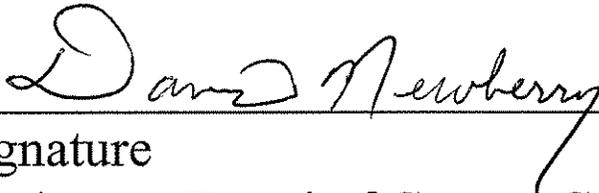


The enclosed Cherokee County Sanitary Code has been officially adopted by the Cherokee County Board of Commissioners.

RECEIVED

JUL 23 1999

BUREAU OF WATER



Signature

Chairman, Board of County Commissioners

6-28-99

Date

CHEROKEE COUNTY, KANSAS

ENVIRONMENTAL CODE

CHAPTER 1

ADMINISTRATIVE PROCEDURES

SECTION 1 - 1.0 AUTHORITY AND POLICY

1-1.1 Legal Authority: This code is adopted under the authority 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 Cherokee 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. An environmental 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 an environmental 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 environmental code or any amendments thereto, and to prescribe rules and regulations for controlling practices to minimize health and safety hazards.

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1-1.4 Title: This code shall be known and referred to as the Cherokee County Environmental Code.

1-1.5 Effective Date: This code shall become effective on and after the final adoption. Cherokee County Environmental Code:

Adopted \_\_\_\_\_

1-1.6 Applicability: The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto.

## 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 the code.

1-2.1.1 The Administrative Agency for Cherokee County is designated as the Cherokee County Health Department.

1-2.2 Administrative Rule means those rules and regulations contained in Chapter 1 of this code, which prescribes general procedures, to be followed in the administration of the environmental code adopted by the county.

1-2.3 Agricultural Purpose means any premises under one ownership which is or can be used for the production of horticultural crops, field crops or livestock.

1-2.4 Board of County Commissioners means the Cherokee County Board of County Commissioners.

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5/11/98  
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1-2.5 Board of Health means the Cherokee County Board of Health.  
( K.S.A. 65-201)

1-2.5.1 Cherokee County Commissioners are the County Board of Health.

1-2.6 Domestic Sewage means sewage originated 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. 18-16-56 b)

1-2.7 Industrial and Commercial Wastes means any and all solid, liquid or water-born wastes produced in connection with any industrial or commercial process or operation, other than domestic wastes.

1-2.8 Hearing Committee means a group, appointed by the County Commissioners, to hear appeals from decisions relating to the administration of this code.

1-2.9 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.

1-2.10 Premises means any lot or tract of land and all buildings, structures, or facilities located thereon.

1-2.11 State Department of Health means the Kansas Department of Health and Environment.

1-2.12 Authorized Representative means any person who is designated by the Administrative Agency to administer this code.

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## 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 Cherokee County Environmental Code and which may present a hazard to public health or the environment of the citizens of Cherokee 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 document from the Administrative Agency granting permission to construct a private wastewater system or domestic water well. License shall mean written authorization by the Administrative Agency to install a wastewater system or to provide a sanitary service.

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.

1-3.2.1a License Requirement for Wastewater System Installer: No person or business shall engage in the repair or installation of any private wastewater system, unless a valid Cherokee County License has been issued from the Administrative Agency.

1-3.2.2 Issuance of Permit or License: Upon receipt of an application, which is required by this code, the Administrative Agency shall begin to determine whether the permit or license should be issued or denied. The Administrative Agency will either issue or deny the permit or license within thirty (30) days of receiving the application.

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5/11/98  
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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 Environmental 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 Administrative Agency shall 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;
- 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 Environmental 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, 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 immediately.

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### 1-3.4 Records

1-3.4.1 Permit Applications: the Administrative Agency shall manage Application for permits or licenses required by this code.

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

1-3.4.3 Proceedings of Hearing: 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 or any Attorney specifically designated by the County Commission shall enforce the provisions of this code and other environmental codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency. Actions of injunction, mandamus, and quo warranto may be utilize for enforcement of these 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 environmental code shall be deemed to be a misdemeanor. The Administrative Agency in cooperation with the County Attorney and the County Commissioners shall establish policies and procedures to resolve violations of the Cherokee County Environmental Code.

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1-3.5.3 Disclaimer of Liability: This Code and other Environmental 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.

1-3.5.4 Separability: If any clause, sentence, paragraph, section or subsection of this code shall for any reason be judged by any court of competent jurisdiction to be unconstitutional and invalid, such judgement shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional and invalid. ( K.S.A. 19-3708)

1-3.5.5 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.

1-3.5.6 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 affect public health and safety or natural resources.

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CHEROKEE COUNTY, KANSAS

ENVIRONMENTAL CODE

CHAPTER 2

**ONSITE WASTEWATER MANAGEMENT**

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

Sewage is a potential source of disease 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 Cherokee County.

**SECTION 2-2.0 DEFINITIONS**

2-2.1 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 b)

2-2.2 Nuisance: means conditions or activities, which have or threaten to have a detrimental effect on the health of the public or its members.

2-2.3 Private Wastewater System: means any system, which is not required to hold a Kansas Water Pollution Control Permit. This includes wastewater disposal systems which function by soil absorption, evaporation, transportation, holding tanks, or any combination of the above.

2-2.4 Sanitary Privy: means a facility designed for the disposal of human waste. Such privy shall not be served by any water supply.

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5/11/98  
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2-2.5 Sanitary Service: means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater disposal systems; and the transportation of such material to a point of final disposal.

2-2.6 Wastewater System: means any system along with attendant pipes and apparatus designed and constructed to collect, store, treat or dispose of domestic, industrial, or commercial waste.

2-2.7 Vaults/Holding Tank: means a watertight receptacle for the retention of sewage either before, during or after treatment.

2-2.8 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.

2-2.9 Applicability: The provisions in this chapter shall apply to all **unincorporated** areas located in Cherokee County, Kansas.

## SECTION 2-3.0 PROHIBITED PRACTICES

2-3.1 Private System: No person shall use, or cause to be used, any private wastewater system or sanitary privy constructed after adoption of this environmental code until it has been inspected and approved by the Administrative Agency or if it:

- a) has been enjoined as a public 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 or 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

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5/11/98  
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2-3.2 Wastewater Systems Within 400 Feet of Public Sewer: No private wastewater system shall be constructed within four-hundred (400) feet of an 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.

2-3.3 Private Wastewater Systems Below Full/Flood Pool: No private wastewater system shall be located within the flood pool elevation of any pond, lake, or water reservoir unless written approval is obtained from the Administrative Agency.

2-3.4 Private Wastewater Systems Within 100 Feet of 100 Year Flood Plain: No portion of a private wastewater system shall be located within the 100 year flood plain, as established by the Federal Emergency Management Agency, or any stream, river, or water course unless written approval is obtained by the Administrative Agency

2-3.5 Location of a Private Wastewater System Within 100 feet of a Non-public Water Supply Well: No portion of a private wastewater system shall be located less than 100 feet from a nonpublic water supply well or a water line from a water well.

2-3.6 Cess Pools/Seepage Pits: The use of cesspools 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. The most current State of Kansas Bulletin 4-2 and the Environmental Health Handbook

(Appendix A) shall be used as a guide by the Administrative Agency in reviewing, approving and designing plans for private wastewater systems.

2-4.2 Permit: No person shall construct or modify, or permit to be constructed or modified, any private wastewater system until a permit has been issued by the Administrative Agency.

2-4.3 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 two (2) acres of land exclusive of roads, streets, water lines, or other public right-of-way or easements, unless a waiver has been obtained from the Administrative Agency; 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 Waste Water Systems.

2-4.4 Construction Approval: All private wastewater systems developed or modified after the effective date of this environmental code must be inspected and approved by the Administrative Agency for compliance with the approved plans. No portion of the system shall be covered or made inaccessible to inspection prior to approval.

2-4.5 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.

2-4.6 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.

2-4.7 Abandonment of Private Wastewater Systems: Any failing private wastewater system that is located within an Improvement District,

Sewer District or other areas where public sewage systems are so available, shall be discontinued and the building sewer shall be connected to said public sewage systems. Connection shall include all domestic waste coming from the building.

2-4.7.1 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 wastewater system.
- b) The septic tank is to be pumped out and contents disposed of by an approved method. (2-6.2)
- c) As outline in bulletin MF-2246 *Plugging cisterns, cesspools, septic tanks and other holes* (Appendix A), the septic tank shall have the top removed, then backfilled with soil, sand, gravel, concrete or other approved material. The backfill is to be mounded up to allow for settlement and to prevent a low area.
- d) All lateral lines may be allowed to exist as dormant lines.

2-4.7.2 Abandonment Procedures-Wastewater Pond: This section applies to single family wastewater ponds that have received domestic sewage only.

- a) The building sewer is to be disconnected from the private wastewater system
- b) Wastewater must be discharged according to the provisions of 2-6.2. 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 wastewater pond.
- d) The wastewater 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 wastewater pond may be allowed to exist as dormant lines.

f) Wastewater ponds with more than one (1) foot of sludge should be desludged prior to backfilling.

## SECTION 2-5.0 REQUIREMENTS FOR PRIVIES

2-5.1 Approval for 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.

2-5.2 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 the approved plans.

2-5.3 Proper Maintenance No person shall use, or offer for use, any privy that is not maintained in a clean and sanitary condition.

2.5.4 Vault Required in Certain Areas: In areas where the elevation of the 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.

### 2-5.5 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.

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## SECTION 2-6.0 SANITARY SERVICES

2-6.1 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 he holds a valid Cherokee County License from the Administrative Agency.

2-6.2 Minimum Standards for Sanitary 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.

2-6.3 Disposal Waste material removed from private wastewater systems or privies must be disposed of in a manner approved by the Administrative Agency, or by one of the following:

- a) Transported to a Public Owned Treatment Works (POTW); or
- b) Discharged upon agricultural cropland or grassland with the permission of landlord or tenant. The wastewater shall be applied in such a fashion and at such times that no surface runoff leaves the property which shall comply with Environmental Protection Agencies (EPA) 503 Rules (Appendix A).

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.

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CHEROKEE COUNTY, KANSAS

ENVIRONMENTAL 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 Cherokee 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 DEFINITIONS**

3-2.1 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)

3-2.2 Semi-Public Water Supply means a system that has at least two (2) service connections, but less than ten (10) service connections.

3-2.3 Non-Public Water Supply means all domestic water supplies not meeting the definition of semi-public or public water supply.

3-2.4 Plumbing Cross Connection Prohibited Any connection between a water supply and a source of contamination or pollution shall be prohibited.

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**SECTION 3-3.0 REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES FOR HUMAN CONSUMPTION**

**3-3.1 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.

**3-3.2 Approved Plans** No permit to construct or reconstruct a water supply subject to regulations of this code shall be issued until the Administrative Agency has approved the plans.

**3-3.3 Water Source** This requirement is for water supplied from a non-public source.

**3-3.4 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:

<b>Required</b>	<b>Recommended</b>
a) An initial total coliform analysis	A yearly total coliform analysis
b) An initial nitrate analysis	A yearly nitrate analysis
c) An initial partial chemical analysis for common inorganic chemicals and common positive and negative charged minerals	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.	

**3-3.5 Applicability:** The provisions of this chapter shall apply to all **unincorporated** areas located in Cherokee County, Kansas.

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5/11/98  
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## SECTION 3-4.0 REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES

3-4.1 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.

3-4.2 Approved Plans No permit to construct or reconstruct a domestic water supply subject to regulations of this code shall be issued until the Administrative Agency has approved the plans.

### 3-4.3 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 1-3.5.6. Exceptions shall also be granted if the requirements set forth in this section are met:

- a) 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 satisfactory ground water source is available.

3-4.4 Applicability: The provisions of this chapter shall apply to all **unincorporated** areas located in Cherokee County, Kansas.

## SECTION 3-5.0 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES

### 3-5.1 Location

a) Distances equal or greater than those shown in Table 1 shall separate all wells used as sources of water for domestic consumption

from the specified sources of pollution. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

**TABLE 1**

<b><u>Area</u></b>	<b><u>Minimum Separation</u></b>
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.

b) Proper drainage in the vicinity of the well shall be provided so as to prevent the accumulation and ponding of surface water within fifty (50) feet of the well. The well shall not be located in a ravine or any other drainage area where surface water may flow into the well.

3-5.2 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,

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 Date

pool or pesticide container without using a device for the prevention of backsiphonage or backflow.

3-5.3 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 (Appendix A).

3-5.4 Domestic Water Well Maintenance Any domestic water well will be plugged or repaired if:

- 1) in which the use has been permanently discontinued
- 2) in which pumping equipment has been permanently removed
- 3) 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
- 4) it poses potential health and safety hazards; or
- 5) it is in such a condition it cannot be placed in active or inactive status.

**SECTION 3-6.0 MINIMUM REQUIRED AND MINIMUM RECOMMENDED SEPARATION DISTANCES FOR ONSITE WASTEWATER SYSTEMS**

Table 2

<u>Area</u>	<u>Minimum Separation (ft)</u>	
	Required	Recommended
Septic tank to foundation of house or other buildings	10	10
Soil absorption system to dwelling foundation	20	50

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 5/11/98  
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Any part of a wastewater system to:

public potable water line	25	25
private potable water line	10	25
property line	10	50
public water supply well or suction line	100	200
private water supply well or suction line	100	200
surface water coarse	50	100

Wastewater Lagoons to:

property line	50	200
dwelling foundation	50	200

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## APPENDIX A

Minimum Standards for Design and Construction of Onsite Wastewater Systems. Bulletin 4-2, State of Kansas Department of Health and Environment, Topeka, KS. March 1997

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

Plugging Cisterns, Cesspools, Septic Tanks, and other holes (MF-2246, July 1997). Water Quality- Coop Extension Service, Kansas State University, Manhattan, KS.

Well Plugging Packet. State of Kansas Department of Health and Environment, Topeka, KS.

Environmental Health Handbook. Kansas State University, Manhattan, KS. First Edition, August 1992.

Well Construction Packet, State of Kansas Department of Health and Environment, Topeka, KS.

Water Quality Handbook, Kansas State University, Manhattan, KS.

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