

**Procedure for
Adoption or
Revision of County
Sanitary Codes**

Procedure for Adoption or Revision of County Sanitary Codes

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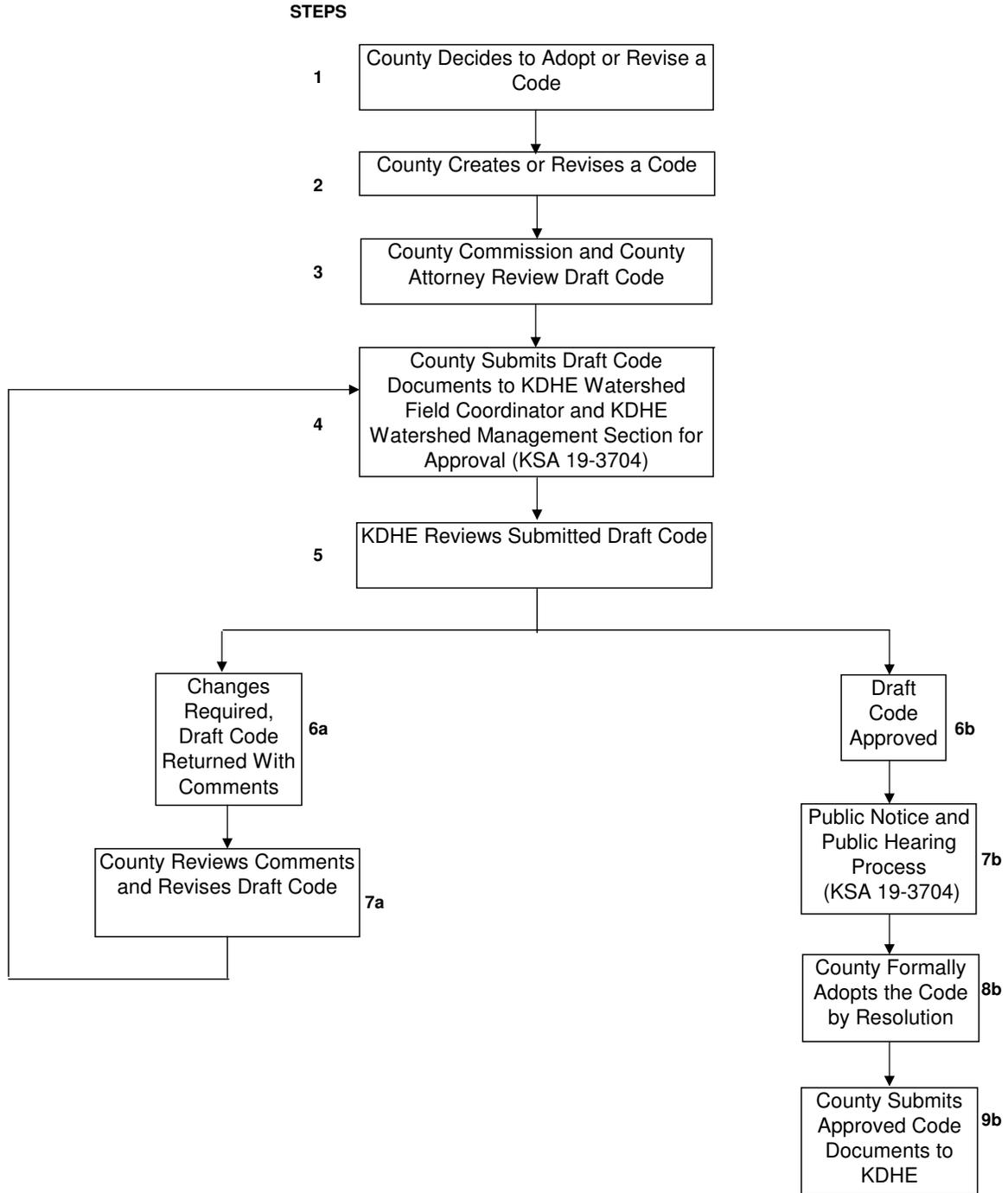
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Procedure for Adoption or Revision of Sanitary Codes



Procedural Guidance for Adoption or Revision of County Codes

Flow Chart Steps

Step 1

Reasons for a County to adopt/revise a code

- If the county has no code
- If the county wants to incorporate changes to the existing code
 - Clarify language
 - Adopt licensing
 - Add real estate inspections
 - Add private water well
 - Sub-division
 - Alternative system
 - Soil profiles
 - MOU's with cities
 - Be consistent with Kansas Administrative Regulations
 - Be consistent with other local ordinances

Step 2

County Code Committee drafts a code. Bulletin 4-2 checklist (Form #1) is completed to document the presences of requirements stated in Bulletin 4-2. Local persons/groups involved with drafting a county code should include:

- LEPP Committee
- County Commissioners
- County Attorney
- County Sanitarian
- Planning and Zoning
- Lenders

Resource Materials

- LEPP information page on KDHE's website (Resource Material #1)
<http://www.kdheks.gov/nps/lepp/>
- K.S.A. 65-201 County, city-county and multi-county units; local health officers; appointment, tenure, removal; laws applicable (Resource Document #1)
<http://www.kslegislature.org/legsrv-statutes/getStatuteInfo.do>
- K.S.A. 65-159 Abatement of nuisances, failure to remove, penalties (Resource Document #2) <http://www.kdheks.gov/nps/lepp/download/KSA65-159.pdf>
- K.A.R. 28-5-1 through 28-5-9 Sewage and Excreta Disposal (Resource Document #3) <http://www.kdheks.gov/nps/lepp/download/28-5t9.pdf>
- K.A.R. 28-66-1 through 28-66-4 Local Environmental Protection Grant Program (Resource Document #4) <http://www.kdheks.gov/nps/lepp/download/28-66.pdf>
- K.S.A. 19-3701 to 19-3709 Sanitation Controls (Resource Document #5)
<http://www.kdheks.gov/nps/lepp/download/KSA19-3701-09.pdf>
- Bulletin 4-2 (Resource Document #6)
<http://www.kdheks.gov/nps/resources/mf2214.pdf>

- Table of Certified Tank Manufactures (Resource Document #7)
<http://www.kdheks.gov/nps/lepp/Approvedtanks-WebsiteList.pdf>
- Environmental Health Handbook (Resource Document #8)
<http://www.kdheks.gov/nps/lepp/EHH.html>
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- Article 30 (Resource Document #10)
<http://www.kdheks.gov/waterwell/download/article30.pdf>
- Example Code Language (Resource Document #11)

Step 3

Sanitarian presents draft code to county commissioners and county attorney for comment. Draft code revised to include comments or on to Step 4 if no comments.

Step 4

The draft code and supporting documents are submitted to the appropriate Watershed Field Coordinator and the Watershed Management Section. Watershed Field Coordinators include:

- Richard Basore, KDHE South Central District Office, 130 South Market, Suite 6050, Wichita, Kansas 67202-3802, 316-337-6020, rbasore@kdhe.state.ks.us
- Beth Rowlands, KDHE North East District Office, 800 West 24th Street, Lawrence, Kansas 66046-4417, 785-842-4600, browlands@kdhe.state.ks.us
- Doug Schneweis, KDHE North West District Office, 2301 East 13th Street, Hays, Kansas 67601-2651, 785-625-5663, dschnewe@kdhe.state.ks.us

Watershed Management Section is located at:

- KDHE, Bureau of Water, Watershed Management Section, 1000 South West Jackson St., Suite 420, Topeka, Kansas 66612-1367, 785-296-4195, NPS@kdhe.state.ks.us

Documents required for KDHE approval include:

- Draft code (please submit electronic version)
- Completed Bulletin 4-2 checklist (Form #1)
- Documentation of Concurrence for County Sanitary Code Review (Form #2)
- Signed cover letter from commissioners with formal request for KDHE to review the draft code. The cover letters should describe if the draft code is a new code or a revised existing code (see examples – Example #1 for a new code, Example #2 for a revised code)

Step 5

- WFC performs initial review for compliance with Bulletin 4-2 and submits finding to LEPP Coordinator.
- Simultaneously LEPP Coordinator distributes draft code to appropriate KDHE Sections for review and comment.
- This process is completed within 30 days.

Step 6a

For draft codes which receive comments, the LEPP Coordinator will either email or send a hard copy letter to the county explaining required and recommended changes to the draft code (Example #3) within 15 days.

Step 6b

For draft codes which receive no comments, LEPP Coordinator forwards code approval letter to Bureau Director for signature and mailing (Example #4).

Step 7a

County Code Committee reviews KDHE's recommended and required changes. They discuss KDHE's recommended changes for consideration in the revised draft code and incorporate the required changes.

Step 7b

Upon KDHE approval of the draft county code, the County completes the public notice requirements as listed in KSA 19-3704, which includes:

1. Publishing a notice of a public hearing in the official county newspaper once a week for three consecutive weeks. The notice must include the following:
 - a. Date, time and place of the meeting
 - b. The purpose of the sanitary code
 - c. The boundaries of the areas subject to the code with reasonable detail
 - d. Notification that copies of the sanitary code are available for public inspection at the local health department or at a place designated by the board of county commissioners
2. The date of the public hearing shall be not less than 10 nor more than 30 days after the date of the last notice published.
3. At least one public hearing shall be held, but more may be held at the discretion of the county commissioners.
4. After final adjournment of the public hearing(s), the county commissioners, to adopt the sanitary code, shall by resolution declare such code necessary for the protection of the health and welfare of the public. The resolution shall be published once in the official county newspaper and include the following:
 - a. The Resolution
 - b. The purpose of the sanitary code
 - c. The boundaries of the areas subject to the code with reasonable detail
 - d. Notification that copies of the sanitary code are available for public inspection at the local health department or at a place designated by the board of county commissioners

Example of Public Notice for paper (Example #5)

Public Hearing Guidance (Example #6)

Step 8b

County Commissioners adopt the code by resolution. Example of resolution (Example #7)

Step 9b

County submit a hard copy and electronic copy of the code, resolution and proof of adoption form (Form #3) to the appropriate Watershed Field Coordinator and the Watershed Management Section. Watershed Field Coordinators include:

- Richard Basore, KDHE South Central District Office, 130 South Market, Suite 6050, Wichita, Kansas 67202-3802, 316-337-6020, rbasore@kdhe.state.ks.us
- Beth Rowlands, KDHE North East District Office, 800 West 24th Street, Lawrence, Kansas 66046-4417, 785-842-4600, browlands@kdhe.state.ks.us
- Doug Schneweis, KDHE North West District Office, 2301 East 13th Street, Hays, Kansas 67601-2651, 785-625-5663, dschnewe@kdhe.state.ks.us

Watershed Management Section:

- KDHE, Bureau of Water, Watershed Management Section, 1000 South West Jackson St., Suite 420, Topeka, Kansas 66612-1367, 785-296-4195, NPS@kdhe.state.ks.us

Estimated time to perform a complete code adoption is approximately 6 months to 1 year.

Resource Material #1

Local Environmental
Protection Program

<http://www.kdheks.gov/nps/lepp/>

Bureau of Water

Watershed Management Section

Local Environmental Protection Program

The Local Environmental Protection Program (LEPP) continues to emphasize the importance of wastewater and private well water codes, to be developed and administered by county health departments and other local authorities. Development of a sanitary code is an important first step in addressing the overall water quality needs of a community.

LEPP funding enables local authorities to develop water protection plans which are customized for their areas and compliment other water quality efforts being waged by state and federal agencies. Plans developed with LEPP funds describe actions that communities will take to manage private septic system waste water treatment, solid waste, hazardous waste, nonpoint source pollution, and private water wells.

The following regulations represent an electronic facsimile of Kansas Administrative Regulations, promulgated by the Kansas Department of Health and Environment and published by the Kansas Secretary of State. These rules are taken from electronic copies of the printed state regulations which serve as the agency's official rules and regulations. The printed regulations represent the final word in matters of interpretation.

The KDHE Office of Communications has appended copies of the *Kansas State Register* publication of new or amended, permanent KDHE regulations to the appropriate chapter. Those amendments are noted on the cover sheet for each chapter.

- [28-5. Sewage and Excreta Disposal.](#)
- [28-66. Local Environmental Protection Grant Program.](#)

Important Links & Documents

- [Kansas Clean Waters Systems](#)
- [Grant Guidance for State Fiscal Year 2007](#)
- [Map and Phone List of LEPP County Sanitarians](#)
- [County Environmental/Sanitary Codes](#)
- [Table of Certified Septic Tank Manufacturers \(4-25-07\)](#)
 - **Note:** Effective July 1, 2002 all septic tanks installed in Kansas need to comply with Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems.

- [Bulletin 4-2: Minimum Standards for Design and Construction of Onsite Wastewater Systems \(.pdf\)](#)
- [Environmental Health Handbook](#)
- [Wastewater Options for Small Communities in Kansas Manual](#)
- [Kansas EPA 503 Land Application of Septage](#)
- [KSA 65-159. Abatement of nuisances; failure to remove, penalties](#)
- [KSA 19-3701 to 19-3709, Sanitation controls](#)

Local Environmental Protection Program State Fiscal Year 2006 Annual Report - July 1, 2005 to June 30, 2006

- [LEPP Annual Report SFY 2006](#)

Local Environmental Protection Program State Fiscal Year 2005 Annual Report - July 1, 2004 to June 30, 2005

- [LEPP Annual Report SFY 2005](#)

Local Environmental Protection Program State Fiscal Year 2004 Annual Report - July 1, 2003 to June 30, 2004

- [LEPP Annual Report SFY 2004](#)

Local Environmental Protection Program State Fiscal Year 2003 Annual Report - July 1, 2002 to June 30, 2003

- [LEPP Annual Report SFY 2003](#)
- [LEPP Grant Award History - pg 7](#)
- [County Environmental Staff - pg 8](#)
- [KDHE Contacts - pg 9](#)
- [Cumulative Activity](#)

Local Environmental Protection Program State Fiscal Year 2002 Annual Report - July 1, 2001 to June 30, 2002

- [LEPP Annual Report - SFY 2002](#)
- [Table 1 - LEPP Grant Funding for All Years](#)
- [Table 2 - On-site Wastewater](#)
- [Table 3 - Private Waterwell](#)
- [Page 8 - County LEPP Staff](#)
- [Page 13 - Staff](#)

Resource Document #1

K.S.A. 65-201

County, City-County and
Multi-county Units; Local
Health Officers;
Appointment, Tenure,
Removal; Laws
Applicable

(please check web link below for current document)

<http://www.kdheks.gov/nps/lepp/download/KSA65-201.pdf>

Resource Document #2

K.S.A. 65-159 Abatement of Nuisances, Failure to Remove, Penalties

(please check web link below for current document)

<http://www.kdheks.gov/nps/lepp/download/KSA65-159.pdf>

Resource Document #3

K.A.R. 28-5-1 through
28-5-9

Sewage and Excreta Disposal

(please check web link below for current document)

<http://www.kdheks.gov/nps/lepp/download/28-5t9.pdf>

Resource Document #4

K.A.R. 28-66-1 through
28-66-4

Local Environmental Protection Grant Program

(please check web link below for current document)

<http://www.kdheks.gov/nps/lepp/download/28-66.pdf>

Resource Document #5

K.S.A. 19-3701 to
19-3709

Sanitation Controls

(please check web link below for current document)

<http://www.kdheks.gov/nps/lepp/download/KSA19-3701-09.pdf>

Resource Document #6

Bulletin 4-2: Minimum Standards for Design and Construction of Onsite Wastewater Systems

(please check web link below for current document)

<http://www.kdheks.gov/nps/resources/mf2214.pdf>

Resource Document #7

Table of Certified Tank Manufacturers

(please check web link below for current listing)

<http://www.kdheks.gov/nps/lepp/Approvedtanks-WebsiteList.pdf>

Resource Document #8

Environmental Health Handbook

(please check web link below for current document)

<http://www.kdheks.gov/nps/lepp/EHH.html>

Resource Document #9

County/Environmental Codes

(please check web link below for current listing)

<http://www.kdheks.gov/nps/lepp/CountyCodes.html>

Resource Document #10

Article 30

Water Well Contractor's License; Water Well Construction

(please check web link below for current document)

<http://www.kdheks.gov/waterwell/download/article30.pdf>

Resource Document #11

Example Code Language

Code Language Examples

Inclusion of Bulletin 4-2 Requirements in Local Sanitary Code

Counties that adopted a sanitary code before July 1, 1997, must include all of the requirements in Bulletin 4-2, or adopt Bulletin 4-2 by reference in its entirety, when said code is revised. All new sanitary codes must also include all of the requirements in Bulletin 4-2, or adopt Bulletin 4-2 by reference in its entirety.

Options to satisfy this requirement:

1. **Adopt all of Bulletin 4-2 by reference.** Recommended language:

“All onsite wastewater systems shall be designed, constructed and operated in accordance with standards set forth in KHDE Bulletin 4-2 “Minimum Standards for Design and Construction of Onsite Wastewater Systems” published March, 1997, as amended, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service. KDHE Bulletin 4-2 is hereby adopted by reference and is included herein as an Appendix to this Code.”

2. **Adopt part(s) of Bulletin 4-2 by reference and include the remaining 4-2 requirements elsewhere in the code.** Recommended language:

“The following portions of KDHE Bulletin 4-2 “Minimum Standards for Design and Construction of Onsite Wastewater Systems” published March, 1997, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service is hereby adopted by reference:

- a) <Insert topic, portion, section, or standard here>
- b) <Insert topic, portion, section, or standard here>
- c) And so on

All onsite wastewater systems shall be located, designed, and operated in accordance with these <portions, sections, or standards> of Bulletin 4-2.”

Bulletin 4-2 standards that are not listed within the above language must be included elsewhere in the revised code. Refer to the KDHE checklist that lists all Bulletin 4-2 requirements and recommendations.

3. **Include all Bulletin 4-2 requirements in the code.** Given the large number of Bulletin 4-2 requirements, this option will likely involve significant text changes and a longer review period. Refer to the KDHE checklist that details all of Bulletin 4-2 requirements and recommendations.

Below are examples of code language taken from KDHE approved codes and should be used when drafting a new or revised code. KDHE will revise this document to keep pace with changing issues and revised language.

ONSITE WASTEWATER SYSTEMS

Sanitary Privy means a facility with a water-tight concrete or other material acceptable to the code administrator receptacle designed to receive, store and provide for periodic removal of non-water carried wastes from the human body.

Variance. The administrative agency shall have authority to grant exceptions when reliable information is provided which justifies the exception and effectively achieves the purpose and intent of this code.

Alternative Wastewater Systems. An alternative wastewater system may be allowed by the administrative agency if soil percolation tests of the original soil indicate a soil porosity at saturation of one inch absorption or greater within a time period of sixty minutes (1 hour).

- (a) The owner shall be responsible for the operation and maintenance of an alternative treatment system.
- (b) All owners of alternative treatment systems must obtain an annual operating permit from the director, which must be renewed January 1st of each year. All annual operating permits expire on December 31st regardless of when the initial operating permit was issued.
- (c) Before the annual operating permit will be issued, the owner must provide a copy of a signed maintenance agreement with a licensed alternative onsite wastewater treatment system maintenance provider for the coming year, as well as any documentation relating to inspections and maintenance performed throughout the prior year. Said maintenance agreement shall cover each and every component of the system, including but not limited to the treatment system and the entire dispersal or soil absorption area.
- (d) If the permit is not renewed within thirty (30) days of the renewal date, the owner will be subject to penalties.

Operation and Maintenance Agreement for Onsite Wastewater Systems. An operation and maintenance agreement is required for the owner of any new alternative wastewater system, including but not limited to, aeration units, sand filters and mound systems, which require routine maintenance in order to function properly. The agreement must be with an approved person possessing the ability to comply with the agreement on at least a semi-annual basis or such other time frame recommended by the manufacturer. The agreement must be approved by the Administrative Agency and kept current. The current agreement and any subsequent agreements must be filed with the Administrative Agency. Documentation verifying maintenance of the system shall be filed in the office of the Administrative Agency by the person performing the maintenance. The documentation shall include:

- a. Landowner's name, address and telephone number;
- b. Service dates;
- c. Written summary of maintenance and repair performed; and
- d. Date documentation was submitted to the Administrative Agency.

Failure of the landowner to maintain and file a current maintenance agreement shall be cause for cancellation of the wastewater permit.

REQUIREMENTS FOR WASTEWATER SYSTEM CONTRACTORS

No person shall install or offer to install a private wastewater system on any property other than his own unless that person holds a valid license from the administrative agency. To receive a license:

- (1) Contractors wishing to work in County must pass an examination. Multiple employees of a contractor may be licensed. Only the primary owner or manager of the business is required to pass the test. However, if only the primary owner or manager of the business is the only individual who obtains a license, then he or she must be present and on the job-site during the installation of the wastewater system.
- (2) The examination will test the Contractor's knowledge of the County Environmental Code, KDHE Bulletin No. 4-2 (Appendix 1, Bulletin No. 4-2), and the current County Environmental Management Division Wastewater Requirements, a document which outlines specific private wastewater requirements for County; (Appendix 2, Wastewater Requirements).
- (3) Licenses are valid from January 1st through December 31st of each year and must be renewed annually after January 1st of each year.
- (4) The test is a "take-home test" with a minimum passing score requirement of 85 percent. All contractors passing the test will be placed on a list that is sorted alphabetically.
- (5) In the event that the Contractor receives less than an 85 percent score the Contractor will be provided the opportunity to re-test at the County Environmental Management Division office in the Courthouse upon reasonable notice. The re-test will not be open book.
- (6) Any Licensed Contractor found installing a private wastewater system on any property in County and not following all provisions of this code will be subject to revocation of his or her license.

Contracting with Non-licensed Persons Prohibited. No person responsible for operating a private wastewater system or sanitary privy on his or her own property shall contract with any person to perform upgrades or installation of a wastewater system unless that second person holds a valid license.

Self Installation. Persons responsible for operating a private wastewater system or sanitary privy on their own property may perform self-installation or upgrades of a wastewater system on their own property so long as the work is supervised by the landowner. The self-installation or upgrade is subject to all provisions of this code.

Sanitary Services

Reciprocity with Other Licensing Programs. Licensure in other counties shall be reciprocal with licensure in County if standards are equal to or greater than those required by this code.

Revocation of License. A license issued under the provisions of this code may be revoked for violation of any of the terms of this code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this code.

References. Persons hauling septage shall comply with requirements of the U.S. Environmental Protection Agency rules 503 as described in their publication entitled, “Standards for the Use of Disposal of Sewage Sludge”, and as may be amended. The KDHE publication entitled “Land Application of Septage” – may be used as a guide.

PROPERTY TRANSFER INSPECTIONS

Provisions of this code do not address requirements for property transfer inspections in County. The Administrative Agency does offer the service to persons with a private water supply, septic tank, sanitary privy or subsurface absorption field or cistern subject to the regulations of this code. A Policy has been adopted for conducting these inspections which is based on an inspection of existing facilities and a comparison to new construction standards. That policy is set forth as (Appendix 3, Lender Evaluation Policy, July 7, 2003), or any superseding document; which is incorporated by reference as though fully set forth in this section. There is a fee established for this service. This policy document may be revised from time to time by the Environmental Management Division. Such revisions shall not require adoption of an amending resolution by the County Commissioners.

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

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

Operation and Maintenance Agreement for On-Site Wastewater Systems. An operation and maintenance agreement is required for the owner of any new alternative wastewater system, including but not limited to, aeration units, sand filters and mound systems, which require routine maintenance in order to function properly. The agreement must be with an approved person possessing the ability to comply with the agreement on at least a semi-annual basis or such other time frame recommended by the manufacturer. The agreement must be approved by the Administrative Agency and kept current. The current agreement and any subsequent agreements must be filed in the office of County Planning, Zoning and Environmental Health. Documentation verifying maintenance of the system shall be filed in the office of County Planning, Zoning and Environmental Health by the person performing the maintenance. The documentation shall include:

- a. Landowner's name, address and telephone number;
- b. Service dates;
- c. Written summary of maintenance and repair performed; and
- d. Date documentation was submitted to the Administrative Agency.

Failure of the landowner to maintain and file a current maintenance agreement shall be cause for cancellation of the wastewater permit.

WATER SUPPLIES

Provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, use and abandonment of all water supplies other than Public Water Supplies and irrigated areas larger than two acres in _____ County, Kansas, in order that public health will be protected and contamination and pollution of water resources of the county will be prevented.

Domestic Water Supply means the use of water by any persons or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, or for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns (K.S.A. 82a-701c and K.A.R 28-30-2h).

Private Water Supply means a system that provides water for human consumption to 9 or fewer service connections or to 24 or fewer individuals at least sixty days out of the year.

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 (K.S.A. 65-162a). Public water supplies are not subject to the water supply requirements of this code.

Backflow Devises. Water wells to be used for underground sprinkler systems shall be equipped with an approved backflow prevention device. Such device shall be installed according to manufacturer listed distances and standards.

Cross-Connection. No connection or arrangement shall be made between a potable water supply system and any equipment or device, through which it may be possible for used, unclean, polluted, and contaminated water or other substances, to enter into any part of such potable water system under any condition.

TRANSFER OF PROPERTY OWNERSHIP. No person shall transfer the ownership of any property with a water supply subject to the regulations of this code until the supply is inspected by the Administrative Agency and the results of that inspection are made available to the transferee.

LAND APPLICATION OF PAUNCH

PURPOSE AND INTENT

Paunch is a potential source of disease and water pollution and may be a hazard to the health, safety and welfare of the public. Paunch is also a valuable nutrient source for soil and a necessary by-product of the commercial slaughter industry. Paunch is not a hazard to the health, safety and welfare of the public when properly handled and applied to agricultural land. It is the purpose of this chapter to define minimum standards and regulate the land application of paunch generated as the result of commercial slaughter of livestock.

APPLICABILITY

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

DEFINITIONS

Agricultural Land means land suitable for use in farming.

Commercial Slaughter means the slaughtering of livestock by any person for the purpose of selling the finished product or by-product for profit.

Farming means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock.

Land Applicator means any person hired by a commercial slaughter business, as an employee or independent contractor, to apply, distribute or otherwise dispose of paunch on any lands located in the unincorporated areas of County.

Livestock means cattle, calves, sheep, swine, poultry or any other animal which can be used in and for the preparation of meat, meat products or animal by-products.

Paunch means material and liquid content from stomach ruminant, grit and pressed manure generated from the commercial slaughter of livestock. Paunch includes those wastes transported from a commercial slaughter site over public roads for land application. Excluded from this definition are:

- treated effluent used for irrigation permitted by the Kansas Department of Health and Environment; and
- wastes directed to Kansas Department of Health and Environment permitted landfills or compost facilities.

Paunch does not include oils, fats and grease, hair, hide scraps, meat scraps, and blood.

Person means an individual, corporation, partnership, joint venture association, federal government, state government, political subdivision or other legal entity.

LAND APPLICATION OF PAUNCH

Permit Required. No person shall distribute, disperse, transport, store, stockpile, incorporate or otherwise dispose of paunch on any lands located in County unless the person holds a valid permit issued by the Administrative Agency, except a person may compost paunch in accordance with a solid waste processing facility permit issued by the Kansas Department of Health and Environment.

Contracting With Non-Permitted Persons Prohibited. No person in the business of commercial slaughter, directly or indirectly, shall contract or utilize any person who intends to land apply paunch on any lands located in the unincorporated areas of County or transport paunch on roadways in County, unless that person holds a valid permit.

Restrictions. The land application of paunch on any lands located in the unincorporated areas of County shall be subject to the following restrictions:

- No paunch shall be applied within 500 feet of any residential dwelling.
- No paunch shall be applied on any land with less than 20 feet depth to groundwater.
- No paunch shall be applied within 200 feet of any water well used for drinking.
- No paunch shall be applied within 100 feet of any water well used for irrigation.
- No paunch shall be surface applied within 100 feet of any public roadway.
- No paunch shall be applied within 100 feet of any adjacent landowner.
- No paunch shall be applied within 100 feet of any surface water.
- No paunch shall be applied upon any land with a slope greater than five percent (5%) unless sub-surface applied.
- The annual application of paunch shall not exceed the agronomic needs of the land to produce a productive crop. Nitrates and phosphorus levels shall not exceed 150 parts per million (ppm) cumulative as determined by annual soil tests recognizing high pH soils.
- In no event shall paunch be land applied to frozen, snow covered or saturated soils.

Intensive Management. A permitted land applicator shall engage in intensive management (see Section 4-5.2 c. and recommended or applicable Natural Resource Conservation Service Practices) for land application on the designated areas of primary total maximum daily loads (TMDL) and the buffer zone designated by the Kansas Department of Health and Environment (KDHE).

Incorporation of Paunch. A permitted land applicator shall incorporate surface applied paunch within 24 hours of application.

Compliance With Other Laws. In addition to the requirements set forth in this Code, a permitted land applicator shall comply with all federal and state laws and any applicable KDHE regulations. Failure to comply with this Code or any other applicable laws and regulations shall be grounds for revocation of the land applicator's permit.

PERMIT REQUIREMENTS AND APPLICATIONS

Application for Permit. The application for a permit to land apply paunch shall be made on the form or forms provided by the Administrative Agency. An application must be fully completed and accompanied by a sworn affidavit stating the applicant is knowledgeable of and will fully comply with the provisions of this Code and all applicable laws and regulations.

Any person with a permit to land apply paunch must maintain liability insurance coverage with a company acceptable to the Administrative Agency in the minimum coverage amount of \$1,000,000.00 per occurrence. A current certificate of insurance must be kept on file with the Administrative Agency.

Plan. The applicant for a permit to land apply paunch must submit a Plan which details the following:

- The procedure applicant will use for monitoring the content of the paunch to be land applied;
- The route(s) the applicant will use when transporting paunch within County and a descriptive list of the vehicle(s) to be used when transporting paunch (water tight, etc.). Vehicles used for transporting paunch shall be subject to inspection by the Administrative Agency at any time. Use of a vehicle may be prohibited if it is determined by the Administrative Agency to be unsafe or an unreasonable risk for spillage.
- The procedure applicant will follow for the clean-up resulting from an accident or spill;
- A nutrient management plan which will include the filing of a semi-annual report with the Administrative Agency identifying the following:
 - 1) each parcel of land upon which paunch has been applied during the previous six (6) months;
 - 2) each parcel of land upon which paunch may be applied during the next six (6) months;

- 3) the name and mailing address of the owner(s) of each parcel listed in (1) and (2) above;
- 4) the tonnage per acre applied on each parcel in (1) above;
- 5) the results of the annual soil analysis for each parcel listed in (1) above; and
- 6) the intensive management plan provided for in Section 4-4.4.

The annual "soil analysis" referred to herein means chemical analysis of plant available soil constituents to identify nutritional deficiency or chemical toxicity that could affect crop growth or yield. Soil analysis results are used to match nutrient applications to crop requirements, which can help prevent environmental contamination. A soil analysis for land application monitoring shall include, but not be limited to, nitrate-nitrogen, phosphorus, potassium, calcium, magnesium, sodium, zinc, iron, manganese, copper, organic matter percentage, soil pH, buffer pH and soluble salts using methods defined by the Council on Soil and Plant Analysis.

The person making the soil analysis required by this Code shall be approved in advance by the Administrative Agency.

Procedure. The procedure for consideration of permit applications and the issuance of permits shall be as set forth in Chapter 1 of this Code.

Terms and Renewal. Any permit issued for land application of paunch shall be valid for twelve (12) months following the date of issuance. Permits may be renewed for additional twelve (12) month periods upon proper application, payment of renewal fees and demonstration of full compliance with this Code during the prior permit period. Renewal applications must be filed at least thirty (30) days prior to expiration of the current permit.

Permit Application Fees. The application fee for a permit to land apply paunch generated as the result of commercial slaughter of livestock shall be \$2,500.00 and must be paid at the time of application. The annual renewal fee shall be \$2,500.00 and must be paid prior to the renewal of an existing permit. All fees are non-refundable and shall be paid to the Administrative Agency.

Non-transfer of Permits. Permits issued pursuant to this Section of the Code are not transferable.

Form #1

Bulletin 4-2 Checklist

Bulletin 4-2 Review Checklist

✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	INTRODUCTION			
	All domestic wastewater shall be discharged to an approved sewage collection system or an approved lagoon, septic system, or alternative system.	Page 1; K.A.R. 28-5-6	Required	
	Wastewater from a home shall be discharged to a properly designed and maintained septic tank-soil absorption field or wastewater pond, an approved alternative treatment and disposal system, or a permitted sewage treatment plant.	Page 1	Required	
	Seepage pits, cesspools, and dry wells (rat holes) are not permitted.	Page 1	Required	
	Industrial or commercial wastewater (from shops, manufacturing, car washes, etc.) is not permitted to be discharged to an onsite soil absorption system, so it shall not be mixed with domestic wastewater.	Page 1	Required	
	WASTEWATER FLOWS			
	Surface runoff from roofs and paved areas, subsurface drainage from footing drains and sump pumps, and cooling water are not domestic wastewater and must be excluded from soil absorption systems. Such water may be used to maintain operating water level in wastewater ponds.	Page 2	Required	
	Design flow is estimated by multiplying the number of household bedrooms by the number of people per bedroom.	Page 2	Required	
	75 gallons per person is commonly used to estimate flow resulting in 150 gallons per day (GPD) for two people in each bedroom.	Page 2	Recommended	
	Adjustments should be made for water softeners, spas, hot tubs, dishwashers, etc. – these appliances may increase water use	Page 2	Recommended	
	SITE & SOIL EVALUATION			
	Four feet of aerated soil below the bottom of the absorption field is necessary.	Page 2	Required	
	In sandy soil, it is recommended that as much vertical separation as possible be provided.	Page 2	Recommended	
	Soil must absorb the septic tank effluent, treat the wastewater, and transmit treated wastewater away from the soil absorption areas.	Page 2	Required	
	A site and soil evaluation should be completed in order to locate the area to be used for the absorption field, to verify the soil characteristics, and to size the system.	Page 3	Recommended	
	Slopes steeper than 20% are not recommended for lateral field installations.	Page 3	Recommended	
	The range of values for each of several properties that cause the soil to be placed in slight, moderate, and severe limitation rating for soil absorption systems is shown in Table 1.	Pages 2 & 3 (Table 1)	Required when a soil evaluation is conducted	
	The wastewater system area should be chosen prior to any construction on a site and should be an integral part of the homesite design and development.	Page 3	Recommended	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	A soil profile analysis is highly recommended to ensure suitability of the area and to establish the loading rate so that adequate space is available for the absorption field and its replacement.	Page 3	Recommended	
	The soil profile should be analyzed to a depth of at least four feet below the bottom of the absorption area or at least six feet below the surface	Page 3	Recommended	
	At least three soil profile pits should be dug surrounding the area to establish the range of soil characteristics that are present on the site, and to determine the best location for the absorption field.	Page 3	Recommended	
	Recommended loading rates are based on soil texture, structure and consistence information.	Pages 3 & 4 (Table 2)	Required when recommended loading rates are used	
	System design should be based on the most limiting soil texture found in the first four feet of soil below the bottom of the proposed absorption lateral.	Page 4	Recommended	
	It is highly recommended that the absorption field and an equal area reserved for future use be marked and fenced so they will not be disturbed during construction.	Page 4	Recommended	
	If a site plan is prepared, setback distances to property lines, wells, surface water and buildings must be checked and included.	Page 4	Required	
	Where evaporation substantially exceeds precipitation, as in central and western Kansas, a reduction in soil absorption area may be used when the soil is well suited to wastewater absorption. A well suited soil has medium to coarse texture, percolation rates less than 45 minutes per inch and wastewater loading rates of 0.5 gallons per square foot per day or more.	Page 3 (Table 3)	Recommended	
	For marginal, high clay, soil that has low loading rates, no reduction should be used regardless of location in Kansas.	Page 4	Recommended	
	The procedure for doing a percolation test is described in Appendix A (page 14). Use loading rate and absorption field recommendations in Table 4, or use another method specified by the local sanitary code.	Pages 4 & 5 (Table 4)	Recommended	
	Minimum required and recommended separation distances for private wastewater systems are given in Table 5. Structures and boundaries to consider include easements, buildings, property lines, utilities, wells, water lines, surface water courses, and components of the wastewater disposal system.	Pages 4 & 5 (Table 5)	Required	
	Twenty-five feet is required between an onsite wastewater system and a public potable water line.	Page 4 (Table 5) and KDHE guidelines for public water supplies.	Required	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	100 feet is required between an onsite wastewater system and a public water supply well or suction line.	Page 4 (Table 5) and K.A.R. 28- 30-8(a)	Required	
	When lot dimension, topography, or soil condition make maintaining the required 50 feet separation distance between a wastewater lagoon and a property line or dwelling foundation impossible, a written variance from the affected property owners shall be obtained and filed with deeds.	Page 4 (Table 4; footnote 10)	Required	
	When limiting properties occur in the soil profile, a variation of conventional laterals, wastewater ponds or alternative treatment systems may be used to compensate for the limiting condition. Variations and alternatives that may be considered are summarized in Table 6. When possible, sites with these restrictive conditions should be avoided due to higher cost, larger land area, and greater maintenance requirements for the alternatives systems.	Page 4 (Table 6)	Recommended	
SEPTIC TANK				
	The septic tank is sized so that wastewater flow through the tank takes at least 24 hours even with sludge and scum accumulation.	Page 6	Recommended	
	Septic tanks are designed to handle all the daily flow a household will normally produce and must have sufficient capacity for the minimum recommended volume of at least two times the daily wastewater flow.	Page 6	Required	
	Septic tank capacities -- <ul style="list-style-type: none"> • Table 7 gives minimum and recommended capacities for sizing septic tanks. • Septic tank capacities are based on the number of household bedrooms. For each additional bedroom, add 300 gallons to the minimum value and 450 gallons to the recommended value. • Septic tank capacity (gallons) is the volume held by the tank below the liquid level (invert of the outlet pipe). • The minimum tank size is 1,000 gallons. 	Page 6 (Table 7)	Required	
	Septic tank effluent filters are highly recommended.	Page 6	Recommended	
	If two compartment tanks or two tanks in series are used, the first compartment shall be sized to contain from one-half to two-thirds of the total tank capacity.	Page 6	Required	
	Total tank capacity should be sized to retain at least two-to-three times the total daily wastewater flow as shown in Table 7	Page 6	Recommended	
	Tanks shall never be closer than 50 feet from any water supply. Greater distances are preferred if possible.	Page 6	Required	
	A 100-foot separation is required if the water source serves a public water supply.	Page 6	Required	
	The septic tank shall not be located closer than 10 feet from any building, in swampy areas, or in areas located within the 100 year flood plain.	Page 6	Required	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	There shall be no permanent structure (patio, building, driveway, etc.) over the tank, lateral or other part of an onsite wastewater system.	Page 6	Required	
	To avoid damage to the onsite wastewater system, heavy equipment should not have to cross any portion of the system when servicing the septic tank.	Page 6	Recommended	
	A sketch of the wastewater disposal system as constructed, showing measurements should be made and delivered to the homeowner, and filed with the permit. Figure 3 shows an example septic system sketch.	Pages 6 & 8 (Figure 3)	Recommended	
	All abandoned or unused septic tanks, cesspools, seepage pits or other holes that have received wastewater shall be emptied and plugged following procedures described in K-State Research & Extension bulletin MF-2246.	Page 6	Required	
	SEPTIC TANK DESIGN/CONSTRUCTION SPECIFICATIONS – General Requirements Regardless of the Construction Material			
	Structural design -- <ul style="list-style-type: none"> • The septic tank including all extensions to the surface shall be watertight to prevent leakage into or out of the tank. • The tank shall be structurally sound and made of materials resistant to corrosion from soil and acids. • Steel tanks are not acceptable. 	Page 7 Paragraph A	Required	
	Liquid depth and inside length -- <ul style="list-style-type: none"> • Septic tank liquid depth must be at least three feet but shall not exceed six-and-one-half feet. • The effective inside length of tanks shall not be less than one-and-a-half nor greater than four times the effective inside width. 	Page 7 Paragraph B	Required	
	The minimum tank capacity is two times the daily wastewater flow using 150 per bedroom or 1,000 gallons, whichever is larger.	Page 7 Paragraph C	Required	
	Tanks sized three times daily flow are recommended.	Page 7 Paragraph C	Recommended	
	Tanks sized three times daily flow shall be required when garbage disposals are used.	Page 7 Paragraph C	Required	
	Support -- <ul style="list-style-type: none"> • The top of all tanks shall be designed and constructed to support a minimum uniform load of 400 lbs. per square foot plus a 2,500 lb. axle load. • When buried more than two feet, the tank, especially the top, shall support an additional 100 lbs. per square foot for each foot of soil or portion thereof in excess of two feet. 	Page 7 Paragraph D	Required	
	If the tank is placed in an area subject to any vehicular traffic, it shall be certified to meet H-20 highway loading by a Kansas licensed structural engineer	Page 7 Paragraph E	Required	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	Space above liquid line for scum is required for that portion of the scum that floats above the liquid.	Page 7 Paragraph F	Required	
	Liquid depth -- <ul style="list-style-type: none"> • For vertical sidewall tanks, the distance between the top of the tank and the outlet invert should be 15% of the liquid depth with a minimum of seven inches. • In horizontal, cylindrical tanks, an area equal to approximately twelve and one-half (12 ½) percent of the total volume should be provided above the liquid line. This condition is met if the space above the liquid level (distance from outlet invert to top of tank) is 15% of the tank diameter. 	Page 7 Paragraph F	Recommended	
	Sewage lines carrying solids from the source to the tank should have sufficient slope to maintain velocities that keep solids moving. For household size lines, a slope of between one percent (1/8 inch per foot) and two percent (1/4 inch per foot) is usually best.	Page 8 Paragraph G	Recommended	
	The last 15 feet of sewer line preceding the tank shall not slope more than two percent (1/4 inch per foot).	Page 8 Paragraph G	Required	
	The inlet and outlet baffle or tee and compartment baffle should extend above the liquid level to one inch below the top of the tank.	Page 8 Paragraph H	Recommended	
	The invert of the inlet pipe shall be located at least three inches above the invert of the outlet when the tank is level.	Page 8 Paragraph I	Required	
	The septic tank or pumping tank inlet shall be a sanitary tee, elbow or long sweep elbow with low head inlet or baffle to direct incoming sewage downward and prevent flow from disturbing the floating scum layer.	Page 8 Paragraph J	Required	
	The septic tank or pumping tank inlet should extend eight inches below the liquid level, but should not penetrate deeper than 20% of the liquid depth.	Page 8 Paragraph J	Recommended	
	The outlet tee or baffle should generally extend below the liquid surface a distance equal to 35% of the liquid depth. For horizontal, cylindrical tanks, this distance should be reduced to 30 percent of liquid depth.	Page 8 Paragraph K	Recommended	
	Inlet and outlet openings shall be designed and constructed to be water tight for at least a 20-year life of the system.	Page 8 Paragraph L	Required	
	Two compartment tanks-- <ul style="list-style-type: none"> • The dividing baffle shall extend from bottom of the tank to at least six inches above the liquid line. • The opening in the dividing baffle may be any shape and shall be at least two inches minimum dimension with a total area of at least 12 square inches. • The baffle opening is to be centered 35% of liquid depth (30% for cylindrical tanks) below the liquid level. 	Page 8 Paragraph M	Required	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	Septic tank openings and attachments -- <ul style="list-style-type: none"> • Septic tanks shall have an access manhole with 20 inches minimum dimension for each compartment. • If the manhole does not extend to surface grade, a small diameter (at least one-and-a-half inch diameter) pipe shall extend to surface from the cover to mark the location of the manhole. This pipe shall not penetrate the lid of the tank. • Inspection risers at least 6 inches in diameter shall extend to surface grade centered over the inlet and outlet tees. • All below grade attachments to the tank, connections, riser, extensions and lid shall be water tight. • When any opening larger than eight inches extends to the surface, that opening shall be child and tamper resistant. This can be accomplished with lids weighting at least 65 pounds, locks, or anchors that are not removable without special tools. 	Page 8 Paragraph N	Required	
	The sewer line from the house to the tank, all fittings and pipe in the tank, all extensions to the surface from the top of the tank and the first 10 feet exiting the tank shall be schedule 40 pipe or heavier.	Page 8 Paragraph 0	Required	
	Septic tank design -- <ul style="list-style-type: none"> • Septic tanks shall be designed for at least a 20-year life. They shall be designed and constructed to withstand extremes in loads resulting from adverse conditions without excessive deflection, deforming, creep, cracking or breaking. • Change in shape shall be limited to 5%. • Loads shall be based on 62.4 pounds per cubic foot for water and water saturated soil. • Top loads for design shall be in uniform 400 pounds per square foot plus 2,500 pound axle point load. • If the tank will be placed deeper than two feet or subject to vehicular traffic over the tank, a design by a Kansas licensed structural engineer shall be done for the specific conditions. 	Page 9 Paragraph P	Required	
	SEPTIC TANK DESIGN/CONSTRUCTION SPECIFICATIONS – Special Considerations for Concrete Tanks			
	Figure 2 shows the dimensions of a typical precast concrete septic tank.	Page 7 (Figure 2)	Required	
	If tank is deeper than 12 inches, add an extension riser to the cover so the top of the riser is no more than 12 inches from the surface.	Page 7 (Figure 2, footnote 20)	Required	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	Concrete design mix -- <ul style="list-style-type: none"> • The concrete design mix shall be for a compressive strength of at least 4,000 lbs. per square inch at 28 day cure. • The water-cement ratio shall not exceed 0.45. 	Page 9 Paragraph A	Required	
	Baffles or other interior concrete units shall not be used for precise or poured in place concrete septic tanks unless they are cast or built into the tank wall at the time the tank is constructed	Page 9 Paragraph B	Required	
	Air entrainment additives shall be added to five percent volume.	Page 9 Paragraph C	Required	
	Other chemical admixtures are encouraged to reduce water content, improve placement in forms	Page 9 Paragraph C	Recommended	
	Concrete tanks and lids shall receive proper care during the hydration (hardening) period by: <ol style="list-style-type: none"> 1. monitoring and controlling temperature of the concrete and gradients (i.e., maintain 50 to 90 degrees Fahrenheit for conventional cure and up to 140 degrees Fahrenheit under low pressure steam cure); and 2. monitoring and controlling humidity to prevent adverse moisture loss from fresh concrete (i.e., prevent or replenish loss of essential moisture during the early relatively rapid state of hydration). 	Page 9 Paragraph D	Required	
	Reinforcing steel -- <ul style="list-style-type: none"> • Reinforcing steel shall be placed as designed by a Kansas licensed structural engineer to ensure floor, wall, and top do not crack from moisture, frost, soil load, water load, axle load, or other stresses. Loads as specified above shall be used for the design condition. • Reinforcing steel shall be covered by a minimum of one inch of concrete and placed within plus or minus one-quarter (1/4) inch. 	Page 9 Paragraph E	Required	
	A monolithic pour is the preferred construction procedure.	Page 9 Paragraph F	Recommended	
	Two-piece tanks -- <ul style="list-style-type: none"> • Very large tanks that are cast in two pieces and assembled in the field shall meet the same structural strength standard as specified earlier. • Two piece tanks shall have permanently sealed structurally sound joints and shall be water tested after assembly. • A Kansas licensed structural engineer shall determine if the tank meets the strength specification. 	Page 9 Paragraph F	Required	

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	Additional corrosion resistance measures -- <ul style="list-style-type: none"> • In areas of high sulfate water (greater than 250 mg/L), additional corrosion resistance measures is appropriate. Recommended measures include: <ul style="list-style-type: none"> ○ ASTM C150 Type II cement (moderate sulfate resisting); ○ ASTM C150 Type V cement (high sulfate resisting); or ○ coating interior concrete surfaces above the water line. • Coatings that provide additional protection of the concrete include asphalt, coal tar, or epoxy. The product used should be acid resistant and provide a moisture barrier coating for the concrete. 	Page 9 Paragraph G	Recommended	
	Corrosion resistance products must not bleed into the water.	Page 9 Paragraph G	Required	
	Manufacturers are strongly urged to follow guidelines and meet standards of American Concrete Institute, National Precast Concrete Association, and American Society for Testing and Materials. Manufacturers should identify and advertise their products that meet applicable standards.	Page 9 Paragraph H	Recommended	
	SEPTIC TANK DESIGN/CONSTRUCTION SPECIFICATIONS – Special Considerations for Fiberglass, Fiberglass Reinforced Polyester, and Polyethylene Tanks			
	All tanks shall be sold and delivered completely assembled.	Page 9 Paragraph A	Required	
	Tanks shall be structurally sound and support external forces as specified above when empty and internal forces when full. Tanks shall not deform or creep resulting in deflection more than five percent in shape as a result of loads imposed.	Page 9 Paragraph B	Required	
	Tanks and all below grade fittings and connections shall be water tight.	Page 9 Paragraph C	Required	
	SEPTIC TANK PLACEMENT SPECIFICATIONS			
	Avoid causing compaction in the lateral field during placement of the septic tank.	Page 9 Paragraph A	Required	
	Unsuitable natural soil – <ul style="list-style-type: none"> • Tanks shall be placed on a bed of at least four inches of sand, pea gravel, or crushed non-corrosive granular material. • Material shall be no larger than two inches in diameter. • Bed depth shall be at least four times the largest material diameter. 	Page 9 Paragraph B	Required	
	Access manholes and inspection openings – <ul style="list-style-type: none"> • Access manholes should be at surface grade. Where top of the tank must be more than 12 inches below surface grade, a watertight extension collar shall be added to raise the cover. • Inspection openings placed over inlet and outlet tees or baffles shall be at least six inches in diameter and extend to the surface. 	Page 10 Paragraph C	Required	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	Septic tanks should not be placed into the water table (including perched or seasonal).	Page 10 Paragraph D	Recommended	
	Plastic tanks shall not be used in high or seasonally high water tables unless precautions are taken to drain groundwater.	Page 10 Paragraph D	Required	
	Septic tanks shall be watertight.	Page 10 Paragraph E	Required	
	Precast one piece tanks are best tested for watertightness at the plant before delivery.	Page 10 Paragraph E	Recommended	
	Two piece tanks that are assembled on-site must be tested following placement but before back filling.	Page 10 Paragraph E	Required	
	The tank hole shall provide ample space around the tank for access to do compaction. Backfill shall be in uniform, compacted layers not exceeding two feet thick and surround the tank.	Page 10 Paragraph F	Required	
	Because of potential soil collapse, compaction should be done from the surface without entering trenches deeper than five feet.	Page 10 Paragraph E	Recommended	
	ABSORPTION FIELD SIZE			
	The wastewater design flow is based on 150 gallons per day per bedroom.	Page 10	Required	
	Loading rate is determined from the soil profile, from the percolation test rate, or by using another method as specified in the local code.	Page 11 (Table 2, pg 4 or Table 4, pg 5)	Required	
	The soil absorption area is calculated by dividing the wastewater flow in gallons per day by the loading rate (gallons per day per square foot).	Page 11	Required	
	Length of laterals -- <ul style="list-style-type: none"> • The maximum gravity lateral run shall not exceed 100 feet and preferably should be less than 60 feet. • If a lateral is supplied from the center, the total length shall not exceed 200 feet (100 feet to each side) and a maximum of 120 feet is preferred. • Lateral systems on level sites with all laterals on the same elevation shall be connected at each end with a level manifold or connector pipes as shown in Figure 3 so there are no dead ends. 	Pages 8 & 11 (Figure 3)	Required	
	Step down or serial distribution as shown in Figure 4 is recommended for sites that slope one-and-a-half (1 ½) percent or more and/or result in more than six inches difference in cover for a level lateral system.	Page 10, 11 & 12 (Figure 4)	Recommended	
	Adjacent absorption field trenches should be separated by at least six feet of undisturbed soil. Table 8 shows the minimum spacing for trench widths ranging from 18 to 36 inches. Individual trenches should be constructed on contour with the surface grade and with a level trench bottom to keep the trench cover a uniform thickness.	Pages 11 & 12 (Table 8)	Recommended	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	A minimum of six inches of rock or gravel shall be placed in the trench under the distribution pipe, followed by enough gravel to cover the pipe by two inches.	Page 12	Required	
	The soil cover over the trench should not be less than six inches to provide adequate water holding capacity for grass nor more than 12 inches to maximize water and nutrient use by vegetation. Generally, the total trench depth should be as shallow as possible, but not less than 18 inches.	Page 12	Recommended	
	Perforated distribution pipe shall be used and, where pressure is not required, 4-inch diameter pipe is adequate. See standard lateral trench design and dimensions shown in Figure 5.	Page 12	Required	
	When a shallow in-ground lateral system is used, the shallow, rock-filled trench shall be covered with a synthetic geotextile barrier material (at least three ounce nylon or five ounce polypropylene nonwoven filter fabric) before the lateral and interval between laterals is covered with topsoil brought to the site.	Page 12	Required	
	At-grade lateral systems – <ul style="list-style-type: none"> • The rock lateral shall be covered with barrier material before the lateral and interval space is covered with topsoil and brought to the site. • The at-grade lateral requires tilling the soil strip under the lateral on a level contour. • A pressure dosing system shall be included as a part of the at-grade design. • Orifices in the pipe shall be sized and spaced to evenly distribute flow throughout the lateral system. • If the area is too large to pressurize the entire system, a multizone design and sequencing valve shall be used to dose zones in sequence. 	Page 12	Required	
	When an at-grade lateral and pressure dosing system is used, the distribution lateral line pressure should not exceed five feet of head.	Page 12	Recommended	
	The use of an effluent filter on the septic tank outlet is strongly encouraged to prevent solids from plugging the absorption field, prolong the life of the absorption field, improve performance of the system, and help reduce the strength of wastewater effluent.	Page 12	Recommended	
ABSORPTION FIELD MATERIAL SPECIFICATIONS				
	Rigid PVC or corrugated polyethylene plastic pipe -- <ul style="list-style-type: none"> • All materials used in the plumbing, wastewater line, and lateral fields shall meet standards specified by ASTM (American Society for Testing and Materials). • In gravity lateral pipes, perforations are circular, ½ inch diameter and are placed at the four and eight o'clock positions on the pipe circumference. • In no circumstance is slotted pipe acceptable as the narrow slot openings plug easily. 	Page 12	Required	

Bulletin 4-2 Review Checklist

✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	Porous media for the trench – <ul style="list-style-type: none"> • Crushed stone or washed gravel is commonly used. • The media gradation shall be three-quarter ($\frac{3}{4}$) inches to two inches in diameter, with the smaller sizes preferred to reduce masking of the infiltration surface. • Rock having a hardness of three or more on the Moh's Scale of Hardness is required. • Larger diameter and smaller diameter material, or soft aggregate such as calcite limestone are not acceptable and shall not be used. • Fines shall not exceed five percent by volume. 	Page 12	Required	
	Fines -- <ul style="list-style-type: none"> • Fines should be eliminated as much as possible. • Unwashed material is generally unacceptable. 	Page 12	Recommended	
	Gravelless chambers are good choices for laterals when suitable rock or gravel is not locally available, is expensive, or access to the site is restricted.	Page 12	Recommended	
	Recycled tire chunks are a suitable substitute for rock. 90% of the pieces should be one-half ($\frac{1}{2}$) to four inches in size with no fines.	Page 13	Recommended	
	Wire strands shall not extend more than one-half ($\frac{1}{2}$) inch from recycled tire pieces.	Page 13	Required	
	Cover for porous media – <ul style="list-style-type: none"> • The porous media shall be covered with a filter fabric (at least three ounce nylon or five ounce polypropylene) before backfilling to prevent soil from sifting through the media. • Traditional untreated building paper or three inch layer of straw are not recommended. • Filter fabric is required when tire pieces are used as the porous media. • Materials relatively impervious to air and moisture are not permitted. 	Page 13	Required	
FIELD CONSTRUCTION SPECIFICATIONS				
	Protection of the absorption field area – <ul style="list-style-type: none"> • Heavy equipment, such as loaded trucks, should be kept away from the absorption field by marking the site. Excessive equipment or foot traffic can compact even relatively dry soils. • Construction should not proceed when wet soil can be rolled out into a soil wire one-quarter ($\frac{1}{4}$) inch in diameter or smaller without falling apart. • Before beginning construction, contours should be determined and level lateral locations should be marked by flags or stakes on the contour. 	Page 13	Recommended	

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✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	Excavation and leveling of trenches – <ul style="list-style-type: none"> • Trenches shall not be excavated deeper than the design depth or wider than the design width. • Following excavation, the trench sides and bottom shall be raked to remove any smearing and graded to assure a bottom with no more than one inch difference in elevation along the entire lateral length or the complete field for a level system. • The lateral pipe and rock cover shall not vary more than one inch in elevation along the lateral length using a surveyor level or laser. • The trench bottom should then be immediately covered with at least six inches of rock or the chamber. 	Page 13	Required	
	Placement of distribution pipes – <ul style="list-style-type: none"> • Place pipes carefully on the rock and level with perforations at four o'clock and eight o'clock. • Place rock around and over the pipe to a cover depth of at least two inches. 	Page 13	Recommended	
	Placement of barriers and backfill – <ul style="list-style-type: none"> • Filter fabric or other barrier shall be placed to protect from soil movement into the rock. • Earth backfill shall be carefully placed to fill the trench cavity. • The backfill shall be mounded above the trench about 20 percent of the soil fill height to allow for settling. 	Page 13	Required	
MAINTAINING ONSITE WASTEWATER SYSTEMS				
	Minimum annual maintenance requirements -- <ul style="list-style-type: none"> • Check the sludge and scum in the tank to determine pumping requirements; tanks need to be pumped regularly depending on wastewater flow and tank size (often three to five years). • Check the baffles or tees to ensure they are intact, secure, and in good condition. • Check the tank and soil absorption area monthly for indications of leaks or failure. • Check observation ports in each lateral. • Check effluent filter and clean as needed. • A maintenance file should be kept by the owner for easy reference and for information when ownership changes. 	Page 13	Recommended	

Bulletin 4-2 Review Checklist

✓	Directive	Citation/ Page	Required or Recommended Standard	Local Code Language and Location
	WASTEWATER STABILIZATION PONDS			
	Applicability – <ul style="list-style-type: none"> • Wastewater ponds (lagoons) should be considered for individual household wastewater where soil conditions have severe limitations for conventional lateral absorption field systems. • Single family wastewater ponds should not be considered if septic tank-lateral field systems are feasible. • Wastewater ponds are especially applicable on sites with very restrictive permeability, high clay subsoil (i.e., slow percolation rates), or shallow bedrock where adequate area is available. 	Page 14	Recommended	
	Requirements – <ul style="list-style-type: none"> • All private wastewater ponds must be non-discharging • All private wastewater ponds must be fenced. • Maintenance is required to remove vegetation at the water's edge, to mow vegetation on embankments, and to remove trees that will shade the pond. 	Page 14	Required	
	ALTERNATIVE SYSTEMS GUIDELINES			
	Counties have the authority to grant a variance for alternative systems	Page 14	Recommended	
	No private onsite wastewater system shall have a surface discharge	Page 14	Required	
	APPENDIX A – Conducting a Percolation Test			
	The purpose, a brief description, materials needed, and procedure are provided in Appendix A.	Pages 14&15	Recommended	
	All test holes shall be the same size to help ensure consistency in results.	Page 15	Required	
	APPENDIX B -- Sources of Additional Information			
	Appendix B – <ul style="list-style-type: none"> • K-State Extension & Research bulletins • Other standards related to onsite wastewater system materials and procedures. 	Page16	Recommended	

Form #2

Documentation of Concurrence for County Sanitary Code Review

Documentation of Concurrence for County Sanitary Code Review

Please accept this draft version of the _____ County sanitary code for KDHE review and approval. This code has been reviewed by the following people:

Title	Print Name	Signature and Date
Sanitarian*		
County Attorney*		
County Commissioner*		
County Commissioner		
County Commissioner		
LEPP Committee Member		
LEPP Committee Member		
LEPP Committee Member		
Other		
Other		
Other		

* = Minimum participants required for local review.

Example #1

Cover Letter Requesting KDHE
Review of a New Sanitary Code

(Name), LEPP Coordinator
KDHE, Bureau of Water
Watershed Management Section
1000 SW Jackson St., Suite 420
Topeka, Kansas 66612-1367

RE: **(County)** Sanitary Code

Dear **(Name)**:

The **(County)** Commissioners have contracted with **(Name)**, to draft a sanitary code for our county. We have reviewed the draft code and we formally request the Kansas Department of Health and Environment review it for approval. Enclosed are supporting documents, which include:

- Draft code (also sent electronically)
- Completed Bulletin 4-2 checklist (Form #1)
- Documentation of Concurrence for County Sanitary Code Review (Form #2)

Duplicate copies have been submitted to **(Name)**, KDHE Watershed Field Coordinator in **(City)**, Kansas.

Please direct comments or responses to **(Name)**, **(Address)**. Thank you for your attention to our request.

Sincerely,

(Name)
(County) Commission Chairman

cc: **(Name)**

Example #2

Cover Letter Requesting KDHE
Review of a Revised Existing
Sanitary Code

(Name), LEPP Coordinator
KDHE, Bureau of Water
Watershed Management Section
1000 SW Jackson St., Suite 420
Topeka, Kansas 66612-1367

RE: **(County)** Sanitary Code

Dear **(Name)**:

The existing **(County)** Sanitary Code has been revised and the County Commissioners formally request the Kansas Department of Health and Environment review the enclosed draft code for approval. Revisions to the previously approved code include:

1. An increase in acreage requirements from 2 acres to 3 acres.
2. Require onsite wastewater system and private water well inspections for real estate transactions.

Enclosed supporting documents include:

- Draft code (also sent electronically)
- Completed Bulletin 4-2 checklist (Form #1)
- Documentation of Concurrence for County Sanitary Code Review (Form #2)

Duplicate copies have been submitted to **(Name)**, KDHE Watershed Field Coordinator in **(City)**, Kansas.

Please direct any comment or response to **(Name)**, **(County)** Sanitarian. Thank you for your attention to our request.

Sincerely,

(Name)
(County) Commission Chairman

cc: **(Name)**, **(County)** Sanitarian

Example #3

KDHE LEPP Coordinator Letter to County Explaining KDHE Review Findings



*Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary*

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

Dear:

The review of the proposed (**County**) Environmental Code is completed. During the review, program staff identified several revisions which should be made. A discussion of those changes is attached. After the code has been revised it should be submitted to KDHE for final review and approval. Please submit two copies of the revised code to:

Kansas Department of Health and Environment
Bureau of Water - Watershed Management Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

If you have any questions or comments, contact me at (**phone**).

Sincerely,

Local Environmental Protection Program

Enclosures

cc- Board of Commissioners
WFC

BUREAU OF WATER – WATERSHED MANAGEMENT SECTION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 420, TOPEKA, KS 66612-1367

Voice 785-296-4195 Fax 785-296-5509

<http://www.kdheks.gov/nps/index.html>

Example #4

KDHE BOW Director
County Sanitary Code
Approval Letter



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

Dear :

The proposed **(COUNTY)** County Sanitary Code has been reviewed and approved by the Kansas Department of Health and Environment in accordance with Kansas Statutes Annotated 19-3704. An official copy of the proposed code, as approved by this Agency, is attached for your records.

After the **(COUNTY)** County Sanitary Code has been officially adopted by the Board of County Commissioners, please send three copies of the adopted code and the attached form to the following address:

Kansas Department of Health and Environment
Bureau of Water - Watershed Management Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

KDHE recommends you contact the conservation district, extension office, contractors and lending institutions within **(COUNTY)** County informing them of the code adoption/changes to the code.

If you have any questions, please call **(LEPP SPECIALIST)** at **(PHONE)**.

Sincerely,

Karl Mueldener, Director
Bureau of Water

KM/lmd
Enclosures
pc- Board of County Commissioners
LEPP Specialist
County Code file

BUREAU OF WATER – WATERSHED MANAGEMENT SECTION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 420, TOPEKA, KS 66612-1367

Voice 785-296-4195 Fax 785-296-5509

<http://www.kdheks.gov/nps/index.html>

Example #5

Newspaper Public Notice

Publisher's Affidavit Of Publication

STATE OF KANSAS, EDWARDS COUNTY, ss.

Richard C. Crawford being first

duly sworn, doth depose and say that he is the

Editor of the Edwards Sentinel

a weekly newspaper, published at Edwards Edwards County, Kansas, and of general paid circulation on a yearly basis, in said county; which newspaper has been published more than 50 times a year, and has been published for more than five consecutive years prior to the first publication of the notice hereto attached; that said newspaper has been admitted to the United States mail, at the post office of publication, as second class matter; that said newspaper is not a trade, religious, or fraternal publication; and affiant further states that the annexed NOTICE

Public Hearing

was published in said newspaper for Three consecutive weeks.

First Published June 24 1999

Last Published July 8 1999

I hereby further certify that the publisher's fee of

\$48 is correct according to statute, and remains due and unpaid.

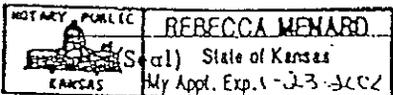
Richard C. Crawford

Subscribed and sworn to before me this 28th day of

July 1999

Rebecca Menard

Notary Public



My commission expires: 1-23-2002

PUBLIC NOTICE

(First published in The Edwards County Sentinel on June 24, 1999, last published July 8, 1999)

PUBLIC NOTICE

Notice is hereby given that the Edwards County Board of Commissioners will hold a public hearing at 1:00 P.M. on Monday, July 19, 1999 in the Edwards County Courthouse for the purpose of allowing interested parties an opportunity to discuss a proposal implementing sanitary code within the boundaries of Edwards County. A sanitary code establishes standards to eliminate and/or prevent development of environmental conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of Edwards County. Copies of the draft Environmental and Sanitary Code for Edwards County are available upon request at the Edwards County Clerk's Office.

IN THE _____ COURT OF EDWARDS COUNTY, KANSAS

ORDER APPROVING NOTICE

Now, on this _____ day of _____, 19____, the Court examines said notice and proof, and does find from such examination, that said notice is in due form, and was published in the manner and for the length of the time required by the statute in such cases made and provided; it is therefore considered, ordered and adjudged by the Court that said notice and proof be, and the same are hereby approved.

Publisher's Affidavit Of Publication

STATE OF KANSAS, EDWARDS COUNTY, ss.

PUBLIC NOTICE

Cathy Woodard being fi
duly sworn, doth depose and say that he is the _____

(First published in The
Edwards County Sentinel on
July 22, 1999)

RESOLUTION 5-99

Editor of the Ed. Co. Sentinel
a weekly newspaper, published at Kinsley
Edwards County, Kansas, and of general, paid, circu-
lation on a yearly basis, in said county; which newspa-
per has been published more than 50 times a year, and
has been published for more than five consecutive years p-
rior to the first publication of the notice hereto attached; i-
f said newspaper has been admitted to the United Sta-
tes mail, at the post office of publication, as second cl-
ass matter; that said newspaper is not a trade, religious
fraternal publication; and affiant further states that
annexed NOTICE

RESOLUTION OF THE
BOARD OF EDWARDS
COUNTY COMMISSIONERS

WHEREAS, a notice of public
hearing concerning the adoption
of a Sanitary Code of Edwards
County, Kansas, was given
pursuant to K.S.A. 19-3704,
and

WHEREAS, a public hearing
was held at 1:00 P.M., on
Monday, July 19, 1999, in the
Commission Chambers on the
first floor of the Edwards
County Courthouse, Kinsley,
Kansas 67547, for the purpose
of allowing all interested parties
an opportunity to discuss said
Sanitary Code,

NOW, THEREFORE BE IT
RESOLVED BY THE BOARD
OF EDWARDS COUNTY
COMMISSIONERS OF
EDWARDS COUNTY,
KANSAS, that adoption of a
Sanitary Code is necessary for
the protection of the general
health and welfare of the public,
and

BE IT FURTHER RESOLVED,
that the boundaries of the area
subject to the sanitary code are
all unincorporated areas within
Edwards County, Kansas, and

BE IT FURTHER RESOLVED,
that this resolution shall be
published once in the official
county newspaper and shall be
effective upon its date of
publication and a copy of said
code is available at the Edward
County Clerk's Office.

This resolution is officially
adopted this 19th day of July,
1999, by the Board of County
Commissioners, Edwards
County, Kansas.

BOARD OF COUNTY
COMMISSIONERS OF
EDWARDS COUNTY,
KANSAS

Marlin Butler, Chairman
Duane Mathes, Member
LaVern Danler, Member

ATTEST:
Pam Meadows, County Clerk

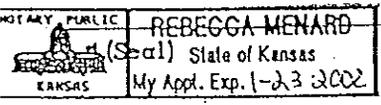
Resolution 5-99
was published in said newspaper for one
consecutive weeks.
First Published July 22 1999
Last Published _____ 19 _____

I hereby further certify that the publisher's fee of
\$ 43.47 is correct according to statute,
and remains due and unpaid.

Cathy Woodard
Subscribed and sworn to before me this 20th day of

July 1999

Rebecca Menard
Notary Public



My commission expires: 1-23-2002

IN THE _____ COURT OF EDWARDS COUNTY, KANSAS

ORDER APPROVING NOTICE

Now, on this _____ day of _____, 19____, the Court examines said notice and proof, and does
find from such examination, that said notice is in due form, and was published in the manner and for the length of
the time required by the statute in such cases made and provided; it is therefore considered, ordered and adjudged
by the Court that said notice and proof be, and the same are hereby approved.

Example #6

Public Hearing Guidance

Public Hearing Guidance

Public hearings, as required in K.S.A 19-3704, are held by the County Commissioners as means to solicit public comments on a proposed new or revised county code. The form below is a script for holding a public hearing. The County Commissioners should appoint someone, such as the

County Clerk, as official recorder. It may be beneficial to present the code section by section and allow public comment after each section. If controversy is expected, it may be beneficial to hire a facilitator to present the information. It is important to remember this meeting is to solicit public comment, the hearing office should never ask if there are questions.

_____ (Name of County) _____ County Commissioners

Opening Statement

Good evening ladies and gentlemen. My name is _____ and I have been appointed by the _____ (Name of County) _____ County Commissioners, to serve as the hearing officer for today's proceedings. On behalf of _____ (Name of County) _____ County Commissioners, I would like to welcome you to this hearing.

For purposes of the record the date is _____, and the time is _____. This hearing is being held at the _____ (name of building) _____, _____ (address) _____, _____ (city) _____, Kansas. The purpose of this hearing is to allow all interested parties the opportunity to provide input into the rule-making process.

The issue under consideration at this hearing, is the adoption of a _____ (Name of County) _____ County sanitary code for the rules and regulations designed to minimize or control those environments and environmental conditions that may adversely affect the health and well-being of the public, put forth by the _____ (Name of County) _____ County Commissioners.

Hearing Procedures

First I would like to describe the process for tonight's proceedings. As you entered the room you were asked to complete a registration slip which asked for your name and mailing address. From the slips we will compile a list of attendees. You also were asked to indicate on the slip whether you intend to present oral or written comments during the hearing. Following the County staff presentation I will call upon those individuals who indicated a desire to make oral comments.

Staff Presentations

At this time I would like to call upon _____ (name) _____, _____ (title) _____, in the _____ (Department Name) _____. _____ (name) _____ will present a summary of the proposed regulations.

Public Comments

We have now come to the point in today's hearing where we will receive testimony from the public. You may present any comments or raise any issues related to the proposed regulations, which you would like to be considered.

I will begin by calling upon those individuals who indicated their desire to present oral comments on the registration slips. As I call your name please come forward to the podium. Please state your name and affiliation for the record. We are making a recording of the hearing (optional) and it is essential that each person use the microphone.

(after all public comments have been stated or read)

This concludes the public comment segment of this hearing. The process that now takes place is for ___(Name of County)_____County staff to assemble all the written and oral comments received and address each issue raised in a responsiveness summary. Upon completion of the responsiveness summary, all the appropriate information will be forwarded to the ___(Name of County)_____County Commissioners. At that time, the ___(Name of County)_____County Commissioners will render a final decision on the adoption of these regulations.

I would like to express my appreciation to all of you who took time to participate in this public hearing. For the record, the time is _____, and this hearing is closed.

Example #7

County Resolution

RESOLUTION 2007-12

**Revision of the Barton County Sanitary Environmental Code
and Rescinding Certain Related Resolutions**

WHEREAS, the Board of County Commissioners of Barton County, Kansas, has the authority to implement sanctions for the betterment of life in Barton County; and

WHEREAS, in order to protect the health and welfare, a sanitary code would provide for adequate and reasonable control over environmental conditions in Barton County, establish standards to eliminate and/or prevent development of environmental conditions that are hazardous to health and safety and promote economical and planned development of land and water resources.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, pursuant to K.S.A. 19-3701, et. seq., that the Sanitary Environmental Code be revised for Barton County, Kansas. Such Revised Barton County Sanitary Environmental Code shall be incorporated into this Resolution as "Exhibit A"; and

BE IT FURTHER RESOLVED that copies of the Sanitary Environmental Code shall be available for inspection by the public at the Barton County Environmental Management Division; and

FURTHER, should this Resolution be in conflict with any previous resolutions of the Board of County Commissioners of Barton County, Kansas, that only the conflicting part of any previous resolutions and not the previous resolutions in total be declared void and ineffective; and

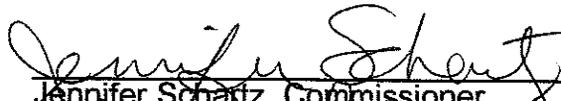
FURTHER, that Resolution 1984-24, Resolution Adopting and Incorporating a Sanitary Code for Barton County, adopted December 19, 1984; Resolution 1985-01, A Resolution Amending the Barton County Sanitary Code, adopted May 7, 1985, and Resolution 1993-19, Adoption of Sanitary Code for Barton County, Kansas, adopted September 13, 1993, be rescinded.

ADOPTED this 27th day of August, 2007.

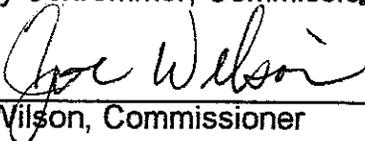
BOARD OF COUNTY COMMISSIONERS


Rick Scheufler, Chairman

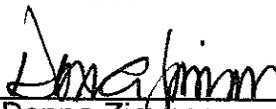

Betty Chlumsky, Commissioner


Jennifer Schartz, Commissioner


Kenny Schremmer, Commissioner

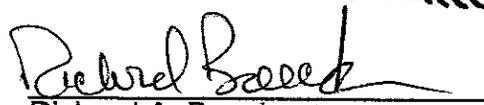

Joe Wilson, Commissioner

ATTEST:


Donna Zimmerman,
County Clerk



APPROVED AS TO FORM:


Richard A. Boeckman,
County Counselor

Form #3

County Sanitary Code
Adoption Form

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

Signature
Chairman, Board of County Commissioners

Date

Return to:

KDHE-Watershed Management Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367