

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



Kansas Administrative Regulations
Kansas Department of Health and Environment

Notice to Reader

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Where possible KDHE will append changed regulations to the appropriate article. Once again, the lack of any attachments should not be construed as meaning there are no revisions.

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Office of Public Information
Kansas Department of Health & Environment

Article 5.—SEWAGE AND EXCRETA DISPOSAL

28-5-1 (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966; revoked, E-72-11, March 17, 1972; revoked Jan. 1, 1973.)

28-5-2 Location of wastewater disposal systems. No person, company, corporation, association, or institution shall construct, maintain, use, or permit to be constructed or maintained any wastewater disposal system into which domestic wastewater is drained, within 50 feet of any water well or spring; nor shall any such wastewater disposal system be drained or permitted to drain into any stream, ditch, or the ground surface. (Authorized by and implementing K.S.A. 1996 Supp. 65-171d; effective Jan. 1, 1966; amended, E-7211, March 17, 1972; amended Jan. 1, 1973; amended Sept. 5, 1997.)

28-5-3 Drains. All drains carrying domestic sewage, human or animal excreta located within 50 feet of a source of water supply shall be watertight. (Authorized by K.S.A. 65-171d; effective Jan. 1, 1966.)

28-5-4 Public health nuisances. The following conditions and practices are declared to be public nuisances hazardous to public health and local boards of health are directed to order their abatement whenever they are called to their attention by the state department of health and environment or any citizen of the state.

(1) Any privy, privy vault, 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 a domestic water supply probable.

(2) The collection or accumulation of any organic materials such as swill, meat scraps, dead fish, shells, bones, decaying vegetables, dead carcasses, human or animal excrement, or any kind of offal that may decompose and create an attraction or breeding place for flies, mosquitoes or rodents.

(3) Any domestic animal pen that pollutes a domestic water supply, underground waterbearing formation; or stream in a manner that is hazardous to human health; or is maintained in a manner that creates a fly attraction or breeding place for flies or mosquitoes; or is a rodent harborage or breeding place. (Authorized by K.S.A. 1975 Supp. 65101, 65-171d, 65-202; effective Jan. 1, 1966; amended, E-72-11, March 17, 1972; amended Jan. 1, 1973; amended May 1, 1976.)

28-5-5 Discharge of domestic sewage into wells, pits, or sub-surface excavations prohibited. No person, company, corporation or institution shall excavate, drill, construct or use or permit to be constructed or used any well, pit, mine shaft, or subsurface excavation for the disposal of untreated or inadequately treated domestic sewage. (Authorized by K.S.A. 65-171d; effective, E-72-11, March 17, 1972; effective Jan. 1, 1973.)

28-5-6 Discharge of domestic wastes. All domestic wastes from sanitary fixtures located in any dwelling, shop, school,

or other building used as a home or meeting place for humans shall be discharged into a public sewer system approved by the Kansas department of health and environment, or into a private sewer system approved by the Kansas department of health and environment or the appropriate local authority. (Authorized by and implementing K.S.A. 1996 Supp. 65-171d; effective, E-72-11, March 17, 1972; effective Jan. 1, 1973; amended Sept. 5, 1997.)

28-5-7 Private sewer systems. All private sewer systems shall be located, designed, and operated in accordance with standards set forth in county sanitary codes approved by the Kansas department of health and environment before July 1, 1997, or in the absence of such codes, with standards set forth in the Kansas department of health and environment bulletin 4-2, "Minimum Design Standards for Onsite Wastewater Systems," revised March, 1997. (Authorized by and implementing K.S.A. 1996 Supp. 65-171d; effective, E72-11, March 17, 1972; effective Jan. 1, 1973; amended Sept. 5, 1997.)

28-5-8 (Authorized by K.S.A. 65-171d; effective, E-72-11, March 17, 1972; effective Jan. 1, 1973; revoked May 10, 1996.)

28-5-9 Variance. (a) (1) In counties with no locally adopted sanitary code, a variance from requirements of K.A.R. 28-5-2 through K.A.R. 285-7 may be granted by the Kansas department of health and environment, if the following conditions are met.

(A) The features of the site for which the variance is requested are not compatible with requirements of the regulations.

(B) Alternate methods are available that will attain the objectives of the regulations.

(C) The variation from the regulations will not adversely affect public health or the environment.

(2) Any person requesting a variance from these regulations shall provide the Kansas department of health and environment with a written request for a variance. This request shall include a description of the proposed wastewater treatment system, information on the treatment effectiveness of the proposed system, and any other information that the Kansas department of health and environment deems necessary to determine the effectiveness and reliability of the proposed system. No such proposed system shall be constructed without the written approval of the Kansas department of health and environment.

(b) In counties with adopted sanitary codes containing a variance clause, the local administrative agency has the authority to grant variances from requirements of the local code.

(c) Before construction of any facility for receipt of sewage, an application for variance shall be filed with and approved by either the Kansas department of health and environment or the appropriate local authority in accordance with provisions of this regulation. (Authorized by and implementing K.S.A. 1996 Supp. 65-171d; effective Jan. 1, 1973; amended Sept. 5, 1997.)