June 6, 2011

SANITATION / ENVIRONMENTAL CODE

OF

COFFEY COUNTY, KANSAS

Official Copy as Incorporated

by Resolution No.

791-A

Prepared by the

Code Review Committee
(see page ii for acknowledgement)

Technical assistance by

Kansas Department of Health and Environment

And

Coffey County Code Review Committee

Effective Date

APPROVED

NOV 07 2013

Kansas Department of
Health and Environment

CODE REVIEW COMMITTEE

In appreciation for their dedication and hard work in preparing this Code, the County Commissioners and Sanitation Officer wish to thank and commend the members of the Code Review Committee. The Code Review Committee members are:

Carolyn Crooks – Conservation District / Farmer
Mary Ann Goffe - Realtor
Larry Hess – Agricultural Engineer / Farmer
Delford Jamison - Contractor
Brandon Luper - Plumber
Craig Meader - Banker
Terry Romig – Conservation District / Farmer
Beth Rowlands - KDHE
Fred Rowley – County Commissioner
Joe Shoemaker - Contractor
Daniel Williamson – Wolf Creek
Marilyn Eccles – Coffey County Sanitation Officer

We thank you on behalf of the citizens of Coffey County for helping to provide a safe and healthy Coffey County.

APPROVED

NOV 07 2013

Kansas Department of
Health and Environment

Section Page

CHAPTER 1 - ADMINISTRATIVE PROCEDURES 1

Section 1-1 Authority, Policy, Purpose and Jurisdiction 1

1-1.1 Legal Authority 1
1-1.2 Declaration of Finding and Policy 1
1-1.3 Purpose 1
1-1.4 Applicability *(was under Jurisdiction)* 1
1-1.5 Exemption 2
1-1.6 Effective Date 2

Section 1-2 Definitions 2

1-2.1 Administrative Agency 2
1-2.2 Administrative Rules 2
1-2.3 Agricultural Purpose means 2
1-2.4 Board of County Commissioners 2
1-2.5 Board of Health 2
1-2.6 Board of Zoning Appeals 3
1-2.7 Code 3
1-2.8 County Attorney 3
1-2.9 KDHE 3
1-2.10 License 3
1-2.11 Non-Conforming Lot 3
1-2.12 Person 3
1-2.13 Premise 3
1-2.14 Sewage 3
1-2.15 Sanitation Officer 3
1-2.16 Subdivision 4
1-2.17 Unincorporated Area 4

Section 1-3 Administrative Powers and Procedures 4

1-3.1 Right of Entry 4
1-3.2 Permit and License 4
1-3.2.1 Permits 4
1-3.2.2 License 5
1-3.2.3 Application for Permit and License 5
1-3.2.4 Variance 5
1-3.3 Notices, Orders, Appeals 5
1-3.3.1 Notice of Violations 5
1-3.3.2 Appeal for Hearing 6
1-3.3.3 Report of Hearing 6
1-3.3.4 Emergency Orders 6
1-3.4 Records 7
1-3.5 General Provisions 7
1-3.5.1 Enforcement Procedure 7
1-3.5.2 Penalties 7
1-3.5.3 Disclaimer of Liability 7
1-3.5.4 Separability 8

CHAPTER 2 - WASTEWATER MANAGEMENT 9

Section 2-1 Purpose and Intent 9

2-1.1 Scope 9

Section 2-2 Definitions 9

2-2.1 Access 9
2-2.2 Alternative Wastewater Treatment System 9
2-2.3 Bulletin 4-2 9

APPROVED
NOV 07 2013
Kansas Department of Health and Environment

2-2.4 Cesspool 10
2-2.5 Domestic Wastewater 10
2-2.6 Drainage Course 10
2-2.7 Dry well 10
2-2.8 Effluent 10
2-2.9 Expiration 10
2-2.10 Flood Plain 10
2-2.11 Groundwater 10
2-2.12 Human Excreta 10
2-2.13 Industrial and Commercial Wastes 11
2-2.14 Intermittent Stream 11
2-2.15 Lagoon or Wastewater Stabilization Pond 11
2-2.16 Minor Repairs 11
2-2.17 Nuisance 11
2-2.18 Permit 11
2-2.19 Private Wastewater Treatment System 11
2-2.20 Public Wastewater Treatment System 12
2-2.21 Sanitary Privy 12
2-2.22 Sanitary Service 12
2-2.23 Sanitary Sewer District 12
2-2.24 Seepage Pit 12
2-2.25 Septage 12
2-2.26 Septic Tank 12
2-2.27 Soil Profile 12
2-2.28 System Failure 13
2-2.29 Vault and/or Holding Tank 13

Section 2-3 Prohibited Practices 13

2-3.1 Use of Non-Approved Private Wastewater Treatment Systems 13
2-3.2 Discharge of Commercial Wastewater 13
2-3.3 Location of Private Wastewater Treatment Systems 14
2-3.4 Number of Residences Served by a Single Private Wastewater Treatment System Limited 14
2-3.5 Cesspools, Dry Wells and Seepage Pits 14

Section 2-4 Requirements for All Private Wastewater Treatment Systems ...14

2-4.1 General 14
2-4.2 Permits and Plans Required 15
2-4.3 Exemption from Permit Requirements 15
2-4.4 Compliance with Permits, Plans and Kansas Minimum Standards 15
2-4.4.1 Installation Plan Issuance 16
2-4.5 Suitable Site 16
2-4.5.1 Site Evaluation 16
2-4.5.2 Soil Profile Analysis 16
2-4.5.3 Other Soil Tests 17
2-4.6 System Design 18
2-4.6.1 Setback Requirements 18
2-4.6.2 Variance of Setback Distances 18
2-4.7 Operation and Maintenance 19
2-4.7.1 Rental or Leased Properties 19
2-4.7.2 Additional Operational Requirements for Wastewater Stabilization Pond 19
2-4.7.3 Additional Maintenance Recommendations for All Private Wastewater Treatment Systems 20

Section 2-5 Additional Requirements for Alternative Systems 20

2-5.1 Standards for Design and Construction 20
2-5.2 Additional Maintenance Requirements for Alternative Wastewater Treatment Systems 21
2-5.3 Maintenance Contract Required 21

APPROVED
NOV 17 2017

2-5.4 Alternative System Service Representative 21
Section 2-6 Requirements for Privies, Portable Toilets, Holding Tanks and Waterless Sewage Systems 22
2-6.1 Privies and Waterless Sewage Systems 22
2-6.1.1 Approval of Plans 22
2-6.1.2 Approval of Construction 22
2-6.1.3 Proper Maintenance 22
2-6.1.4 Vault Required 22
2-6.1.5 Location of Sanitary Privies 23
2-6.2 Portable Toilets Requirements 23
2-6.3 Holding Tanks 23
2-6.3.1 Authorized Use 23
2-6.3.2 Permit Required 23
2-6.3.3 General Requirements 24
2-6.3.4 Standards and Specifications 24
2-6.3.5 Standards for Design and Construction 25
2-6.3.6 Maintenance Required 25
Section 2-7 RV Park Campground/Crew Camp Wastewater Generation Rate 25
Section 2-8 Inspections 26
2-8.1 Construction Approval 26
2-8.2 New Site Inspection Required 26
2-8.3 Construction Inspection Required 26
2-8.4 Final Inspection Required 26
2-8.5 Property Re-sale Inspection Required 26
2-8.6 Emergency Repair Inspection Required 26
Section 2-9 Abandonment Procedures 27
2-9.1 Proper Abandonment Required 27
Section 2-10 Requirements for Licensure of Contractors, Installers, Designers, and Inspectors 28
2-10.1 License Required 28
2-10.2 License Training, Term and Renewal 28
2-10.3 Contracting with Unlicensed Wastewater Treatment System Contractors, Installers, Designers, and Inspectors Prohibited 28
2-10.4 Exemptions from License Requirement 28
Section 2-11 Requirements for Licensure of Sanitary Service Providers 29
2-11.1 License Required 29
2-11.2 License Application and Vehicle Inspection Fee Renewable Annually 29
2-11.3 Contracting with Unlicensed Persons Prohibited 29
2-11.4 Minimum Standards for Sanitary Service Equipment 29
2-11.5 Portable Toilets 30
2-11.6 Requirements for the Disposal of Domestic Septage 30
2-11.6.1 Requirements for Disposal of Domestic Septage by Land Application 30
2-11.6.2 Requirements for the Disposal of Domestic Septage at a Publicly Owned Treatment Works (POTW) Facility 30
2-11.7 Prohibited Disposal Practices 31
2-11.8 Penalties for Noncompliance with Section 2-10.7 31
2-11.9 License Revocation 31
Section 2-12 Subdivision Development 32
2-12.1 Approval of Zoning and Administrative Agency Required 32
2-12.2 Required Plot or Lot Size 32
2-12.3 Compliance with Zoning and Land Use Regulations 32

APPROVED
NOV 07 2013
Kansas Department of Health and Environment

CHAPTER 3 – PRIVATE AND NON-PUBLIC WATER SUPPLIES.. 33
Section 3-1 Purpose and Intent..... 33
Section 3-2 Definitions..... 33
3-2.1 Abandoned Well..... 33
3-2.2 Active Water Well..... 33
3-2.3 Backflow..... 33
3-2.4 Cistern..... 33
3-2.5 Cross-connection..... 33
3-2.6 Domestic Uses..... 33
3-2.7 Groundwater..... 34
3-2.8 Inactive Status Water Well..... 34
3-2.9 Non-Public Water Supply..... 34
3-2.10 Potable Water..... 34
3-2.11 Private Water Supply..... 34
3-2.12 Public Water Supply..... 34
3-2.13 Reconstructed Water Well..... 34
3-2.14 Water District..... 34
3-2.15 Water Well..... 34
Section 3-3 Prohibited Practices..... 34
3-3.1 Use Prohibited..... 35
Section 3-4 Requirements for All Private and Non-Public Water Supplies... 35
3-4.1 Approved Plans..... 35
3-4.2 Permit..... 35
3-4.3 License..... 35
3-4.4 Inspections..... 35
3-4.5 Restrictions..... 35
Section 3-5 Additional Requirements for Non-Public Water Supplies..... 36
Section 3-6 Minimum Standards for Groundwater Supplies..... 36
3-6.1 Location..... 36
3-6.1.1 Separation Distances..... 37
3-6.2 Construction..... 37
3-6.3 Maintenance Required..... 37
3-6.4 Abandoned Wells and Cisterns..... 37
APPENDIX A – BULLETIN 4-2..... 38

APPROVED
NOV 07 2012
Kansas Department of Health and Environment

CHAPTER 1 - ADMINISTRATIVE PROCEDURES

Section 1-1 Authority, Policy, Purpose and Jurisdiction

1-1.1 Legal Authority

This Code shall be known as the Sanitation/Environmental Code of Coffey County, Kansas, and shall hereinafter be referred to as "this Code". It is adopted by the Coffey County Board of Commissioners under the authority of State law, K.S.A. 19-3701 through 19-3709, 12-3301, and 12-3303 through 12-3305, as amended.

1-1.2 Declaration of Finding and Policy

The Board of County Commissioners finds that the provision of adequate and reasonable control over the environmental conditions in the County is necessary and desirable. The adoption of this Code is to eliminate and prevent the development of environmental conditions that are hazardous to health and safety, and to promote the economical and orderly development of the land and water resources of the County. For these reasons and objectives, it will be the policy of the Board of County Commissioners to periodically amend this Code to provide current regulations of practices that affect health and safety.

1-1.3 Purpose

The purpose and intent of this Chapter is to prescribe the administrative procedures to be followed in administering this Code or any amendments thereto; and to prescribe rules and regulations for amendments thereto; and to prescribe rules and regulations for controlling 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 limited to; wastewater and wastewater disposal, water supply, food and food handling, refuse storage, collection and disposal, insects and rodents.

1-1.4 Applicability *(was under Jurisdiction)*

This Code shall apply to all unincorporated areas of Coffey County and shall supersede the requirements previously established for regulating the Sanitation Zone around John Redmond Reservoir. Such wide application of this Code is necessary to protect the health of the inhabitants of Coffey County and the waters of the State of Kansas. The administrative procedures prescribed in this Chapter shall be followed in administering this Code and any amendments thereto.

APPROVED

NOV 07 2013

Kansas Department of Health and Environment

1-1.5 Exemption

This Code shall not apply to:

a. any person, property, establishment or business with contiguous property of more than 40 acres, under one ownership, including the farmhouse thereon. This property must be in use for agricultural purposes related to the production of livestock or crops. For purposes of this Code, acreages abutting and across public rights-of-way and/or easements that are all in the same ownership shall be considered as one unit. This exemption shall be void in the event of private wastewater treatment system failure and for new private wastewater treatment system construction on all acreages;
b. any person or entity possessing a valid National Pollutant Discharge Elimination System (NPDES) permit;
c. all persons, property, establishments and business activities located within the unincorporated areas of Coffey County, Kansas that are included within any city's established extraterritorial zoning area. The effected city shall have established a Sanitation/Environmental Code to regulate activities therein.

1-1.6 Effective Date

This Code shall become effective on 11/19/13.

Section 1-2 Definitions

The following words, terms and phrases appear in more than one chapter of this Code and thus have general application and usage. Words, terms, and phrases appropriate or applicable to specific chapters within this Code may be found in that particular chapter.

1-2.1 **Administrative Agency** means the entity authorized to implement and enforce the provisions of this Code. The Administrative Agency for Coffey County is designated as the Coffey County Board of Health.

1-2.2 **Administrative Rules** means those rules and regulations contained in Chapter 1 of this Code that prescribe general procedures in the administration of this Code.

1-2.3 **Agricultural Purpose means** any purpose related to the production of livestock or crops including the farmhouse thereon.

1-2.4 **Board of County Commissioners** means the Board of County Commissioners of Coffey County, Kansas.

1-2.5 **Board of Health** means the Coffey County Board of Health, which includes the Health Officer and the County Commissioners.

APPROVED
NOV 07 2013
Kansas Department of Health and Environment

1-2.6 **Board of Zoning Appeals** means that board which is appointed by the Board of County Commissioners to hear appeals from the decisions of the Sanitation Officer.

1-2.7 **Code** means any model or standard published compilation of rules in a book or pamphlet form that has been prepared by a technical association, a federal agency, this state or any agency thereof, municipalities of this state or any agency or regional agency within this state. Such codes may address, but shall not be limited to sewage disposal, water supply systems, solid waste management, food management, swimming pools, hot tubs and spas and mass gatherings.

1-2.8 **County Attorney** means the person elected to the position by popular vote who will represent the county in any civil action or business.

1-2.9 **KDHE** means the Kansas Department of Health & Environment.

1-2.10 **License** means a document granted by the Administrative Agency giving the authority to provide a service or services to any qualified person for which such authority is required by any chapter of this Code.

1-2.11 **Non-Conforming Lot** means any tract or parcel shown by a recorded plat, deed, affidavit or equitable interest or other similar evidence having been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such locations would not have been prohibited by any applicable Zoning Regulations and/or Subdivision Regulations.

1-2.12 **Person** means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.

1-2.13 **Premise** means any lot or tract of land and all buildings, structures, or facilities located thereon.

1-2.14 **Sewage** means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals or chemical or other waste from domestic, manufacturing or other forms of industry. (K.S.A. 65-164)

1-2.15 **Sanitation Officer** means the person authorized and empowered by the Administrative Agency to administer the requirements of this Code.

APPROVED

NOV 07 2012

1-2.16 Subdivision means any division of land that is or has been subdivided into two or more lots for the purpose of transfer of ownership or building development, whether immediate or future including the streets, alleys or other portions thereof intended to be dedicated for public use; and any re-subdivision of lands or lots.

1-2.17 Unincorporated Area means a geographic area having a common social identity without benefit of municipal organization or official political designation.

Section 1-3 Administrative Powers and Procedures

1-3.1 Right of Entry

Representatives of the Administrative Agency shall have the right to enter, examine, and/or survey at any reasonable time such premises as they deem necessary for the enforcement of the Coffey County Sanitation/Environmental Code. Whenever possible, the landowner, custodian or their designee will be contacted prior to searching the property for notification of inspection of the premises. If access is denied to the property by the landowner, custodian or their designee, a search warrant will be obtained to gain entrance upon the property.

1-3.2 Permit and License

This Sanitation/Environmental Code shall establish the authority for the Administrative Agency to grant and issue Permits and Licenses. The Sanitation Officer issues the Permits and Licenses. No person shall conduct or perform any business or residential activity identified in this Code without first having obtained a valid permit or license in accordance with the requirements of this Code.

1-3.2.1 Permits

a. **Private Wastewater Treatment System Operational Use Permit**. Every person subject to this Code that owns or operates a private wastewater treatment system shall apply for a permit prior to the commencement of any work to install or make extensive modifications to such system.
b. **Private or Non-public Water Supply Use Permit**. Every person subject to this Code shall apply for a permit prior to the commencement of any work to install or repair a private or non-public water well.
c. **Permit Nontransferable**. No permit required by this Code shall be transferable, nor shall any fees required and paid therefore be refundable.
d. **Permit Revocation**. All permits are subject to revocation for reasons of noncompliance or misrepresentation.
e. **Standard Fees**. The Administrative Agency shall establish a schedule of fees for all permits required by this Code, and said fees' shall be paid to the Coffey County Health Department. The Sanitation Officer shall not have any

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment

application processed for a permit until the required fee has been paid.

1-3.2.2 License

a. **License Required.** Every person required to obtain a license as defined in this Code, shall apply for, obtain and maintain a valid license to perform that activity.
b. **License Nontransferable.** No license required by this Code shall be transferable, nor shall any fees required and paid therefore be refundable.
c. **License Revocation.** All licenses are subject to revocation for reasons of noncompliance or misrepresentation.
d. **Standard Fees.** The Administrative Agency shall establish a schedule of fees for all licenses required by this Code, and said fees shall be paid to the Administrative Agency. The Sanitation Officer shall not have any application processed for a license until the required fee has been paid.

1-3.2.3 Application for Permit and License

Every person required by this Code to obtain a permit or license shall make application for permit or license to the Sanitation Officer.

1-3.2.4 Variance

The Sanitation Officer shall have the authority to grant variances when reliable written data is provided to show that such variance for a private wastewater treatment system or non-public water supply does not:

a. impair the potability of any water supply;
b. create a nuisance as defined in Section 2-2.17;
c. degrade the quality of the waters of the state.

Any person that desires a variance from this Code shall initiate the process by filing a written request with the Sanitation Officer. The variance may be granted, if after inspection and evaluation, the Sanitation Officer determines the variance will meet applicable portions of this Code and standard public health practices. The Code requirements, which are waived by an approved variance, shall be noted on the private wastewater treatment system or non-public water supply permit.

The request for a variance for the proposed system must be submitted prior to construction to remain in compliance with K.A.R. 28-5-9.

1-3.3 Notices, Orders, Appeals

1-3.3.1 Notice of Violations

a. When the Sanitation Officer determines that there has been a violation of any provision of this Code, notice of such violation shall be issued to the person responsible. The notice shall:

APPROVED
NOV 07 2012
Kansas Department of
Health and Environment

1. be in writing,
2. include a statement of why the notice is being issued,
3. allow a reasonable period of time for performance of any work required by the notice, and
4. be properly served upon the owner or agent.

b. Such notice shall be deemed properly served when a copy thereof has been sent by registered mail to the last known address of the owner or agent.

1-3.3.2 Appeal for Hearing

a. Any person aggrieved by any notice or order issued by the Sanitation Officer under the provisions of this Code may request, and shall be granted, a hearing on the matter before the Board of Zoning Appeals; provided such person shall file with the Secretary of such Board within ten working days after the date of issuance 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. Upon receipt of such petition, the Board of Zoning Appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. The Board may notify other interested parties, including adjacent property owners, if deemed desirable.

b. 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 given no later than ten working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Board of Zoning Appeals may postpone the hearing for a reasonable time beyond such ten-day period, when in the Board's judgment the petitioner has submitted justifiable reasons for such postponement.

1-3.3.3 Report of Hearing

Within ten working days after such a hearing the Board of Zoning Appeals shall submit the findings of the hearing and render a decision in writing to the petitioner. The findings shall include a decision whether the order should be sustained, justified, or withdrawn.

1-3.3.4 Emergency Orders

Whenever the Sanitation Officer finds that an emergency exists which requires immediate action to protect the public, the Sanitation Officer 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.

APPROVED

NOV 07 2013

Kansas Department of Health and Environment

1-3.4 Records

a. **Permit Applications**. Applications for permits required by this Code shall be filed with the Sanitation Officer.
b. **Official Actions**. A written record of all official actions taken on applications for permits required by this Code shall be kept on file with the Administrative Agency or their representative.
c. **Proceedings of Hearings**. The proceedings of all hearings including findings and decisions of the Board of Zoning Appeals, together with a copy of every notice and order related thereto shall be filed with the Administrative Agency or their representative. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.5 General Provisions

1-3.5.1 Enforcement Procedure

a. The County Attorney shall enforce the provisions of this Code and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency or their representative. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of this Code and shall be governed by the provisions of the Kansas Code of Civil Procedures.
b. Should any person refuse to comply with written orders issued by the Sanitation Officer and, when in the professional judgment of the Sanitation Officer, a threat to public health and/or safety exists, the Sanitation Officer has the power to abate such conditions as deemed necessary to protect the health and/or safety of the public. Any and all charges or expenses incurred for such abatement shall be assessed against the property owner. Any money collected for expenses resulting from abatement procedures must be applied to the charges incurred.

1-3.5.2 Penalties

In addition to, and independently of, the enforcement procedures provided in Section 1-3.5.1 herein, any violation of any provision of this Code shall be deemed to be an unclassified misdemeanor and punishable by a fine not to exceed two hundred dollars ($200) for each offense payable to the Coffey County Health Department. Each day's violation shall constitute a separate offense. (K.S.A. 19-3707)

1-3.5.3 Disclaimer of Liability

a. This Code shall not be construed or interpreted as imposing upon the county or its officials or employees:
   1. any liability or responsibility for damages to any property;
   2. any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by this Code will function properly.

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment

b. Permittees must also agree to hold the county harmless from any liability, including attorney fees.

1-3.5.4 Separability

If any section, subsection, paragraph, sentence, clause or phrase of this Code should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion, which shall remain in full effect; and to this end the provisions of this Code are hereby declared to be severable and shall be presumed to have been adopted knowing that the part or section declared invalid could be so declared.

APPROVED
NOV 07 2012
Kansas Department of
Health and Environment

CHAPTER 2 - WASTEWATER MANAGEMENT

Section 2-1 Purpose and Intent

Sewage is a potential source of disease and a potential 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 and use of private wastewater treatment systems, and the removal and disposal of materials from such facilities within the legal boundaries of Coffey County. This Code does not apply to public wastewater treatment systems.

2-1.1 Scope

All domestic wastewater must be disposed of by the use of a private wastewater treatment system as defined in Section 2-2.19. All onsite wastewater systems shall be designed, constructed and operated in accordance with standards set forth in KDHE 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 herby adopted by reference and included herein as an Appendix to this Code.

Section 2-2 Definitions

The following words, terms and phrases appear throughout this Code and, thus, have general application and usage. Words, terms and phrases appropriate or applicable to specific chapters within this Code are defined, where necessary, within those chapters. Unless the context required or specifies otherwise, the following words, terms or phrases as used in this Code shall be given the meaning defined in this Section.

2-2.1 **Access** means entry into or upon any real estate, structure or vehicle including any part thereof.

2-2.2 **Alternative Wastewater Treatment System** means a private wastewater treatment system with components that are designed to achieve enhanced treatment and are intended to deal with special site constrictions. This includes such systems as mounds, sand filters, aerobic treatment units, and other mechanical treatment systems.

2-2.3 **Bulletin 4-2** means KDHE Bulletin 4-2, "Minimum Standards for Design and Construction of Onsite Wastewater Systems, published March 1997 by Kansas State University and Kansas Department of Health and Environment."

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment

2-2.4 Cesspool means a drywell that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.

2-2.5 Domestic Wastewater means all waterborne wastes produced at family dwelling in connection with ordinary living including kitchen, toilet, laundry, shower, and bathtub wastewater. It also includes similar type wastewater, produced at businesses, churches, industrial and commercial facilities or establishments. Domestic wastewater excludes surface runoff from roofs, paved areas, or other surfaces; subsurface drainage from springs, foundation drains, and sump pumps; or cooling water. Industrial or commercial wastewater (from shops, manufacturing, car washes, etc.) is not permitted to discharge to a private wastewater treatment system, so it shall not be mixed with domestic wastewater.

2-2.6 Drainage Course means any perennial or intermittent stream, spring, body of surface water, marsh, swamp, canal; ditch or other natural or man-made waterway. The 1982 Coffey County Soil Survey or document subsequently approved by the Sanitation Officer shall be used as a reference to determine which waterways must be considered a drainage course.

2-2.7 Dry well means a well or excavation completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

2-2.8 Effluent means liquid wastewater discharged from any private wastewater treatment system.

2-2.9 Expiration means the time at which a private wastewater treatment system permit and installation plan is no longer valid. Private wastewater treatment system installation plans shall be valid for a one-year period from the time of issuance. If the system has not been installed within that period, the Private Wastewater Treatment System Operational Use Permit shall become invalid and any fee paid shall not be refunded.

2-2.10 Flood Plain means land that is subject to inundation of water as a result of what is commonly known as the 100-year flood. Flood plain boundaries in the unincorporated territory of Coffey County are shown as Zone A on the Federal Insurance Administration's "Flood Hazard Boundary Map" for Coffey County, Kansas (unincorporated area).

2-2.11 Groundwater means that part of the subsurface waters which is in the zone of saturation.

2-2.12 Human Excreta means the body wastes from humans (feces; urine, and other bodily discharges).

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment

2-2.13 Industrial and Commercial Wastes means any wastes produced as a by-product of any industrial or commercial process or operation, other than domestic sewage. Uses involving industrial or commercial wastewater must comply with regulations involving industrial and commercial wastes as approved and permitted by KDHE.

2-2.14 Intermittent Stream means a stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and no long-continued supply from melting snow or other sources.

2-2.15 Lagoon or Wastewater Stabilization Pond means a fenced surface water body normally designed to operate with a three to five foot liquid depth and which treats sewage. Treatment in the water occurs as a result of sunlight, wind action and microbial action. Percolation of water downward is limited by the required tight clayey soil conditions. No wastewater is allowed to discharge to the surface of the ground or to surface bodies of water. Water is removed primarily through evaporation. Such a system requires installation in a soil having a percolation rate slower than 1 inch per hour and a liner with a percolation rate of less than 0.25 inch per day. Such systems must meet appropriate fencing standards.

2-2.16 Minor Repairs

When used in reference to private wastewater treatment systems, the term **Minor Repairs** shall include the following:

a. repairs which stop leaks in the building interior drains, soil pipes, waste pipes, or vent pipes;
b. the clearing of stoppages or the repairing of leaks in pipes provided such repairs do not involve or require the addition or rearrangement of pipes;
c. repair or replacement of the pipes between the house and the septic tank or between the house and the lagoon;
d. such similar type of work as designated by the Sanitation Officer.

2-2.17 Nuisance means conditions or activities on properties both public and private, which have or threaten to have a detrimental effect on the environment or the health of the public. A public nuisance is one that affects more than one person or family, or one that injures people as a whole. (K.S.A. 65-159)

2-2.18 Permit means the written permission to perform some act regulated by this Code, including, for example, permission to construct or permission to operate.

2-2.19 Private Wastewater Treatment System means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic waste.

APPROVED
NOV 07 2013
Department of
Health and Environment

2-2.20 Public Wastewater Treatment System means a sewage system that is used, or designed to be used, for the collection, treatment and discharge of domestic sewage, industrial, or commercial wastes from:

a. two or more family dwellings;
b. two or more spaces in a trailer, mobile, or manufactured home park;
c. two or more lots or properties located in platted subdivisions; or
d. two or more commercial properties; or
e. all industrial properties.

2-2.21 Sanitary Privy means a facility with a water-tight receptacle made of concrete or other material acceptable to the Sanitation Officer designed to receive, store and provide for periodic removal of non-water carried wastes from the human body. Material removed from the vault is transported and disposed at a publicly owned wastewater treatment facility or other means as approved by the Sanitation Officer.

2-2.22 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human excreta from any source, including but not limited to: sanitary privies, vaults, septic tanks, waterless sewage systems, private wastewater treatment systems, or holding tanks and the transportation of such material to a point of temporary storage or final disposal. It shall also mean the pumping out and/or removal of domestic wastewater from industrial or commercial establishments and the transportation of such waste to a point of temporary storage or final disposal.

2-2.23 Sanitary Sewer District means any sewer system duly formed, authorized and empowered to plan construct and operate a public sewer system in accordance with K.S.A. 19-27a01.

2-2.24 Seepage Pit means a subsurface vertical shaft lined with un-mortared stone or other material, which is filled with rock, or gravel and receives septic tank effluent.

2-2.25 Septage means domestic sewage, industrial, manufacturing or commercial waste, or human excreta not disposed of into a publicly owned wastewater treatment system or municipal wastewater treatment system.

2-2.26 Septic Tank means a watertight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, separate the settable and floatable solids, partially decompose the accumulated solids by anaerobic action, and provide storage for the accumulated sludge and scum.

2-2.27 Soil Profile means determining soil texture and structure, measuring depth and looking for evidence of restrictive conditions. A qualified individual(s) as determined by the Sanitation Officer must perform a soil profile.

APPROVED
NOV 07 2013
Kansas Department of Health and Environment

2-2.28 System Failure means any private wastewater treatment system that creates a condition that is detrimental to the health and welfare of the public as determined by the Sanitation Officer.

2-2.29 Vault and/or Holding Tank means a water-tight receptacle constructed of concrete or other material, designed to receive, store and provide for periodic removal of domestic wastewater and human excreta.

Section 2-3 Prohibited Practices

2-3.1 Use of Non-Approved Private Wastewater Treatment Systems

No person shall use, or cause to be used, any private wastewater treatment system or sanitary privy constructed after adoption of this Code until it has been inspected and approved by the Sanitation Officer or if it:

a. has been enjoined as a public health nuisance by a court of competent jurisdiction;
b. fails to comply with the provisions of this Code, and written notice thereof has been given by the Sanitation Officer;
c. discharges inadequately treated wastes onto the ground, into wells, into watercourses, lakes, ponds, or any impoundment;
d. causes fly breeding, produces offensive odors or any condition that is prejudicial to health and comfort;
e. uses a vault/septic tank, which is not a water-tight receptacle;
f. receives non-domestic wastewater such as:
    1. swimming pool wastewater,
    2. automotive grease,
    3. oil,
    4. antifreeze,
    5. hazardous waste,
    6. waste other than domestic waste.

2-3.2 Discharge of Commercial Wastewater

No cooling water, discharge from roof drains, discharge from footing tile drains or swimming pool wastewater shall be directed to the private wastewater treatment system. No automotive grease, oil, antifreeze or hazardous waste from a commercial or manufacturing business or waste other than domestic waste shall be discharged into a private wastewater treatment system. With permission of the Sanitation Officer, one or more roof downspouts subsurface drains and /or sump pump can be added to the wastewater stabilization pond. A way must be provided to easily divert this water from the wastewater stabilization pond during wet periods.

APPROVED
NOV 07 2012
Kansas Department of Health and Environment

2-3.3 Location of Private Wastewater Treatment Systems

No portion of a private wastewater treatment system shall be constructed/located:

a. within 400 feet of the existing public sewer unless the Sanitation Officer finds that connection to such a sewer is not feasible and that a private wastewater treatment system, meeting the requirements of this Code, can be constructed on the property;
b. within 50 feet horizontal distance of the flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir unless written approval is obtained from the appropriate administrative agency or agencies;
c. the private wastewater treatment system must meet the minimum standards for location as outlined in Bulletin 4-2.

2-3.4 Number of Residences Served by a Single Private Wastewater Treatment System Limited

It is prohibited for two or more residences to connect to the same private wastewater treatment system unless a variance is approved by Sanitation Officer.

2-3.5 Cesspools, Dry Wells and Seepage Pits

Cesspools, dry wells and seepage pits are prohibited from receiving domestic and non-domestic wastewater.

Section 2-4 Requirements for All Private Wastewater Treatment Systems

2-4.1 General

The requirements of this section of the Code shall establish the permit and design requirements for private wastewater treatment systems for:

a. all persons, property, establishments and business activities located and conducted on less than or equal to 40 acres under one contiguous ownership and within the unincorporated areas of Coffey County, Kansas regardless of ownership;
b. all new construction to be used for residential, business, church or government purposes regardless of property acreage. This includes all types of private wastewater treatment systems;
c. all circumstances when property ownership changes occur through resale regardless of property acreage will require a private wastewater treatment system inspection;
d. any property, establishment or business that is creating any condition that is detrimental to the health of the public or the property of any adjacent landowner, regardless of property acreage.

APPROVED
NOV 17 2017
Kansas Department of Health and Environment

2-4.2 Permits and Plans Required

a. **Zoning Permit.** A zoning permit must be issued by the County Zoning Administrator before any new residential construction or before issuance of an operational use permit.
b. **Operational Use Permit.** No person shall use any private wastewater treatment system until the Sanitation Officer has issued an operational use permit.
c. **Permit Term.** The operational use permit shall remain valid as long as the private wastewater treatment system remains operational and is maintained in accordance with this Code or until property ownership changes.
d. **Installation Plan.** No person shall construct or modify, or permit to construct or modify, any private wastewater treatment system until the Sanitation Officer has issued an installation plan. The plan has specific installation requirements pertinent to the proposed system.
e. **Professional Engineer.** The Sanitation Officer may require plans to be submitted by a registered professional engineer or other recognized professional with experience designing private wastewater treatment systems.

2-4.3 Exemption from Permit Requirements

No permit shall be required for the minor repairs as defined in Section 2-2.16.

2-4.4 Compliance with Permits, Plans and Kansas Minimum Standards

All private wastewater treatment systems must be installed and operated to meet or exceed minimum Kansas state standards for design and construction.

The Sanitation Officer may use, but not be limited by, references utilizing currently approved technology such as the most recent editions of the Bulletin 4-2 which is hereby incorporated herein by reference and the Kansas Environmental Health Handbook. The Sanitation Officer may use the most recent editions of K-State Research and Extension Publication MF-1044, "Wastewater Pond Design and Construction" which is hereby incorporated herein by reference and the most recent edition of MF-2290 "Wastewater Pond Operation, Maintenance, and Repair" which is hereby incorporated herein by reference for lagoon construction, operation and maintenance. These references will provide a guide when reviewing and approving plans for private wastewater treatment systems.

All persons wishing to construct or repair a private wastewater treatment system must apply for an Operational Use Permit. The landowner must sign the completed application and the applicable fee paid to the Coffey County Environmental Health Department. After the private wastewater treatment system has been satisfactorily constructed and a final inspection has been done, the Sanitation Officer will issue the Operational Use permit.

APPROVED
NOV 07 2012
Kansas Department of Health and Environment

2-4.4.1 Installation Plan Issuance

An installation plan shall be issued by the Sanitation Officer, following satisfactory review of the operational use permit application and plans and specifications.

2-4.5 Suitable Site

No site shall be approved if:

a. connection to an approved public wastewater treatment system is required by a city or local jurisdiction or the site violates the provisions of Section 2-4 of this Code;
b. the lot is within a Coffey County Extraterritorial Zoning Area and contains less than three (3) acres of land exclusive of roads, streets, or other public rights-of-way;
c. the lot is outside the Coffey County Extraterritorial Zoning Areas and contains less than five (5) acres of land exclusive of roads, streets, or other public rights-of-way;
d. it does not meet the minimum standards specifying limits for percolation rates, soil profiles and depth to impervious rock or groundwater.

2-4.5.1 Site Evaluation

A new site for a private wastewater treatment system will not be approved until the Sanitation Officer has performed a site evaluation for compliance with this Code.

A site evaluation shall be completed prior to approval of an operational use permit. The site evaluation helps to determine some of the factors that may affect or restrict the location for installation of a private wastewater treatment system. Such factors include land slope and contour, setbacks from existing and future structures, setbacks from ponds, creeks, streams or other waterways, and setbacks from wells, property lines, easements and rights-of-way. A soil profile analysis is included in the site evaluation process.

2-4.5.2 Soil Profile Analysis

a. A soil profile analysis:
   1. shall be required on all building sites where new construction is to occur, where remodeling will result in a greater number of bedrooms and/or additional water usage, and all replacements of existing private wastewater treatment systems;
   2. may also be required for a structurally significant alteration that is being made to an existing private wastewater treatment system. The analysis is required on all building sites where any private wastewater treatment system, except a holding tank, is proposed;

APPROVED
NOV 17 2017
Kansas Department of Health and Environment

3. shall determine the load rate of the soil, the depth to any restrictive layer and the type(s) of private wastewater treatment system(s) that are options for permitting and installation.

b. Private wastewater treatment system components must be vertically separated from restrictive soil layers, rock or groundwater and be installed in accordance with instructions provided by the Sanitation Officer.

c. The following "Table 1 - Guide to Estimating Wastewater Infiltration Rates for the Soil Absorption of Residential Strength Wastewater" will be referenced for soil loading rates.

TABLE 1 - GUIDE TO ESTIMATING WASTEWATER INFILTRATION RATES FOR SOIL ABSORPTION OF RESIDENTIAL STRENGTH WASTEWATER

Soil Horizon Characteristics	**Wastewater Loading (gpd/ft²)**
1. Gravely coarse sand, moderate or strong platy structure, sandy clay loam or silty clay loam with weak platy structure, cemented consistence or any consistence stronger than firm (moist), or hard (dry), sandy clay, clay or silty clay with massive or weak structure, silt loam, clay loam or silty clay loam with massive structure.	0.0
2. Sandy clay, clay or silty clay of low clay content with moderate or strong structure, sandy clay loam, clay loam or silty clay loam with weak structure.	0.1 – 0.2
3. Sandy clay loam, clay loam or silty clay loam with moderate or strong structure; sandy loam, loam or silt loam with weak structure.	0.3 – 0.4
4. Sandy loam, loam or silt loam with moderate or strong structure; fine sand, very fine sand, loamy fine sand or loams very fine sand.	0.5 – 0.6
5. Coarse sand, sand, loamy sand or loamy coarse sand with single-grain structure.	0.7 – 0.8

2-4.5.3 Other Soil Tests

Other soil tests, such as percolation tests, may be required prior to installation of a private wastewater treatment system, as may be deemed necessary by the Sanitation Officer, to determine the type of system to be recommended and the proper location for the system. Such tests must be made by or in the presence of the Sanitation Officer, a licensed professional engineer or a certified soils analyst. The purpose of

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment

the soil testing is to determine the suitability of the soil for the absorption of effluent and the leaching area required.

2-4.6 System Design

System design, construction, and soil requirements must follow standards as may be established by current technology and shall be consistent with the Coffey County Sanitation/Environmental Code, Kansas Environmental Health Handbook and Bulletin 4-2, or other documents approved by KDHE and the Administrative Agency. Final sizing or approval will come from the Sanitation Officer.

The design of the system shall ensure that the wastes discharged to the private wastewater treatment system will not become a nuisance or contaminate waters of the State.

a. The Sanitation Officer has the option to require private wastewater treatment systems to be designed by an engineer or other recognized professional with experience designing private wastewater treatment systems.
b. The minimum design of a septic system shall consist of a building connection, piping, treatment unit, such as a septic tank, and a soil absorption field.
c. The minimum design of a lagoon or wastewater stabilization pond shall consist of building connection, piping, fence, and constructed wastewater pond.

2-4.6.1 Setback Requirements

Setback distances are as follows:

a. Any private wastewater treatment system to any water well or surface water ..... 50 feet
(Including wells which are either in use, inactive, or abandoned and other setbacks as required by Bulletin 4-2)
b. Any public water supply well or suction line ..... 100 feet
c. Soil Absorption, Alternative, and Waterless Sewage Systems to property line ..... 10 feet
(Measured from any subsurface portion of the system)
d. Wastewater Stabilization Ponds to property line ..... 50 feet
(Measured from the five (5) foot operational water line)

2-4.6.2 Variance of Setback Distances

The Sanitation Officer may grant a variance to setback distance established in Section 2-4.6.1. In unusual circumstances a legal easement may be obtained to allow the location of a private wastewater treatment system up to but no closer than five (5) feet of the adjoining property line, if legal easement for such location is provided by the adjoining property owner and recorded with the Register of Deeds. As part of the easement, the adjoining property owner must agree not to place a

APPROVED
NOV 17 2017
Kansas Department of Health and Environment

non-public well closer than one hundred (100) feet to the sewage system.

2-4.7 Operation and Maintenance

All private wastewater treatment systems shall be maintained in good working condition. Whenever the Sanitation Officer shall find any private wastewater treatment system malfunctioning, the owner and/or user shall be ordered to correct the condition. Permit holders should observe the following maintenance guidelines, which help to avoid failure as defined in Section 2-2.28:

a. keep the system free of habitat that favors vector breeding;
b. prohibit wastewater other than domestic wastewater such as shop and garage floor drains with oils and greases;
c. adequately limit vegetation growth on, in, or around the private wastewater treatment system;
d. avoid building, parking or driving on or over sewer pipes;
e. maintain the system so it is free of any condition hazardous to public health;
f. retain the effluent within the private wastewater treatment system and not allow discharge onto the surface of the ground, into any ditch, any water course, or into the waters of the State.

2-4.7.1 Rental or Leased Properties

Landlords shall maintain private wastewater treatment systems on their rental properties in accordance with this Code.

2-4.7.2 Additional Operational Requirements for Wastewater Stabilization Pond

a. Fencing Required - Fencing is required around all private wastewater stabilization ponds or lagoons. The Sanitation Officer must maintain a policy for fencing and fencing approval.
   1. Fencing wire should be installed to a minimum height of four feet.
   2. Corner posts must be of substantial construction. Creosote, Osage Orange or pipe corner posts are acceptable.
   3. Corner posts must be cemented or installed to a depth adequate to support the corner and provided with an "H" or "N" style brace at each corner.
   4. A four-foot high hung gate with a lock must be provided. The gate width must be no less than four feet. The gate width may be wider to accommodate large mowing equipment.
   5. The fencing must be placed at least a minimum of 3 feet out from the toe of the berm to help facilitate maintenance.
   6. A chain link fence (2" x 2") or welded wire fencing with openings no greater than 2" x 4" is acceptable.

APPROVED
NOV 07 2013
Kansas Department of Health and Environment

7. In areas where livestock will have access to the fence, the fence posts must be tall enough to install strands of barbed wire or a single strand of electric fencing at the top of the fence post.
8. Fence posts must be no further than twelve (12) feet apart.

b. Fencing standards are referenced in K-State Research and Extension Publication most recent editions of MF-1044, "Wastewater Pond Design and Construction" which is hereby incorporated herein by reference and the most recent edition of MF-2290 "Wastewater Pond Operation, Maintenance and Repair" which is hereby incorporated herein by reference; Environmental Health Handbook or other references as published or approved by the Administrative Agency.

2-4.7.3 Additional Maintenance Recommendations for All Private Wastewater Treatment Systems

All private wastewater treatment systems shall be maintained in good working condition and meet the following conditions:

a. Avoid using garbage disposal;
b. Pump septic tank every 3 to 5 years.

Section 2-5 Additional Requirements for Alternative Systems

2-5.1 Standards for Design and Construction

In addition to the requirements of Section 2-4, Alternative System design, construction, and soil requirements must follow standards as may be established by current technology and shall be consistent with the Coffey County Sanitation/Environmental Code. This would include but not be limited to:

a. the product must be tested according to the product standards and testing protocol established by the National Sanitation Foundation (NSF) in the NSF Standard No. 40 Residential Wastewater Treatment Systems, July 2000 or subsequent versions which is hereby incorporated herein by reference;
b. the manufacturer must provide specific construction and installation practices to be used;
c. all alternative private wastewater treatment system designs shall be prepared by a State of Kansas licensed professional engineer (PE) that is experienced in alternative treatment technology.

The property owners acknowledge that while the Sanitation Officer approved the plan for the alternative private wastewater treatment system, the Administrative Agency and their representatives do not design the system and therefore is not liable if the private wastewater treatment system does not function as designed or intended. The property owner is responsible for all private wastewater treatment system noncompliance.

APPROVED
NOV 07 2013
Department of Health and Environment

2-5.2 Additional Maintenance Requirements for Alternative Wastewater Treatment Systems

All alternative wastewater treatment systems shall be maintained in good working condition and meet the following conditions:

a. any person owning or installing an alternative wastewater treatment system shall maintain the system in accordance with the manufacturer's instructions and requirements of this Code;
b. the owner shall sign a maintenance agreement that shall be filed on record with the Sanitation Officer;
c. any person who provides maintenance on the system must be a third party who is trained by the manufacturer and approved by Coffey County Sanitation Officer. A third party maintenance provider must be under contract to provide this service. Property owners will not be allowed to maintain their own alternative private wastewater treatment system without meeting this training and license requirement.

2-5.3 Maintenance Contract Required

Major repairs must follow the requirements set out in Section 2-4. An annual maintenance contract is required for all alternative private wastewater treatment systems with mechanical and/or electronic components including the following:

a. the owner and all future owners shall contract for the required maintenance with a service representative approved by the Sanitation Officer;
b. the service representative shall submit a report to the Sanitation Officer within thirty days after initial system startup;
c. the service representative shall prepare and the property owner shall submit an operation and maintenance report to the Sanitation Officer within 30 days of service and must be in a format approved by the Sanitation Officer;
d. annual maintenance inspections are required for the life of the system and shall be performed on a yearly basis unless the manufacturer requires inspections at a more frequent time interval;
e. the manufacturer, maintenance service representative and homeowner must agree to notify the Sanitation Officer immediately if the maintenance contract is severed for any reason;
f. failure to maintain a maintenance contract and operating permit is a violation of the permit. Failure to maintain the alternative private wastewater treatment system will result in enforcement action against the property owner and revocation of the operating permit.

2-5.4 Alternative System Service Representative

The service representative of an alternative private wastewater treatment system must be certified by the manufacturer. The service representative shall provide the Sanitation Officer with a copy of the manufacturer's training certificate.

APPROVED
NOV 17 2017
Department of Health and Environment

Section 2-6 Requirements for Privies, Portable Toilets, Holding Tanks and Waterless Sewage Systems

2-6.1 Privies and Waterless Sewage Systems

2-6.1.1 Approval of Plans

Any person who plans to construct, erect, alter, modify or use any sanitary privy or waterless sewage system shall have the plans and specifications for the proposed construction and/modification approved by the Sanitation Officer.

2-6.1.2 Approval of Construction

A newly constructed or modified sanitary privy or waterless sewage system must be inspected and found to conform with approved design standards by the Sanitation Officer before an operational use permit will be issued.

2-6.1.3 Proper Maintenance

A sanitary privy or waterless sewage system must be in a clean sanitary condition before being used or offered for use. Privies and waterless sewage systems must not permit insects or rodents access to the fecal material in the pit. Any sanitary privy or waterless sewage system found to be in violation of this Code must be condemned for further use unless cleaned and sanitized or repaired within a reasonable time as determined by the Sanitation Officer. The Sanitation Officer must order in writing the proper abandonment of any system that is not maintained according to this Code. This paragraph applies to all sanitary privies or waterless sewage systems including those installed before the adoption of this Code.

2-6.1.4 Vault Required

Privies or waterless sewage systems, which collect sewage, shall be constructed with a watertight vault. The vault of the sanitary privy must be constructed of concrete or similar construction as approved by the Sanitation Officer.

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment

2-6.1.5 Location of Sanitary Privies

The following restriction must be observed in sanitary privies using a concrete vault:

a. a sanitary privy shall be installed more than one hundred (100) feet from an existing non-public well;
b. a sanitary privy shall not be constructed or reconstructed on any premise served by a public water supply, or on which water is provided to the home under pressure, unless special permission for use of a sanitary privy is obtained from the Sanitation Officer.

2-6.2 Portable Toilets Requirements

Portable toilets must be transportable, self contained static or flush-type toilet constructed to promote a sanitary environment at remote locations, construction sites or special events, comprised of at least a water-tight waste storage receptacle, a riser and toilet seat and a protective enclosure. The following requirements apply to the use of portable toilets:

a. the portable toilet service company providing portable toilets shall be responsible for maintenance of the unit and removal if conventional facilities are made available. Maintenance would include cleaning and providing an adequate supply of toilet paper, hand sanitizer, and sanitation of the toilet during periods when it is in service;
b. Portable toilets shall be self-contained, have self-closing doors and shall be designed and maintained so that insects are excluded from the waste container;
c. The portable toilet service company shall pump the toilets;
d. Portable toilets should be used for temporary events and/or on a temporary basis.

2-6.3 Holding Tanks

2-6.3.1 Authorized Use

A holding tank may only be used for the onsite retention of sewage. The holding tank may be used to serve only one (1) residence, small business or dwelling unit when it is found that no other private wastewater treatment system can be installed on the lot, or the holding tank is to be used as a temporary system.

2-6.3.2 Permit Required

It shall be unlawful for any person, firm or corporation to construct, perform any structurally significant alteration, convert or use any holding tank without first obtaining a Coffey County Private Wastewater Treatment System Operational Use Permit from the Sanitation Officer or their representative. Prior to issuance of a permit, the owner of the holding tank shall provide a copy of the service contract.

APPROVED
NOV 07 2013
Department of
Health and Environment

with a licensed county sanitary service provider pursuant to Section 2-10 of this Code. Permits are not transferable.

2-6.3.3 General Requirements

The system shall be designed to consist of a building sewer and tank. The design of the system shall ensure that waste discharged to the system:

a. does not contaminate any groundwater or drinking water;
b. is not accessible to insects, rodents or other possible carriers of disease, which may come in contact with food or drinking water;
c. does not contaminate the waters of any bathing beach or streams used as a water supply or for recreational purposes;
d. is not a danger by being exposed or accessible to animals or children;
e. does not give rise to a nuisance due to odor or unsightly appearance.

2-6.3.4 Standards and Specifications

Any holding tank system authorized under Section 2-6 shall be designed, constructed and operated to comply with standards and specifications deemed necessary and advisable by the Sanitation Officer, including the minimum requirements specified in this Section.

a. **Capacity Requirements.** The minimum liquid capacity of a holding tank for one residence shall be:

Number of Bedrooms	Holding Tank Capacity
1	1500
2	2000
3	2400
4	4800
5	5000

Tanks serving commercial, retail or industrial establishments shall have a minimum five (5) day holding capacity, but not less than twenty-four hundred (2400) gallons.

b. **Site Location.** Holding tank(s) shall be located at least ten (10') feet from any part of the building. The tank(s) shall be so located close to an all-weather access road or drive so that the sanitary service disposal contractor may drive pumping equipment to within ten feet (10') feet of the servicing manhole.
c. **Warning Device.** A high water warning device shall be installed so that it activates one foot (1') below the inlet pipe. This device shall be either an audible or illuminated alarm.
d. **Access Opening.** There shall be access to surface grade provided for each

APPROVED
NOV 07 2013
Kansas Department of Health and Environment

holding tank to allow easy access for pumping, inspection and repairs. The access shall be provided by an approved manhole at least 20 inches in diameter. The manhole(s) and extension riser(s) shall be watertight to prevent odors and any leakage into or out of the tank. The access manhole shall also be child and tamper resistant.

e. **Changes in Use.** The permit holder shall notify the Sanitation Officer in writing within five (5) working days of any change in the use of the premises, which are served by the holding tank, or any change in ownership or occupancy of the premise.

2-6.3.5 Standards for Design and Construction

System design, construction, and soil requirements must follow standards as may be established by current technology and shall be consistent with the Coffey County Sanitation/Environmental Code. Septic tanks included on KDHE's certified tank list, after modification, are acceptable holding tanks. The system shall receive all domestic sewage including kitchen and laundry waste. Setback distances must be followed as defined in Section 2-4.6.1 of this Code.

2-6.3.6 Maintenance Required

Holding tanks must be watertight and sewage from the tank must be pumped and taken to an approved disposal site by a licensed county sanitary service provider. The tank must be located in an area that is accessible to the pumper in all types of weather conditions. The system shall not discharge wastes and will not become a nuisance or contaminate the waters of the State.

Section 2-7 RV Park Campground/Crew Camp Wastewater Generation Rate

The design of the wastewater system for an RV park campground and/or crew camp may use a wastewater design flow rate of not less than 40 gallons per day per person (40 gpd/person). The actual design flow rate shall be determined based on an evaluation of the site conditions completed by a professional engineer. The following information must be included with the permit application to Coffey County:

1. Expected duration of occupancy
2. Number of occupants
3. A list of all water using appliances and requirement that they be low flow appliances.
4. Whether or not laundry facilities and/or a shower house will be provided onsite.

All other requirements for design, siting, construction and maintenance established in the Coffey County Sanitation/Environmental Code shall be met. Notification must be provided to the Administrative Agency if any of these conditions change over time. Failure to provide notification may be result in a revocation of the permit for the wastewater treatment system.

APPROVED
NOV 07 2012
Department of
Health and Environment

Section 2-8 Inspections

2-8.1 Construction Approval

All applications and soil tests must be approved by the Sanitation Officer and applicable fees paid before construction may begin.

2-8.2 New Site Inspection Required

A new site shall not be approved for a private wastewater treatment system until the Sanitation Officer has inspected the site for compliance with this Sanitation/Environmental Code. Construction must not begin on any structures or building until the site for the private wastewater treatment system has been approved.

2-8.3 Construction Inspection Required

All private wastewater treatment systems developed or modified after the effective date of this Sanitation/Environmental Code must be inspected and approved by the Sanitation Officer for compliance with approved plans. No portion of any system shall be covered or made inaccessible to inspection prior to approval.

2-8.4 Final Inspection Required

The Sanitation Officer shall make a final inspection of the completed system prior to issuing a permit to use the private wastewater treatment system. A Coffey County Private Wastewater Treatment System Operational Use Permit shall be issued after the final inspection of the private wastewater treatment system.

2-8.5 Property Re-sale Inspection Required

All private wastewater treatment systems must be inspected and approved by the Sanitation Officer at the time of property deed/ownership transfer. The ownership transfer of any property in which a dwelling is included, will at a minimum have the private wastewater treatment system and non-public water wells inspected for compliance with the this Code, before the transaction is complete. A water sample analysis may also be required for any wells used for human consumption. The Sanitation Officer or his/her representative, as defined in Section 1-2.15, will conduct the inspection.

2-8.6 Emergency Repair Inspection Required

Repairs, other than minor repairs which are exempt, must be inspected and permitted; emergency repairs can be initiated prior to the pemit. The Sanitation

APPROVED
NOV 07 2013
Department of Health and Environment

Officer must be contacted and informed of the emergency repair within the next business day.

Section 2-9 Abandonment Procedures

2-9.1 Proper Abandonment Required

Any private wastewater treatment system that, in the opinion of the Sanitation Officer, cannot be made to function properly so as to protect the public health, safety and general welfare, or to protect the quality of waters of the State must be properly abandoned. Proper abandonment shall mean the following:

a. A septic tank, holding tank or aerobic treatment unit that is no longer being used as a private wastewater treatment system component shall be abandoned as follows:
   1. all sludge removed and disposed of in a manner consistent with EPA 503 regulations (only applies to land application);
   2. all piping to and from the tank disconnected and sealed and the tank bottom broken;
   3. the tank filled with earth, sand, gravel, concrete, other approved material or remove the tank from the ground and the excavation filled with compacted soil.

b. Cesspools, drywells, seepage pits or other holes that have received wastewater shall be emptied and plugged following K-State Research and Extension Publication MF-2246 "Plugging Cisterns, Cesspools, Septic Tanks and Other Holes" which is hereby incorporated herein by reference.

c. A wastewater stabilization pond (lagoon) that is within 400 feet of a public sewer system or will not retain water and repairs are not possible shall be properly abandoned as follows:
   1. the lagoon must be dewatered in accordance with procedures approved by the Sanitation Officer;
   2. lagoons, which contain over 18 inches of sludge, shall have the sludge removed and disposed of in a manner consistent with EPA 503 Regulations (applies to land application only);
   3. the dikes shall be pushed in, and the soil compacted and leveled;
   4. the area shall be covered with topsoil and seeded to an appropriate ground cover.

d. Proper procedures for abandonment of any other private wastewater treatment system shall be established and enforced as necessary by the Sanitation Officer.

APPROVED
NOV 17 201
Department of Health & Environment

Section 2-10 Requirements for Licensure of Contractors, Installers, Designers, and Inspectors

2-10.1 License Required

No person shall construct or modify, install, design, or inspect any private wastewater treatment system unless that person holds a valid license issued by the Administrative Agency.

2-10.2 License Training, Term and Renewal

a. Issuance of a license is contingent upon the applicant's successful completion of an appropriate training workshop relevant to private wastewater and private water systems as evidenced by a letter or training certificate from the training agency. If a training workshop is not available the applicant must take a written examination prepared by the Administrative Agency based on the Coffey County Sanitation Code, Bulletin 4-2, the Kansas Environmental Health Handbook and other industry standards.

Any applicant who fails to satisfactory complete the written examination may retake the examination after thirty (30) days. Training provided by another county or agency may be honored at the discretion of the Administrative Agency.

b. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded.
c. Licenses shall expire annually at the end of the month in which the license was issued. The license must be renewed prior to the expiration date. Applications for licenses and renewals shall be filed on forms supplied by the Administrative Agency.

2-10.3 Contracting with Unlicensed Wastewater Treatment System Contractors, Installers, Designers, and Inspectors Prohibited

No person responsible for operating a private wastewater treatment system shall contract with any person for the construction, installation, design or inspection of a private wastewater treatment system, unless that person holds a valid license.

2-10.4 Exemptions from License Requirement

Minor repairs, fencing and seeding of wastewater stabilization ponds shall not require a license.

APPROVED
NOV 07 2012
Kansas Department of
Health and Environment

Section 2-11 Requirements for Licensure of Sanitary Service Providers

2-11.1 License Required

No person shall provide sanitary services unless that person holds a valid license issued by the Administrative Agency. Examples of such services include but are not limited to pumping or hauling:

a. any waste from any holding site or private wastewater treatment system including any sanitary privy, waterless sewage system, portable toilets, holding tank or other storage site;
b. domestic wastewater which is not discharged into a publicly-owned sanitary sewer or municipal wastewater treatment plant, and which originates from any commercial, industrial or manufacturing operation;
c. any domestic sewage or human excreta.

2-11.2 License Application and Vehicle Inspection Fee Renewable Annually

Every person wanting to obtain a sanitary service license must make application for a license on forms provided by the Administrative Agency. All sanitary service licenses must be renewed annually.

Vehicles must be inspected and approved by the Sanitation Officer prior to the issuance of a license.

2-11.3 Contracting with Unlicensed Persons Prohibited

No person responsible for operating a private wastewater treatment system, shall contract, or offer to contract, with any person for sanitary service unless that person holds a valid license to provide such service from the Administrative Agency. No person shall accept delivery of domestic wastewater originating from a private wastewater treatment system, commercial, manufacturing, or industrial process unless the person holds a valid license issued by the Administrative Agency.

2-11.4 Minimum Standards for Sanitary Service Equipment

To insure that all materials removed will be transported to the designated point of disposal for treatment without spillage of the waste onto the road or street, all equipment used for rendering of sanitary services must meet all of the following:

a. identify each vehicle with lettering or numbers on both sides not less than 2 inches in height;
b. be of water-tight construction;
c. be maintained in good working condition;
d. be provided with hoses, couplings, valves, pumps and other equipment as may

APPROVED
NOV 17 201?
Kansas Department of Health and Environment

be necessary to prevent leakage and spillage;

e. the operator must demonstrate that all equipment is in good operating condition and will perform its function without leakage or spillage.

2-11.5 Portable Toilets

Sanitary service providers that service portable toilets shall follow the requirements set forth in Section 2-6.2.

2-11.6 Requirements for the Disposal of Domestic Septage

Septage disposal shall be by land application or through a publicly owned treatment works.

2-11.6.1 Requirements for Disposal of Domestic Septage by Land Application

a. The Administrative Agency will utilize Title 40, Part 503 of the Code of Federal Regulations; Sewage Sludge Use and Disposal which is hereby incorporated herein by reference, as guidelines for proper disposal by land application of domestic septage.

b. All land application sites must be approved by the Administrative Agency.

c. Licensee must maintain disposal logs on every load and submit a copy of the same to the Sanitation Officer on a yearly basis. Disposal logs must contain the following information:
   1. Date of disposal;
   2. Name and address of generator;
   3. Disposal site by location (legal description);
   4. Owner of site on which disposal is conducted;
   5. Number of acres available at disposal site;
   6. Volume of septage collected;
   7. Volume of septage disposed.

2-11.6.2 Requirements for the Disposal of Domestic Septage at a Publicly Owned Treatment Works (POTW) Facility

a. All licensees who dispose of domestic septage at a KDHE licensed POTW must comply with all requirements established by that facility for the discharge of domestic septage into the facility.

APPROVED
NOV 07 2013
Kansas Department of Health and Environment

b. Licensee must maintain a disposal log on every load and submit a copy of the same to the Sanitation Officer on a yearly basis. The disposal log must contain the following information:
   1. Date of disposal;
   2. Name and address of generator;
   3. Disposal site by address;
   4. Name of facility at which disposal is conducted;
   5. Volume of septage collected;
   6. Volume of septage disposed.

2-11.7 Prohibited Disposal Practices

a. Industrial discharges to systems not regulated by KDHE are prohibited.
b. Liquid wastes such as mud or sand trap wastes, waste or used oil, and hazardous wastes as defined by the Resource Conservation and Recovery Act are not domestic septage and must be disposed of according to relevant KDHE requirements.
c. Sanitary service providers shall not dispose of domestic septage in any private lagoon system.

2-11.8 Penalties for Noncompliance with Section 2-10.7

Any sanitary service operator will be subject to license suspension or revocation by the Administrative Agency if it is determined, upon written notice, that the licensee violated the requirements of Section 2-10.7 of this Code. The sanitary service operator will also be subject to such other penalties and remedies provided for violations of this Sanitation/Environmental Code in Section 1-3.5.2 of this Code.

2-11.9 License Revocation

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter 1 of this Code.

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment

Section 2-12 Subdivision Development

2-12.1 Approval of Zoning and Administrative Agency Required

After adoption of this Code no person shall be able to obtain an approval to build on any lot of any subdivision until the plans and specifications for private wastewater management have been approved by the Sanitation Officer. No county planning or zoning board, authorized to review and recommend approval of plats or subdivision of land, shall recommend for approval any plat containing one or more building sites on less than five acres unless the plans have been reviewed and approved by the Zoning Administrator and Administrative Agency.

2-12.2 Required Plot or Lot Size

No plat or subdivision of land shall be approved containing one building site having less than five acres of land unless:

a. public sewers are provided;
b. a surety bond in an amount to be determined by the County Commissioners is filed with the county clerk to guarantee the installation of such sewers;
c. acceptable private wastewater treatment systems can be installed as determined by the Sanitation Officer;
d. adequate reserve area must be available for future replacement systems.

In no case may lot size be reduced below three (3) acres. In all cases an adequate water supply must be available and approved by the Sanitation Officer and Zoning Board prior to approval of the site for a private wastewater treatment system.

2-12.3 Compliance with Zoning and Land Use Regulations

The Sanitation Officer shall not approve plans or authorize construction of any private wastewater treatment system in an area where zoning regulations prohibit such facilities.

APPROVED
NOV 07 2013
partment of

CHAPTER 3 – PRIVATE AND NON-PUBLIC WATER SUPPLIES

Section 3-1 Purpose and Intent

The provisions of this Chapter are for the purpose of regulating and controlling the siting, maintenance, and use of private and non-public water supplies in Coffey County, Kansas. This is necessary in order that public health will be protected and the pollution of the water resources of the County will be prevented.

Section 3-2 Definitions

3-2.1 Abandoned Well

Abandoned Well means a water well determined by the Sanitation Officer to be a well:

a. whose use has been permanently discontinued;
b. in which pumping equipment has been permanently removed;
c. which either 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; or
e. which is in such a condition it cannot be placed in active or inactive status.

3-2.2 **Active Water Well** means a water well, which is an operating well used to withdraw water, or to monitor or observe groundwater conditions.

3-2.3 **Backflow** means a situation whereby water, gases or other substances from one water source might enter and flow back into a second water supply or system.

3-2.4 **Cistern** means a reservoir that was originally designed to collect and store rainwater from roof runoff or collect and store water from another source for domestic purposes.

3-2.5 **Cross-connection** means any connection or arrangement, direct or indirect, physical or otherwise, between a potable water supply system and non-potable water supply, including any, plumbing fixture, waste pipe, sewer, drain, device, other system, tank, receptacle, or other equipment through which it may be possible for non-potable, used, unclean, polluted or contaminated water, or contaminated fluids including gases or other substances, to enter into any part of such potable water system under any condition.

APPROVED
NOV 07 2013

3-2.6 **Domestic Uses** means the use of water by any person or family unit or household for household purposes, or for the watering of livestock, poultry,

Department of Health and Environment

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.

3-2.7 Groundwater means the part of the subsurface water, which is in the zone of saturation.

3-2.8 Inactive Status Water Well means a water well which is not presently operating but is maintained in such a way that it can be put back in operation with a minimum of effort and the status has been approved by KDHE.

3-2.9 Non-Public Water Supply means all water supplies not meeting the definitions of a public water supply which serves four to nine service connections including rental properties or properties under separate ownership.

3-2.10 Potable Water means water of sufficiently high quality that it can be consumed or used without risk of immediate or long term harm.

3-2.11 Private Water Supply means all water supplies used for domestic purposes serving three or less service connections and not meeting the definition of a Public or Non-Public Water Supply.

3-2.12 Public Water Supply means a system that:

a. provides water to the public for human consumption; and
b. has at least 10 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year.

3-2.13 Reconstructed Water Well means 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.

3-2.14 Water District means any special district authorized and empowered by state statute to plan, construct and/or operate a public water supply system.

3-2.15 Water Well means any 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.

Section 3-3 Prohibited Practices

No person shall construct a private or non-public water supply system that does not comply with the requirements of this Code.

APPROVED
NOV 07 2013
Department of
Health and Environment

3-3.1 Use Prohibited

A private or non-public water supply must not be connected to any public water supply system.

Section 3-4 Requirements for All Private and Non-Public Water Supplies

3-4.1 Approved Plans

No permit to construct or reconstruct a private or non-public water supply shall be issued until the plans have been approved by the Sanitation Officer.

The Sanitation Officer may require plans to be submitted by a registered professional engineer or other recognized professional with experience designing non-public water supplies.

3-4.2 Permit

No person shall construct or reconstruct any private or non-public water supply system for domestic uses until a Private or Non-public Water Supply Use Permit has been obtained from the Sanitation Officer.

3-4.3 License

No person shall construct or reconstruct any private or non-public water supply system without being licensed as defined in K.A.R. 28-30-2.

3-4.4 Inspections

Inspections shall be required for property sale, property leases, or new construction of a private or non-public water supply for domestic uses. Inspections shall also be required for any maintenance or alteration to the well casing. This inspection shall be completed before the ownership transaction is complete. A water sample analysis may also be required for any wells used for human consumption. The Sanitation Officer or his/her representative will complete the inspection.

3-4.5 Restrictions

Use of surface water (lakes, ponds or streams) as a source of water for human consumption is not permitted:

a. where a satisfactory groundwater source is available,

b. unless adequate treatment is provided (In no case shall surface water be used without filtration and chlorination or other acceptable disinfectants), and

APPROVED
NOV 07 2013
Department of Health and Environment

c. where the pond or lake receives any drainage or discharges from septic tanks, sewage treatment plants, agricultural lagoons, landfills, or other source determined by the Administrative Agency to create an unreasonable risk to public health.

Section 3-5 Additional Requirements for Non-Public Water Supplies

All non-public water supplies that serve four to nine service connections shall:

a. test for bacteriological quality using a laboratory certified by the State of Kansas at least every six months and submit the results to the Administrative Agency,

b. test for nitrate content of the water supply using a laboratory certified by the State of Kansas at least every six months and submit the results to the Administrative Agency,

c. test more frequently or for different parameters when evidence is brought forth which indicates more frequent or additional testing is necessary to protect the health of the users or to determine if a situation exists which may adversely affect the health of the users,

d. if appropriate, test for chlorine residual at least once per week,

e. maintain logs to verify bacteriological, chemical quality, and chlorine residual,

f. notify users and the Administrative Agency in writing immediately when evidence exists that water has become or may become contaminated by microbes or chemicals.

Section 3-6 Minimum Standards for Groundwater Supplies

3-6.1 Location

All wells used as sources of water for private and non-public water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those in K.A.R. 28-30-8. The Administrative Agency may require an increase in these separations distances to assure that the well will not be contaminated.

APPROVED
NOV 07 2013
Department of Health and Environment

3-6.1.1 Separation Distances

All wells used as sources of water for private and non-public water supplies shall be separated from the specified sources of pollution by distances defined by this Code. Horizontal separation distances are as follows:

a. Subsurface absorption field for septic tank effluent ..... 50 feet
b. Septic Tank ..... 50 feet
c. Barnyards, stables, manure piles, animal pens..... 50 feet
d. Streams, lakes and ponds ..... 50 feet
e. Sewer lines ..... 50 feet
f. Fuel or fertilizer storage ..... 50 feet
g. Pesticide or herbicide storage ..... 50 feet

3-6.2 Construction

The enforcement of this section of the Code shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10 et seq. as amended. Recommended standards for design, construction and location and practices consistent with current approved technology shall be followed.

3-6.3 Maintenance Required

The owner is responsible for maintaining the private water supply system in the condition as established in the approved plan.

3-6.4 Abandoned Wells and Cisterns

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 cause to be plugged by the landowner in accordance with Kansas Administrative Regulation 28-30-7.

Copies of all required state forms shall be submitted to the Administrative Agency.

The plugging of cisterns shall be accomplished following guidelines set forth in K-State Research and Extension Publication, MF-2246 "Plugging Cisterns, Cesspools, Septic Tanks, and Other Holes which is hereby incorporated herein by reference.

APPROVED
NOV 07 2013
...ent of
Health and Environment

Appendix A – Bulletin 4-2

APPROVED
NOV 07 2013
Kansas Department of
Health and Environment