

**ENVIRONMENTAL/SANITARY CODES
OF
JEFFERSON COUNTY, KANSAS**

CHAPTER II: WASTEWATER DISPOSAL

SECTION 2-1.0 PURPOSE AND INTENT OF CODE: Domestic wastewater is a potential source of disease and water pollution, and a hazard to the health, safety, and welfare of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance, use and abandonment of domestic onsite wastewater systems, and the removal and disposal of materials from such facilities within the boundaries of the County. Chapter II adheres to the definitions and administrative procedures as stated in Chapter I.

SECTION 2-2.0 PROHIBITED PRACTICES:

- 2-2.1 USE OF NON-APPROVED DOMESTIC ONSITE WASTEWATER SYSTEMS:** No person shall use, or cause to be used, any domestic onsite wastewater system or sanitary privy that:
- a. Has been constructed after adoption of this code until it has been inspected and approved by the Administrative Agency;
 - b. Has been temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction;
 - c. Fails to comply with the provisions of this environmental/sanitary code, other applicable county codes or regulations, and written notice thereof has been given by the Administrative Agency to the owner or responsible person;
 - d. Discharges inadequately treated wastes onto the surface of the ground, into water courses, lakes, ponds or any impoundment;
 - e. Causes vector breeding, produces offensive odors or any other condition that is prejudicial to health and comfort.
 - f. Contains industrial or commercial wastes.
- 2-2.2 DISPOSAL OF DOMESTIC WASTEWATER:**
- a. No one may dispose of any human waste except in a toilet. Flush toilets must be connected to a public sewer or an approved domestic onsite wastewater system.
 - b. Privies shall not be permitted if a public sewer is available or an onsite wastewater system can be approved or if it is deemed a privy would be a public hazard. Privies must meet requirements of the Administrative Agency as to design and installation in lieu of a flush toilet and must be specifically approved by the Administrative Agency.
 - c. All sink, lavatories, garbage disposals, dishwashers, clothes washing machines, shower baths, bathtubs, basins and similar plumbing fixtures or appliances shall be connected to a public sewer or to an approved domestic onsite wastewater system.
 - d. Foundation drain water or other non-wastewater, or surface water **MUST NOT GO INTO** a domestic onsite soil absorption system.
 - e. No household, industrial or commercial waste shall be discharged into any watercourse, impoundment, storm sewer or public thoroughfare. In no case shall treated or untreated domestic wastewater, or the effluent from a septic tank or domestic onsite sewage management system be permitted to drain directly or indirectly into a ditch or stream, nor shall it be allowed to surface or run or drain across any adjacent land owner.
 - f. The discharge of domestic wastewater into seepage pits, cesspools, abandoned wells, cisterns, and streams or upon the surface of the ground shall be prohibited.
 - g. In the event that a failure of a domestic onsite wastewater system occurs, and it is determined by the Administrative Agency that the system cannot be repaired, then either connection to a public sewer shall be made or a new approved domestic onsite wastewater system shall be installed.
- 2-2.3 USE OF DOMESTIC WASTEWATER SYSTEMS WITHIN 400 FEET OF PUBLIC SEWER:** No domestic onsite wastewater system shall be constructed within four hundred (400) feet of the existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a domestic onsite wastewater system, meeting the requirements of this Code, can be constructed on that property.

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

SECTION 2-3.0 REQUIREMENTS FOR DOMESTIC ONSITE WASTEWATER SYSTEMS.

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

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

2-3.2 CONNECTION TO SEWER:

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

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

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Minimum Required and Minimum Recommended Separation Distances for Onsite Wastewater Systems		
Separation Distances	Minimum Distance (ft.)	
	Required	Recommended ⁷
Septic Tank to foundation of house or other buildings	10	10
Soil Absorption System to dwelling foundation	20	50
Any part of a wastewater system to:		
Public potable water line	25 ⁸	25
Private potable water line	10	25
Property line	10	50
Public water supply well or suction line	100 ⁹	200
Private water supply well or suction line	50 ⁹	100
Surface water course	50	100
Wastewater Lagoons to:		
Property line	50 ¹⁰	200
Dwelling foundation	50 ¹⁰	200
⁷ <i>These recommended separation distances help assure a minimum of problems but are no assurance that problems will not result.</i>		
⁸ <i>The minimum distance specified by KDHE guidelines for public water supplies</i>		
⁹ <i>The minimum distance required by KAR 28-30-8(a).</i>		
¹⁰ <i>When lot dimension, topography, or soil condition make maintaining the required 50 feet separation distance impossible, a written variance from the affected property owners shall be obtained and filed with deeds.</i>		

Source: KDHE Bulletin 4-2, *Minimum Standards for Design and Construction of Onsite Wastewater Disposal Systems*

2-3.4 APPROVAL OF PLANS AND ISSUANCE OF PERMITS:

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

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

- a. Connection to an approved public sewer system is feasible or the site violates the Prohibition Practices provisions of this Code; or
- b. The site does not contain at least two (2) acres of land as required by the Administrative Agency, exclusive of roads, streets, water lines, or other public right-of-way or easements; or

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

2-3.6 CONSTRUCTION APPROVAL: All domestic onsite wastewater systems developed or modified after the effective date of this code must be inspected and approved by the Administrative Agency for compliance with the approved plans; and no portion of the system shall be covered or made inaccessible to inspection prior to approval.

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

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

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

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

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

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

- a. The building sewer is to be disconnected from the wastewater system.
- b. The septic tank is to be pumped out and contents disposed of by an approved method.
- c. The septic tank is to be broken and crushed in, then backfilled with soil. The backfill is to be mounded up to allow for settlement and to prevent a low area. If the septic tank is salvageable, it may be removed and reused with the approval of the Administrative Agency.
- d. All lateral lines may be allowed to exist as dormant lines.

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

- a. The building sewer is to be disconnected from the private domestic onsite wastewater system.
- b. Wastewater must be discharged according to 2-5.7. Care shall be taken to minimize the taking of fresh or untreated wastewater and wastewater solids within the wastewater that is removed.
- c. Wastewater solids and untreated wastewater may be allowed to remain in the wastewater stabilization pond.
- d. The waste stabilization pond is to be back filled with soil from the berm dike. The soil is to be mounded up to allow for settlement and to prevent a low area.
- e. Wastewater lines going to the waste stabilization pond may be allowed to exist as dormant lines.
- f. Waste stabilization ponds with more than one (1) foot of sludge should be de-sludged prior to back filling.

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

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

- 2-3.15 GREASE TRAPS:** Grease traps are neither necessary nor recommended for domestic onsite wastewater systems serving residences but shall be required for those serving commercial or industrial establishments where it is determined by the Administrative Agency that introduction of grease into the onsite system might adversely affect it.
- a. Grease trap plans and specifications shall be submitted to the Administrative Agency for approval. No human waste shall pass through the grease trap; and
 - b. No grease trap shall have less than one hundred twenty-five (125) gallons capacity and effluent shall be directed to the septic tank; and
 - c. Grease traps shall be sized with a minimum capacity by multiplying three (3) gallons times the maximum occupancy (as set forth by the appropriate Fire Department) times two (2); and
 - d. Grease traps shall be located, installed and constructed so that they will reduce the temperature of kitchen wastes to permit congealing of grease. Easy access for cleaning and grease removal shall be provided.

SECTION 2-4.0 WASTEWATER SYSTEM INSTALLER/CONTRACTOR.

- 2-4.1 WASTEWATER SYSTEM INSTALLER/CONTRACTOR:** No person shall engage in the business of constructing, modifying, or repairing domestic onsite wastewater systems, unless that person holds a valid license from the Administrative Agency and is on site during the time of installation/construction. See Chapter I for licensing requirements.
- 2-4.2 MINIMUM STANDARDS FOR WASTEWATER SYSTEM INSTALLERS:** Must have knowledge of the current Environmental/Sanitary Codes and related regulations in the County where work is performed. Must have an apprenticeship under an approved installer of at least one (1) year and pass a wastewater system installer license examination.
- 2-4.3 CONTRACTING WITH UNLICENSED PERSONS PROHIBITED:** No person shall allow any unlicensed person to construct, modify, or repair any domestic onsite wastewater system.
- 2-4.4 EXCEPTIONS:** If an individual landowner intends to install or repair his/her own wastewater system the Administrative Agency will grant such request without requiring said license based on the installation meeting Codes, the willingness of the individual to take the installer's exam prescribed by the Administrative Agency, and that he/she constructs no more than one system in any one calendar year.

SECTION 5.0 SANITARY SERVICES.

- 2-5.1 SANITARY SERVICES:** No person shall engage in the business of removing, transporting, or disposal of any wastes from any onsite wastewater system or privy, unless that person holds a valid license from the Administrative Agency. See Chapter I for licensing requirements.
- 2-5.2 MAINTENANCE OF RECORDS:** Records of all septic hauling activity shall be maintained and shall include;
- a. Acquisition of wastewater (date, location, amount in gallons); and
 - b. Method of treatment; and
 - c. Disposal (date, location, method); and
 - d. Maintenance records and receipts shall be kept in the appropriate vehicle and shall be submitted to the Administrative Agency immediately upon request.

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- 2-5.3 MINIMUM STANDARDS FOR SANITARY SERVICE EQUIPMENT:** All equipment used for removing, transporting, or disposal of any waste from any wastewater system or privy shall be of watertight construction and maintained in good condition to ensure that all materials removed from onsite wastewater systems or privies will be transported to an approved point of disposal without spillage of the waste. The operator will contact the Administrative Agency for equipment inspection initially and annually before a license will be approved.
- 2-5.4 SANITARY SERVICE EQUIPMENT INSPECTION AND REGISTRATION:** All sanitary service equipment and vehicles shall be inspected annually by the Administrative Agency for compliance to this Code. Registration of inspected equipment and vehicles will be maintained by the Administrative Agency on standard forms provided for that purpose and shall expire one year from date of inspection.
- 2-5.5 USE OF NON-REGISTERED VEHICLES PROHIBITED:** No vehicle shall be used to remove, transport, or dispose of any wastes from any onsite wastewater system or privy unless that vehicle has been inspected by and registered with the Administrative Agency.
- 2-5.6 CONTRACTING WITH UNLICENSED PERSONS PROHIBITED:** No person responsible for operating an onsite wastewater system, privy, or portable toilet shall contract with any person for sanitary service unless that person holds a valid Wastewater Hauler License from the Administrative Agency.
- 2-5.7 DISPOSAL:** Waste materials removed from onsite wastewater systems or privies must be disposed of in a manner approved through a written plan submitted to the Administrative Agency for:
- a. Transporting by a licensed wastewater hauler to a public owned treatment facility; or
 - b. Discharging/injecting upon agricultural cropland or grassland with written permission from the landlord or tenant, adjacent landowners, and the conservation district; and
 - c. Approval will be based on location, acreage, type of waste, frequency of use, plan for maintenance of site and that potability of the ground water will not be impaired; and
 - d. The wastewater shall be applied according to Environmental Protection Agency rule 503 and in such a fashion and at such times that no surface runoff leaves the property. No discharge of such wastewater shall be permitted:
 1. Within one-hundred (100) feet of any water well, or
 2. Within fifty (50) feet of other properties, or
 3. Within two-hundred (200) feet of any surface water body, or
 4. Onto saturated or frozen ground, without prior approval of the Administrative Agency; and
 - e. The Administrative Agency may require additional monitoring and reporting requirements deemed necessary to monitor agricultural or treatment facility discharge.

SECTION 2-6.0 SUBDIVISION DEVELOPMENT:

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

SECTION 2-7.0 VARIANCE REQUIREMENTS:

- 2-7.1 VARIANCE:** The Administrative Agency shall have the authority to grant variances or exceptions when variance requests are made prior to construction and:
- a. Reliable information, data, documentation is provided in writing which justifies the variance or exception: and
 - b. Alternate methods are available which will attain the objective of the regulations; and
 - c. The Administrative Agency determines the variation from the regulations will not adversely affect public health and safety or natural resources; and
 - d. The Administrative Agency shall adopt standards to apply in granting such variances.

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