6.3 **Proper Maintenance.** No person shall use, or offer for use, any privy that is not maintained in a clean and sanitary condition.
- 2-6.4 **Vault Required in Certain Areas.** In areas where the elevation of the seasonal high groundwater (including perched water tables) is within six (6) feet of the top of the ground, a watertight vault shall be provided in lieu of the standard pit.
- 2-6.5 **Temporary Privies and Portable Toilets.** Temporary privies and portable toilets shall be properly designed, of watertight construction, maintained, and pumped by a licensed septic hauler according to the provisions of this code.
- 2-6.6 **Location.**
- a). No privy shall be installed less than one-hundred (100) feet from an existing well or on any premises where the static level of the ground water is less than twenty-four (24) inches below the bottom of the pit.
  - b). No pit privy shall be installed or reconstructed on any premises served by a public water supply or on which water is delivered to any building under pressure, unless special permission for use of a privy is obtained from the Administrative Agency.

SECTION 2-7.0 **Sanitary Services.** No person shall engage in the business of removing, transporting, or disposal of any wastes from any private wastewater system or privy, unless that person holds a valid Allen County License from the Administrative Agency.

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- 2-7.1 **Maintenance of Records.** Records of all septic hauling activity shall be maintained and shall include:
- a) Acquisition of septage (date, location, amount in gallons)
  - b) Method of treatment
  - c) Disposal (date, location, method, amount in gallons). Receipts will be required when applicable.
- Records of septic hauling activities shall be made available to the Administrative Agency immediately upon request.
- 2-7.2 **Minimum Standards for Sanitary Service Equipment.**  
All equipment used for removing, transporting, or disposal of any waste from any wastewater system or privy shall be of watertight construction and maintained in good condition to ensure that all materials removed from private wastewater systems or privies will be transported to an approved point of disposal without spillage of the waste.
- 2-7.3 **Sanitary Service Equipment Inspection and Registration.** All sanitary service equipment and vehicles shall be inspected annually by the Administrative Agency for compliance to Section 2-7. , Minimum Standards for Sanitary Service Equipment. Registration of inspected equipment and vehicles will be maintained by the Administrative Agency on standard forms provided for that purpose and shall expire one year from date of inspection.
- 2-7.4 **Use of Non-registered Vehicles Prohibited.** No vehicle shall be used to remove, transport, or dispose any wastes from any private wastewater system or privy unless that vehicle has been inspected by and registered with the Administrative Agency.
- 2-7.5 **Contracting With Unlicensed Persons Prohibited.** No person responsible for operating a private wastewater disposal system, privy, or portable toilet shall contract with any person for sanitary service unless that person holds a valid Septage Haulers License from the Administrative Agency.
- 2-7.6 **Disposal.** Waste materials removed from private wastewater

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systems or privies must be disposed of in a manner approved by the Administrative Agency, such as:

- a) Transported to a Public Owned Treatment Works (POTW); or
- b) Discharge upon agricultural cropland or grassland with the permission of landlord or tenant. The wastewater shall be applied according to Environmental Protection Agency rule 503 and in such a fashion and at such times that no surface runoff leaves the property. No discharge of such wastewater shall be permitted:
  - 1) Within one-hundred (100) feet of any water well, or
  - 2) Within fifty(50) feet of other properties, or
  - 3) Within two-hundred (200) feet of any surface water body, or
  - 4) Onto saturated or frozen ground, without prior approval of the Administrative Agency.

**SECTION 2-8.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT.** After adoption of this code no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency.

**SECTION 2-9.0 WAIVER.** The Administrative Agency shall have the authority to grant exceptions when reliable information is provided which can justify the exception and which will still protect the beneficial uses of the waters of the state and not create a nuisance.

**SECTION 2-10.0 Applicability.** The provisions of this chapter shall apply to all unincorporated areas located in Allen County, Kansas.

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**ALLEN COUNTY, KANSAS****SANITARY CODE****CHAPTER 3****WATER SUPPLIES****SECTION 3-1.0 PURPOSE AND INTENT**

The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all water supplies used for human consumption other than public supplies in Allen County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

**SECTION 3-2.0 Applicability.** The provisions of this chapter shall apply to all unincorporated areas located in Allen County, Kansas.

**SECTION 3-3.0 DEFINITIONS.**

3-3.1 **Public Water Supply** means a system that has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. (K.S.A. 65-162a)

3-3.2 **Semi-Public Water Supply** means a system that has at least two (2) service connections, but less than ten (10) service connections.

3-3.3 **Non-Public Water Supply** means all domestic water supplies not meeting the definition of semi-public or public water supply.

3-3.4 **Plumbing Cross Connection Prohibited:** No connection between a water supply and a source of contamination or pollution shall be allowed.

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SECTION 3-4.0 **REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES FOR HUMAN CONSUMPTION**

- 3-4.1 **Permit.** No person shall construct or reconstruct a semi-public water supply subject to the regulations of this code until a permit has been obtained from the Administrative Agency.
- 3-4.2 **Approved Plans.** No permit to construct or reconstruct a water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency.
- 3-4.3 **Domestic Water.** "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 (2) acres in area for the growing of gardens, orchards and lawns."  
(K.A.R. 28-30-2h)
- 3-4.4 **Water Source.** This requirement is for water supplied from a non-public source.
- 3-4.5 **Use of Semi-Public Water Supply.** In addition to the regulation of Section 3-4.1 and Section 3-4.2 the following shall be required:
- a) An initial and at least annual total coliform analysis.
  - b) An initial and at least annual nitrate analysis;
  - c) A partial chemical analysis for common inorganic chemicals and common positive and negative charged minerals is to be done initially and every three (3) years thereafter.
  - d) Other tests such as a fecal coliform analysis and a screen for pesticides, volatile organic chemicals and heavy metals may be required at the discretion of the Administrative Agency.

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SECTION 3-5.0 **REQUIREMENTS FOR NON-PUBLIC DOMESTIC WATER SUPPLIES.**

- 3-5.1 **Permit.** No person shall construct or reconstruct any domestic water supply subject to regulations of this code until a permit has been obtained from the Administrative Agency.
- 3-5.2 **Approved Plans.** No permit to construct or reconstruct a domestic water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency.
- 3-5.3 **Use Limitation.** No permit for drilling a well for domestic water supply purposes shall be issued to any person when in the discretion of the Administrative Agency the property could be served at a reasonable cost by a public water supply, unless exceptions are granted under section 1-3.5.7. Exceptions shall also be granted if the requirements set forth in this section are met.

No use of surface water (lakes, ponds, or streams) as a source of water for human consumption shall be permitted:

- 1) Unless adequate treatment is provided. In no case shall surface water be used for human consumption without filtration and disinfection,
- 2) Where the pond or lake receives any drainage or discharge from septic tanks or untreated sewage.
- 3) Where a satisfactory ground water source is available.

SECTION 3-6.0 **MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES.**

- 3-6.1 **Location.**
- a) All wells used as sources of water for domestic consumption shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table I. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

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**TABLE I**

<u>Area</u>	<u>Minimum Separation</u>
• Subsurface absorption field for septic-tank effluent.	100 ft.
• Pit privy.	100 ft.
• Septic tank.	100 ft.
• Barnyards, stables, manure piles, animal pens, etc.	100 ft.
• Streams, lakes and ponds.	50 ft.
• Sewer lines, not constructed of cast iron or other equally water-tight construction.	100 ft.
• Sewer lines constructed of cast iron or other equally water-tight construction.	20 ft.
• Property lines.	25 ft.

3-6.2 **Cross Connection Not Allowed.** Due to the potential for contamination of water supplies, no person shall utilize a hose, pipe, pump or other similar link to a domestic well to fill a stock tank, sink, pool or pesticide container without using a device for the prevention of backsiphonage or backflow.

3-6.3 **Domestic Water Well Construction.** The enforcement of this section of the code shall be in accordance with K.S.A. Article 12, 82a-1201 et seq. as amended and K.A.R. 28-30-1 through 28-30-10 et seq. as amended. Recommended standards for design, construction and location, shall be consistent with standards approved by the Kansas Department of Health and Environment. See Appendix A for a listing of these references.

3-6.4 **Domestic Water Well Maintenance.** Any domestic water well will be plugged if:

- 1) it is in such a state of disrepair that it cannot be used to supply water, or it has the potential for transmitting surface contaminants into the aquifer or both; or
- 2) it poses potential health and safety hazards; or
- 3) it is in such a condition it cannot be placed in active or inactive status.

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**TABLE 2—Minimum Separation Distances for Onsite Wastewater Systems**

<b>Separation Distances</b>	<b>Minimum Distance (ft.)</b>
Septic Tank to foundation of house or other buildings	10
Soil Absorption System to dwelling foundation	20
Any part of wastewater system to:	
public potable water line	25
private potable water line	10
property line	10
public water supply well or suction line	100
private water supply well or suction line	100
surface water course	50
Wastewater Lagoons to:	
property line	50
dwelling foundation	50

**TABLE 3-- Minimum Septic Tank Capacities**

<b>Number of Bedrooms</b>	<b>Septic Tank Capacity(gallons)</b>
1-3	1,000
4	1,200
5-6	1,500
7-8	1,800
8-10	2,250

**TABLE 4—Trench separation Distances**

<b>Trench Width (inches)</b>	<b>Minimum Distance Between Trench Trench Centerline (feet)</b>
18-24	8.0
24-30	8.5
30-36	9.0

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**APPENDIX A.**

Environmental Health Handbook, First Edition

-G. Morgan Powell, Extension Agricultural Engineer, Kansas State Univ.

Recommended standards for Construction, Operation and Maintenance of Single Family Waste Stabilization Ponds. Draft 11/22/89 State Of Kansas Dept. of Health and Environment, Topeka, Ks.

Wastewater Lagoons for Private Homes, MF 1044, Nov. 1992

-G. Morgan Powell K.S.U. Cooperative Ext. Service, Onsite Wastewater

Wastewater Pond Operation, Maintenance, And Repair, MF 2290, Oct. 1997

-G. Morgan Powell, K.S.U. Cooperative Extension Service

Sewage Lagoons For Rural Homes/Agricultural

-Guide 1712, Univ. of Missouri, Columbia Ext. Division

Information and Issues Related to Household Water and Wastewater.

State of Kansas Dept. of Health & Environment, Topeka, Ks. October 1987

Using Soils of Kansas for Waste Disposal. Bulletin No. 208,

Kansas Geological Survey, University of Kansas, Lawrence, Ks. 1974

A Manual of Recommended Standard for Locating, Constructing and Operating Septic Tank Systems

For Rural Homes. Bulletin 4-2, State of Kansas Dept. of Health & Environment, Topeka, Ks., March 1997

Soil Evaluation For Home Septic Systems. MF945 Rev. March 1993

Water Quality Coop. Ext. Service, Kansas State Univ., Manhattan, Ks.

Onsite Wastewater Treatment and Disposal Systems,  
Design Manual. U.S. Environmental Protection Agency

EPA 625/1-80-012. October 1980

Septic Tank Soil Absorption System, Water Quality,

-Coop Ext. Service Kansas State University, Manhattan, Ks.

MF944 Rev. July 1992

Septic Tank Maintenance, Water Quality

-Coop Ext. Service, Kansas State Univ., Manhattan, Ks.

MF947 Rev. April 1994

Why Do Septic Systems Fail? Water Quality,

-Coop Ext. Service, Kansas State Univ., Manhattan, Ks.

MF946, March 1990

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Home Septic Systems, Proper Care and Maintenance.  
Univ. of Delaware  
Coop Ext. Service Bulletin 126

Get To Know Your Septic System  
-G. Morgan Powell, Extension Agricultural Engineer  
Kansas Cooperative Extension Service, Kansas State Univ.

Two Remedies for failing Septic Systems  
Pennsylvania State Univ. Coop Ext. Service  
Special Circular 302

Inspecting and Troubleshooting Wisconsin Mounds.  
Univ. of Wisconsin Ext. Division  
Bulletin 3406 by James C. Converce and Jerry Tyler 1988

The Sanitary Privy. Bulletin No. 4-3, State of Kansas  
Dept. of Health & Environment, Topeka, Ks. Plugging Packet (abandoned water wells, cased and uncased test holes) State of Kansas Dept. of Health & Environment,  
Bureau of Water, Industrial Programs Section, Topeka, Ks.

Water Well Contractors Licenses; Water Well Construction and Abandonment.  
-Kansas Administrative Regulations Article 30 et seq.

Shock Chlorination for Disinfecting Water Systems, Water Quality MF-911, May 1990  
-Coop Ext. Service, Kansas State Univ., Manhattan, Ks.

Disinfection of Private Water Supplies. MF-886, November 1987  
-Coop. Ext. Service, Kansas State Univ., Manhattan, Ks.

Environmental Protection Agency regulations, including rule 503 governing disposal of domestic sewage.

Land Application of Septage  
-Don Chisam, KDHE Local Environmental Protection Specialist

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**APPENDIX B**

**COMMITTEE MEMBERS**

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JEFF JOHNSON, Co-Chairman  
KENT THOMPSON, Secretary  
ANDREW BAETTY  
DON CRESS  
ERNIE DAVIDSON  
SCOTT GORDON  
GERALD GRAY

**COUNTY COMMISSIONERS**

KENT THOMPSON, Chairman  
JEAN BARBER  
DICK WORKS

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