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

Signature
Chairman, Board of County Commissioners

9/29/2003

Date

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BUREAU OF WATER

ENVIRONMENTAL/SANITARY CODE

OF

JEFFERSON COUNTY, KANSAS

ADOPTED: 9-29-2003

By the Jefferson County Board of County Commissioners

Administered by the:

Jefferson County Health Department
1212 Walnut – U.S. Hwy. 59
Oskaloosa, KS 66066
785-863-2447

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Kansas Department of
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Draft #7 (07/18/2003)

ENVIRONMENTAL/SANITARY CODE
OF
JEFFERSON COUNTY, KANSAS

CHAPTER I: ADMINISTRATIVE PROCEDURES

SECTION 1-1.0 AUTHORITY AND POLICY:

1-1.1 TITLE: This Code shall be known and referred to as the Jefferson County Environmental/Sanitary Code.

1-1.2 LEGAL AUTHORITY: This Code is adopted under the authority granted to the Board of County Commissioners by K.S.A 19-3701 et. seq. as amended or K.S.A. 12-3301 et seq., as amended. Nothing herein is intended to pre-empt nor constitutes a pre-emption of similar authority conferred upon the Kansas Department of Health and Environment (KDHE), separately enforcing the Water Well Construction Act. (K.S.A. 82a-1201 et seq.)

1-1.3 FINDINGS AND DECLARATION OF POLICY: The County Commissioners find that provisions for adequate and reasonable control over the environmental conditions in unincorporated areas of the county are necessary and desirable; and that it is necessary to adopt an Environmental/Sanitary Code to:

a. Eliminate and prevent the development of environmental conditions that are hazardous to health and safety; and
b. Promote the economical and planned development of the land, while protecting the water and other natural resources of the county.

For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt and amend this Code to provide current regulation of practices that affect the environment, health, and safety.

1-1.4 PURPOSE: The purpose and intent of this code is:

a. To promote the health, safety, comfort and well being of the public; and
b. To prescribe the procedures to be followed in administering this Code or any amendments thereto; and
c. To prescribe rules, regulations, standards and enforcement procedures to prevent, minimize, control, or eliminate potential or actual sources or causes of environmental, health, and safety hazards.

1-1.5 EFFECTIVE DATE: This code or amendments shall take effect and be in force from and after its adoption by county resolution and publication of the resolution once in the official county newspaper.

1-1.6 APPLICABILITY: The provisions of this code shall apply to, unincorporated lands of Jefferson County including those associated with but not located on lands used strictly for agricultural purposes as defined in this code.

SECTION 1-2.0 DEFINITIONS:

1-2.1 ABANDONED WATER WELL: A well determined by the Kansas Department of Health and Environment (KDHE) to be 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 it has the potential for transmitting surface contaminants into the aquifer or both;
d. Which possesses potential health and safety hazards;
e. Which is in such a condition it cannot be placed in active or inactive status.
f. Which has not received written permission from KDHE to be placed on inactive status.

1-2.2 ABSORPTION BED: A pit or hole in which gravel is placed with a depth not greater than 4 feet and with a separation of at least 4 feet above a water table.

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1-2.3 **ABSORPTION FIELD (LATERALS):** A configuration of onsite trenches installed to absorb domestic wastewater (sewage or effluent) from a septic tank or other wastewater solids removal devices.

1-2.4 **ABSORPTION TRENCH:** A trench in which lateral rock, polyvinyl chloride (PVC) perforated drainpipe or such product as approved by the Environmental Health Handbook (EHH) or Bulletin 4-2 is laid to convey and distribute septic tank effluent.

1-2.5 **ACCESS:** Entry into or upon any real estate, structure, or vehicle including any part thereof.

1-2.6 **ACTIVE WELL:** A water well, which is an operating well used to withdraw water, monitor or observe groundwater conditions.

1-2.7 **ADMINISTRATIVE AGENCY:** The agency or official designated agency by the County Commissioners and its authorized representatives to administer the provisions of the Code. The Administrative Agency of Jefferson County shall be the Jefferson County Health Department or that agency's designee.

1-2.8 **ADMINISTRATIVE RULES:** Those rules and regulations contained in Chapter 1 of this code which prescribe general procedures to be followed in the administration of the code adopted by the county.

1-2.9 **AGRICULTURAL PURPOSE:** A land use related to the production of horticultural crops, field crops or livestock, but does not include any structure used as a dwelling or the onsite wastewater system servicing such dwelling.

1-2.10 **ALTER:** To make different, modify or change.

1-2.11 **ALTERNATIVE ONSITE SEWAGE/WASTEWATER SYSTEM:** Any onsite wastewater system which has proven reliability and performance in field use, but which differs in design or operation from approved conventional septic tank and absorption-field systems per definition or construction requirements set forth in the Environmental Health Handbook or Bulletin 4-2.

1-2.12 **APPLICANT:** Any person who submits the required information and requests permission to do acts as regulated by the most recent edition of Bulletin 4-2—Minimum Standards for Design and Construction of Onsite Wastewater Systems, published by KDHE, or standards adopted by the Administering Agency.

1-2.13 **APPLICATION:** The form provided by the Administering Agency, including the filing fee and any other supporting documents required by the Agency.

1-2.14 **APPROVAL AND APPROVED:** Accepted or acceptable by the Administering Agency in accordance with applicable specifications stated herein or with additional supporting criteria/documentation.

1-2.15 **AQUIFER:** An underground formation that contains and is capable of transmitting groundwater.

1-2.16 **AS-BUILT DRAWING:** A drawing that diagrams the onsite wastewater system that was altered or installed by a county licensed installer/contractor. This includes distance from house to the wastewater system, type of system, dimensions, and any other supporting documentation of the system and its location.

1-2.17 **AUTHORIZED REPRESENTATIVE:** Any person/s who is designated by the Administrative Agency to administer and enforce this code.

1-2.18 **AVAILABLE SEWER:** Any public sewer within 400 feet of a building.

1-2.19 **BACKFLOW:** The undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sour

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1-2.20 **BOARD OF COUNTY COMMISSIONERS:** The Board of County Commissioners of Jefferson County, Kansas.

1-2.21 **BOARD OF HEALTH:** The applicable County Board of Health (K.S.A. 65-201)

1-2.22 **BUILDABLE SPACE:** The entire area of the lot, tract, or parcel on which an individual septic tank or other onsite wastewater system is to be located, exclusive of all established public road rights-or-way, public or dedicated easements and required set backs by state statute/regulations or public zoning regulations.

1-2.23 **BUILDING SEWER:** That part of the piping of a drainage system beyond the building, which receives and conveys domestic wastewater to a public sewer, onsite wastewater system or other disposal.

1-2.24 **BULLETIN 4-2:** The Minimum Standards for Design and Construction of Onsite Wastewater Systems published March 1997 by the State of Kansas Department of Health and Environment in cooperation with K-State Research and Extension.

1-2.25 **CESSPOOL:** A drywell that receives untreated sanitary wastes containing human excreta.

1-2.26 **CHAMBER:** A structure replacement for a conventional onsite wastewater trench system of rock and PVC pipe.

1-2.27 **CISTERN:** A buried plastic tank or hole/pit, that usually is lined with rock or brick that is, or has been used for holding a dwelling's private drinking and household water supply.

1-2.28 **COMPLAINT:** An environmental, health, or safety concern reported to the Administrative Agency.

1-2.29 **CONFINED AQUIFER:** An aquifer overlain and underlain by impermeable layers. Groundwater in a confined aquifer is under pressure greater than atmospheric pressure and will rise in a well above the point at which it is first encountered.

1-2.30 **CONSTRUCTION OF WATER WELLS:** All acts necessary to obtain groundwater by any method for any use including, without limitation, the location of and excavation for the well.

1-2.31 **CONSULTATION:** When an Authorized Representative of the Administrative Agency meets with a consumer to discuss onsite wastewater treatment systems, private water well standards and other environmental concerns.

1-2.32 **COUNTY SOIL SURVEY:** The *County Soil Survey* is a federal and state mapping system developed by soil scientists to estimate soil properties, soil features, soil locations, and appropriate soil uses for each county tract of land.

1-2.33 **CROSS-CONNECTION:** Any unprotected actual or potential connection or structural arrangement between a public or a private potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied.

1-2.34 **DEPARTMENT OF HEALTH AND ENVIRONMENT:** The Kansas Department of Health and Environment.

1-2.35 **DISTANCES:** means horizontal distances unless otherwise designated. Measurements referred to as "not less than", "minimum", "at least" and other similar designations shall mean horizontal distances unless specifically indicated otherwise.

1-2.36 **DISTRIBUTION BOX:** A watertight structure, which receives effluent from a septic tank or other onsite wastewater system device and equally distributes it to two or more pipelines of a soil absorption system.

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1-2.37 **DOMESTIC ONSITE WASTEWATER HAULER:** Any individual, firm, partnership, association or corporation who is licensed by the Administrative Agency to perform sanitary service per administrative procedures.

1-2.38 **DOMESTIC ONSITE WASTEWATER SYSTEM (PRIVATE):** A system that treats and disposes of domestic wastewater onsite. This includes wastewater disposal systems, which function by soil absorption, evaporation, transpiration, holding tanks or any combination of the above. Onsite wastewater systems do not require a Kansas Department of Health and Environment (KDHE) Water Pollution Control Permit but may require a Conditional Use Permit issued by the County.

1-2.39 **DOMESTIC ONSITE WASTEWATER SYSTEM DESIGN:** Basic elements of proper onsite wastewater system design include wastewater flow; soil and site evaluation; septic tank/lateral field standards, for design, construction and installation; alternative system standards, for design, construction and installation; fencing; and system maintenance.

1-2.40 **DOMESTIC ONSITE WASTEWATER SYSTEM INSTALLER (CONTRACTOR):** An individual or company who is licensed by the Administrative Agency to perform installation of domestic onsite wastewater systems.

1-2.41 **DOMESTIC USE:** 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.

1-2.42 **DOMESTIC WASTEWATER (SEWAGE):** All water borne wastes produced in residential dwellings in connection with ordinary family living, including kitchen, toilet, laundry, shower, and bathtub wastewater. It also includes similar type wastewater produced at offices, churches, industrial and commercial facilities or establishments, exclusive of storm water, foundation drains and cooling water.

1-2.43 **DRY WELL**: A well completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

1-2.44 **DWELLING UNIT:** Any building or structure occupied by a human being on either a full time or part time basis.

1-2.45 **EFFLUENT:** The liquid waste (raw, partially or completely treated) discharged from an onsite wastewater system.

1-2.46 **ENGINEER:** A licensed professional civil engineer and registered with the State of Kansas.

1-2.47 **ENHANCED TREATMENT**: Any system that includes enhanced treatment of wastewater resulting in effluent quality going into the soil absorption field that is of higher quality than from a conventional septic tank. Includes all media filters, aerated septic tanks and mounds followed by soil absorption, including drip irrigation.

1-2.48 **ENVIRONMENTAL/SANITARY CODE:** Regulations adopted by the county designed to minimize or control those environments and environmental conditions that may adversely affect the health and well being of the public. Such environments and environmental conditions may include, but are not restricted to: wastewater and wastewater disposal; water supply; nuisance; food and food handling. Whenever the term "Code" is used herein, such reference shall be to the Environmental/Sanitary Code.

1-2.49 **ENVIRONMENTAL HEALTH HANDBOOK (EHH):** The guideline of standards and procedures referred to in Bulletin 4-2 and agreed upon by State of Kansas water specialists that meet state statutes and regulations.

1-2.50 **ENVIRONMENTAL HEALTH SPECIALIST (EHS):** An Authorized Representative of the Administrative Agency who educates the public, performs inspections, and assists in enforcing the Code. May also be called sanitarians.

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1-2.51 **ESTABLISHMENT:** Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.

1-2.52 **EXPERIMENTAL OR INNOVATIVE DOMESTIC ONSITE WASTEWATER SYSTEMS:** Any onsite wastewater system installed for testing and observation as approved by the Administrative Agency.

1-2.53 **FENCE:** A structure that surrounds an onsite wastewater lagoon or lagoons that meets Environmental Health Handbook specifications.

1-2.54 **FLOOD PLAIN:** Land which is subject to inundation as a result of flooding having a one percent (1%) chance of occurrence every one hundred (100) years.

1-2.55 **GRADE:** The ratio of vertical drop of pipe invert, trench bottom, or ground surface to the horizontal traversed distance.

1-2.56 **GREASE TRAP:** A device in which the grease content of domestic wastewater is intercepted, congealed and from which the grease may be removed for proper disposal.

1-2.57 **GRINDER:** Mechanical equipment that grinds wastewater before pumping through an approved domestic onsite wastewater system or public sewer system.

1-2.58 **GRIT TRAP:** A device in which the grit content of domestic wastewater such as sand is intercepted and removed for proper disposal.

1-2.59 **GROUNDWATER:** That part of the subsurface water, that is in the zone of saturation, which supplies wells and springs. Geological formation including a perched or permanent water table.

1-2.60 **GROUNDWATER TABLE:** The upper surface of ground water in the zone of saturation of a geologic formation.

1-2.61 **HEALTH DEPARTMENT:** Any county, city-county, or multi-county health department created or organized by the county commissioners in this state for the purpose of protecting the public health and welfare of the citizens of the county and enforcing public health laws in the (K.S.A. 19-3701).

1-2.62 **HEALTH OFFICER:** The legally appointed health official of the County, appointed in accordance with K.S.A. 65-201 as amended, or her/his duly authorized representative.

1-2.63 **HEARING OFFICER/COMMITTEE:** Any person/s designated by the County Commissioners to hear appeals from decisions of the Administrative Agency relating to the enforcement and administration of this Code.

1-2.64 **HOLDING TANK:** A water tight underground receptacle for the retention of domestic wastewater either before, during or after treatment and which must be pumped according to Administrative Agency and/or Improvement District standards and specifications.

1-2.65 **IMPROVEMENT DISTRICT:** As set forth by KSA 19-2753 thru 19-2781.

1-2.66 **INACTIVE WELL:** A water well, which is not presently operating but is maintained in such a way it can be put back in operation with a minimum of effort.

1-2.67 **INDUSTRIAL AND COMMERCIAL WASTEWATER (SEWAGE):** Any other liquid or water-borne wastes produced in connection with any industrial or commercial process or operation, other than domestic wastewater.

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1-2.68 **LAGOON:** Domestic wastewater stabilization pond designed according to Administrative Agency standards and specifications to exclude surface water and receive raw sewage.

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1-2.69 **LATERAL ROCK:** Washed gravel or washed crushed stone ranging in size from three-quarter inch (3/4 in.) to one and one-half inch (1 ½ in.).

1-2.70 **LICENSE:** Written authorization by the Administrative Agency to install a wastewater system or provide a sanitary service; or engage in the business of water well contracting as authorized by KDHE.

1-2.71 **LOADING RATE:** The amount of water that one foot square of soil will absorb in a 24-hour period. That amount is expressed as gallons per day (gpd).

1-2.72 **LOT:** The smallest basic portion of a subdivision or other tract of land, normally intended to be developed and transferred individually.

1-2.73 **MINIMUM ONSITE WASTEWATER STANDARDS:** State of Kansas Department of Health and Environment Bulletin 4-2, March 1997 as amended, *Minimum Standards For Design and Construction of Onsite Wastewater Systems*, or most current KDHE publication used for minimum guidelines for techniques and materials in onsite wastewater systems in absence of requirements in this Code. (K.A.R. 28-5-6 to 9)

1-2.74 **NON-POINT SOURCE:** Any source of pollution that does not require a National Pollutant Discharge System permit.

1-2.75 **NUISANCE:** Condition or activities, which have or threaten to have a detrimental effect on the environment, or health of the public.

1-2.76 **PERCOLATION TEST:** A test of a soils ability to absorb domestic wastewater and the rate of absorption without interference from ground water or impervious strata below the level of the proposed absorption area.

1-2.77 **PERMIT:** A written order from the Administrative Agency granting final approval of an act regulated by this code.

1-2.78 **PERSON:** An individual, corporation, partnership, association, state or political subdivision thereof, federal agency, state agency, municipality, commission or interstate body or other legal entity recognized by law as the subject of rights and duties.

1-2.79 **POINT SOURCE:** Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged.

1-2.80 **POLLUTION:** Any induced alteration of the physical, chemical, biological and radiological integrity of water, air, soil (both surface and subsurface), or contamination of food or foodstuffs.

1-2.81 **POTABLE WATER:** Water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans, and conforming with, the latest KDHE regulations.

1-2.82 **PREMISES:** Any one or more lots or tracts of land, including all buildings, structures, or facilities located thereon.

1-2.83 **PRE-SITE DRAWING:** A drawing, that illustrates where a dwelling and onsite wastewater system, with applicable dimensions will be located on a specified tract of land or lot. Other specifics to the drawing shall include any water wells, water lines, gas lines, ponds, and any other data as deemed necessary by the Administrative Agency.

1-2.84 **PRIVATE WATER SUPPLY:** A water supply used for domestic purposes, which serves not more than one (1) dwelling on a piped system and not ordinarily available to the public.

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1-2.85 **PRIVY:** A facility designed and/or used for the disposal of human excreta. Such privy shall not be served by any water supply.

1-2.86 **PUBLIC HEALTH:** The science and art of promoting the health and well being of the public, and of preventing premature death and unnecessary disease and disability.

1-2.87 **PUBLIC WATER SUPPLY:** A water supply used for domestic purposes by ten (10) or more users or serves an average of twenty-five (25) individuals daily, at least sixty (60) days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.

1-2.88 **PUBLIC OR COMMUNITY SEWER SYSTEM:** Any domestic wastewater collection, treatment and disposal system, including central sewers, treatment plants, pumping stations, force mains and all other elements owned, operated or managed by a public entity (including agents thereof) and serving more than one residential premises.

1-2.89 **RECONSTRUCTED WATER WELL:** An existing well that has been deepened or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater or as specified in KAR 28-30-1(r).

1-2.90 **REGULATORY FLOOD:** Means the flood having a one percent chance of being equaled or exceeded in any given year.

1-2.91 **REGULATORY FLOODWAY:** An area designated by the Federal Insurance Administration which shall include the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the regulatory flood without cumulatively increasing the water surface elevation of more than one (1) foot on the adjacent land.

1-2.92 **REPAIR:** To make private wells and/or onsite wastewater systems good, strong or whole after damage, or to maintain in a state of good condition.

1-2.93 **SANITARY SERVICE:** The pumping out and/or removal of sewage, sludge, or human excreta from privies, septic system, or alternative wastewater system, and the transportation of such material to a point of final disposal.

1-2.94 **SCHEDULE OF COMPLIANCE:** A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any regulations or limitations.

1-2.95 **SEEPAGE PIT/CESS POOL:** A subsurface excavation approximately 4 ft in depth, 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.

1-2.96 **SEMI-PUBLIC WATER SUPPLY:** A water supply used for domestic purposes serving two (2) to nine (9) residential units (rental or under separate ownership) on a piped system.

1-2.97 **SEPTIC TANK:** An approved water-tight structure installed underground to receive domestic wastewater from a building sewer, effecting separation in an anaerobic environment for organic decomposition of sewage solids, provide storage for the accumulated sludge and scum, and discharging effluent to an absorption field. The septic tank must meet at minimum the current specifications as set out in Bulletin 4-2, or environmental handbook, as published by KDHE.

1-2.98 **SETBACK:** Required horizontal distances from onsite wastewater systems to property lines, structures and water supplies.

1-2.99 **SEWAGE:** A combination of liquid wastes which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, which is discharged from a dwelling, or other establishment. Any substance that contains any of the waste products.

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excrement, or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry as defined in KSA 65-164(b) as amended.

1-2.100 SEWER DISTRICT: Any county or township board-operated public domestic wastewater system duly formed, authorized and empowered to plan, construct and operate a public sewer system in accordance with K.S.A. 19-27a01 as amended or KSA 80-2001 as amended.

1-2.101 SOIL PROFILE EVALUATION: Determining soil texture and structure, measuring depth and looking for evidence of restrictive conditions. A soil profile usually involves several layers (horizons), each of which is evaluated separately.

1-2.102 SOIL ABSORPTION AREA: The land area utilized near a dwelling for placement of an onsite wastewater system that has been evaluated for its ability to absorb domestic wastewater based dividing the wastewater flow in gallons per day (gpd) by the loading rate (gpd per square foot (ft2)).

1-2.103 STATIC WATER LEVEL: The highest point below or above ground level, which the groundwater in the well reaches naturally as defined by KAR 28-30-2(n).

1-2.104 SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offering same for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. A subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument.

1-2.105 TEST HOLE: Any excavation constructed for the purposes of determining the geologic and hydrologic and water quality characteristics of underground formations.

1-2.106 TOILET: A sanitary fixture meeting Administrative Agency and plumbing code requirements for receipt and conveyance of human body wastes.

1-2.107 TOTAL MAXIMUM DAILY LOAD (TMDL): Is the amount of pollutant a lake or stream can contain and still maintain compliance with state water quality standards.

1-2.108 TRACT: A single unit of real property under one ownership, outside the corporate limits of a city, platted and/or unplatted, title to which is publicly or privately held by a owner.

1-2.109 UNCONFINED AQUIFER: An aquifer containing groundwater at atmospheric pressure. The upper surface of the groundwater in an unconfined aquifer is the water table.

1-2.110 VARIANCE: Permission granted by the Administrative Agency to construct a wastewater system different from the usual rule or standard. The Administrative Agency has the right to reverse an original variance if it is deemed that the variance would pose an adverse affect to the public's health, or creates an adverse affect on the environment.

1-2.111 WATER DISTRICT: Any special district authorized and empowered by state statutes to plan construct and/or operate a public water supply system.

1-2.112 WATERSHED: A geographic area in which water, sediments, and dissolved materials drain to a common outlet, a point on a stream, a lake, an underlying aquifer, an estuary, or an ocean.

1-2.113 WATER WELL: An excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed, when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of groundwater.

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1-2.114 WATER WELL CONTRACTOR: Any individual, firm, partnership, association or corporation who shall construct, reconstruct or treat, a water well per state statutes or regulation. The term shall not include:

a. An individual constructing, reconstructing or treating a water well located on land owned by the individual, when the well is used by the individual for farming, ranching, or agricultural purposes or for domestic purposes at the individual's place of abode.
b. An individual who performs labor or services for a licensed water well contractor at the contractor's direction and under the contractor's supervision.

1-2.115 WATERLESS TOILET: A watertight, portable toilet where the holding tank is removed and emptied from the premises and the refuse disposed of at an approved site. Used at public and private events.

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES:

1-3.1 ADMINISTRATIVE AGENCY-The Jefferson County Health Department.

1-3.2 ADMINISTERING AUTHORITY: Under the authority of any particular chapter of this Code, the Administrative Agency may implement such administrative procedures, consistent with this Code, as deemed necessary for the effective administration of any regulations or which may be required or imposed under application of the law of the State of Kansas or the United States.

1-3.3 ACCESS AND 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 Code and which may present a hazard to public health or the environment of the citizens of the 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.

1-3.4 OBSTRUCTION OF ADMINISTRATIVE AGENCY: No person shall willfully and knowingly impede or obstruct representatives of the administrative agency in the discharge of official duties under the provisions of this Code. Any representative denied access to any premises for the purposes authorized in this Code shall have authority to seek such injunctive or other legal or equitable relief from the District Court as is necessary to insure access and compliance with this Code.

1-3.5 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. (K.S.A. 65-17(n), KSA 65-159).

1-3.6 PERMITS: All persons required by this Code to obtain a permit shall make application for such permit to the Administrative Agency or designee on standard forms provided for the purpose.

a. It is the responsibility of the applicant to review the Administrative Agency permit application procedures, as stated on the forms authorized for that purpose.
b. No person shall conduct, carry-on or perform any business or activity identified in this section without first having obtained a valid permit application in conformance with the requirements of this Code.
c. Inspection requirements for existing domestic onsite wastewater treatment systems: Prior to selling, leasing, or renting any property, all septic systems, lagoons or any alternative systems must be inspected and approved by the Agency. If any system is found to be inadequate, failing or in need of repairs, it must be corrected prior to selling, leasing or renting any property, or appropriate arrangements must be made with the Agency. When this process is completed and approved the Agency will issue a final operational certificate.

1-3.7 ISSUANCE OF PERMIT: After the receipt of an permit application required by this Code, the Administrative Agency/or designee shall begin such investigations and inspections as necessary to determine whether the permit application should be approved or denied, and shall approve or deny the permit application within thirty (30)

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days. If the permit application is denied, the Administrative Agency shall send the applicant a written notice with the reasons for rejection stated thereon.

1-3.8 **PERMIT APPLICATION EXPIRATION/NONTRANSFERABLE/REVOCATION:** Each permit application issued under the authority of this Code shall clearly state the date of issuance, the term of the application, and the expiration date.

a. The term of each permit application issued under this Code shall be for a period not to exceed one (1) year, unless otherwise specified.
b. No permit application shall be transferable, nor shall any fees be required and paid therefore be refunded.
c. Permit applications are subject to revocation for reasons of noncompliance or misrepresentation.

1-3.9 **LICENSES:** All persons required by this Code to obtain a license shall make application for such license to the Administrative Agency on standard forms provided for the purpose.

a. It is the responsibility of the applicant to review the Administrative Agency license procedures, as stated on the forms authorized for that purpose.
b. No person shall conduct, carry-on or perform any business or activity identified in this section without first having obtained a valid license in conformance with the requirements of this Code.
c. It shall be the duty of the licensed person performing the work authorized by a permit application to notify the Administering Agency when work is ready for any required inspection. Such notification shall be given not less than eight (8) hours during normal office hours before the work is to be inspected.
d. The Administering Agency shall have reasonable access to the business records of any person licensed to perform any activity under this Code where the records, daily logs, or other documents are reasonably necessary to determine compliance with the requirements of this Code.
e. No person shall conduct, carry-on or perform any business or activity identified in these codes without confirming the property owner has a valid permit from the Administrative Agency for the activity requested of the licensed person.

1-3.10 **ISSUANCE OF LICENSE:** After the receipt of an application for a license required by this Code, the Administrative Agency/or designee shall begin such investigations and inspections as necessary to determine whether the license should be approved or denied, and shall approve or deny the license within thirty (30) days. License applications received from persons with revoked Administrative Agency licenses within the state of Kansas, confirmed history of serious or numerous sanitary code violation(s) within the state of Kansas may be denied licensure by the Administrative Agency. If the license is denied, the Administrative Agency shall send the applicant a written notice with the reasons for rejection stated thereon.

1-3.11 **LICENSE EXPIRATION/NONTRANSFERABLE:** Each license issued under the authority of this Code shall clearly state the date of issuance, the term of the license, and the expiration date. The term of each license issued under this Code shall be for a period not to exceed one (1) year, unless otherwise specified. No license shall be transferable, nor shall any fees required and paid, therefore be refunded. Licenses are subject to revocation for reasons of noncompliance or misrepresentation.

1-3.12 **RENEWAL:** Any license issued under the authority of this Code may be renewed for one or more additional terms upon application for renewal filed with the Administrative Agency on a form authorized for that purpose. No license, which as been expired for more than thirty (30) days or which is subject to revocation, for any reason, may be renewed, and such licenses may be reissued only upon the filing of a complete application for a new license.

1-3.13 **REVOCATION OF LICENSE**: The Administering Agency may revoke a license for serious or repeated violations of any of the requirements of this Code or for interference with the Administering Agency in the performance of its duties. Prior to revocation, the Administering Agency shall notify, in writing, the holder of the license of the specific reason(s) for which the license is to be revoked by the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the license within the 10-day period. If no request for hearing is filed within the 10-day period, the revocation becomes final. Whenever a revocation of a license has become final, the holder of the revoked license may make written application for a new license and pay the fee required.

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1-3.14 ERRORS AND OMISSIONS: The issuance of a permit application or license shall not prevent the Administering Agency from thereafter requiring the corrections of errors in plans and specifications or from preventing construction activity being carried on there under when such activity would be in violation of this Code or of any other Code or resolution or from revoking any permit application or license when issued in error. The Administrative Agency may, in writing, suspend or revoke a permit application issued under provisions of this Code whenever the permit application is issued in error or on the basis of incorrect information provided by the applicant.

1-3.15 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.

1-3.16 STANDARD FEES: For the purpose of defraying all or part of the costs of administration of this Code, the Administrative Agency shall establish a schedule of fees payable upon submission of the application or service request of such. Failure to pay any fee imposed by this Code may be cause for suspension or revocation of any permit application or license.

1-3.17 DOUBLE FEE FOR UNAUTHORIZED PRACTICES:
Any person who shall commence any activity for which a license/permit is required by this Code without first having obtained the license/permit shall, if subsequently permitted to obtain a license/permit, pay double the license/permit fee fixed by this section for such activity, provided, however that this provision shall not apply to emergency work when such work was urgently necessary to protect public health and safety and it was not practical to obtain a license/permit before commencement of such emergency work. In all such cases, a license/permit must be obtained as soon as possible after the performance of such work, and if there is a delay of more than three (3) working days in obtaining such license/permit, a double fee as herein provided shall be charged.

1-3.18 INSPECTION/REINSPECTIONS:
Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity, or for the correction of any violation or other non-conforming condition, it shall be the duty of the holder of the permit application or license, or the operator to notify the Administering Agency and schedule the time and date for the inspection. A reinspection fee may be assessed if the work for which inspection is scheduled is not then complete or if the corrections required are not then made and a subsequent inspection is required.

1-3.19 PROPERTY RESALE: Whenever any property connected to, or served by, an onsite wastewater system is offered for or subject to a contract of sale/re-finance, the Administering Agency shall inspect, at a fee cost to the seller, the condition of the system. Any inspection provided under this section shall not constitute nor be deemed a warranty, and neither the Administering Agency nor any official of the County or municipality shall be liable for any future failures of the system or for other claims arising out of the inspection. Upon completion of the inspection, a letter shall be issued to the property owner reporting the results. Issuance of the letter shall not relieve any person of compliance with the requirements of this Code.

1-3.20 INSPECTION/REINSPECTION SCHEDULING: Whenever inspections are required under this Code they will be scheduled with the Administrative Agency, by the holder of the permit application or license. Inspections shall be scheduled for installation, construction, correction of any violation/non-conforming condition, or property sale, lease, or renting.

1-3.21 PUBLIC HEALTH JURISDICITON AND APPLICATION: From time to time the Administrative Agency is requested by the general public, the secretary of health and environment, county health officers, county or joint boards of health or municipalities, to provide public health inspections as delegated by state law, city/county resolutions, and/or contracts, upon terms and at a fee cost to inspect and determine that a public health nuisance, sources of filth and causes of sickness that in their opinion may be injurious to the health of the inhabitants within any county or municipality in this state. Any inspection provided under this section shall not constitute nor be deemed a warranty, and neither the Administering Agency nor any official of the County or municipality shall be liable for the public health violation, or for other claims arising out of the inspection. Upon completion of the

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inspection, a letter shall be issued to the requesting party results of the inspection. Issuance of the letter shall not relieve any person of the compliance with the requirements as stated by state law, county resolution, or other legal reference. (K.S.A. 65-159)

1-3.22 **ABATEMENT OF NUISANCES:** The Administering Agency may maintain a civil action by injunction, in the name of the Board of County Commissioners of Jefferson County, in which this Code is applicable, to abate and enjoin a nuisance.

1-3.23 **NOTICES OF VIOLATIONS:** Should the Administrative Agency determine that there has been or is likely to be a violation of any provision of this Code, the Administrative Agency shall give notice of such violation. The notice:

a. Shall be in writing;
b. Shall identify the Code violation and the factual basis therefore;
c. Shall specify necessary corrective action;
d. Shall specify a reasonable period of time for performance of any corrective action and/or work required by the notice; and;
e. Shall be properly served upon the occupant or owner of the premises; provided, that such notice shall be deemed properly served upon such owner or occupant, when a copy thereof has been sent by certified mail to the last known address of the owner or occupant as identified on the latest county tax rolls.

1-3.24 **APPEAL FOR HEARING:** Any person aggrieved by any notice or 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 Officer/Committee; provided such person shall file with the Administrative Agency within ten (10) working days after the date 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 the Emergency Orders of this code. Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Officer/Committee and set a time and place for such hearing and shall give the petitioner written notice there of. 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 the Agency determines the petitioner has submitted justifiable reason for such postponement.

1-3.25 **REPORT OF HEARING:** Within ten (10) working days after such a hearing, the Hearing Officer/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 Notice of Violation Section.

1-3.26 **PROCEEDINGS OF HEARINGS:** The proceedings of all hearings, including findings and decisions of the Hearing Officer/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.

1-3.27 **ENFORCEMENT PROCEDURE:** The County Attorney, County Counselor or the County Counselor designee shall enforce the provisions of this Code and other Environmental/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 codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.

1-3.28 **PENALTIES:** In addition to, and independently of, the enforcement procedures provided in the Enforcement Procedure herein, any violation of any provision of this Environmental/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

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Attorney, County Counselor or the County Counselor designee, and the County Commissioners, shall establish policies and procedures to resolve violations of the Jefferson County Environmental/Sanitary Code.

1-3.29 **ADMINISTRATIVE PENALTIES:** In addition to, and independently of the enforcement procedures in the Enforcement Procedure and penalties in Penalties Section 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 day's 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 to be vacated until the corrections have been made and the fees have been paid. The County Commissioners will be notified of all actions taken which pertain to this section.

1-3.30 **UNPAID PENALTIES:** Unpaid penalties will be levied against the property tax for collection.

1-3.31 **DISCLAIMER OF LIABILITY:** This code and other environmental/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 altered under permits and inspections required by code will function properly.
c. In addition any employee charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage that may occur to any person or property as a result of any act required by this Code in the discharge of his or her duties.

1-3.32 **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 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. 19-2708)

1-3.33 **AMENDMENTS AND ADDITIONS:** 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 environmental/sanitary code shall be adopted by following the same procedure, as set forth in K.S.A. 10-3701which requires approval by County Commissioners and at least one (1) public hearing.

1-3.34 **REPEAL AND SUPERSEDE EFFECT:** This Code shall supersede any and all previously adopted resolution or regulations, which are, in whole or in part, in conflict with any provision of this Code, where applicable, and any rule, regulation or resolution which is or was in effect upon the effective date of this Code shall be repealed to the extent necessary to give this Code full force and effect, and in the case of any conflict of provisions, whether real or apparent, then the provisions of this Code shall govern wherever applicable.

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ENVIRONMENTAL/SANITARY CODES
OF
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CHAPTER II: WASTEWATER DISPOSAL

SECTION 2-1.0 PURPOSE AND INTENT OF CODE: Domestic wastewater 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 domestic onsite wastewater systems, and the removal and disposal of materials from such facilities within the boundaries of the County. Chapter II adheres to the definitions and administrative procedures as stated in Chapter I.

SECTION 2-2.0 PROHIBITED PRACTICES:

2-2.1 USE OF NON-APPROVED DOMESTIC ONSITE WASTEWATER SYSTEMS: No person shall use, or cause to be used, any domestic onsite wastewater system or sanitary privy that:

a. Has been constructed after adoption of this code until it has been inspected and approved by the Administrative Agency;
b. Has been temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction;
c. Fails to comply with the provisions of this environmental/sanitary code, other applicable county codes or regulations, and written notice thereof has been given by the Administrative Agency to the owner or responsible person;
d. Discharges inadequately treated wastes onto the surface of the ground, into water courses, lakes, ponds or any impoundment;
e. Causes vector breeding, produces offensive odors or any other condition that is prejudicial to health and comfort.
f. Contains industrial or commercial wastes.

2-2.2 DISPOSAL OF DOMESTIC WASTEWATER:

a. No one may dispose of any human waste except in a toilet. Flush toilets must be connected to a public sewer or an approved domestic onsite wastewater system.
b. Privies shall not be permitted if a public sewer is available or an onsite wastewater system can be approved or if it is deemed a privy would be a public hazard. Privies must meet requirements of the Administrative Agency as to design and installation in lieu of a flush toilet and must be specifically approved by the Administrative Agency.
c. All sink, lavatories, garbage disposals, dishwashers, clothes washing machines, shower baths, bathtubs, basins and similar plumbing fixtures or appliances shall be connected to a public sewer or to an approved domestic onsite wastewater system.
d. Foundation drain water or other non-wastewater or surface water MUST NOT GO INTO a domestic onsite soil absorption system.
e. No household, industrial or commercial waste shall be discharged into any watercourse, impoundment, storm sewer or public thoroughfare. In no case shall treated or untreated domestic wastewater, or the effluent from a septic tank or domestic onsite sewage management system be permitted to drain directly or indirectly into a ditch or stream, nor shall it be allowed to surface or run or drain across any adjacent land owner.
f. The discharge of domestic wastewater into seepage pits, cesspools, abandoned wells, cisterns, and streams or upon the surface of the ground shall be prohibited.
g. In the event that a failure of a domestic onsite wastewater system occurs and it is determined by the Administrative Agency that the system cannot be repaired, then either connection to a public sewer shall be made or a new approved domestic onsite wastewater system shall be installed.

2-2.3 USE OF DOMESTIC WASTEWATER SYSTEMS WITHIN 400 FEET OF PUBLIC SEWER: No domestic onsite 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 domestic onsite wastewater system, meeting the requirements of this Code, can be constructed on that property.

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2-2.4 LOCATION OF DOMESTIC ONSITE WASTEWATER SYSTEMS BELOW FULL/FLOOD POOL OR REGULATORY FLOODWAY: No portion of an domestic onsite wastewater system or privy shall be located below the full flood elevation of any federal reservoir or full flood pool elevations of any pond, lake, stream, water supply reservoir, or within a regulatory floodway.

SECTION 2-3.0 REQUIREMENTS FOR DOMESTIC ONSITE WASTEWATER SYSTEMS.

2-3.1 EXISTING SYSTEMS TREATING DOMESTIC WASTE: Any domestic onsite wastewater system lawfully installed prior to the effective date of this Code and used exclusively for domestic wastewater, and not industrial nor commercial wastes, may remain in use if, and as long as:

a. It continues to operate in accordance with the original design, location and does not experience any system failure; and
b. Does not present any public health nuisance or hazard to the public health, safety or welfare; and
c. Does not discharge onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161 (a); and
d. Replacement, alteration, enlargement, repair, removal, conversion, improvement or demolition shall comply with the requirements of this Code or any later amendments, revisions or versions.
e. Does not receive non-domestic wastewater.

2-3.2 CONNECTION TO SEWER:

a. The owner, lessee or agent thereof of any building, residence or other facility designed or used for human occupancy or congregation, shall provide on the premises a system to dispose of the domestic wastewater generated within the building, residence or other facility; and
b. Should the Administrative Agency determine that a public or community sewer system is available and a new building is being constructed then the building domestic wastewater shall be connected to the available public sewer system; and
c. When a public or community sewer system has become available to a premises served by an onsite wastewater system, the owner, tenant, or agent shall be required to connect properties affected to the public or community sewer system immediately; and
d. No township or county planning commission or zoning board, authorized to review plats or subdivisions of land, shall recommend for approval any plat containing one or more lots or building sites having less acres of land than approved by the Administrative Agency, unless a public sewer system is provided to serve all properties within the subdivision or a surety bond in an amount stipulated by the Board of County Commissioners is filed with the County Treasurer to guarantee the installation and maintenance of such public system; and
e. Responsibility for operation of all public sewer systems shall be determined by KDHE as stipulated within the valid permits.

2-3.3 MINIMUM SEPARATION DISTANCES: All domestic onsite wastewater systems shall comply at minimum with the separation distances as described in accordance to Bulletin 4-2, state or federal specific regulations if greater than Bulletin 4-2, or county specific regulations if greater than the state minimum standards.

2-3.4 APPROVAL OF PLANS AND ISSUANCE OF PERMITS:

a. After adoption of this Code no person shall install any domestic onsite wastewater system until the plans, a permit application, and specifications have been approved by the Administrative Agency.
b. As applicable, no new domestic onsite wastewater system shall be permitted without appropriate land use approval from the county Planning and Zoning Department or per other county resolution; and
c. No dwelling or structure shall be occupied or used until a final inspection shows the domestic onsite wastewater system has been approved by the Administrative Agency; and
d. The Administrative Agency shall specify the necessary data and format requirements for residential, commercial and field data prior to approval of domestic onsite wastewater system plans and construction.

2-3.5 SUITABLE SITE: No site shall be approved if:

a. Connection to an approved public sewer system is feasible or the site violates the Prohibition Practices provisions of this Code; or
b. The site does not contain the number of acres of land as required by the Administrative Agency, exclusive of roads, streets, water lines, or other public right-of-way or easements; or

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c. The soil, topography, and geology, does not meet the requirements set forth in the *Jefferson County Soil Survey* and/or results of site and soil evaluation.

2-3.6 CONSTRUCTION APPROVAL: All domestic onsite 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.

2-3.7 WASTEWATER STABILIZATION POND CONSTRUCTION: All domestic wastewater stabilization ponds shall be designed, inspected, constructed, fenced, and maintained according to the *Environmental Health Handbook* guidance document or Administrative Agency specifications.

2-3.8 SEPTIC TANK/LATERAL WASTEWATER SYSTEM CONSTRUCTION: All septic tank/lateral onsite wastewater systems shall be designed, inspected, constructed, fenced, and maintained according to Bulletin 4-2 or Administrative Agency specifications.

2-3.9 REQUIREMENTS FOR PRIVIES: No person shall construct or modify or use or make available for use any privy until the plans and specification for the proposed construction or modification have been approved by the Administrative Agency. All privies shall be designed, inspected, constructed, and maintained according to Administrative Agency specifications.

2-3.10 PROPER MAINTENANCE AND OPERATION: All domestic onsite wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency finds any wastewater system in violation of this Code, the owner and/or user shall correct the condition according to current standards.

2-3.11 ABANDONMENT OF ONSITE WASTEWATER SYSTEMS: Any existing domestic onsite wastewater system that is located within an Improvement District, Sewer District or other areas where public sewer systems are so available, shall be discontinued and the building wastewater shall be connected to said public sewer systems. Connection shall include all domestic waste coming from the building. The continued use of domestic onsite wastewater systems when a public sewer system is so available shall be deemed to be a nuisance and shall be subject to the provisions of this Code.

2-3.12 ABANDONMENT PROCEDURES-DISCONTINUED ONSITE WASTEWATER SYSTEMS THAT RECEIVED DOMESTIC WASTEWATER ONLY: When an onsite wastewater system consisting of a septic tank and soil absorption field that received domestic wastewater only is abandoned:

a. The building sewer is to be disconnected from the wastewater system.
b. The septic tank is to be pumped out and contents disposed of by an approved method.
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.

2-3.13 ABANDONMENT PROCEDURES-WASTEWATER LAGOONS: This section applies to, single family waste stabilization ponds that have received domestic wastewater only.

a. The building sewer is to be disconnected from the private domestic onsite wastewater system.
b. Wastewater must be discharged according to 2-5.7. Care shall be taken to minimize the taking of fresh or untreated wastewater and wastewater solids within the wastewater that is removed.
c. Wastewater solids and untreated wastewater may be allowed to remain in the wastewater 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. Wastewater 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.

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2-3.14 ENHANCED TREATMENT OF DOMESTIC ONSITE WASTEWATER MANAGEMENT SYSTEMS: Enhanced treatment of domestic onsite wastewater systems may be considered after thorough assessment by the

Administrative Agency in areas of marginal suitability for conventional systems. The Administrative Agency may require the alternative, experimental, or innovative domestic onsite wastewater system to be designed by a professional engineer, or follow criteria developed by a professional engineer. Additional monitoring and reporting requirements of alternative, experimental and/or innovative systems may be required by the Administrative Agency.

2-3.15 GREASE TRAPS: Grease traps are neither necessary nor recommended for domestic onsite wastewater systems serving residences, but shall be required for those serving commercial or industrial establishments where it is determined by the Administrative Agency that introduction of grease into the onsite system might adversely affect it.

a. Grease trap plans and specifications shall be submitted to the Administrative Agency for approval. No human waste shall pass through the grease trap; and
b. No grease trap shall have less than one hundred twenty-five (125) gallons capacity and effluent shall be directed to the septic tank; and
c. Grease traps shall be sized with a minimum capacity by multiplying three (3) gallons times the maximum occupancy (as set forth by the appropriate Fire Department) times two (2); and
d. Grease traps shall be located, installed and constructed so that they will reduce the temperature of kitchen wastes to permit congealing of grease. Easy access for cleaning and grease removal shall be provided.

SECTION 2-4.0 WASTEWATER SYSTEM INSTALLER/CONTRACTOR.

2-4.1 WASTEWATER SYSTEM INSTALLER/CONTRACTOR: No person shall engage in the business of constructing, modifying, or repairing domestic onsite wastewater systems, unless that person holds a valid license from the Administrative Agency and is on site during the time of installation/construction. See Chapter I for licensing requirements.

2-4.2 MINIMUM STANDARDS FOR WASTEWATER SYSTEM INSTALLERS: Must have knowledge of the current Environmental/Sanitary Codes and related regulations in the County where work is performed. Must have an apprenticeship under an approved installer of at least one (1) year, and pass a wastewater system installer license examination.

2-4.3 CONTRACTING WITH UNLICENSED PERSONS PROHIBITED: No person shall allow any unlicensed person to construct, modify, or repair any domestic onsite wastewater system.

2-4.4 EXCEPTIONS: If an individual landowner intends to install or repair his/her own wastewater system the Administrative Agency will grant such request without requiring said license based on the installation meeting Codes, the willingness of the individual to take the installer's exam prescribed by the Administrative Agency, and that he/she constructs no more than one system in any one calendar year.

SECTION 5.0 SANITARY SERVICES.

2-5.1 SANITARY SERVICES: No person shall engage in the business of removing, transporting, or disposal of any wastes from any onsite wastewater system or privy, unless that person holds a valid license from the Administrative Agency. See Chapter I for licensing requirements.

2-5.2 MAINTENANCE OF RECORDS: Records of all septic hauling activity shall be maintained and shall include;

a. Acquisition of wastewater (date, location, amount in gallons); and
b. Method of treatment; and
c. Disposal (date, location, method); and
d. Maintenance records and receipts shall be kept in the appropriate vehicle and shall be submitted to the Administrative Agency immediately upon request.

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2-5.3 **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 onsite wastewater systems or privies will be transported to an approved point of disposal without spillage of the waste. The operator will contact the Administrative Agency for equipment inspection initially and annually before a license will be approved.

2-5.4 **SANITARY SERVICE EQUIPMENT INSPECTION AND REGISTRATION:** All sanitary service equipment and vehicles shall be inspected annually by the Administrative Agency for compliance to this Code. 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.

2-5.5 **USE OF NON-REGISTERED VEHICLES PROHIBITED:** No vehicle shall be used to remove, transport, or dispose of any wastes from any onsite wastewater system or privy unless that vehicle has been inspected by and registered with the Administrative Agency.

2-5.6 **CONTRACTING WITH UNLICENSED PERSONS PROHIBITED:** No person responsible for operating an onsite wastewater system, privy, or portable toilet shall contract with any person for sanitary service unless that person holds a valid Wastewater Hauler License from the Administrative Agency.

2-5.7 **DISPOSAL:** Waste materials removed from onsite wastewater systems or privies must be disposed of in a manner approved through a written plan submitted to the Administrative Agency for:

a. Transporting by a licensed wastewater hauler to a public owned treatment facility; or
b. Discharging/injecting upon agricultural cropland or grassland with written permission from the landlord or tenant, adjacent landowners, and the conservation district; and
c. Approval will be based on location, acreage, type of waste, frequency of use, plan for maintenance of site and that potability of the ground water will not be impaired; and
d. 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; and
e. The Administrative Agency may require additional monitoring and reporting requirements deemed necessary to monitor agricultural or treatment facility discharge.

SECTION 2-6.0 SUBDIVISION DEVELOPMENT:

2-6.1 **REQUIREMENTS FOR SUBDIVISION DEVELOPMENT:** After adoption of this code no person shall develop any subdivision until the plans and specifications for onsite wastewater systems and water supply source have been approved by the Administrative Agency.

SECTION 2-7.0 VARIANCE REQUIREMENTS:

2-7.1 **VARIANCE:** The Administrative Agency shall have the authority to grant variances or exceptions when:

a. Reliable information, data, documentation is provided in writing which justifies the variance or exception; and
b. Alternate methods are available which will attain the objective of the regulations; and
c. The Administrative Agency determines the variation from the regulations will not adversely affect public health and safety or natural resources; and
d. The Administrative Agency shall adopt standards to apply in granting such variances.

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ENVIRONMENTAL/SANITATION CODE
OF
JEFFERSON COUNTY, KANSAS

CHAPTER III: WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT: The provisions of this Code 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 the unincorporated areas of Jefferson 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. Chapter III adheres to the definitions and administrative procedures as stated in Chapter I.

SECTION 3-2.0 COMPLIANCE REQUIRED: After the effective date of this Code, no person shall construct on any property subject to this Code, any public, semi-public, or private water supply that does not comply with the stated requirements.

SECTION 3-3.0 WATER SUPPLY REQUIRED: Owners of private homes that are used as a principle residence, and all rented or leased homes, shall furnish at least one convenient outlet supplying an adequate quantity of potable water. Owners of other permanent establishments shall furnish an adequate supply of safe water for the clientele.

SECTION 3-4.0 PROHIBITIONS: No connection between a water supply and a source of contamination or pollution shall be 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.

SECTION 3-5.0 REQUIREMENTS FOR PRIVATE WATER SUPPLIES:

3-5.1 PERMIT: No person shall drill, develop or construct any private water supply on any premises subject to the regulations of this code until he/she has obtained a permit thereof from the Administrative Agency.

3-5.2 APPROVED PLANS: No permit to construct or develop a private water supply on premises subject to the regulations of this code shall be issued until the plan showing the location and construction of the supply has been approved by the Administrative Agency.

3-5.3 USE LIMITATION:

a. Before a permit will be issued for drilling a well for private water supply purposes, the Administrative Agency will assess for compliance with State Well Drilling Regulations for protection of ground water; and if the water supply to be accessed, constitutes a significant quantified health risk.
b. No use of surface water (lakes, ponds, or streams: as a source of water for private water supply shall be permitted:
    1. Where a satisfactory ground water source is available;
    2. Where adequate treatment is not provided. (In no case shall surface water be used without filtration and chlorination); and
    3. Where the pond or lake receives any drainage or discharge from septic tanks, or sewage treatment plants.

3-5.4 REQUIRED FORMS: The licensed well driller will provide the Administrative Agency a photocopy of the completed KDHE well drilling forms (WWC-5) within 30 days of private water well construction or reconstruction.

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SECTION 3-6.0 REQUIREMENTS FOR PUBLIC WATER SUPPLIES:

3-6.1 STATE PERMIT: No person shall operate a public water supply without obtaining a permit from KDHE.

3-6.2 STATE APPROVED PLANS: No person shall construct any public water supply on any property subject to the provisions of this code until the plans and specifications have been submitted to and approved by KDHE. A copy of the plans and specifications shall be made available to the Administrative Agency by the person/s initiating the project.

SECTION 3-7.0 REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES:

3-7.1 REQUIREMENTS: No person shall operate or maintain a semi-public water supply system that has been:

a. Constructed or reconstructed after adoption of this code, until it has been inspected and a permit issued by the Administrative Agency.
b. Temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction.
c. Found by the Administrative Agency not to comply with the provisions of this code and a written notice thereof has been given to the owner or his/her agent.

3-7.2 USE OF A SEMI-PUBLIC WATER SUPPLY: In addition to the requirements of 3-5.0 which pertain to private water wells, the following shall be done and reviewed by the Administrative Agency prior to the issuance of a permit, to assure water quality for the public:

a. An initial, and at least annual Bacterial Analysis.
b. A partial Chemical Analysis is to be done initially and every three (3) years thereafter.
c. Other tests such as a screen for pesticides, volatile organic chemicals, and heavy metals may be required, at the direction of the Administrative Agency, to protect the public's health.
d. The water samples shall be collected by the Administrative Agency or its designee and sent to a state certified laboratory for analysis. The fee for the analysis and investigation is the responsibility of the owner of the water supply or his representative.

SECTION 3-8.0 MINIMUM STANDARDS FOR ALL GROUND WATER SUPPLIES: The standards set forth in K.S.A. 82a-1201, et seq. as amended, and K.A.R. 28-30-1 through 28-30-10, et seq. as amended, shall be met.

3-8.1 LOCATION: The horizontal distance between the well and the potential sources of pollution or contamination, such as septic tanks, lateral fields, pit privy, seepage pits, fuel or fertilizer storage, pesticide storage, feed lots or barnyards shall be in keeping with *MINIMUM SEPARATION DISTANCES FROM PRIVATE WELLS of the Environmental Health Handbook* and shall be consistent with standards approved by the Kansas Department of Health and Environment. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

3-8.2 DOMESTIC WATER WELL CONSTRUCTION: The enforcement of this section of the code shall be in accordance with K.S.A. 82a-1201, et seq. as amended, and K.A.R. 28-30-1 through K.A.R. 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.

3-8.3 **PLUGGING OF ABANDONED WELLS, CASED AND UNCASED TEST HOLES:** All water wells abandoned by the landowner on or after July 1, 1979, and all water wells that were abandoned prior to July 1, 1979 which pose a threat to groundwater supplies, shall be plugged or caused to be plugged by the landowner. This shall be done in accordance with K.A.R. 28-30-7 as amended and consistent with standards approved by the Kansas Department of Health and Environment.

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3-8.4 **DOMESTIC WATER WELL PLUGGING:** Any abandoned domestic water well will be plugged according to, and consistent with, standards approved by the Kansas Department of Health and Environment if:

a. 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
b. It poses potential health and safety hazards; or
c. It is in such a condition it cannot be placed in active or inactive status.
d. Its use has been permanently discontinued; or
e. Its pumping equipment has been permanently removed.

3-8.5 **WATER WELL DISINFECTION FOR WELLS CONSTRUCTED OR RECONSTRUCTED FOR HUMAN CONSUMPTION OR FOOD PROCESSING:** Disinfection shall be done in accordance with standards set forth in K.A.R. 28-30-10 as amended, and consistent with standards approved by the Kansas Department of Health and Environment, and shall apply to all water wells used for human consumption or food processing.

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