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BOARD OF WATER

**HARVEY  
COUNTY  
SANITARY  
CODE**

2001 REVISION

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

*Russell Meier*

\_\_\_\_\_  
Signature

Chairman, Board of County Commissioners

*9/10/01*

\_\_\_\_\_  
Date

# SANITARY CODE OF HARVEY COUNTY

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**SANITARY CODE**  
**HARVEY COUNTY, KANSAS**  
**ADMINISTRATIVE PROCEDURES**  
**CHAPTER 1**

***Section 1-1.0 AUTHORITY AND POLICY***

***Section 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 thru 19-3708 as amended.

***Section 1-1.2 Declaration of Finding and Policy***

The County Commissioners find that the provisions of adequate and reasonable control over the environmental conditions in the county are necessary and desirable. The adoption of a sanitary code 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 amend the sanitary code to provide current regulation of practices that affect health and safety.

***Section 1-1.3 Purpose***

The purpose and intent of this code 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 health and safety hazards.

***Section 1-1.4 Title***

This code shall be known and referred to as the Harvey County Sanitary Code.

***Section 1-1.5 Applicability***

The administrative procedures described in this chapter shall be followed in administering this code and amendments thereto.

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Kansas Department of  
Health and Environment

**Section 1-1.6 Scope**

This code shall apply to all unincorporated areas within the legal boundaries of Harvey County, Kansas, and shall be applied to all parcels of property regardless of size.

**Section 1-1.7 Effective Date**

This code shall become effective on and after final adoption of the sanitary code.

**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.

**Section 1-2.1 Administrative Agency**

Means the entity authorized to implement and enforce the provisions of this code. The administrative agency for Harvey County is designated as the Harvey County Environmental Department.

**Section 1-2.2 Administrative Rules**

Means those rules and regulations contained in chapter one of this sanitary code which prescribe general procedures to be followed in administration of the sanitary code adopted by the county.

**Section 1-2.3 Agricultural Purposes**

Means growing crops or pasture and functions related to animals.

**Section 1-2.4 Authorized Representative**

Means any person who is designated by the Administrative Agency to enforce the provisions of this code.

**Section 1-2.5 Board of County Commissioners**

Means the Board of County Commissioners of Harvey County, Kansas.

**Section 1-2.6 Board of Health**

Means the Harvey County Commissioners acting as the Harvey County Board of Health.

**Section 1-2.7 Code**

Means any published compilation of rules in a book or pamphlet form, which has been adopted by the Board of Harvey County Commissioners. Such codes may address, but shall not be limited

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to: sewerage disposal, water supply systems, solid waste management, and food management.

**Section 1-2.8 Health Officer**

Means the legally appointed health officer of Harvey County or a duly authorized representative.

**Section 1-2.9 Hearing Officer**

Means any individual appointed by the Board of Health to hear appeals from decisions made by the Health Officer relating to the enforcement and administration of this code.

**Section 1-2.10 Person**

Means an individual, corporation, and subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.

**Section 1-2.11 Premise**

Means any lot or tract of land and all buildings, structures, or facilities located thereon.

**Section 1-2.12 KDHE**

Means the Kansas Department of Health and Environment.

**Section 1-2.13 Sensitive Groundwater Areas**

Means a geographic area designated in table III, pages 108 through 172, of the Kansas State corporation commission's document titled "general rules and regulations for the conservation of crude oil and natural gas."

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

**Section 1-3.1 Right of Entry**

Representative of the Administrative Agency shall have the authority to enter, examine and/or survey at any reasonable time such premise, establishments and buildings as they shall deem necessary for the compliance with the Harvey County Sanitary Code and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

**Section 1-3.1.1 Mortgage Inspections**

The sale of any property meeting the definition of Section 1-1.6, in which a dwelling is included, will at a minimum have the sewer system and water wells inspected for compliance with the sanitary code, before the transaction is complete. A water sample analysis

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may also be required for any wells used for domestic supply. An Authorized Representative, as defined in Section 1-2.4 will complete the inspection.

## **Section 1-3.2 PERMITS AND LICENSES**

### **Section 1-3.2.1 Applications for Permits and Licenses**

Every person required by this sanitary code to obtain a permit or license shall make application for such permit or license to the Administrative Agency on a standard form provided by the Administrative Agency for that purpose.

### **Section 1-3.2.2 Issuance of Permit or License**

After the receipt of an application for a permit or license as required by this code, the Administrative Agency shall begin such investigations and inspections 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 its reason for rejection.

### **Section 1-3.2.3 Permit Nontransferable**

No permit or license required by this sanitary code shall be transferable, nor shall any fees required and paid therefore be refundable.

### **Section 1-3.2.4 Permit Posting**

When any work is being done, for which a construction permit is required by this sanitary code, the construction permit shall be posted on the property involved, in a conspicuous manner within 40 feet of the nearest road or street and shall remain posted until replaced with a certificate of final inspection, which shall remain in place until the property is occupied.

### **Section 1-3.2.5 Permit Revocation**

All permits are subject to revocation for reasons of noncompliance or misrepresentation.

### **Section 1-3.2.6 Standards 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 to the Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required has been paid.

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## **Section 1-3.3 NOTICE, ORDERS, AND APPEALS**

### **Section 1-3.3.1 Notice of Violation**

When the Administrative Agency determines there has been a violation of any provision of this code, notice of such violation shall be issued to the person responsible. The notice: (1) be in writing; (2) include a statement of why the notice is being issued. (3) allow a reasonable period of time for performance of any work required by the notice; and, (4) be properly served on the owner or agent. Such notice shall be deemed properly served when a copy thereof has been sent by registered mail to the last known address of the owner or agent.

### **Section 1-3.3.2 Failure to Comply**

Any person who fails to comply with or respond to the provisions of a, "Notice of Violation", may be requested to appear before the Board of Health. The request shall: (1) in writing; (2) include a statement of why the request is being issued; and, (3) be properly served upon the owner or agent. Such notice shall be deemed properly served when a copy thereof has been sent by registered mail to the last known address of the owner or agent.

### **Section 1-3.3.3 Appeal for Hearing**

Any person aggrieved by any notice or order issued by the Administrative Agency under provisions of this sanitary 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 ten working days after the date of the date of the notice or order, a written petition requesting a hearing and setting forth the grounds on 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 such 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 ten days after the date on which the petition was filed; provided, that upon request of the petitioner the Administrative Agency may postpone the date of the hearing for a reasonable time beyond such ten-day period, when in the agencies judgement the petitioner has submitted justifiable reason for such postponement.

### **Section 1-3.3.4 Report of Hearing**

Within ten working days after such a hearing, the hearing officer shall submit the findings of the hearing in writing to the

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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 officer, 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 provided for in Sec. 1-3.3.1.

#### ***Section 1-3.3.5 Emergency Orders***

When ever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, the Agency may, without notice or hearing, 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.

#### ***Section 1-3.4 RECORDS***

##### ***Section 1-3.4.1 Permit Applications***

Applications for permits or licenses required by this sanitary code shall be filed in the Administrative Agency.

##### ***Section 1-3.4.2 Official Actions***

A written record of all official actions taken on applications for permits and licenses required by this sanitary code shall be kept on file with the Administrative Agency.

##### ***Section 1-3.4.3 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 filed with the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

#### ***Section 1-3.5 GENERAL PROVISIONS***

##### ***Section 1-3.5.1 Enforcement Procedure***

The County Attorney or County Counselor shall enforce the provisions of this code and other sanitary codes adopted by the county and is thereby 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 utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.

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**Section 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 a sanitary code shall be deemed an unclassified misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200.00) for each offense. Each day's violation shall constitute a separate offense.

**Section 1-3.5.3 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:

- (1) any liability or responsibility for damages to any property, or
- (2) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by this code will function properly.

**Section 1-3.5.4 Separability**

If any clause, sentence, paragraph, section or subsection of this act shall, for any reason, be adjudged 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 in its operation to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional and invalid.

**CHAPTER 2**

**ON-SITE WASTEWATER MANAGEMENT**

**Section 2-1.0 PURPOSE AND INTENT**

Sewage is a potential source of disease and a potential hazard to health, safety and welfare of the public. 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.

**Section 2-2.0 APPLICABILITY**

The provisions of this chapter shall apply to all unincorporated areas within the legal boundaries of Harvey County, Kansas, and to all parcels of property regardless of size.

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## **Section 2-3.0 DEFINITIONS**

### **Section 2-3.1 Domestic Sewage**

Means waterborne wastes produced at family dwellings in connection with ordinary family living, exclusive of storm water, foundation drains and cooling water.

### **Section 2-3.2 Industrial and Commercial Wastes**

Means any and all liquid or waterborne wastes produced in connection with any industrial or commercial process or operation, other than domestic sewage.

### **Section 2-3.3 Nuisance**

Means conditions or activities which have or threaten to have a detrimental effect on the health of the public or its members.

### **Section 2-3.4 Private Sewage Disposal System**

Means a subsurface soil absorption system used for the collection and disposal of sewage from a single-family dwelling.

### **Section 2-3.5 Private Sewerage System**

Means any system that is not required to hold a National Pollutant Discharge Elimination System permit, (NPDES), or Kansas Water Pollution Control Permit, and includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks or any combination of the above.

### **Section 2-3.6 Sanitary Privy**

Means a facility designed for the disposal of non-water carried wastes from the human body.

### **Section 2-3.7 Sanitary Service**

Means the pumping out and/or removal of sewage sludge, or human excreta from privies, vaults, septic tanks, or private sewerage systems; and the transportation of such material to a point of final disposal.

### **Section 2-3.8 Sewage**

Means any substance that contains any of the waste products from the bodies of human beings or animals, or chemical or other wastes from domestic, industrial, or commercial wastes.

### **Section 2-3.9 Sewerage System**

Means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat and dispose of domestic, commercial, or industrial wastes.

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**Section 2-3.10 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 re-subdivision of lands or lots.

**Section 2-3.11 Vault/Holding Tank**

Means a watertight receptacle for the retention of sewage, either before, during, or after treatment.

**Section 2-3.12 Waste Stabilization Pond/Lagoon**

Means a shallow pond designed specifically to treat sewage by natural water purification processes under the influence of air and sunlight. Any pond, not meeting the design standards for a lagoon, shall not be used as a lagoon unless that pond has been sufficiently reworked. No such pond shall be put into operation, after being reworked, until it has been inspected and approved by a representative of the Administrative Agency.

**Section 2-4.0 PROHIBITED PRACTICES**

**Section 2-4.1 Use of Non-Approved Private Systems**

No person, industrial, or commercial entity shall use, or cause to be used, any private sewerage system, or privy constructed after adoption of this sanitary code until it has been inspected and determined to comply with the provisions of this code by the Administrative Agency. Effective May 10, 1996 no person, industrial, or commercial entity shall construct a new seepage pit or replace an existing seepage pit, with a new seepage pit.

**Section 2-4.1.1 Nonconforming Systems**

A private sewerage system in use before the adoption of this code may be required to comply with the provisions of this code, with due consideration to existing lot size and conditions, if it;

- a. has been enjoined a public health nuisance by a court of competent jurisdiction;
- b. discharges onto the surface of the ground or waters of the state;

or,

- c. causes vector breeding, produces offensive odors or any condition that is prejudicial to health and comfort.

**Section 2-4.1.2 Construction of Non-Approved Private Systems**

No person shall construct any private sewerage system, until a valid permit has been issued. Any individual or commercial contractor that constructs a private sewerage system, without a

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permit, will be subject to the enforcement actions of Section 1-3.5.1 and Section 1-3.5.2 of the Harvey County Sanitary Code.

**Section 2-4.2 Use of Private Systems within 400 Feet of Public Sewer**

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 is not feasible and that a private sewerage system, meeting the minimum requirements of this code, can be constructed on the property.

**Section 2-4.3 Location of Private Sewerage or Sewage Disposal Systems below Full Flood Pool**

No portion of a private sewerage system shall be located below the full flood pool elevation of any reservoir or full flood pool elevation of any pond, lake, or water supply reservoir unless written approval is obtained from the appropriate Administrative Agency.

**Section 2-4.4 Location of a Private Sewerage or Sewage Disposal System in Relation to Private Water Wells**

No portion of a private sewage system shall be located less than one hundred (100) feet from a private water well or pump suction line from a private water well, unless the facility is of watertight construction or if conditions exist that meet section 2-5.6. No sanitary sewer line regardless of construction shall be located less than 10 feet from a private water well or a suction line from a private water well.

**Section 2-4.5 Location of a Private Sewerage or Sewage Disposal System in Relation to Public Water Supply Wells**

No portion of a private sewerage system shall be located less than 100 feet from a public water supply well or pump suction line from a public water supply well. No sanitary sewer line, regardless of construction, shall be located less than 100 feet from a public water supply well or suction line.

**Section 2-5.0 REQUIREMENTS FOR PRIVATE SEWERAGE SYSTEMS.**

**Section 2-5.1 Approval of Plans**

After adoption of this code, no person shall develop any private sewerage system until the Administrative Agency has approved the plans and specifications for such system.

**Section 2-5.2 Permit**

No person shall construct, modify, or permit to be constructed or modified, any private sewerage system until a permit has been issued by the Administrative Agency.

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**Section 2-5.3 Maintenance**

All persons holding a permit for use of a private sewerage system and responsible for its operation shall operate and maintain the system in conformity with standard operation practices.

**Section 2-5.4 Suitable Site**

No new site shall be approved if: a. connection to an approved public sewerage system is feasible or the site violates the provisions of section 2-4.0 of this code; b. there is inadequate room to comply with setback requirements or met absorption area requirements; or c. the soil, topography and geology fail to meet the requirements set forth in sections 2-6.0 and 2-8.0 of this code.

**Section 2-5.5 Waiver**

The Administrative Agency shall have the authority to grant exceptions when reliable information is provided which justifies the exception and does not compromise the environment.

**Section 2-6.0 REQUIREMENTS FOR WASTE STABILIZATION PONDS.**

**Section 2-6.1 Suitable Soil**

Percolation test data shall be submitted with the plans and specifications for the waste stabilization pond. The soil percolation test is the responsibility of the person applying for the permit. The Administrative Agency reserves the right to recheck the percolation rate. If the recheck discloses a percolation rate different than that on the application on file in the Administrative Agency, the applicant shall be responsible for the cost of the recheck test. If the result of the percolation test is greater than or equal to one (1) inch per hour, the area will be considered suitable for the construction of a septic tank – lateral field system provided that no unusual circumstances are present.

**Section 2-6.2 Site**

Waste stabilization ponds shall be separated from other areas by distances equal to or greater than those shown in Table 1.

---

House it Serves.....	100'
Other residential structures.....	250'
Applicants private water supply.....	100'
Property lines, including right of ways.....	100'
Property lines, with a signed waiver.....	50'
Public water supply well.....	100'
Public water transmission lines.....	25'
Surface water bodies (lakes, streams, ponds, etc.).....	100'

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### **Section 2-6.3 Design and Construction**

The Kansas Department of Health and Environment's Bulletin 4-2, Minimum Standards For Design and Construction of Onsite Wastewater Systems, and/or The Environmental Health Handbook shall be use as a guide by the Administrative Agency in reviewing and approving plans for waste stabilization ponds (lagoons).

- a. No waste stabilization pond shall be constructed at an elevation below the normal ground water elevation; the normal ground water table elevation must be at least ten (10) feet below the bottom of the excavation. In cases where the separation distance cannot be met, the Administrative Agency will require the system, or an alternative system, to be designed by an engineer and/or be lined.  
All dike slopes are to be 3 ½ feet horizontal to 1 foot vertical.
- b. Minimum dike berm top-width is to be 3 feet.
- c. Minimum dike freeboard is to be 2 feet.
- d. The inlet pipe is to be of rigid, freeze breakage resistant material such as steel, PVC or A.B.S and to provide a capped clean-out at the nearest up-sewer point where the flowline will be above the maximum pond water level. The minimum slope of the inlet pipe is to be 1/8 inch per foot with the piping outlet opening 1 foot from the pond bottom.
- e. Surface drainage is to be diverted around the pond.
- f. The pond bottom and interior dikes up to two feet elevation are to be treated with a herbicide at the manufacturers recommended sterilization rate. All dike area not sterilized is to be seeded with a densely growing, short rooted grass, such as blue, fescue, brome, or bermuda.
- g. The pond must be adequately fenced to prevent entrance by unauthorized personnel or livestock. Placement of fence shall be on the berm top or exterior of the berm. At no time shall the fence be placed on the interior of the berm, see appendix A. At a minimum said fence must be woven or welded wire, and must be at least 48 inches high with openings no larger than 2"X 4" and fence posts shall be no more than 12 feet apart. If livestock will have access to the area around the fence then a heavier panel fence may be used, however the openings will need to meet the 2"X4" size in order to qualify. In addition, a gate with a minimum width of 4 feet must be installed to allow maintenance access. All of the pond area within the enclosure should be regularly mowed.
- h. If the lagoon is determined to be in a sensitive groundwater area, **as defined by section 1-2.13**, the following additional

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construction standards may apply, **dependent upon soil type and actual conditions at the site:** **1.** The lagoon shall have a compacted soil liner, which will be accomplished with a sheepsfoot roller that conforms to KDOT Type "B" standards. **(KDOT Type "B" standards require that the load on each tamper foot shall not be less than 200 lbs. per square inch of cross-sectional area).** The finished liner shall have a minimum compacted thickness of 12". The depth will be obtained in at least two lifts. Nine inches of loose material should compact into one six-inch lift. Each lift must be rolled until the sheepsfoot walks up out of the soil. **2.** In high clay soils, a soil dispersant shall be incorporated into the final lift prior to compaction. This can be accomplished by discing or tilling the chemical into the soil until it is thoroughly mixed. Soda ash (sodium carbonate) or salt (sodium chloride) shall be uniformly applied at a rate of 20lb per 100 sq. feet. In situations where soil does not have a high clay content, sodium bentonite may be specified as the appropriate amendment. If this is the case the application rate will be specified on the permit. **Clay soil with the proper moisture content for compaction will form a ribbon when pressed between the thumb and forefinger and will form a durable ball when compressed in the hands. If adequate moisture is not present in the soil it must be added on site during construction.**

#### ***Section 2-6.4 Proper Maintenance and Operation***

All lagoons shall be maintained in good working order and shall not discharge onto the surface of the ground or drain into any stream or roadside ditch. All dikes shall be mowed, cattail and tree growth removed and fences maintained. Any vegetation that covers the surface of the lagoon shall be removed. Whenever the Administrative Agency shall find a lagoon to be discharging or exhibiting any of the above-prohibited conditions, the Administrative Agency shall order the owner and/or user to correct the condition within thirty (30) days. Failure to correct the condition shall constitute a prohibited practice as defined by section 2-4.0 and subject to the enforcement actions of section 1-3.5.1 and section 1-3.5.2 of the Harvey County Sanitary Code.

#### ***Section 2-6.5 Closure of Abandoned Lagoons***

An abandoned lagoon shall first be de-watered, the sludge removed, then the sides will be pushed in to cover the lagoon. The area should be overfilled to allow for settling of the soil. Finally the area should be seeded.

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**Section 2-7.0 REQUIREMENTS FOR PRIVATE SEWAGE DISPOSAL SYSTEMS.  
(Subsurface disposal systems).**

**Section 2-7.1 Approval of Plans for All New, Rebuilt, or Modified Systems**

No private sewage disposal system shall be constructed, reconstructed, or modified after adoption of the sanitary code until the plans have been submitted to, and approved by the Administrative Agency.

**Section 2-7.1 Inspection and Approval of Construction**

No private sewage disposal system constructed or reconstructed after adoption of this sanitary code shall be covered or otherwise made inaccessible until the Administrative Agency has inspected and approved the construction for conformity with the approved plans.

**Section 2-7.3 Proper Maintenance and Operation**

All private sewage disposal systems shall be maintained in good working order and shall not discharge onto the ground surface or drain into any stream or roadside ditch; produce offensive odors; become a breeding place for flies, mosquitoes, or rats. Whenever the Administrative Agency shall find any private sewage disposal system malfunctioning and causing any of the above prohibited conditions, the Administrative Agency shall order the owner and/or user to correct the condition within thirty (30) days. Failure to correct the condition shall constitute a prohibited practice as defined by section 2-4.0 and subject to the enforcement actions of section 1-3.5.1 and section 1-3.5.2 of the Harvey County Sanitary Code.

**Section 2-7.4 Abandonment of a Septic System**

The septic tank shall be pumped, then the tank shall be removed or the lid collapsed and the tank filled with sand and covered with soil.

**Section 2-8.0 STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY**

No private sewerage system which is dependent upon soil absorption for the disposal of wastewater, shall be constructed on any lot of any size which has any or all of the following characteristics:

- a. The soil percolation rate is less than one (1) inch in sixty minutes. All percolation rates shall be based upon percolation tests performed in accordance with standard procedures for such tests prescribed by the state department of health, in its bulletin 4-2.

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- b. Impervious rock formations are within six (6) feet of the top of the ground.
- c. The ground water table is, at any time within ten (10) feet of the bottom of the lateral trench.
- d. The natural slope of the land is greater than ten (10) percent.

**Section 2-8.1 Separation from Soil Absorption System and Property Lines and Water Wells**

No portion of the soil absorption system shall be located less than one hundred (100) feet from the property line of the premise it serves and any water well located on that premise.

**Section 2-8.2 Design and Construction**

Kansas Department of Health and Environment's Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems, and/or The Environmental Health Handbook, shall be used as a guide by the Administrative Agency in reviewing and approving plans for septic tank soil absorption systems. **Septic tanks will be required to have risers within one foot of the ground surface to allow access for maintenance. A 2-way clean-out will be installed at the inlet and outlet sides of the septic tank.**

**Section 2-8.2.1 Minimum Lateral Length**

The minimum amount of lateral line allowed for a soil absorption system is three hundred (300) feet or six hundred (600) square feet of absorption area.

**Section 2-8.3 Absorption Field Materials**

Rigid or corrugated plastic pipe approved by the American Society for Testing and Materials (ASTM 405) is acceptable material for use as open joint or perforated distribution lines. All materials used in the system should meet the standards recommended by ASTM for use in absorption fields. Perforations are circular, 1/2 " diameter and are placed at 4 and 8 o'clock positions on the pipe circumference. In no circumstance is slotted pipe acceptable as the slot openings plug easily. The Administrative Agency under section 2-12.0 of the Harvey County Sanitary Code must approve any alternative systems. The type of rock used for a system will be as prescribed in bulletin 4-2. Road gravel is not acceptable for use in lateral fields.

**Section 2-9.0 REQUIREMENTS FOR PRIVIES.**

**Section 2-9.1 Approval of Plans**

No person shall construct or modify any privy until the plans and specifications for the proposed construction and/or modification

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have been approved by the Administrative Agency. Plans for all new privies shall conform to the provisions of the Kansas State Department of Health's bulletin 4-3, The Sanitary Privy.

**Section 2-9.2 Approval of Construction**

No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected by the Administrative Agency for compliance with the approved plans.

**Section 2-9.3 Proper Maintenance**

No person shall use, or offer for use any privy that is not maintained in a clean and sanitary condition. Privies that permit insect and rodent access to the fecal material in the pit shall be repaired within a reasonable time or condemned by the Administrative Agency for further use.

**Section 2-9.4 Vault Required in Certain Areas**

In areas where the elevation of the ground water is within six (6) feet of the top of the ground, a watertight vault shall be provided in lieu of the standard pit.

**Section 2-9.5 Location**

- a. No pit privy shall be installed less than one hundred (100) feet from an existing well.
- b. No pit privy shall be constructed or reconstructed 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 a privy is obtained from all homeowners within five hundred (500) feet of the privy.

**Section 2-9.6 Zoning Regulations**

No privy shall be constructed or approved for construction in any location where zoning regulations prohibit such facilities.

**Section 2-10.0 SANITARY SERVICES**

**Section 2-10.1 License Required**

No person shall remove, haul or transport, or dispose of any domestic septage without a valid sanitary service license from the authorized representative, designated by the Administrative Agency. A valid sanitary service license issued to a sole proprietor, a partnership or a cooperation shall be valid as to all its agents and employees. **If a valid sanitary service license is held from another county, then said license will be reciprocal in Harvey County as long as the Harvey County Health Department has a**

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**certified copy of such license on file. Licensee will need to provide a certified copy of said license.**

A homeowner may dispose of his/her own septage without obtaining a license, however they will still need to comply with the sanitary code and Title 40, Part 503 of the Code of Federal Regulations: Sewage Sludge and Disposal, when disposing of septage.

**Section 2-10.2 Application, Testing and Fees**

Every person wishing to obtain a sanitary service license shall make application for a license on forms provided for this purpose, fill out a written test and shall pay the required fee at the time the application is returned to the Health Department. **If a valid license is held from another county and it will be used to reciprocate then a certified copy of that license will need to be attached to the application and the fee will be waived. The Administrative Agency will establish an annual fee.**

**Section 2-10.3 Requirements for Disposal of Domestic Septage**

All licensees shall comply with the requirements of Title 40, Part 503 of the Code of Federal Regulations: Sewage Sludge and Disposal. In addition all licensees shall comply with the following county regulations.

The following table contains the setbacks for the land application of sludge after it has been treated in accordance with Title 40, Part 503 of the Code of Federal Regulations: Sewage Sludge and Disposal for land application.

<b>PROPERTY LINES</b>	<b>200'</b>
<b>NEIGHBORING RESIDENCES</b>	<b>1000'</b>
<b>DOMESTIC WATER WELLS*</b>	<b>200'</b>
<b>SURFACE WATER</b>	<b>500'</b>
<b>PUBLIC WATER SUPPLIES</b>	<b>0.5 MILE</b>

**\* In sensitive groundwater areas the separation distance will need to be increased to 1,000 feet.**

The effluent shall be screened as it exits the truck in order to catch the foreign material that is in the septage, from littering the land surface.

Domestic septage shall not be applied within the 100-year floodplain.

Licensee shall maintain disposal logs on every load and submit a copy of those logs to the Health Department at the time of annual renewal. The authorized representative, designated by the Administrative Agency, may at any time request to view the logs before the annual renewal date.

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**This log at a minimum shall contain:** 1. Dates of disposal, 2. Identify the generator of the domestic sludge, 3. Identify the disposal site and 4. Specify the volume disposed.

**Section 2-10.4 Minimum Standards for Sanitary Service Vehicles**

All sanitary service vehicles used for rendering of sanitary service shall be of water-tight construction, maintained in good working condition provided with hoses, couplings, valves, pumps and other necessary equipment to insure that all material removed from the systems will be transported to a point of disposal without spillage of the waste onto the road or street.

**Section 2-10.5 Inspections**

At any time the authorized representative, designated by the Administrative Agency, may request to be on site during the removal and/or disposal of septage in order to determine compliance with the sanitary code and Title 40, Part 503 of the Code of Federal Regulations: Sewage Sludge and Disposal. If the authorized representative is denied then it will be assumed that the septage hauler is not in compliance and may be subject to the enforcement actions of the sanitary code and federal regulations.

**Section 2-11.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT.**

After adoption of this code no person shall develop any subdivision until the Administrative Agency has approved plans and specifications for wastewater management for such subdivision.

**Section 2-12.0 REQUIREMENTS FOR ALTERNATIVE DOMESTIC WASTEWATER SYSTEMS.**

**Section 2-12.1 Approval of Plans**

No person shall construct or permit to be constructed any alternative wastewater system until the plans and specifications for such system have been submitted and approved by the Administrative Agency, who may require the system to be designed by a professional engineer and/or ask for review of the proposal by KDHE. Additional monitoring and reporting requirements of alternative systems may be required by the Administrative Agency or KDHE. If the alternative system requires periodic mechanical maintenance then a document shall be attached to the deed for the property to ensure that said maintenance is carried out. If the owner or operator fails to have said maintenance carried out then they will be subject to the enforcement actions of section 1-3.5.1 and section 1-3.5.2 of the Harvey County Sanitary Code.

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## CHAPTER 3

### NON-PUBLIC 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 potable non-public water supplies in Harvey County, Kansas, in order that the 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 within the legal boundaries of Harvey County, Kansas, and shall be applied to parcels of property regardless of size.

#### ***Section 3-3.0 DEFINITIONS.***

##### ***Section 3-3.1 Domestic Use***

Means the use of water by any person or family unit or household, for household purposes, or for watering of livestock, poultry, farm and domestic animals used in operating a farm, or for irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.

##### ***Section 3-3.2 Potable Water***

Means water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming to the latest Public Health Service Drinking Water Standards.

##### ***Section 3-3.3 Non-Public Water Supply***

Means all water supplies not meeting the definition of Public Water Supply.

##### ***Section 3-3.4 Public Water Supply***

Means a system that has at least ten service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

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**Section 3-4.0 REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES.**

**Section 3-4.1 Permit**

No person shall develop any private water supply subject to regulations of this code until a permit has been obtained from the Administrative Agency.

**Section 3-4.2 Approved Plans**

No permit to develop a private water supply subject to regulations of this code shall be issued until the Administrative Agency approves the plans.

**Section 3-4.3 Use Limitation:**

- a. No permit for construction or use of a private water supply shall be issued to any owner of a property that is served or can be served at a reasonable cost by a public water supply.
- b. Use of surface water (lakes, ponds, or streams) as a source of water for a private water supply shall not be permitted (1) where a satisfactory ground water source is available, (2) unless adequate treatment is provided, in no case shall surface water be used without filtration and chlorination, (3) where the pond or lake receives any drainage or discharge from septic tanks or sewage treatment plants.

**Section 3-5.0 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES.**

Distances equal to or greater than those specified in Table II shall separate all wells used as sources of water for private water supplies from the specified sources of pollution. Such distances may be altered by the Administrative Agency to provide assurance that the well will not be contaminated.

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TABLE II

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Subsurface absorption field for septic tank effluent.....	100'
Pit Privy.....	100'
Septic tank.....	100'
Barnyards, stables, manure piles, pens, etc.....	100'
Streams, lakes, ponds.....	50'
Sewer lines.....	50'
Lagoons.....	100'
House.....	25'

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### **Section 3-5.2 Construction**

The enforcement of this section of the sanitary code shall be regulated in accordance with K.A.R. 28030-1 thru 28-30-10 ET seq. As amended. Recommended standards for design, construction and location, and practices consistent with current approved technology shall be followed.

### **Section 3-5.3 Casing**

All wells shall have a durable watertight casing from at least one-foot above finished ground surface to the top of the producing zone of the aquifer. In no event shall the watertight casing extend less than twenty feet below ground level. The State Department of Health and Environment may grant exceptions. To facilitate grouting, the grouted interval of the well bore shall be drilled to a minimum diameter at least three inches greater than the maximum outside diameter of the well casing. Installing a sanitary well seal shall seal the top of the well casing.

### **Section 3-5.4 Well Vents**

Well vents shall be used and shall terminate no less than one foot above ground level and shall be screened with not less than #16-mesh, brass, bronze, copper screen or other screen materials approved by the State Department of Health and Environment and turned down in a full 180 degree return bend so as to prevent entrance of contaminating materials.

### **Section 3-5.5 Pump Mounting**

All pumps installed directly over the well casing shall be so installed that an airtight and watertight seal is made between the top of the well casing and the gear or pump head, pump foundation or pump stand. When the pump is not mounted directly over the well casing and the pump column pipe or pump suction pipe emerges from the top of the well casing, a sanitary seal shall be installed between the pump column pipe or pump suction pipe and the well casing. An airtight and watertight seal shall be provided for the cable conduit when submersible pumps are used.

### **Section 3-5.6 All Wells**

When unattended during construction, reconstruction, treatment or repair, or during use as cased test holes, observation or monitoring wells, shall have the top of the well casing securely capped in a watertight manner to prevent contaminating or polluting materials from gaining access to the ground water aquifer.

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### **Section 3-5.7 Water Wells**

Water wells shall not be constructed in pits, basements, garages or crawl spaces. Existing water wells, which are reconstructed, abandoned and plugged in basements, shall conform to these rules and regulations except that the finished grade of the basement floor shall be considered ground level.

### **Section 3-5.8 Disinfection**

During construction, reconstruction, treatment or repair and prior to initiation of use, all wells producing water for human consumption or food processing, shall be disinfected according to K.A.R. 28-30-10.

### **Section 3-7.0 ABANDONED WATER WELLS.**

A well:

- a. which has been permanently discontinued from use;
- b. from which the pumping equipment has been permanently removed ;
- c. which is in such a state of disrepair that it cannot be used to supply water, or has the potential for transmitting surface contaminants into the aquifer or both;
- d. which possesses potential health and safety hazards; or
- e. which is such a condition it cannot be placed in active status.

### **Section 3-7.1 Plugging of abandoned wells cased and uncased test holes**

- A. All water wells abandoned by the owner, which pose a threat to groundwater supplies, shall be plugged or cause to be plugged by the landowner.
- B. Any abandoned well located within the boundaries of the Equus Beds Groundwater Management District #2 shall be plugged in cooperation with that district pursuant to D.S.P.-9003.3. The landowner shall perform the following requirements for plugging abandoned wells.
  1. The casing shall be cut off three (3) feet below ground surface and removed.
  2. All wells shall be plugged from bottom to top using volumes of materials equaling at least the inside volume of the well.
  3. Plugging top of the well:
    - (a) For cased wells a grout plug shall be placed from six feet to three feet below ground surface.
    - (b) For dug wells the lining shall be removed to at least five feet below ground surface and then sealed at five feet with a minimum of six inches of concrete or other materials approved by the Administrative Agency. Compacted surface silts and clays shall be placed over the concrete seal to ground surface.

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4. Any groundwater displaced upward inside the well casing during the well plugging operation shall be removed before additional plugging materials are added.
  5. From three (3) feet below ground level to ground level the plugged well shall be covered with compacted surface silts or clays.
  6. Compacted clays or grout shall be used to plug all wells from the static water level to six (6) feet below ground surface.
  7. All sand and gravel used in plugging abandoned domestic or public water supply wells shall be chlorinated prior to placement into a well.
- C. Abandoned wells, formerly producing ground water from an unconfined aquifer, shall be plugged in accordance with the foregoing and in addition shall have washed sand with gravel or other material approved by KDHE placed from the bottom of the well to the static water level.
- D. Abandoned wells, formerly producing water from confined and unconfined aquifers or in confined aquifers only, shall be plugged according to K.A.R. 28-30-7 (a) and by using one of the additional procedures.
1. The entire well column shall be filled with grout, or other material approved by KDHE and by the use of a grout tremie pipe.
  2. A ten (10) foot grout plug shall be placed opposite the impervious formation or (confining layer) above each confined aquifer or aquifers by use of a grout tremie pipe; and
    - (a) The space between plugs shall be filled with clays, sand and gravel or grout and shall be placed inside the well so as to prevent bridging.
    - (b) A grout plug at least twenty (20) feet in length shall be placed with grout pipe so at least ten (10) feet of the plug extends upwards inside the casing.
    - (c) A grout plug at least ten (10) feet in length shall be placed from at least thirteen (13) feet below ground level to the top of the cut off casing.
  3. Wells that have an open bore hole below the well casing, and where the casing was not grout into the well bore when the well was constructed, shall be plugged by (1) or (2) above except that the top twenty (20) feet of the well casing shall be removed or perforated with a well casing ripper or similar device before plugging. If the well is plugged according to part (2) of this subsection, the screened or perforated intervals below the well casing shall be grouted the entire length using a grout tremie pipe.

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- E. Plugging of abandoned holes. If the hole penetrates an aquifer containing water with more than 1,000 milligrams per liter, (mg/l), total dissolved solids or is in an area determined by KDHE to be contaminated, the entire hole shall be plugged with an approved grouting material from the bottom of the hole to within three (3) feet of the ground surface using a grout tremie pipe or similar method. From three (3) feet below ground surface to ground surface the plugged hole shall be covered with compacted surface silts or clays; otherwise, the hole shall be plugged in accordance with the following paragraphs.
1. Plugging of abandoned cased test holes. The casing shall be removed if possible and the abandoned test hole shall be plugged with an approved grouting material from the bottom of the hole to within three (3) feet of the ground surface, using a grout tremie pipe or similar method. From three (3) feet below ground surface to ground surface the hole shall be covered with compacted surface silts or clays. If the casing cannot be removed, in addition to plugging the hole with an approved grouting material, the annular space shall also be grouted as described in K.A.R. 28-30-6 or as approved by KDHE.
  2. Abandoned uncased test holes, exploratory holes or any boreholes except seismic or oilfield related exploratory and service holes regulated by the Kansas Corporation Commission under K.A.R. 82-3-115 thru 82-3-117. A test hole or bore hole drilled, bored, cored or augured shall be considered an abandoned hole immediately after the completion of all testing, sampling or other operations for which the hole was originally intended. The agency or contractor in charge of the exploratory or other operations for which the hole was originally intended is responsible for plugging the abandoned hole using the following applicable method, within three (3) calendar days after the termination of testing or other operations.
    - (a) The entire hole shall be plugged with an approved grouting material from the bottom of the hole to within three (3) feet of the ground surface , using a grout tremie pipe or similar method.
    - (b) From three (3) feet below ground surface to ground surface the plugged hole shall be covered with compacted surface silts or clays.
    - (c) For bore holes of twenty five (25) feet or less, drill cuttings from the original hole may be used to plug the hole in lieu of grouting material, provided that an aquifer is not penetrated or the bore hole is not drilled in an area determined by KDHE to be a contaminated area.

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- (d) Plugging of heat pump holes drilled for closed loop heat pump systems. The entire hole shall be plugged with an approved grouting material from the bottom of the hole, to the bottom of the horizontal trench, using a grout tremie pipe or similar method approved by KDHE.
  - (e) Abandoned oil field water supply wells. A water well drilled at an oil or gas drilling site to supply water for drilling activities shall be considered an abandoned well immediately after the termination of the oil or gas drilling operations. The person or persons, corporation or partnership in charge of the drilling of the oil or gas well shall be responsible for plugging the abandoned water well, in accordance with K.A.R. 28-30-7(a), (b) and (c), within thirty (30) calendar days after the termination of the oil or gas drilling operations.
- F. Responsibility of the water well may be conveyed back to the landowner in lieu of abandoning and plugging the well, but the well must conform to the requirements for active or inactive status. The transfer must be made through a legal document, approved by KDHE, advising the landowner of the landowners responsibilities and obligations to properly maintain the well, including the proper plugging of the well when it is abandoned and no longer needed for water production activities. If a transfer is to be made, the oil or gas drilling company shall provide KDHE with a copy of the transfer document within thirty (30) calendar days after termination of oil or gas drilling operations. Within thirty (30) days of the effective date of the transfer of the well the landowner shall notify KDHE of the intended use and whether the well is in active status or inactive status in accordance with K.A.R. 28-30-7(f).
- G. Inactive status. Landowners may obtain KDHE's written approval to maintain wells in inactive status rather than being plugged if the landowner can present evidence to KDHE as to the landowners intent to use the well in the future. As evidence of intentions, the owner shall be responsible for properly maintaining the well in such a way that;
1. The well and annular space between the hole and the casing shall have no defects that will permit the entrance of surface water or vertical movement of subsurface water into the well;
  2. The well is clearly marked and is not a safety hazard.
  3. The top of the well is securely capped in a watertight manner and is adequately maintained in such a manner as to permit easy entry by other than the landowner;

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4. The area surrounding the well shall be protected from potential sources of contamination within a one hundred (100) foot radius;
5. If the pump, motor or both, has or have been removed for repair, replacement, etc., the well shall be maintained to prevent injury to people and to prevent the entrance of any contaminant or other foreign material;
6. The well shall not be used for disposal or injection of trash, garbage, sewage, domestic wastewater or storm runoff; and
7. The well shall be easily accessible to routine maintenance and periodic inspection. The landowner shall notify KDHE of any change in the status of the well. All inactive wells found not to be in accordance with the criteria listed in lines one through even above shall be considered abandoned and shall be plugged by the landowner in accordance with K.A.R. 28-30-7(a) through (c).

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