

Bureau of Water  
Watershed Management Section  
1000 SW Jackson, Suite 420  
Topeka, KS 66612-1367



Phone: 785-296-4195  
Fax: 785-296-5509  
nps@ks.gov  
www.kdheks.gov/water

Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

September 19, 2012

Lisa R. Davies RS/REHS  
Director - Environmental Health  
Junction City/Geary County Health Department  
P O Box 282  
Junction City, KS 66441

Dear Mrs. Davies,

The proposed Geary 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 Geary County Sanitary Code has been officially adopted by the Board of County Commissioners, please send one copy of the adopted code and the attached form to the following address:

Kansas Department of Health and Environment  
Attn: Sheryl Ervin  
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 Geary County informing them of the code adoption/changes to the code.

If you have any questions, please contact Sheryl Ervin at 785/296-8038 or [SErvin@kdheks.gov](mailto:SErvin@kdheks.gov).

Sincerely,

Mike Tate, ~~Interim~~ Director  
Bureau of Water

MT/sde  
Enclosures

pc: Board of County Commissioners  
Sheryl Ervin  
Beth Rowlands-KDHE Northeast District Office  
County Code file

# GEARY COUNTY SANITARY CODE

GEARY COUNTY, KS

September 19, 2012

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

# Geary County Sanitary Code

## Table of Contents

### CHAPTER I: POLICY, ADMINISTRATION AND ENFORCEMENT

#### Article 1 – General Provisions

Section 1 Title .....	Page 1
Section 2 Legal Authority .....	Page 1
Section 3 Findings & Declaration of Policy .....	Page 1
Section 4 Purpose .....	Page 1
Section 5 Jurisdiction and Application .....	Page 2
Section 6 Public Health Jurisdiction and Application .....	Page 2
Section 7 Severability .....	Page 2
Section 8 Disclaimer of Liability .....	Page 2
Section 9 Amendments and Additions .....	Page 2
Section 10 Repeal and Supersede Effect .....	Page 2
Section 11 Effective Date .....	Page 3

#### Article 2 - Administration

Section 1 Administering Authority.....	Page 4
Section 2 Administration Actions and Decisions .....	Page 4
Section 3 Interpretation of Terms or Words .....	Page 4
Section 4 Definitions .....	Page 5
Section 5 Technical and Scientific Terms .....	Page 9
Section 6 Vested Interests .....	Page 9
Section 7 Compatibility With Other Laws .....	Page 10

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Article 3 – Permits and Licenses**

Section 1 Permits and Licenses Required ..... Page 11  
Section 2 Application Forms and Procedures ..... Page 11  
Section 3 Permit Issuance – Investigations ..... Page 11  
Section 4 Permit Conditions ..... Page 12  
Section 5 Standard Fees ..... Page 13  
Section 6 Supplemental to State Regulations ..... Page 13  
Section 7 Administration of State Requirements ..... Page 13

**Article 4 – Inspections and Investigations**

Section 1 Inspections Required ..... Page 15  
Section 2 Inspection Reports ..... Page 15  
Section 3 Inspection Scheduling and Reinspections ..... Page 16  
Section 4 Property Resale or Refinance ..... Page 16  
Section 5 Prohibitions ..... Page 16

**Article 5 – Enforcement Proceedings**

Section 1 Emergency Orders ..... Page 17  
Section 2 Suspension of Permit or License ..... Page 17  
Section 3 Revocation of Permit or License ..... Page 18  
Section 4 Abatement of Nuisances ..... Page 18

**Article 6 – Appeals**

Section 1 Appeal for Hearing ..... Page 19  
Section 2 Hearing Officer ..... Page 19  
Section 3 Conduct of Hearing..... Page 19  
Section 4 Decision ..... Page 19  
Section 5 Proceedings of Hearings ..... Page 19  
Section 6 Application of State Law Procedures ..... Page 20

**Article 7 – Violations and Penalties**

Section 1 Unlawful conduct ..... Page 21  
Section 2 Penalties ..... Page 22  
Section 3 Prosecution ..... Page 22

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**CHAPTER II: PRIVATE WASTEWATER TREATMENT**

**Article 1 - General Provisions**

Section 1 Purpose ..... Page 23  
Section 2 Scope ..... Page 23  
Section 3 Requirement for Subdivision Development ..... Page 23  
Section 4 Rules of Application ..... Page 23  
Section 5 Variance ..... Page 24  
Section 6 Prohibited Systems ..... Page 26

**Article 2 – Public/Non-Public Wastewater Systems**

Section 1 Regulation of Public Wastewater Treatment Systems ..... Page 27  
Section 2 Policy Regarding Public Wastewater Treatment Systems Page 27

**Article 3 – Private Onsite Wastewater Systems**

Section 1 Types ..... Page 28  
Section 2 Proper Design, Maintenance and Operation ..... Page 28  
Section 3 Location of a Private Wastewater System ..... Page 28  
Section 4 Connections to Public Wastewater Systems ..... Page 28  
Section 5 Repairs and Corrections ..... Page 29  
Section 6 Location of Private Wastewater System Within a 100 year  
Floodplain ..... Page 29  
Section 7 General System Requirements..... Page 29  
Section 8 Transfer of Property Ownership ..... Page 29

**Article 4 – Regulations for Septic Tanks with Soil Absorption Fields**

Section 1 Permits Required ..... Page 30  
Section 2 Application Procedure ..... Page 30  
Section 3 Inspection Required for System Approval ..... Page 31  
Section 4 Applicable Building Codes ..... Page 32

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Article 5 – Regulations for Composting Toilets**

Section 1 Permit ..... Page 33  
Section 2 Construction Standards ..... Page 33  
Section 3 Maintenance ..... Page 33

**Article 6 – Regulations for Holding Tanks**

Section 1 Scope ..... Page 34  
Section 2 Authorized Usage ..... Page 34  
Section 3 Permit Required ..... Page 34  
Section 4 Permit Qualifications ..... Page 34  
Section 5 Standards and Specifications ..... Page 35  
Section 6 Changes in Use ..... Page 35

**Article 7 – Regulations for Waste Stabilization Ponds (Lagoons)**

Section 1 Permit Required ..... Page 36  
Section 2 Wastewater Stabilization Pond (Lagoon) Design  
Requirements ..... Page 36

**Article 8 – Regulations for Installer**

Section 1 License Required ..... Page 37  
Section 2 License Term and Renewal ..... Page 37  
Section 3 Standard of Performance ..... Page 37  
Section 4 Continuation Training ..... Page 37  
Section 5 Installation Bonds ..... Page 38  
Section 6 Certificate of Insurance ..... Page 38  
Section 7 Code Compliance ..... Page 38  
Section 8 License Revocation ..... Page 38

**Article 9 – Regulations for Sanitary Disposal Contractors**

Section 1 License Required ..... Page 39  
Section 2 License Term and Renewal ..... Page 39  
Section 3 Standard of Performance ..... Page 39  
Section 4 License Revocation ..... Page 40

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**CHAPTER III: WATER SUPPLY**

**Article 1 – Water Supplies**

Section 1 Purpose and Intent .....	Page 41
Section 2 Area of Applicability .....	Page 41
Section 3 Compliance Required .....	Page 41
Section 4 Definitions .....	Page 41
Section 5 Requirements for Private Water Supplies .....	Page 43
Section 6 Minimum Standards for all Groundwater Supplies .....	Page 43
Section 7 Transfer of Property Ownership .....	Page 44
Section 8 Appeals .....	Page 44

**CHAPTER IV: PUBLIC NUISANCES**

**Article 1 – Purpose and Intent**

Section 1 Purpose and Intent .....	Page 45
Section 2 General Procedures .....	Page 45
Section 3 Abatement .....	Page 46

**CHAPTER V: SOLID WASTE MANAGEMENT**

**Article 1 – Purpose and Intent**

Section 1 Purpose and Intent .....	Page 47
Section 2 Applicability .....	Page 47
Section 3 Waste Management Regulations .....	Page 47
Section 4 Investigate Reports .....	Page 47
Section 5 Abatement .....	Page 48
Section 6 Costs Assessed .....	Page 48

**Appendix A:**

Wastewater Lagoon Systems .....	Page 49
Drawings.....	Page 53

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

# CHAPTER I. POLICY, ADMINISTRATION AND ENFORCEMENT

## ARTICLE 1: GENERAL PROVISIONS

### Section 1. Title.

This Code shall be known and referred to as the Geary County Sanitation Code of Geary County, Kansas.

### Section 2. Legal Authority.

This Code is adopted under the authority granted to the Board of County Commissioners under application of Federal Law and the laws of the State of Kansas, including K.S.A. 19-3701 et seq., as amended, and pursuant to the powers and authorities of the Board of County Commissioners under K.S.A. 19-101a; and Sec. 5 of Article 12 of the Kansas Constitution and by K.S.A. 12-3301 et seq., if adopted by any city in Geary County.

### Section 3. Findings and Declaration of Policy.

A fundamental duty of every government is the protection of the health and safety of its citizens and to thereby promote the public welfare as well as the economical and planned development of the land and water resources of the County. Consequently, the Board of County Commissioners hereby finds, determines, and declares that it is necessary to adopt a uniform system of rules, regulations and standards to eliminate and prevent environmental conditions that are or may be hazardous to the public health, safety and welfare and to thereby promote the safe, economical and orderly development and conservation of the land and resources of the County.

### Section 4. Purpose.

The purpose of this Code is:

- (a) To promote the public health, safety, comfort and well-being of the public; and
- (b) To prescribe the procedures to be followed in administering this Code; and
- (c) To prescribe rules, regulations, standards and enforcement procedures to minimize, control or eliminate potential or actual sources or causes of disease, infection, contamination or pollution; and
- (d) To protect the integrity of water, air, soil, and natural resources, including aquatic biota, flora, fauna, and wildlife through the prevention of pollution and degradation of the environment by regulation of activities which may affect environmental conditions.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 5. Jurisdiction and Application.**

This Code and all authorized rules, regulations, restrictions and requirements shall apply from and after the effective date of adoption, to and throughout the unincorporated area of Geary County, Kansas, and to all persons, property, establishments and business activities located or conducted, regardless of ownership and acreage, within Geary County, Kansas and outside the municipal boundaries of any city.

**Section 6. Public Health Jurisdiction and Application.**

This Code and any or all rules, regulations, restrictions and requirements shall apply to and throughout all areas of Geary County, Kansas, including those areas located within the municipal boundaries of any city, whenever authorized or required under application of the Laws of the State of Kansas or of the United States, whether by statute, contract, rule or regulation, or pursuant to the jurisdiction of the Geary County Board of Commissioners.

**Section 7. Severability.**

If any clause, sentence, paragraph, section or subsection of this Code shall be adjudged invalid for any reason whatsoever, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof found to be invalid.

**Section 8. Disclaimer of Liability.**

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; or (2) any warranty that any installation, system, or portion thereof that is constructed or repaired under permits or inspections required by this Code will function properly. In addition, any employee charged with the enforcement of this Code, who acts in good faith and without malice in the discharge of his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage which may occur to any person or property as a result of the discharge of his or her duties.

**Section 9. Amendments and Additions.**

This Code may be supplemented or its provisions may be amended by Resolution adopted by the Board of County Commissioners, after notice and hearing, as required by law, and any such amendments or additions shall be incorporated within and codified as a part of this Code. Any changes, modifications or additional provisions adopted and imposed by State or Federal law, rule or regulation which are applicable to and administered through the jurisdiction of Geary County, Kansas, shall be incorporated within and made a part of this Code, with or without notice and hearing, as authorized or required by State or Federal law.

**Section 10. Repeal and Supersede Effect.**

This Code shall supersede any and all previously adopted resolutions or regulations, which are, in whole or in part, in conflict with any provision of this Code, where

applicable, and any rule, regulation or resolution which is or was in effect upon the effective date of this Code shall be repealed to the extent necessary to give this Code full force and effect, and in the case of any conflict of provisions, whether real or apparent, then the provisions of this Code shall govern wherever applicable.

**Section 11. Effective Date.**

This Code shall become effective from and after the date of adoption by the Board of County Commissioners and publication of notice as required by law.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 2: ADMINISTRATION

### **Section 1. Administering Authority.**

Unless otherwise specifically designated within a separate and particular Chapter or Article of this Code, the Director of the Junction City/Geary County Health Department shall have the primary authority and responsibility for the administration of this Code.

Under the authority of any particular Chapter or Article of this Code, the Director of the Junction City/Geary County Health Department may implement such administrative procedures, consistent with this Code, as deemed necessary for the effective administration of any regulations or which may be required or imposed under application of the laws of the State of Kansas or the United States.

### **Section 2. Administrative Actions and Decisions.**

It is the intent of this Code to establish regulations and standards for the protection of the public health and safety. To the extent possible, all administrative actions and decisions required or authorized for the administration of this Code shall be made solely in accordance with the standards enumerated in the Code. Whenever, in the course of administration, it is necessary to make an administrative decision or take action for which standards are not provided, then the decision or action shall be made according to the purpose and intent of this Code so that the result will best serve the public health and safety.

### **Section 3. Interpretation of Terms or Words.**

All terms and words used in this Code shall be interpreted and given meaning according to their common understanding and to provide reasonable application of the purpose and intent of the Code. Whenever the context requires, in the application of this Code, the terms and phrases used shall be interpreted in the following manner:

- A. Words appearing in the singular number shall include the plurals, and those appearing in the plural shall include the singular.
- B. Words used in the present tense shall include the past tense and future tense, and words used in the future tense shall include the present tense and past tense.
- C. Words appearing in the masculine gender shall include the feminine and neuter genders.
- D. The word “shall” is mandatory; the word “may” is permissive.
- E. The phrase “this Code” shall refer to the Code and all authorized rules, regulations, restrictions and requirements, and the phrase “the regulations” shall include rules, regulations, restrictions and requirements authorized by the Code.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

#### Section 4.

#### 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 requires or specifies otherwise, the following words, terms or phrases as used in this Code shall be given the meaning defined in this Section.

- A. Absorption system: The portion of a private onsite wastewater treatment system for the treatment of wastewater by means of a leaching field and adjacent soil or by other means of absorption into the ground.
- B. Absorption trenches: One or more trenches of varying length and depth and of fixed horizontal separation in which effluent is percolated into the soil.
- C. Access: Entry into or upon any real estate, structure or vehicle including any part thereof.
- D. Administering Agency: The Junction City/Geary County Health Department agency shall administer the provisions of this code.
- E. Administrative Rules: Any regulation adopted by an administering agency, which the agency determines to be necessary and appropriate to enable it to fulfill its duties and responsibilities under this Code.
- F. Advanced Private Onsite Wastewater Treatment System: A private onsite wastewater system, approved by the Administrative Agency, which mechanically pretreats the wastewater by means of aerobic activity to reduce levels of specific pollutants before discharge to an approved distribution system.
- G. Aerobic Treatment System: A private onsite wastewater treatment system employing biological action which is maintained by the addition of compressed air into the septic tank.
- H. Agricultural Purpose: A land use related to the production of livestock or crops, including growing crops or pasture and functions immediately and necessarily related thereto, and the feeding of livestock by the resident on the land, as provided by Geary County zoning regulations, but does not include any structure used as a dwelling or the wastewater treatment or water well system servicing such dwelling.
- I. Applicant: Any person who submits an application or requests permission to do some act regulated by this Code.
- J. Application: The application form provided by the administering agency, including the filing fee and any other supporting documents required by the agency.
- K. Aquifer: A subsurface (underground) water-bearing formation or stratum of sand, gravel, or bedrock which stores or transmits water in recoverable quantities or is

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

capable of yielding water to, or transmitting water contaminants or pollutants to, wells or springs.

- L. Authorized Representative: A person who is designated by an administering agency to administer the provisions of this Code or any Chapter therein.
- M. Bedrock: A soil horizon which contains greater than 50% consolidated material by volume.
- N. Board of County Commissioners: The Board of County Commissioners of Geary County, Kansas.
- O. Board of Health: The Junction City/Geary County Board of Health.
- P. Cesspool: A “drywell” that receives untreated sanitary waste containing human excreta, and sometimes has an open bottom and/or perforated sides.
- Q. Cluster System: Non-public wastewater collection and treatment under some form of common ownership, which collects wastewater from three (3) or more dwellings or buildings and conveys it to a treatment and disposal system that is located nearby.
- R. Composting Toilet: A permanent, sealed, water-impervious toilet receptacle screened from insects, used to receive and store only human wastes, urine and feces, toilet paper and biodegradable garbage, and ventilated to utilize aerobic composting for waste treatment.
- S. Contractor: Any person duly licensed by the Administrative Agency, to plan or design, and install private onsite wastewater treatment systems.
- T. Distribution box: A watertight chamber, below the outlet level of a septic tank or treatment unit, from which effluent enters the absorption system.
- U. Domestic Wastewater: All waterborne wastes produced at a family dwelling in connection with ordinary living including kitchen, toilet, laundry, shower and bathtub wastewater. Similar type wastewater, produced at businesses, churches, industrial and commercial facilities or establishments is also included. 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 be discharged to a private wastewater treatment system, so shall not be mixed with domestic wastewater.
- V. Drywell: A well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids. These wells are commonly used for disposal of stormwater, but in the case of sewage disposal systems, they received untreated or inadequately treated sewage.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

- W. Effluent: The liquid waste discharged from a wastewater treatment system.
- X. Engineer: A licensed professional engineer registered with the State of Kansas.
- Y. Establishment: Any structure or self-contained unit therein, including single and multiple family dwellings, commercial and industrial buildings, schools, churches, and public institutions.
- Z. Failed System: A failed system means any system that discharges sewage into a seepage pit, cesspool or drywell or any system which discharged sewage to the ground surface, waters of the state, exhibits sewage backup into the home or any other situation with the potential to immediately and adversely affect or threaten public health or safety.
- AA. Floodplain: Land which is subject to inundation as a result of flooding having a one percent (1%) chance of occurrence in any given year.
- BB. Greywater: Non-industrial, non-toilet water, that is non-potable wastewater generated from domestic processes such as washing dishes, laundry and bathing.
- CC. Ground Water: Water located under the surface of the land that is or can be the source of supply for wells, springs, or seeps, or that is held in aquifers or the soil profile.
- DD. Hearing Officer: Any person designated in this Code, or by the administering agency, to hear appeals from decisions made by an agency representative relating to the enforcement and administration of this Code.
- EE. Holding Tank/Vault: A water-tight receptacle constructed of concrete or other material, designed to receive, store and provide for periodic removal of non-water carried wastes from the human body.
- FF. Industrial and Commercial Wastewater: Industrial and commercial wastewater means any and all solid or liquid waterborne waste other than sewage produced in connection with any industrial or commercial process or operation.
- GG. Law: Includes Federal, State, and local statutes, ordinances, regulations and resolutions.
- HH. Nuisance: Any condition or activity which has, or threatens to have, a detrimental effect on the environment or health of the public.
- II. Permit: The written permission to perform some act regulated by this Code, including, for example, permission to construct or permission to operate.
- JJ. Person: An individual, corporation, partnership, association, state, or political subdivision thereof, federal agency, state agency, municipality, commission, or interstate body or other legal entity.

APPROVED

SEP 19 2012

- KK. Pollution: Any induced alteration of the physical, chemical, biological, and radiological integrity of water, air, soil (both surface and subsurface), or contamination of food or foodstuffs.
- LL. Premises: Any lot or tract of land and all buildings, structures or facilities located thereon.
- MM. Private Onsite Wastewater Treatment System: An arrangement of devices, structures and mechanisms to treat and modify wastewater from a structure, in locations where a public sewer system is not available, in such a fashion as to prevent sewage from being a public health hazard, a detriment to the environment or natural resources, or a water pollutant.
- NN. Public Sewer System: Any sewage system which holds a state water pollution control permit.
- OO. Sanitary Disposal Contractor (Pumper): Any person duly licensed to perform sanitary disposal services.
- PP. Sanitary Disposal Service: The pumping out and removal of wastewater and septage from a private onsite wastewater treatment system and the transportation of such material to another location for treatment or disposal.
- QQ. Schedule of Compliance: A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any regulations or limitation.
- RR. Seepage Pit: A “drywell” that receives inadequately treated sanitary waste from septic tank and has an open bottom and/or perforated sides.
- SS. Septic Tank: A watertight, accessible, covered receptacle designed and constructed to receive wastewater in which the following processes take place: settling of the solids and the digestion of some of the accumulated solids by anaerobic action.
- TT. Sewer District: Any County-operated sanitary sewer system duly formed, authorized and empowered to plan construct and operate a public sewer system in accordance with K.S.A. 19-27a01.
- UU. Structurally Significant Alteration: When used in reference to private onsite wastewater treatment systems, the term “structurally significant alteration: means any of the following:
1. Replacement, repair or extension of any portion of the absorption field of the system; and/or
  2. Replacement, repair or reconstruction of one or more of the critical parts of the system, as designated by the Authorized Representative; and/or
  3. Any replacement, repair or reconstruction which upon review by the Authorized Representative is determined to be an essential repair in order to correct or prevent an improper discharge or imminent health hazard.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

- VV. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of sale, lease or financing of development, either on the installment plan or upon any and all other plans, terms and conditions, including re-subdivision. "Subdivision" includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, map, plat or other recorded instrument.
- WW. Wastewater Stabilization Pond (Lagoon): A shallow manmade basin utilizing natural processes under partially controlled conditions for the reduction of organic matter and the destruction of pathogenic organisms in wastewater.
- XX. Water Table: A zone in the soil which is either continually or seasonally saturated with water.
- YY. Waters of the State: All surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states and which includes, but is not limited to:
1. Streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, and cavern streams, and any alluvial aquifers associated with these surface waters;
  2. Lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes, and points; (Kansas Department of Health Environment K.A.R. 28-16-28b); and
  3. Wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "Corps of Engineers wetlands delineation manual," as published in January 1987.

**Section 5. Technical and Scientific Terms.**

Unless otherwise defined, any technical or scientific term used within this Code or within any rule, regulation, restriction or requirement shall be given the meaning most commonly known and applied within the appropriate literature of manuals applicable for that science, industry or technological skill.

**Section 6. Vested Interests.**

Nothing contained in this Code or any regulations shall be deemed or construed to grant any vested interest or protected right to any person beyond the express limited terms of any permit or ruling issued under this Code, and the Code and regulations are expressly declared to be subject to amendment, change, or modification.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 7.**

**Compatibility With Other Laws.**

Nothing contained in this Code or any regulations shall be deemed to alter or modify the application of any other laws, codes or regulations which are or may be applicable to the property, use, business activity or other object or matter regulated under this Code, and any permit, approval or other condition given or acknowledged under this Code shall be limited in effect to the requirements of this Code and shall not, under any circumstance, relieve the holder from compliance with all other applicable laws, codes, regulations or requirements.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 3: PERMITS AND LICENSES

### **Section 1. Permits and Licenses Required.**

No person shall conduct, carry-on or perform any business or activity identified in this Section without first having obtained a valid permit in conformance with the requirements of this Code.

- A. Private Onsite Wastewater Treatment System - Permit Required. No person shall construct or modify, or permit to be constructed or modified any private onsite wastewater treatment system until a permit has been issued by the Authorized Representative.
- B. Installer - License Required. Every person who conducts the activity of an Installer as defined in Chapter II of this Code, shall apply for, obtain and maintain a valid license to perform that activity.
- C. Sanitary Disposal Contractor - License Required. Every person who engages in or conducts the activity of a Sanitary Disposal Contractor, as defined in Chapter II of this Code, shall apply for, obtain, and maintain a valid license to perform that activity.

### **Section 2. Application Forms and Procedures.**

- A. Content: Application for a permit or license shall be made on forms provided for that purpose. The application shall give a description of the character of the work proposed to be done, or activity to be engaged in, and, if appropriate, the locations, ownership, occupancy, and use of the premises in connection therewith. The administering agency shall require plans, specifications or drawings and such other information as deemed necessary.
- B. Filing: An application for any permit or license required under this Code shall be filed with the Authorized Representative.
- C. Verification: An application for a permit must be signed by the person for whose benefit the permit is being required or his or her authorized representatives. The Authorized Representative may require proof of such authorization.
- D. Compliance: The applicant shall be responsible for compliance with the permit requirements as further set out in this Code. Only a person who complies with the requirements of this Code shall be entitled to receive or retain a permit or license.

### **Section 3. Permit Issuance - Investigations.**

If the Authorized Representative determines that the application complies with the requirements of this code, a permit shall be issued.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

In making its determination on whether to issue a permit the Authorized Representative shall perform or cause to be performed an inspection to determine compliance with this Code.

Within two (2) days, Saturdays, Sundays and holiday excepted, after receipt of an application for a permit, the administering agency shall begin such investigations and inspections as it shall deem necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within ten (10) working days of receipt of the application provided all requirements for soil profile, percolation tests, site assessment, system designs, and license qualifications have been completed. If the application is denied, the agency shall give the applicant written reason for denial.

It shall be the duty of the person performing the work authorized by a permit to notify the Authorized Representative when work is ready for any required inspection. Such notification shall be given not less than eight (8) hours before the work is to be inspected, during normal office hours.

**Section 4. Permit and License Conditions.**

Every permit and license issued under this Code shall be subject to the terms and conditions specified in this Section.

- A. Right of Access: Application for, and acceptance of, any permit issued under this Code shall grant to the authorized representative, and any representatives of the Authorized Representative the right to enter upon any property subject to the permit, at any reasonable time during standard business hours, with or without notice, for the purpose of inspection to determine and ensure qualifications for and compliance with the permit, and shall allow for reasonable access to and review of records, property or other materials necessary to perform the inspection.
- B. Authorized Activity: Each permit or license issued under the authority of this Code shall be limited to and expressly provide for the type and manner of activity permitted for the holder and shall not be used nor applied for any other purpose, type or manner of activity. The permit or license issued shall specifically refer to the activity description contained within the permit or license application, and any change in the type, manner, scope or location of any activity shall require application for and modification of the permit or license.
- C. Permit/License Non-Transferable: No permit or license required by this Code shall be transferable to another person or premises, and the holder of the permit or license shall notify the Authorized Representative prior to any change in ownership or location of any permitted or licensed activity.
- D. Term Expiration: Each permit or license issued under the authority of this Code shall clearly state the date of issuance, the term of the permit or license, and the expiration date. The term of each permit or license issued under this Code shall be for a period 6 months unless otherwise specified.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

- E. Renewal: Any permit or license issued under the authority of this Code may be renewed for one or more additional terms upon application for renewal filed with the Authorized Representative.
- F. Errors and Omissions: The issuance of a permit or license shall not prevent the Authorized Representative from thereafter requiring the correction of errors in plans and specifications or from preventing construction activity being carried on thereunder when such activity would be in violation of this Code or of any other code or resolution or from revoking any permit or license when issued in error.

**Section 5. Standard Fees.**

For the purpose of defraying all or part of the cost of administration of this Code and to assist in the regulation of matters affecting the public health, there shall be and hereby is imposed a standard fee for and upon the issuance and administration of any permit or license under this Code. Said fees shall be as established by the Board of County Commissioners by resolution.

**Section 6. Supplemental to State Regulations.**

The permits or license, and all fees, conditions and regulations imposed under this Article or any other Article of this Code shall be supplemental to and in addition to any permits, licenses, fees or regulations imposed or required by any other law, including those administered by the Kansas Department of Health and Environment.

**Section 7. Administration of State Requirements.**

In the event that any rules, regulations or requirements arising under the Laws of the State of Kansas are assumed or administered through the jurisdiction of the Board of County Commissioners by the Authorized Representative acting under any lawful executive or administrative order or pursuant to a contract agreement, whereby the jurisdiction of any state authority is delegated to or administered by the Authorized Representative, then any permit or license issued or issuable by the State authority shall apply and shall satisfy the permit or license requirements imposed by this Article subject to the following conditions and exceptions:

- A. Permit or License Fees: The permit or license fees imposed by this Article, Section 5, shall apply and be required for payment if greater than or equal to any state imposed fees. The state-imposed fee shall apply whenever it is greater, but only one fee shall be imposed and required for payment.
- B. Conflict in Regulations or Requirements: All rules, regulations, restrictions, and requirements of this Code shall remain in effect and shall apply to any activity or condition covered by this Code except when in direct conflict with a provision of the State rules or regulations, in which case the state-imposed rule or regulation shall apply. Terms and conditions, rules, requirements, regulations or limitations which are supplemental to those imposed by the State and which are not specifically or expressly excluded or prohibited shall not be considered conflicting and shall be imposed and in effect.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

- C. Additional Regulations: Rules, regulations and requirements applicable to any conduct, activity, condition or standard which is not expressly regulated by the state law operation but which is regulated by this Code, shall be and remain in full force and effect as specifically applied under this Code for and within Geary County, Kansas.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 4: INSPECTIONS AND INVESTIGATIONS

### **Section 1.     Inspections Required.**

Physical site inspections shall be authorized and performed for all permitted or licensed activities under this Code.

- A.   Construction Activity: Whenever plans and specifications are required by this Code to be submitted to an Authorized Representative as part of a permit application, the Authorized Representative shall inspect the premises prior to the start of operation to determine compliance with the approved plans and specifications and with any other requirements of this Code.
  
- B.   Private Onsite Wastewater Treatment Systems: Private onsite wastewater treatment systems shall be inspected by the Authorized Representative prior to being placed in operation to ensure compliance with this Code. Such systems shall be inspected thereafter as often as necessary to ensure compliance with this Code.
  
- C.   Repairs and Replacements: Any replacement of or repair to a private onsite wastewater treatment system regulated by this Code, other than normal maintenance, which constitutes a structurally significant alteration shall be inspected prior to undertaking and completing the repairs and replacements.
  
- D.   Emergencies: Emergency repairs which are conducted during normal business hours require pre-notification to the Authorized Representative. Emergency repairs conducted during evening hours or on the weekend require notification to the Authorized Representative within twenty-four (24) hours.

### **Section 2.     Inspection Reports.**

A written inspection report shall be made for all inspections conducted under the authority of this Code, stating the name of the inspector, the date and time of the inspection, the type of inspection and the property inspected. The report shall enumerate all findings made during the inspection and indicate compliance or non-compliance with the approved system design.

Whenever a private onsite wastewater treatment system is inspected after a permit is issued, the findings of the inspector shall be recorded, and the inspection report shall describe any determined violations, the Code section violated, and the correction to be made. A copy of the completed report shall be issued to the owner of the premises and, if different than the owner, to the holder of the permit.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 3. Inspection Scheduling and Reinspections.**

Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity, or for correction of any violation or other non-conforming condition, it shall be the duty of the holder of the permit or license or the operator of the establishment to promptly notify the Authorized Representative and schedule the time and date for the inspection.

**Section 4. Property Resale or Refinance.**

No person shall sell or refinance any property which utilizes a private onsite wastewater treatment system without first having the Authorized Representative inspect and approve the private onsite wastewater treatment system. Failed systems must be brought into Code compliance.

**Section 5. Prohibitions.**

It is unlawful for any person to maintain, occupy, or use any building intended for inhabitation that is not provided with a complying private onsite wastewater treatment system that disposes of wastewater in a manner which complies with this code.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## Article 5: Enforcement Proceedings

### **Section 1. Emergency Orders.**

The Authorized Representative of the administering agency may issue such orders or directives as he deems necessary upon a determination that such action is required to prevent, contain or eliminate an obvious violation of this Code or an imminent threat to the health or safety of the public.

- A. Health Risk: Whenever the Authorized Representative determines that a condition exists which requires immediate action to protect public health, he or she may, without prior notice or hearing, issue an emergency order stating the nature of the threat to public health and directing that action be taken as he may deem necessary to eliminate or minimize such condition. Notwithstanding any other provisions of this Code, such order shall be effective immediately upon issuance and shall be reduced to writing as soon as practicable.
- B. Work Stoppage: Whenever any work is being performed on a private onsite wastewater treatment system contrary to the provisions of this Code, the Authorized Representative may order the work stopped immediately by issuing an emergency order and serving it on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop work until authorized by the agency to proceed with the work.
- C. Compliance: Any person, to whom an emergency order is directed shall comply therewith immediately, but upon written request filed within five (5) days of issuance, shall be afforded a hearing before a Hearing Officer as soon as possible. Such a hearing shall be held within ten (10) days of the issuance of such emergency order.

### **Section 2. Suspension of Permit or License.**

The Authorized Representative may suspend any permit or license that it issues if the holder thereof does not comply with the requirements of this Code. The suspension shall become effective ten (10) days after the holder of the license or permit, or the person in charge of such establishment or premises subject to the permit, receives written notice of such suspension. The holder or other aggrieved party may request a hearing in accordance with Article 6 of this Chapter. After a hearing, the Hearing Officer may uphold the suspension as originally ordered or modify it as he sees fit, but in no event shall he enter an order of suspension for a period longer than that set out in the original order. Both the original order and any order entered after an appeal may stipulate the length of suspension upon correction of the conditions upon which the suspension is based.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 3. Revocation of Permit or License.**

The Authorized Representative may revoke a permit or license for serious or repeated violations of any of the requirements of this Code or for interference with the Authorized Representative in the performance of its duties.

Prior to revocation, the Authorized Representative shall notify, in writing, the holder of the license or permit, or the person in charge of the establishment or premises subject to the permit, of the specific reason(s) for which the permit or license is to be revoked and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit or license within the 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.

Whenever a revocation of a license or permit has become final, the holder of the revoked permit or license may make written application for a new permit or license and pay the fee required.

**Section 4. Abatement of Nuisances.**

The Authorized Representative may maintain a civil action by injunction, in the name of the Board of County Commissioners of Geary County, in which this Code is applicable, to abate and enjoin a nuisance.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 6: APPEALS

### **Section 1. Appeal for Hearing.**

Except as otherwise provided in Article 5 of this Chapter, any person aggrieved by any notice, final order, or denial of a permit or license by the Authorized Representative may request a hearing on the matter before the Hearing Officer appointed by the Authorized Representative if such person files with the agency within ten (10) days after the date of issuance of the notice, order, or denial a written request for a hearing setting forth the grounds on which the request is made. The filing of the request of hearing shall operate as a stay of any notice or order except an emergency order.

### **Section 2. Hearing Officer.**

The Authorized Representative shall designate, in writing, one or more officials to act as that agency's hearing officer to hear appeals under this Code. The officer may be an employee of the agency but shall not be the person who, in the name of that agency, made the determination or issued the order upon which the appeal is based.

### **Section 3. Conduct of Hearing.**

Upon receipt of the appeal request, the Hearing Officer shall set a time and place for a hearing, and shall give the petitioner written notice thereof. The hearing shall be commenced not later than ten (10) days after the date on which the request for hearing was filed; provided, that upon request of the aggrieved party the hearing may be postponed for a reasonable time beyond such 10-day period.

A record shall be made at the hearing, and the aggrieved party may be represented by counsel or other authorized person. The Authorized Representative shall have the burden to sustain any notice, final order, or other decision subject to the appeal.

### **Section 4. Decision.**

Within ten (10) days after the conclusion of the appeal hearing, the Hearing Officer shall issue a written decision to the petitioning party. That decision may sustain, modify or deny the decision of the agency.

### **Section 5. Proceedings of Hearings.**

A summary of all proceedings of hearings, including the findings and the decision of the Hearing Officer, together with a copy of every notice and order related thereto, shall be filed with the Authorized Representative.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 6. Application of State Law Procedures.**

The appeal of any final decision or action of the Authorized Representative which is taken under the authority of a state administrative agency in application of the laws of the State of Kansas shall be subject to and conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501, et seq., and the provisions of that Act shall supersede any and all time limitations and procedures otherwise specified in this Code.

The Kansas Administrative Procedures Act shall not apply to any proceeding arising out of an appeal from any decision or action taken solely under the authority of the Board of County Commissioners.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 7: VIOLATIONS AND PENALTIES

### **Section 1. Unlawful Conduct.**

The following acts shall be unlawful:

- A. Obstruction of Authorized Representative: No person shall willfully impede or obstruct the Authorized Representative in the discharge of his or her official duties under the provisions of this Code.
- B. Operation without a Permit or License: No person shall do any act or engage in any activity for which a permit or license is required by this Code unless first obtaining such permit or license.
- C. Failure to Comply with Emergency Order: No person shall fail or refuse to comply with an emergency order of the Authorized Representative issued under Article 5 of this Chapter.
- D. Failure to Comply with Permit or License: No person shall fail to comply with the specified terms or conditions of any permit or license issued under this Code nor do any act or engage in any activity or conduct regulated by this Code without a valid permit or license, nor continue activities or conduct subject to any permit or license which has expired, been suspended or been revoked under this Code.
- E. Failure to Comply with Regulations: No person shall do any act or engage in any activity which is regulated by any Article, Section or Chapter of this Code except as authorized and permitted under the Code, and no person shall knowingly operate any activity regulated by this Code in any manner which does not comply with the requirements of the conditions and regulations specified in this Code.
- F. Falsification and Misrepresentation: No person shall falsify nor misrepresent any fact, information, product or data provided, required or submitted for any application, permit, license, inspection, examination, investigation, report, record, test or other determination required under this Code.
- G. Improper Discharges: No person shall cause nor permit any wastewater to be discharged to or upon the ground surface, the ground water or other natural water course which creates or causes a health hazard or unlawful pollution, and no person shall cause nor permit any effluent from any private onsite wastewater treatment system to be so discharged, or to leak, seep or otherwise escape from the system such as to create or cause a health hazard or unlawful pollution.
- H. Occupancy or Use of a Building without a Compliant Private Onsite Wastewater Treatment System: It is unlawful for any person to maintain, occupy or use any building intended for habitation that is not provided with a private onsite wastewater treatment system that disposes of wastewater in a manner that does not comply with this code.

APPROVED

SEP 19 2012

- I. Failure to Repair or Correct: No person shall fail or refuse to repair or correct any defect, deficiency or other condition, whether natural or otherwise, in any private onsite wastewater treatment system which has caused, or which the Authorized Representative has determined is likely to cause, within reasonable certainty, any improper discharge or other health hazard, unsanitary condition, or unlawful pollution.

**Section 2. Penalties.**

Any violation of any provision or requirement of this Code or the commission of any unlawful act or conduct specified in this Article shall be deemed to be a misdemeanor under the codes and regulations of Geary County, Kansas, and punishable upon conviction by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.

**Section 3. Prosecution.**

The County Counselor shall prosecute violations of this Code in the name of the Board of County Commissioners of Geary County, Kansas.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

# CHAPTER II: PRIVATE ONSITE WASTEWATER TREATMENT

## ARTICLE 1: GENERAL PROVISIONS

### **Section 1. Purpose.**

Wastewater is a potential source of disease and a potential hazard to the health, safety and welfare of the public. It also poses a direct threat to the environment as a potential pollutant of the air, water and soil, and presents a hazard to all forms of plant and animal life. It is the purpose of this Chapter to provide minimum standards for the sanitary disposal of all wastewater generated or transported within Geary County unless otherwise regulated by competent authority.

### **Section 2. Scope.**

All wastewater must be disposed of by the use of a sanitary sewer system as defined in this Article. A sanitary sewer system may be classified as either a public wastewater treatment system, cluster system or a private onsite wastewater treatment system.

### **Section 3. Requirement for Subdivision Development.**

After the adoption of this Code, no person shall develop any subdivision until the plans and specifications for wastewater management have been approved by the Junction City/Geary County Planning & Zoning Department, the Authorized Representative, and the Junction City/Geary County Metropolitan Planning Commission and, when required, by the Kansas Department of Health and Environment. For the purpose of this Code, a subdivision is defined as an area of real estate consisting of four (4) or more contiguous lots. All subdivisions must be connected to either a public or a cluster (nonpublic) wastewater system.

### **Section 4. Rules of Application.**

The requirements established by Chapter II of this Code shall apply and be applicable to all private and cluster onsite wastewater treatment systems now or hereafter installed used or operated upon any property located within Geary County, Kansas subject to the provisions of this Code.

- A. General Rule: Unless otherwise provided or excepted in accordance with this Section, from and after the effective date of the Code, no person shall design, install, replace, alter, repair, use or operate, nor cause or allow the installation, replacement, alteration, repair, use or operation of any private onsite wastewater treatment system except as permitted under and as which complies with the established requirements of this Code.
- B. Existing Systems Treating Domestic Wastewater: Any private onsite wastewater treatment system lawfully installed prior to the effective date of this Code and used exclusively for domestic wastewater and not industrial nor commercial wastes, may remain in use if, and as long as, it continues to operate in accordance

APPROVED

with the original design and location, does not experience any system failure, and does not present any hazard to the public health, safety or welfare; however, any replacement, alteration, enlargement, repair, removal, conversion, improvement or demolition shall comply with the requirements of this Code or any later amendments, revisions or versions.

C. Existing Industrial and/or Commercial Onsite Wastewater Treatment Systems:

1. Discharge of industrial or commercial wastewater, other than domestic wastewater, to a soil absorption system is prohibited. Any soil absorption systems in use at the time of passage of this Code shall be referred to the Kansas Department of Health and Environment to assure compliance with state and federal requirements.
2. Industrial and/or commercial wastewater collected and retained onsite using holding tanks shall be subject to all permit and inspection requirements, and shall comply with or satisfy all requirements and regulations now or hereafter adopted by the Kansas Department of Health and Environment, pursuant to Kansas Administrative Regulations, Article 28.
3. Those systems which are used exclusively for domestic wastewater may remain in use, subject to at least one (1) annual inspection, as long as the system is used only for domestic wastewater treatment and satisfies the requirements of this Code.

D. Existing Tracts and Lots of Record: The owner of any land, which is a tract or lot of record on the effective date of this Code and contains sufficient size or acreage to satisfy the minimum lot size requirements for any permit specified under this Code, may apply for and receive a permit under the applicable provisions of this Chapter if:

1. The tract or lot size is at least one (1) acre; and
2. The installation and use of the system shall be exclusively for domestic wastewater and will comply with all other requirements of this Code; and
3. The lot is located in a plat which has received final plat approval on or before the effective date of this Code or the lot or tract is not platted but is duly recorded as a lot or tract of record prior to the effective date of this Code; and
4. The lot or tract is not located within the boundaries of any sewer district operated by Geary County.

**Section 5. Variance.**

The owner of any land or the user of any private onsite wastewater treatment system regulated by this Code may apply for any exception to any standard, specification, rule or regulation prescribed in this Code, which is not otherwise discretionary, under the authorities granted to the Authorized Representative. A request for a variance must be

APPROVED

submitted to the Authorized Representative prior to construction to remain in compliance with K.S.A. 28-5-9.

- A. Application: Application for any variance under this Section shall be filed with the Authorized Representative on approved and authorized forms and shall contain the following information:
  - 1. The name of the applicant;
  - 2. The name of the property owner if different than the applicant;
  - 3. The address and legal description of the property;
  - 4. The zoning and land use, existing and proposed, for the property;
  - 5. The express rule, regulation or requirement for which exception is sought;
  - 6. A detailed description of the plan, action, or other specification which is proposed in advance to the rule requirement.
  
- B. Report and Recommendation: Upon receipt of any application for a variance under this Section, the Authorized Representative shall evaluate the application and may conduct such site inspections or other investigations as he deems appropriate, and may require the applicant to submit additional facts, information or tests as may be reasonably necessary to render a decision on the application. The Authorized Representative shall prepare a report and recommendation on the application within seven (7) days after receipt of the application and of all required additional information. A copy of the report and recommendation shall be sent to the applicant and to any appropriate planning or governmental body.
  
- C. Final Decision: The report and final recommendation of the Authorized Representative, or his designee, shall be and become the final decision on the application unless, within fourteen (14) days after the date of the report and final recommendation, the applicant or governmental body requests in writing a formal review of the application or final recommendation. Any final decision of the Authorized Representative shall be issued in the form of a written administrative order, and the order shall be certified and recorded with the County Register of Deeds.
  
- D. Review Proceeding: Whenever a timely request for a review of any application or final recommendation is filed with the Authorized Representative, a review proceeding shall be conducted in accordance with this subsection.
  
- E. Standards for Review: The report and recommendation of the Authorized Representative, or his designee, shall be given substantial deference upon any review, but the person applying for any rule exception shall have the responsibility, in all instances, to demonstrate that the exception is justified and necessary. No variance shall be granted, either by final decision of the Authorized Representative or upon any order of a review proceeding unless it is found and determined that:

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

1. The rule or requirement for which an exception is sought cannot practically be met as applied to the property without extreme and undue hardship; and
  2. The variance will not adversely affect the proper and efficient operation of the private onsite wastewater treatment system nor require extraordinary monitoring, care or maintenance; and
  3. The system as proposed will comply with all other applicable rules, regulations or requirements and will not cause nor result in any identifiable risk to the environment or public health.
- F. Decision on Review: The decision in any review proceeding authorized in this Section shall be issued, in writing, within seven (7) days after completion of all review proceedings. A copy of the final decision shall be certified and recorded with the County Register of Deeds. Any final decision on any application for a variance under this Article shall be solely within the discretion of the Authorized Representative or the Reviewing Board and shall not be subject to review by nor overturned in any court or other jurisdictional body in the absence of demonstrated fraud or deliberate, capricious action.

**Section 6. Prohibited Systems.**

Cesspools, seepage pits drywells and seepage pits must be upgraded to an approved system upon discovery and shall be upgraded to an approved private onsite wastewater treatment system upon discovery.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 2: PUBLIC WASTEWATER TREATMENT SYSTEMS

### **Section 1. Regulation of Public Wastewater Treatment Systems.**

Any public sewer system which is maintained and operated by Geary County, Kansas, shall be built and operated only as permitted by the rules and regulations of the Kansas Department of Health and Environment and shall comply with and be governed by such laws, rules, regulations and administrative actions.

### **Section 2. Policy Regarding Public Wastewater Treatment Systems.**

Any subdivision or developments with lots of less than one (1) acre shall be served by a public sewer system. The cost of installation, maintenance, and operations of public sewer systems shall be borne by those properties and persons being served by the system.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 3: PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

### **Section 1. Types.**

Private onsite wastewater treatment systems are classified as one of the following types:

- (1) Septic Tank with Soil Absorption Field
- (2) Composting Toilet
- (3) Holding Tank
- (4) Wastewater Stabilization Pond (Lagoon)
- (5) Advanced Private Onsite Wastewater Treatment System

### **Section 2. Proper Design, Installation, Maintenance and Operation.**

All private onsite wastewater treatment systems shall be designed, constructed and operated in accordance with standards set forth in Kansas Department of Health and Environment 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 and the Environmental Health Handbook of KDHE, Second Edition (2002). KDHE Bulletin 4-2 and the Kansas Department of Health and Environment *Environmental Health Handbook, Second Edition*, are hereby adopted by reference.

### **Section 3. Location of a Private Onsite Wastewater Treatment System Within Fifty (50) Feet of Private Well.**

No portion of a private onsite wastewater treatment system shall be located within fifty feet (50') of a private water well.

### **Section 4. Connections to Public Wastewater Treatment Systems.**

To the extent feasible, public wastewater treatment systems shall be used for the disposal of all wastewater within Geary County, and no private onsite wastewater treatment system shall be permitted under this Chapter whenever a public wastewater treatment system is within four hundred feet (400') of the property line. Any property served by a private onsite wastewater treatment system authorized under this Chapter shall connect to a public system as provided in this Section.

- A. Existing Systems: After the effective date of this Code, no permit for construction or for a structurally significant alteration of a private onsite wastewater treatment system shall be issued for any lot or tract of land any part of which is located within four hundred feet (400') of a main or lateral sewer line which is part of a public wastewater treatment system which can serve the lot or tract, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.
- B. New Systems. The use of any private onsite wastewater treatment system for which a permit to construct was issued prior to the effective date of this Code shall

APPROVED

be prohibited three (3) years after a public main or lateral sewer line first becomes available for service within four hundred feet (400') of the lot or tract served by the private onsite wastewater treatment system, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.

**Section 5. Repairs and Corrections.**

Any private onsite wastewater treatment system that cannot connect to a public sewer system and does not function properly as designed and permitted shall be replaced or repaired. Plans and specifications for the replacement or repairs shall be submitted to and reviewed by the Authorized Representative and no repairs or replacements, other than ordinary maintenance, shall be performed without a permit and inspection as required under this Code.

**Section 6. Location of Private Onsite Wastewater Treatment Systems Within a 100 year Floodplain**

No portion of a private onsite wastewater treatment system shall be constructed within the 100-year Floodplain of any stream, river, or watercourse (as established by the Federal Emergency Management Agency). This does not preclude repair of existing systems, provided other requirements of this Code are met.

**Section 7. General System Requirements.**

The system shall be designed to consist of a building connection, treatment unit such as a septic tank and soil absorption field. The system shall receive all domestic wastewater including laundry waste. The design of the system shall ensure that the wastewater discharged to the private wastewater treatment system:

- (1) Does not contaminate any drinking water;
- (2) Is not accessible to insects, rodents or other possible carriers of disease which may come in contact with food or drinking water;
- (3) Does not contaminate any waters of the state as defined in this Code;
- (4) Does not surface above ground level;
- (5) Is not a danger through exposure or accessibility to animals or children; or
- (6) Does not give rise to a nuisance due to odor or unsightly appearance.

**Section 8. Transfer of Property Ownership.**

No person shall transfer the ownership of any property with a private onsite wastewater treatment system subject to the regulations of this code until the system is inspected by the Authorized Representative and the results of that inspection are made available to the transferee.

APPROVED

SEP 19 2012

ARTICLE 4: REGULATIONS FOR SEPTIC TANKS WITH SOIL  
ABSORPTION FIELDS

**Section 1. Permits Required.**

For the purposes of this Article, private onsite wastewater treatment systems consisting of a septic tank with a soil absorption field may be referred to as “a septic system”. It shall be unlawful for any person, firm, or corporation to erect, construct or perform any structurally significant alteration, or abandon any septic tank system regulated by this Code, without first obtaining a private onsite wastewater treatment permit from the Authorized Representative. Permits issued under this Article shall be subject to the following qualifications:

- A. Property Use. Permits may be issued under this Article for those facilities generating less than 2,500 gallons per day of wastewater.
- B. Minimum Lot Size. Unless a rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of five (5) acres per living unit shall be required for any permit issued under this Article.
- C. Terms and Renewals. A permit issued under this Article shall be valid for a period of six (6) months following the date of issuance and may be renewed by order of the Authorized Representative. If installation is not completed within six (6) months, the landowner must reapply and submit the additional required permit fee for a time extension of six (6) months.
- D. Transfer. A permit issued under this Article shall not be transferable.
- E. Standards. No permit shall be issued to any person property, or establishment which does not comply with and satisfy the specified requirements of all applicable Sections of this Article.

**Section 2. Application Procedure.**

The person applying for a private onsite wastewater treatment permit shall first file an application in writing on a form furnished for that purpose by the Authorized Representative. The application shall:

- (1) Identify and describe the activity for which permission is requested. (e.g., construction, repair, etc.)
- (2) Identify the location of the activity for which permission is requested by legal description and street address.
- (3) Indicate the type of establishment which the septic system will serve.
- (4) Be signed by the owner of the premises where the activity is to be conducted, or his or her duly Authorized Representative. The representative may be required to submit evidence of such authority.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 3. Inspection Required for System Approval.**

No private onsite wastewater treatment system shall be placed into service and no occupancy permit may be issued to any person for use of any establishment to be connected to such system until the system has been inspected and approved by the Authorized Representative.

- A. Pre-conditions. No inspection or system approval will be initiated until and unless the applicant or property owner has fully complied with the permit and application requirements of this Article. Any required permit must be posted and displayed at the property job site.

The applicant, property owner or septic contractor shall provide a minimum of one (1) working day notice to the Authorized Representative to perform any required onsite wastewater treatment system inspection. An inspection will be conducted only when proper notice is given.

- B. Inspection Procedures. There will be at least three (3) separate inspections required for each septic system.

(1) The first site inspection shall be performed before issuance of any septic system permit.

(2) The second inspection is made during system installation. The tank and pipe shall be in the ground but must be uncovered for the Authorized Representative for inspection.

(3) The third inspection is made after final grading has occurred, but before occupancy. The inspector will check for the following:

- a. Depth of soil cover over septic tank. Septic tanks installed at depth greater than 12" shall install manhole risers to the surface.
- b. Depth of soil cover over lateral lines.
- c. Contour of soil to assure allowance for water diversion around lateral field.

- D. Location. The location of the private onsite wastewater treatment system shall be such as to maintain not less than the stated distances as shown in Table 1.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

Table 1: MINIMUM REQUIRED DISTANCES FROM A PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM

<u>Feature</u>	<u>Septic Tank</u>	<u>Lateral Field</u>
Property Line	10 feet	10 feet
Water Well (private)	50 feet	50 feet
Public Water Supply Well	100 feet	100 feet
Pond or lake not used for drinking water	50 feet	50 feet
Pond or lake used for drinking water	75 feet	75 feet
Water Line (private)	10 feet	10 feet
Water Line (public)	25 feet	25 feet
Building or foundation drain	10 feet	25 feet
Public utility lines	25 feet	25 feet

- E. Site Preparation. The area proposed to be occupied by the private onsite wastewater treatment system shall not be disturbed or compacted prior to system installation. Fencing or other appropriate barriers shall be used to designate this area. During and after installation, care shall be taken to avoid compaction or destruction of the soil profile.

**Section 4. Applicable Building Codes.**

In addition to the standards and requirements established under this Chapter, the installation, alteration, construction reconstruction, repair, replacement, or other work for or upon any private onsite wastewater treatment system regulated under this Code shall comply with and satisfy the specifications and requirements, whenever applicable, of the International Building Code and the International Plumbing Code, or similar codifications, as adopted by and in effect in Geary County, Kansas. The Authorized Representative shall have available copies of any such codes and code specifications and shall delineate those parts and requirements which are applicable to private onsite wastewater treatment systems.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 5: REGULATIONS FOR COMPOSTING TOILETS

### **Section 1. Permit.**

Composting Toilets may be permitted in circumstances such as for seasonal cabins or camps. The application procedures and fees shall be the same as for a private onsite wastewater treatment system.

### **Section 2. Construction Standards.**

The composting toilet shall be required to have a National Sanitary Foundation seal of approval and testing.

### **Section 3. Maintenance.**

The composting toilet shall be maintained and cleaned as per manufacturer's standards and recommendations. All waste shall be disposed in an approved disposal site as permitted by the Authorized Representative. It should be maintained as to not create a nuisance or health hazard.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 6: REGULATIONS FOR HOLDING TANKS

### **Section 1. Scope.**

For purposes of this Article, a Holding Tank refers to a water-tight receptacle constructed of concrete or other material, designed to receive, store and provide for periodic removal of non-water carried wastes from the human body.

### **Section 2. Authorized Usage.**

A holding tank may only be used for the on site retention of wastewater before the contents are removed by a Sanitary Disposal Contractor.

Residential Properties. One holding tank may be used to service only one (1) residence or dwelling unit when it is found that no other sewer system will work or is available. A holding tank which services more than one residence or dwelling unit will not be permitted under this Code.

### **Section 3. 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 permit from the Authorized Representative. Prior to issuance of a permit, the owner of the holding tank shall provide a copy of his service contract with a Sanitary Disposal Contractor licensed pursuant to Article 9 of this Chapter.

### **Section 4. Permit Qualifications.**

Any permit authorized under this Article shall be issued subject to the qualifications specified in this Section.

- A. Term and Renewal. Operation permits for holding tanks used for domestic waste are valid for one (1) year from the date of issuance and are renewable annually. Applications for renewals shall be submitted no later than thirty (30) days prior to permit expiration with the applicable fee. Upon receipt of the application and fee, an extension of the permit for one (1) year shall be issued.
- B. Minimum Lot Size. Unless a rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of one (1) acre per occupied unit shall be required for the use or operation of any holding tank for any property usage under this Article.
- C. Standards. No permit shall be issued to any person, property, or establishment which does not comply with and satisfy the standards prescribed in this Article and all applicable terms, conditions, and requirements of this Code.
- D. Transfer. Permits are not transferable.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 5. Standards and Specifications.**

Any holding tank system authorized under this Article shall be designed, constructed and operated to comply with standards and specifications deemed necessary and advisable by the Authorized Representative.

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

<b>Number of Bedrooms</b>	<b>Holding Tank (gal.)</b>
1-2	1000
3-4	1500
>5	2000

- B. Site Location. Tanks shall be located at least ten feet (10') from any part of a building. Holding tank shall be so located to an all-weather access road or drive so that the pumper may drive pumping equipment to within ten feet (10') 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. Each tank shall have an access manhole extended to finished grade, and shall consist of a circular cast iron ring and lid or other material which meets with the approval of the Authorized Representative.

**Section 6. Changes in Use.**

The permit holder shall notify the administering agency in writing within five (5) working days of any change in the use of the premises which are serviced by the holding tank or any change in ownership or occupancy of the premise.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## ARTICLE 7: REGULATIONS FOR WASTE STABILIZATION PONDS (LAGOONS)

### **Section 1. Permit Required.**

It shall be unlawful for any person, firm, or corporation to erect, construct, or perform any structurally significant alteration, remove, convert, or demolish any lagoon regulated by this Code, without first obtaining a permit from the Authorized Representative. The term "lagoon" shall mean a Waste Stabilization Pond as defined in this Code. Where permitted, the lagoon property site must be a minimum of ten (10) acres. Permits issued under this Article shall be subject to the following qualifications:

- A. Land Use. Permits may be issued only for single-family residences.
- B. Minimum Lot Size. Unless a waiver or variance is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of ten (10) acres per living unit shall be required for any permit issued under this Article.
- C. Standards. No permit shall be issued to any person, property, or establishment which does not comply with and satisfy the specified requirements of all applicable Sections of this Code.

### **Section 2. Wastewater Stabilization Pond (Lagoon) Design Requirements.**

- A. All lagoons must be designed and maintained so as not to overflow or discharge.
- B. The completed construction shall conform to the plans and specifications approved by the Authorized Representative.
- C. The lagoon shall be operated in such a manner that a public health nuisance or water pollution problem will not arise.
- D. The normal ground water elevation shall be at least ten feet (10') below ground surface and four feet (4') below the bottom of the lagoon.
- E. A separation distance of fifty feet (50') between the proposed water's edge of the lagoon (at the 5-foot water depth) and the property line of another owner shall be provided.
- F. When the lagoon excavation penetrates or terminates in either a rock strata or a porous (sand or gravel) strata, the excavation shall be over excavated 18". The area of supplemental excavation shall be repacked with a nonpermeable earthen material to limit seepage from the pond to a maximum value of one-quarter inch (1/4") per day. This normally may be accomplished by using a clay soil which is free of rocks. If a clay soil is not available, the fill soil shall be mixed with bentonite clay to achieve a minimum of 30% clay content and compacted.

See Appendix A

APPROVED

SEP 19 2012

## ARTICLE 8: REGULATIONS FOR INSTALLATION CONTRACTOR

### **Section 1. License Required.**

No person shall install, engage in the installation of, or repair a private onsite wastewater treatment system unless that person holds a valid Wastewater Contractor License issued by the Authorized Representative. Employees of a validly licensed Contractor are not required to be separately licensed.

### **Section 2. License Term and Renewal.**

Any license issued under this Article shall be effective from March 1 to the last day of February of the following year, and must be renewed annually. Applications for licenses and renewals shall be filed on forms supplied by the Authorized Representative. 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 for any partial term or part-year application.

### **Section 3. Standard of Performance.**

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to private onsite wastewater treatment systems and general engineering principles pertaining to such systems. The Authorized Representative may consider actual experience, education, or professional licensing of the applicant in the granting or denial of an application for an initial license or renewal, including prior revocations or disciplinary action.

Attendance by any applicant at an appropriate training workshop, conducted or sponsored by the Authorized Representative or other recognized governmental, educational or professional institution, and satisfactory completion of a written examination administered by or on behalf of the Authorized Representative covering subjects related to public health concerns, wastewater treatment techniques, standards for design or construction or installation of wastewater treatment systems, wastewater treatment theory, and/or hydraulics shall satisfy the requirements of this Section. Any applicant who fails to satisfactorily complete the written examination may retake the examination after thirty (30) days.

### **Section 4. Continuation Training.**

Every person licensed as a Wastewater Contractor under the authority of this Article must obtain a minimum of three (3) hours of approved continuation training each calendar year, and no license issued under this Article will be renewed without submission of a certification of the training to the Authorized Representative. The training, to be approved, must be directly related to the knowledge requirements necessary for issuance of the license under Section 3. Attendance at any workshop

APPROVED

SEP 19 2012

conducted, sponsored or approved by the Authorized Representative or any applicable professional association shall satisfy the requirements of this Section.

**Section 5. Installation Bonds.**

The Authorized Representative may establish a requirement for bonding of any installer licensed under this Article and may prescribe reasonable terms and conditions for those bonds.

**Section 6. Certificate of Insurance.**

A licensed installer shall have and maintain insurance for liability and workmanship in amounts and forms as designated by the Authorized Representative and a copy of the certificate of insurance shall be filed with the agency.

**Section 7. Code Compliance.**

The installation, relocation, or repair of any private onsite wastewater treatment system shall be in compliance with the provisions of this Code.

**Section 8. License Revocation.**

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

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

ARTICLE 9: REGULATIONS FOR SANITARY DISPOSAL  
CONTRACTORS

**Section 1. License Required.**

No person may engage in the pumping of holding tanks, septic tanks, pump tanks, portable toilets or grease traps or transport wastewater to a disposal site unless that person holds a valid Sanitary Disposal Contractor License. Employees of a validly licensed Sanitary Disposal Contractor are not required to be separately licensed. The license shall also designate the vehicles to be used by the licensee.

**Section 2. License Term and Renewal.**

Any license issued under this Article shall be effective from March 1 to the last day of February of the following year, and must be renewed annually. Applications for licenses and renewals shall be filed on forms supplied by the Authorized Representative. 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 for any partial term or part-year application.

**Section 3. Standard of Performance.**

Every person licensed as a Sanitary Disposal Contractor under this Article shall comply with the performance requirements specified in this Section.

- A. Cleaning. A license holder, when cleaning a septic tank, shall remove the liquid, sludge and scum.
- B. Equipment. A license holder shall maintain his equipment so as to ensure that no spillage of wastewater will occur during transportation, and that his employees are not subjected to undue health hazards. All wastewater shall be transported in an enclosed tank.
- C. Vehicles. Wastewater shall be transported only in vehicles approved for that purpose by the Authorized Representative. Each such vehicle must be inspected prior to issuance or renewal of a license to a Sanitary Disposal contractor. Each vehicle shall bear permanent identification in minimum five inch (5") letters identifying the name of the company, the owner and the address of the business.
- D. Disposal. A license holder shall dispose of the collected wastewater only at approved locations, and may be requested to submit to the Authorized Representative, or his designee, a report on a form furnished by the Authorized Representative stating the dates, sources, volume, and disposal site of each load or partial load of wastewater or waste transported during the preceding calendar month. The report form must contain the signature of the person submitting the report and must bear the signature or signatures of the responsible person operating the disposal site for each load or partial load received at the site from the contractor.

APPROVED

- E. Experience. Prior to the issuance or renewal of a license the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to Sanitary Disposal Contractors. The Authorized Representative may consider prior conduct of the applicant in localities not subject to this Code in the granting or renewal of a license as well as any prior violations of this Code.
- F. The license holder shall comply with any applicable federal, state, and local regulations or laws including, but not limited to, those set forth now or hereafter adopted in 40 CFR 503 Standards for the Use or Disposal of Wastewater Sludge.

**Section 4.**

**License Revocation.**

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

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

# CHAPTER III: WATER SUPPLY

## ARTICLE 1: WATER SUPPLIES

### Section 1. Purpose and Intent.

The provisions of this Code are for the purpose of regulating and controlling the siting, maintenance, and use of private and semi-public water supplies used as a potable water source in the unincorporated areas of Geary County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the County will be prevented.

### Section 2. Area of Applicability.

This Code and all authorized rules, regulations, restrictions and requirements shall apply from and after the effective date of adoption, to and throughout the unincorporated area of Geary County, Kansas, and to all persons, property, establishments and business activities located or conducted, regardless of ownership and acreage, within Geary County, Kansas and outside the municipal boundaries of any city.

### Section 3. Compliance Required.

After the effective date of this Code, no person shall construct on any property subject to this Code, any private water supply that does not comply with the requirements of this Code.

### Section 4. Definitions.

In addition to the definitions provided in Chapter I of this Code, the words, terms and phrases listed below, for purpose of this Chapter III, are defined as follows:

- A. Abandoned Water Well. A water well determined by the Authorized Representative to be a well:
1. Whose use has been permanently discontinued;
  2. In which the pumping equipment has been permanently removed;
  3. Which is either in such a state of disrepair that it cannot be used to supply water, or has the potential for transmitting surface contaminants into the aquifer, or both;
  4. Which poses potential health and safety hazards; or
  5. Which is in such a condition it that it cannot be placed in active or inactive status.
- B. Active Well. A water well which is an operating well used to withdraw water, monitor or observe groundwater conditions.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

- C. Domestic Uses. The use of water by any person or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals in operating a farm, or for the irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.
- D. Groundwater. That part of the subsurface water which is in the zone of saturation.
- E. Inactive Status. A water well which is not presently operating but is maintained in such a way it can be put back into operation with a minimum of effort.
- F. Potable Water. Water that is suitable for drinking and cooking purposes in terms of both human health and aesthetic considerations per K.A.R. 28-16-28b(vv).
- G. Private Water Supply. A system that provides water for human consumption for nine (9) or fewer service connections or to twenty-four (24) or fewer individuals at least sixty (60) days out of the year.
- H. Public Water Supply. A system that has at least ten (10) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Public water supplies are not subject to the water supply requirements of this code.
- I. Reconstructed Water Well. An existing well that has been deepened or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater.
- J. Test Hole. Any excavation constructed for the purposes of determining the geologic, hydrologic and water quality characteristics of underground formations.
- K. Treatment. The stimulation of production of groundwater from a water well, through use of Hydrochloric Acid, Muriatic Acid, Sulfamic Acid, Calcium or Sodium Hypochlorite, polyphosphates or other chemicals and mechanical means, for the purpose of reducing or removing Iron and Manganese Hydroxide and oxide deposits, Calcium and magnesium carbonate deposits and slime deposits associated with iron or manganese bacterial growth which inhibit the movement of groundwater into the well.
- L. Water District. Any special district authorized and empowered by state statutes to plan, construct and/or operate a public water supply system.
- M. Water Well. 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.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 5. Requirement for Private Water Supplies.**

- A. Permit. No person shall drill, develop or construct any private water supply well on any premises subject to the regulations of this Code until he/she has obtained a permit from the Authorized Representative.
- B. Approved Plans. No permit to construct or develop a private water supply on premises subject to the regulations of this Code shall be issued until the plan showing the location and construction of the supply has been approved by the Authorized Representative.
- C. Use Limitation.

No use of surface water (lakes, ponds, or streams) as a source of water for human consumption shall be permitted:

- (a) Where a satisfactory ground water source is available;
- (b) Where adequate treatment is not provided. (In no case shall surface water be used without filtration and chlorination); and
- (c) Where the pond or lake receives any drainage or discharge from private onsite wastewater treatment systems, wastewater treatment plants or other sources of pollution.

**Section 6. Minimum Standards for all Private Water Supplies.**

- A. Location. The horizontal distance between the well and the potential sources of pollution or contamination, such as septic tanks, lateral field, sanitary privy, wastewater stabilization pond (lagoon), fuel or fertilizer storage, pesticide storage, feed lots or barnyards shall be fifty feet (50') or more.
- B. Construction. All wells that are to serve as a source of private water supply shall be constructed in accordance with Kansas Administrative Regulations included under K.A.R. 28-30-6.
- C. Plugging of Abandoned Wells and Test Holes. All water wells abandoned by the landowner on or after July 1, 1979 and all water wells that were abandoned prior to July 1, 1979 which pose a threat to groundwater supplies, shall be plugged or caused to be plugged by the landowner in accordance with Kansas Administrative Regulations included under K.A.R. 28-30-7.
- D. Pollution Sources. Well locations shall be approved by the Authorized Representative with respect to distances from pollution sources and compliance with wastewater and disposal regulations. The minimum standards set forth in Kansas Administrative Regulations K.A.R. 28-30-8 are hereby adopted by Geary County.
- E. Water Well Disinfection for Wells Used for Human Consumption or Food Processing. Disinfection standards set forth in K.A.R. 28-30-10 are hereby

APPROVED

SEP 19 2012

Kansas Department of Health and Environment

adopted by Geary County and shall apply to all water wells used for human consumption or food processing.

**Section 7. 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 Authorized Representative and the results of that inspection are made available to the transferee.

**Section 8. Appeals.**

- A. Requests for an exception to any of the foregoing rules and regulations, as set out within this Chapter, shall be submitted to the Authorized Representative in writing and shall contain all information relevant to the request.
  - (1) Request shall specifically set forth why such exception should be considered.
  - (2) The Authorized Representative may grant exceptions when geologic or hydrologic conditions warrant an exception and when such an exception is in keeping with the purposes of the Kansas Groundwater Exploration and Protection Act; provided, however no such exception shall be granted without a prior written concurrence of KDHE.
- B. Appeals from the decision of the Authorized Representative shall be made to the County District Court who, after due consideration, may affirm, reverse, or modify the decision.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

## CHAPTER IV: PUBLIC NUISANCES

### ARTICLE 1: PURPOSE AND INTENT

#### Section 1. Purpose and Intent.

The purpose and intent of this article is to outline those conditions which constitute a public nuisance and are deemed hazardous to the public health.

#### Section 2. General Procedures.

The Authorized Representative shall have the authority and power to examine all nuisances, sources of filth, and causes of sickness that in its opinion may be injurious to the health of the inhabitants within the county. Whenever any such nuisance, source of filth, or cause of sickness shall be found to exist on any private property or upon any water course in this county, the Authorized Representative shall have the power and authority to order, in writing, the owner or occupant thereof at his own expense to remove the nuisance, source of filth, or cause of sickness within 24 hours, or within such reasonable time thereafter as the Authorized Representative may order. Public nuisances shall include, but shall not be restricted to the following:

- (a) Any private onsite wastewater treatment system, or other place used for the deposit of human excreta which permits animals or insects access to the excreta; which produces foul or objectionable odors; or is located so as to make pollution of any water supply probable.
- (b) The collection or accumulation of any organic materials such as swill, meat scraps, dead fish, shells, bones, decaying vegetables, tree waste, dead carcasses, human or animal excrements, or any kind of offal that may decompose and create an attraction or breeding place for insects or rodents.
- (c) Any animal pen that pollutes a water supply, underground water-bearing formation, or waters of the state in a manner that is hazardous to human health or is maintained in a manner that creates an attraction or insect breeding place, or is a rodent harborage or breeding place.
- (d) Solid waste which is stored, collected, transported, processed, treated or disposed contrary to the rules and regulations, standards or orders of the Authorized Representative, or in such a manner as to create a public nuisance.
- (e) Open basement structures, excavations, swimming pools, storm cellars or industrial tanks which are open to collect water or produce mosquito infestation or that create health or safety hazards to children or other persons because of the location or structure as determined by the Authorized Representative.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Section 3.     Abatement.**

- (a) Investigation. The Authorized Representative may, and upon the receipt of a complaint shall conduct an inspection to determine whether or not a nuisance exists in violation of this Code.
- (b) Notification. After investigation, if the Authorized Representative finds that there is reasonable cause to believe that a nuisance exists; they shall issue a violation notice to the alleged violator.
- (c) Removal by county. Where a violation notice is issued, the Authorized Representative may remove from the subject premises the identified nuisance, with the cost of removal and disposal charged to the property owner, which shall become a lien on the property.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

# CHAPTER V: SOLID WASTE MANAGEMENT

## ARTICLE 1: PURPOSE AND INTENT

### **Section 1** Purpose and Intent.

The provisions of this chapter are for the purpose of regulating and providing for the safe and sanitary storage, collection and disposal of solid waste within Geary County.

### **Section 2** Applicability.

This Code and all authorized rules, regulations, restrictions and requirements shall apply from and after the effective date of adoption, to and throughout the unincorporated area of Geary County, Kansas, and to all persons, property, establishments and business activities located or conducted, regardless of ownership and acreage, within Geary County, Kansas and outside the municipal boundaries of any city.

### **Section 3** Waste Management Regulations.

The following statutes and regulations (as amended) are hereby adopted by reference:

K.A.R. 28-29-1 through 28-29-27 (as amended), Solid Waste Management Standards and Regulations, as authorized by K.S.A. 1981 Supp. 65-3406.

K.S.A. 65-3401 through 65-3423 (as amended), Solid and Hazardous Waste.

K.S.A. 65-3430 through 65-3472 (as amended), Hazardous Waste.

K.S.A. 68-2201 through 68-2215 (as amended), Junkyard and Salvage Control Act.

K.A.R. 36-27-1 through 36-27-13 (as amended), Junkyard and Salvage Control Regulations.

### **Section 4** Investigate Reports.

The Authorized Representative shall, upon notification of the existence of any health hazards or nuisances pertaining to solid wastes within Geary County, shall investigate.

APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

Upon direction of the Geary County Commissioners, a written notice of appropriate action shall be sent to the landowner or person(s) responsible for the property. Facilities permitted by the Kansas Department of Health and Environment are exempt from this section.

**Section 5**

**Abatement.**

In addition to, or as an alternative to prosecution as provided in Chapter I, Article 7, Section 2, the County may seek to remedy violations of this Section in the following manner:

If a person to whom a notice has been sent pursuant to Chapter I, Article 5, Section 1, has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Hearing Officer within the time periods specified, the County may authorize the abatement of the conditions causing the violation. An Emergency Order as specified in Chapter I, Article 5, Section 1 may be exercised to protect the public against immediate hazards.

**Section 6**

**Costs Assessed.**

If the County abates the hazard or nuisance pursuant to Section 5, the County Clerk shall give notice to the person, corporation, partnership, or association found to be in violation of this Chapter, by certified mail of the cost of abatement of the hazard or nuisance, to include administrative costs. The notice shall state that payment of the costs is due and payable within 30 days following receipt of the notice. If the costs remain unpaid after 30 days following receipt of the notice, such costs shall be charged against the lot or parcel of ground on which the hazard or nuisance was located.

APPROVED

SEP 19 2012

CLERK OF  
GEARY COUNTY, KANSAS

## APPENDIX A

### WASTEWATER LAGOON SYSTEMS

#### **Introduction:**

The design criteria and construction standards contained herein are for the purpose of regulating and controlling the location, construction, maintenance and protection of wastewater lagoon systems used for private onsite wastewater treatment. These requirements are intended to carry out the provisions set forth in Kansas Administrative Regulations (K.A.R.) 28-5-2 to 28-5-9 and the guidelines established by the Kansas Department of Health and Environment (KDHE) and the Kansas State University Research and Extension Service, Kansas Department of Agriculture, Kansas State University, Manhattan, Kansas. When properly designed, installed and maintained, odors from household lagoons are infrequent and visual impacts are minimal.

#### **Lagoon System:**

A wastewater lagoon is a small non-discharging pond that receives only domestic waste. This pond has an average operational water depth of three to five feet (5'). All domestic wastewater must be included in the wastewater system including grey water (laundry wastewater and sink wastewater).

**Table 1: Minimum Required Distances from household Lagoon**

Property Line	50 feet
Private or Public Well	100 feet
Pond, perennial stream, or lake	50 feet
Public Water Line	25 feet
Dwelling from which wastewater originates	50 feet
Other buildings on same property	10 feet
Public Utility Lines	25 feet

#### **Lagoon Size:**

The lagoon system will be sized and designed considering several factors provided on the permit application and soil evaluation. Table 2 shows wastewater pond designs.

**Table 2:**

<u>Design Size</u>	<u>Water Surface</u>	<u>Bottom</u>	<u>Top</u>	<u>Slope</u>
M35	35'	5'	47'	3:1
M40	40'	10'	52'	3:1
M45	45'	10'	59'	3:5:1
M50	50'	15'	64'	3:5:1

APPROVED

SEP 19 2012

### Sewer Line to Lagoon:

The sewer line from the residence to the lagoon shall be a minimum of a four (4) inch diameter solid pipe. Schedule 40 or heavier is best, however, under high traffic areas, for example a driveway, Schedule 80 or heavier pipe must be used or the pipe must be double encased. All joints will have solvent welded joints.

Minimum slope of the line shall be 1/8 inch per foot (1 foot per 100 feet). The maximum slope shall not exceed 3/8 inch per foot or 3 feet per 100 feet. Sewer line slopes should not vary in order to avoid accumulation of solids in the pipe.

The trench bottom shall be undisturbed soil and free of rocks or other material that could rupture the line. Backfill shall be compacted around the sides of the line at least 2 inches over the top of the line. The remainder of the trench shall be filled and mounded over trench to allow for settling. At least two (2) cleanouts shall be provided. One clean out shall be located just outside the house (or inside) and the second shall be located near the lagoon. Additionally, a cleanout is highly recommended every 100 feet or at every change in directions of the sewer line. Cleanouts may be a "T" or "Y" the same size as the sewer line.

The line must enter below the water surface and at least 18 inches above the bottom and should extend to near the center of the lagoon. The end must be anchored and supported. A splash pad of at least 2 feet X 2 feet must be placed under the pipe outlet location. A splash pad is concrete or flat rock pad and is essential to prevent the disruption of a lagoon seal.

### Construction:

Any type of construction equipment may be used to build the wastewater pond. However, it is essential to have firm compaction of the lagoon area and berms. Construction shall not be done when the soil is muddy or excessively soft. Muddy soil is difficult to work and forms clods, which can prevent smoothing of the top of the dike. Excessively dry soil does not allow for proper soil compaction. When a backhoe is used for construction, additional compaction may be necessary for proper compaction.

Topsoil shall be removed from the pond and dike area before beginning the embankment construction and should be stockpiled for later use on the embankment.

The slopes shall ensure that the minimum design size of the pond maintains at least two feet of freeboard above the normal functional pond depth of five feet. The top of the slope berm shall have a minimum width of four feet. Surface water shall be diverted from the lagoon by constructing a diversion terrace around the upslope side of the lagoon (when required by the authorized representative).

The pond bottom and embankment surfaces shall be of uniform slope and free of rocks, slope debris, ridges and ruts that may interfere with mowing the embankment.

Topsoil should be replaced on embankment surface once the lagoon is completed. Perennial groundcover is necessary to reduce erosion. Groundcover shall be seeded as soon as it is feasible to

plant the desired groundcover choice. A protective straw or hay cover mulch is encouraged to hold the soil and seed in place until the cover is established.

**FIGURE 1 depicts a typically constructed wastewater lagoon system.**

Fencing Requirements:

**The legal liability created by the wastewater lagoon lies entirely with the landowner or resident. To help protect the landowner and resident from liability exposure, the pond area must be fenced. The following fencing requirements are minimum standards. If these standards are not adequate to keep children or animals out of the lagoon area, the landowner is responsible for constructing and maintaining a more restrictive fence that will prevent access to the lagoon.**

Fencing diagrams are shown in **FIGURES 2 through 5**. Fencing material must be a minimum of 4 feet tall and taller is highly recommended. Fence openings shall be no larger than 2"x4" or consist of combination cattle panels or woven wire. Types of acceptable fencing include chain link, welded wire, woven wire, horse panels or combination cattle panels. The combination cattle panels or woven wire must have smaller opening at the bottom or throughout the fence (2"x4"). When using the combination cattle type panels or woven wire at least one row of barb wire must be placed around the top. If livestock is accessible to the lagoon area all of the fence types should have barb wire and be placed at the bottom of the lagoon berm toe (outside). Without livestock, fence may be placed around the top of the lagoon berm, but cannot be any closer than 2 feet from the inside edge of the top of the embankment. Any type of fence posts may be used, but solid, sturdy corner posts are required or the corners must be securely anchored. Posts placed between the corners cannot be further than 10 ft apart. The fencing material must be flush to the ground at all points. Fence must be maintained properly at all times.

A hung gate of sufficient size (minimum of 4 ft. width and 4 ft. tall) must be located to accommodate the entrance of a mower. This gate must provide the same degree of resistance to entry as the fence. A locked gate is recommended to restrict unauthorized access.

Abandoned Wastewater Lagoons:

Any abandoned wastewater lagoon must have the fence removed, and completely filled in with soil. Abandoned wastewater lagoons are those that are no longer required for the original intent. It is the responsibility of the current landowner to follow the proper abandonment procedures.

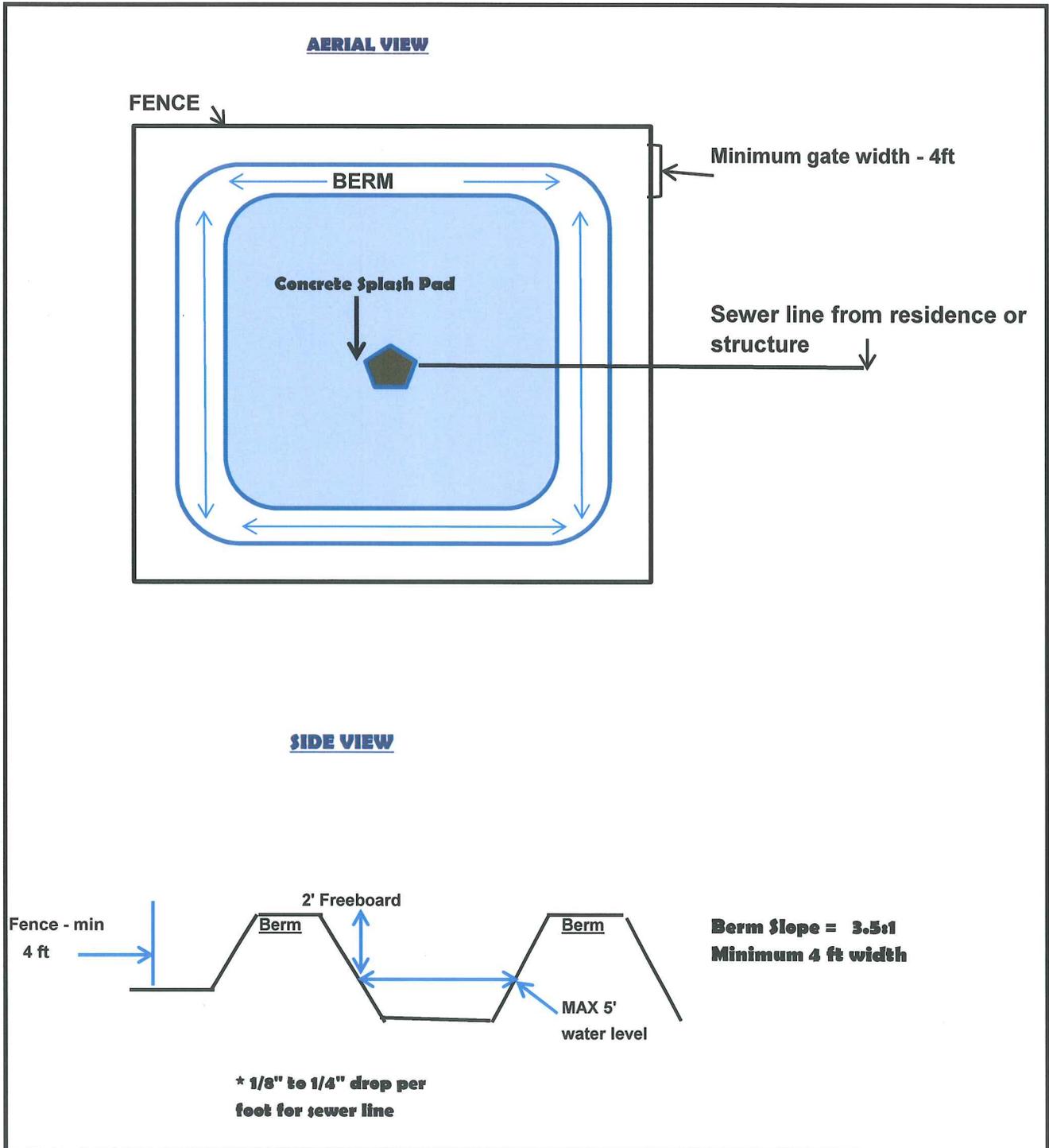
Maintenance:

In order for a lagoon to work properly, the landowner is responsible for keeping all vegetation shorter than 2 feet high. The landowner must take the means necessary to keep cattails, trees, and tall weeds out of the entire wastewater lagoon. Refer to K-State Research and Extension Water Quality Series Bulletin MF-2290 "Wastewater Pond Operation, Maintenance, and Repair" for detailed information on lagoon maintenance. Copies can be obtained through the local K-State Extension Office.

APPROVED

SEP 19 2012

**Figure 1: Domestic Lagoon System Construction**

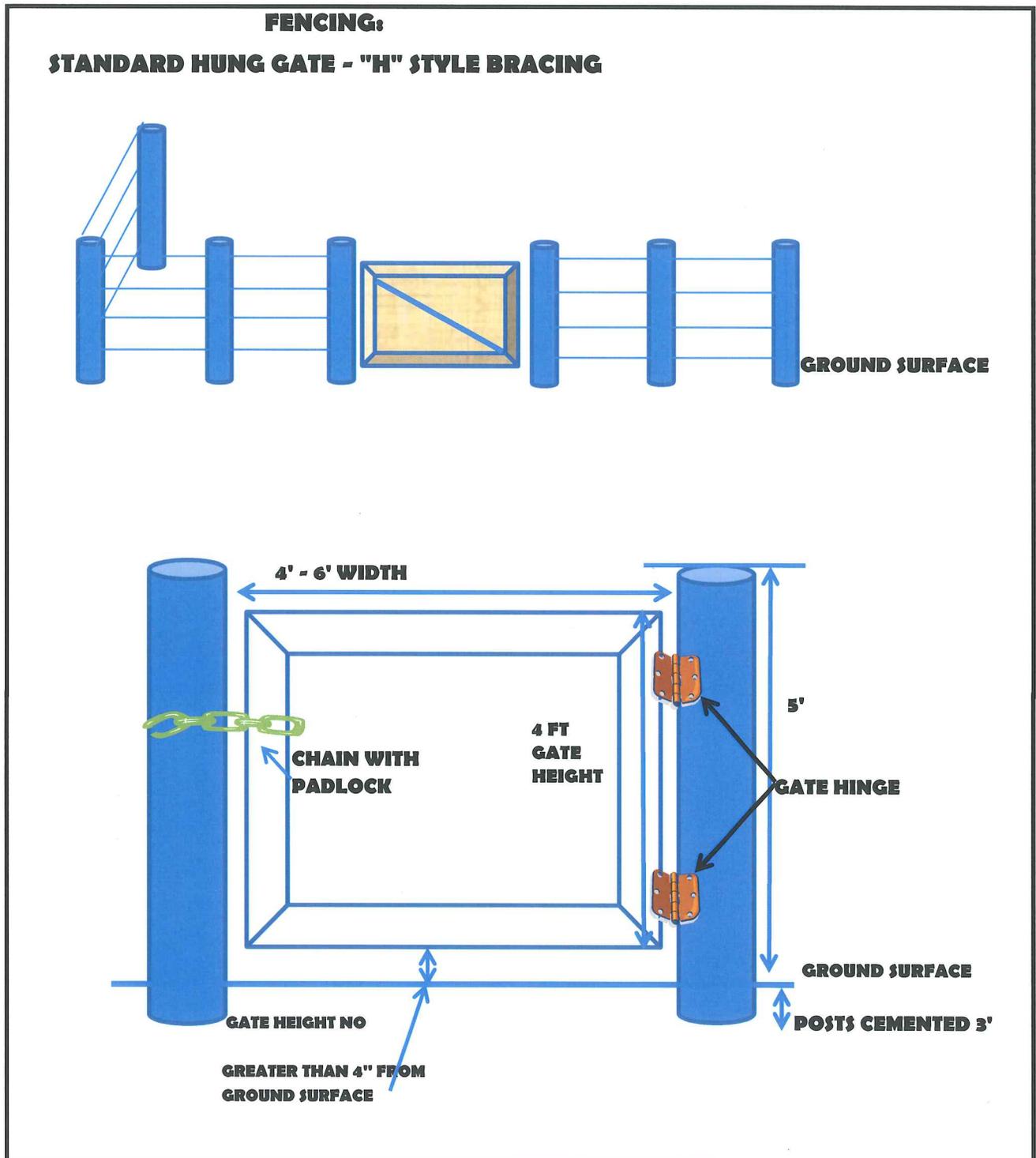


APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**Figure 2: Lagoon Fencing**

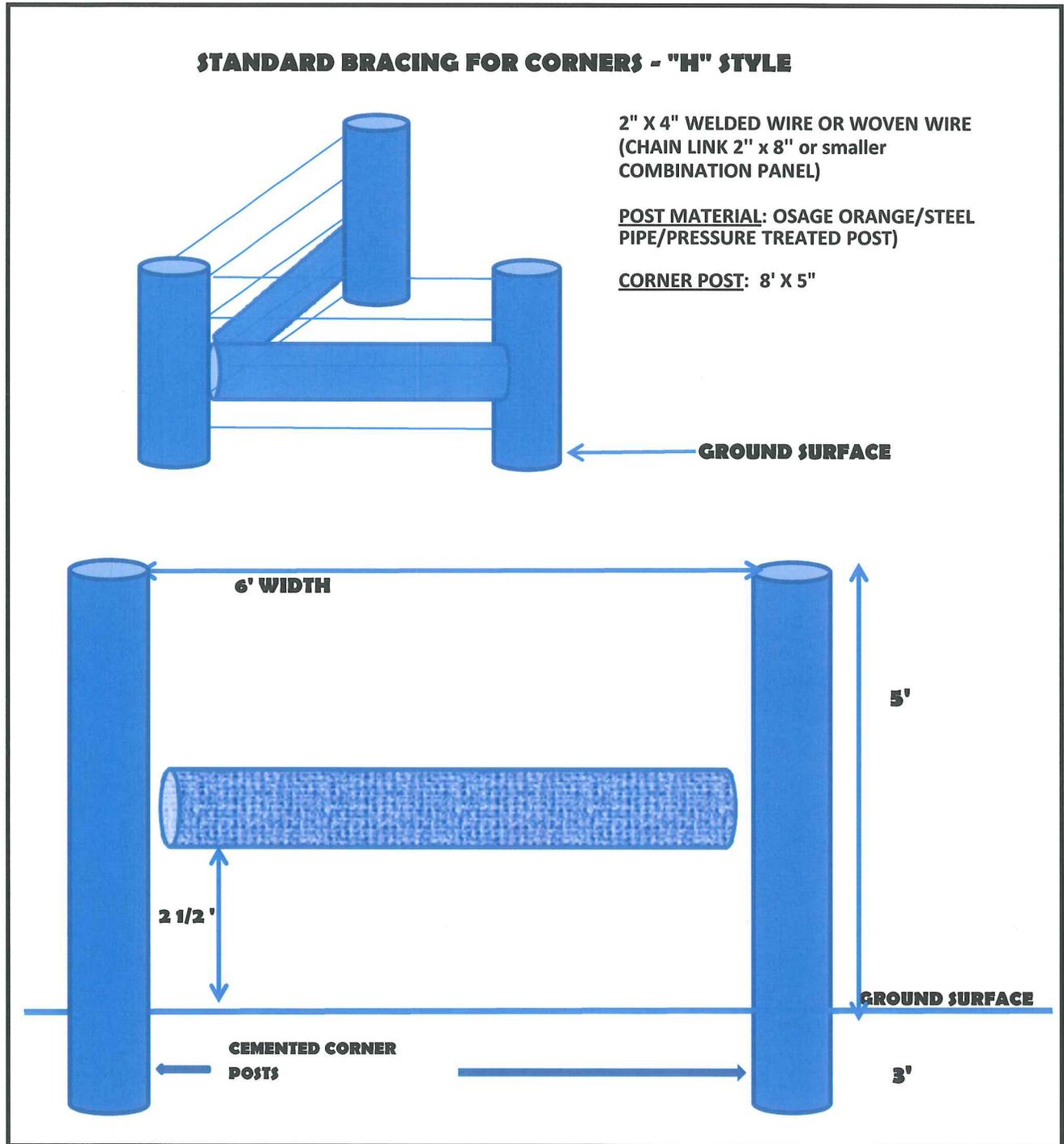


APPROVED

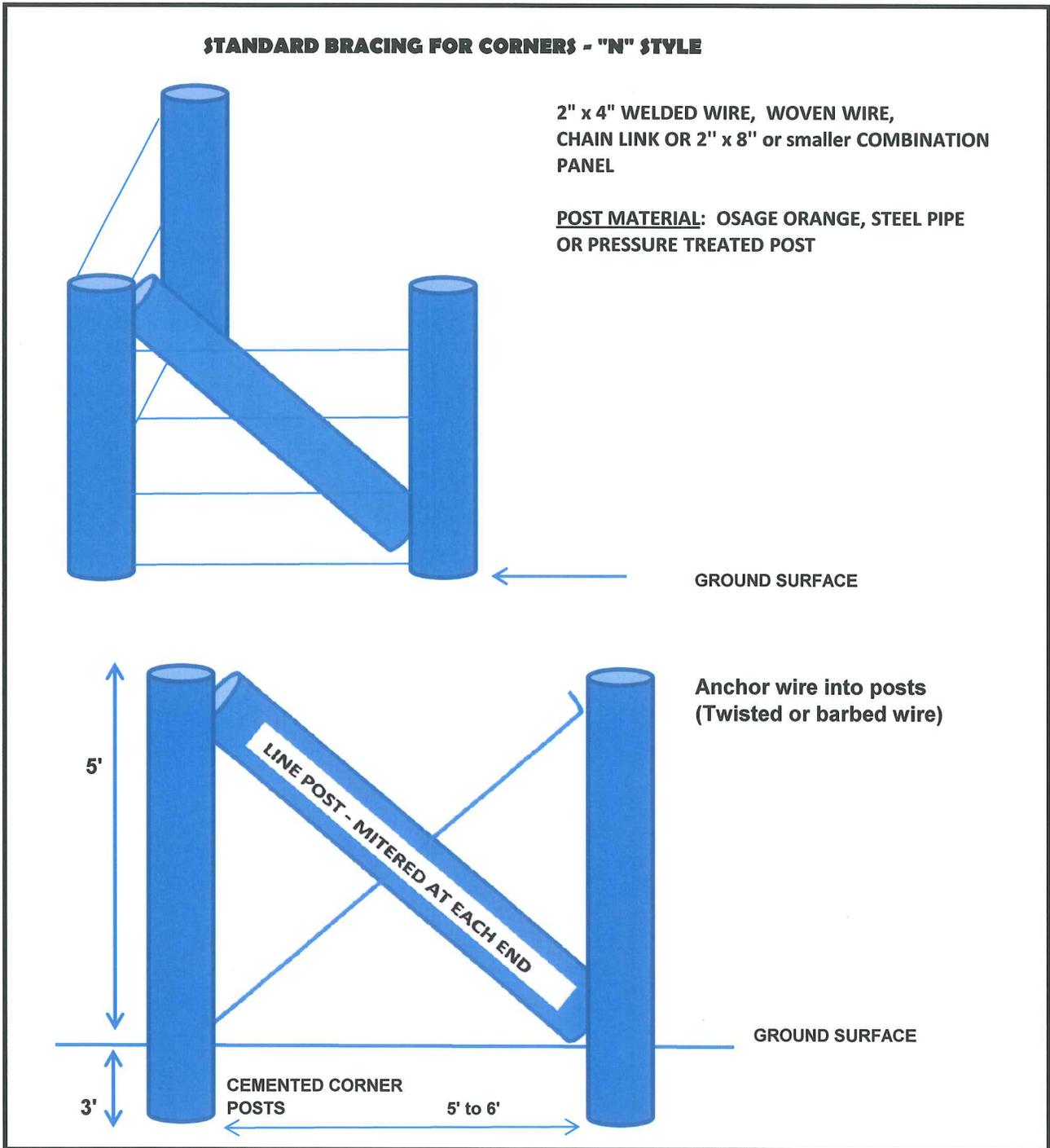
SEP 19 2012

Kansas Department of  
Health and Environment

**Figure 3: Standard Bracing**



**FIGURE 4: Standard Bracing Continued**

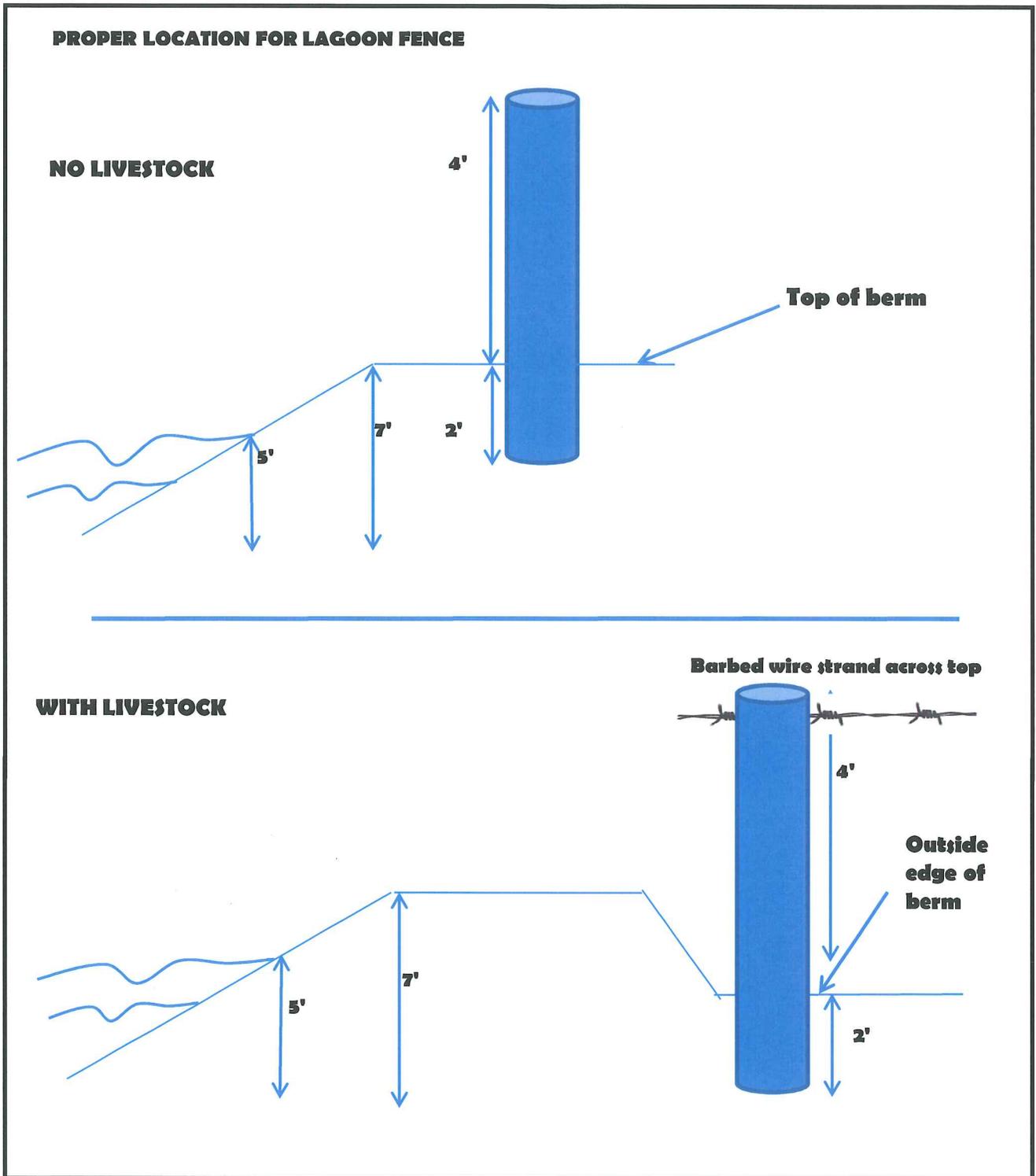


APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment

**FIGURE 5**



APPROVED

SEP 19 2012

Kansas Department of  
Health and Environment