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KDHE Review and Comment

County Revision

KDHE Approval (Pending County Adoption)

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K.S.A. 19-3704

KDHE Final Approval

Procedure for Adopting or Revising County Sanitary Codes

Background and Legal Authority

Preventing surface and subsurface water pollution and soil pollution is vital to protect the health of Kansas residents and its natural resources. The development of local environmental codes, or sanitary codes, is an important step in preserving the beneficial uses of state waters, preventing detrimental sanitary conditions, and promoting the longevity of state environmental resources.

Local sanitary codes contain rules and regulations designed to minimize environmental conditions that may adversely affect the health and well-being of the public. Authority for county commissioners to adopt local sanitary codes, and for local agencies to administer these codes is given by [K.S.A. 19-3701 et. Seq.](#)

Local codes must be at least as restrictive as state and federal minimum standards. In Kansas, sewage discharge into the environment is regulated under [K.A.R. 28-5-1 through 9](#), and onsite wastewater systems standards are provided through [KDHE Bulletin 4-2](#), “Minimum Standards for Design and Construction of Onsite Wastewater Systems.” Rules related to pollution control, waste disposal, and local authority exist in a combination of federal, state, and local laws.

Technical support and guidance can be provided by [LEPP staff](#). Please also see the [Resources](#) section for additional reference.

Overview of Local Sanitary Code Review Timeline

Code reviews can take a minimum of 3 months, but may take up to 12 months, depending on a variety of factors. Some of those factors include the complexity of the code (or code changes), responses to comments and changes required, etc. Please refer to the Local Sanitary Code Step-by-Step Procedure on the following page for details.

Local Sanitary Code Step-by-Step Procedure

Prior to submission of draft code to KDHE

- 1** County decides to adopt or revise a sanitary code
- 2** New or revised code is drafted by the County Code Committee
- 3** Draft code is presented to county commissioners and county attorney for comment.

Submission of draft code to KDHE

- 4** Draft code and all supporting documents are submitted to KDHE

KDHE Review of Code

- 5** LEPP staff perform initial review of draft code for alignment with state regulations

Initial Comments Returned to County (45 business days from submission date)

LEPP staff distribute draft code to appropriate Agency sections for review and comment

- 6** A. If comments are received, LEPP staff notify the County, outlining required and/or recommended changes
B. If no comments are received and no changes are required, then LEPP staff conduct WMS Concurrence Procedure for approval of the code

Note: Steps 4 through 6 may be repeated, as comments are addressed

Public Notice Provided by County

- 7** For approved codes, the County completes Public Notice requirements, per KSA 19-3704

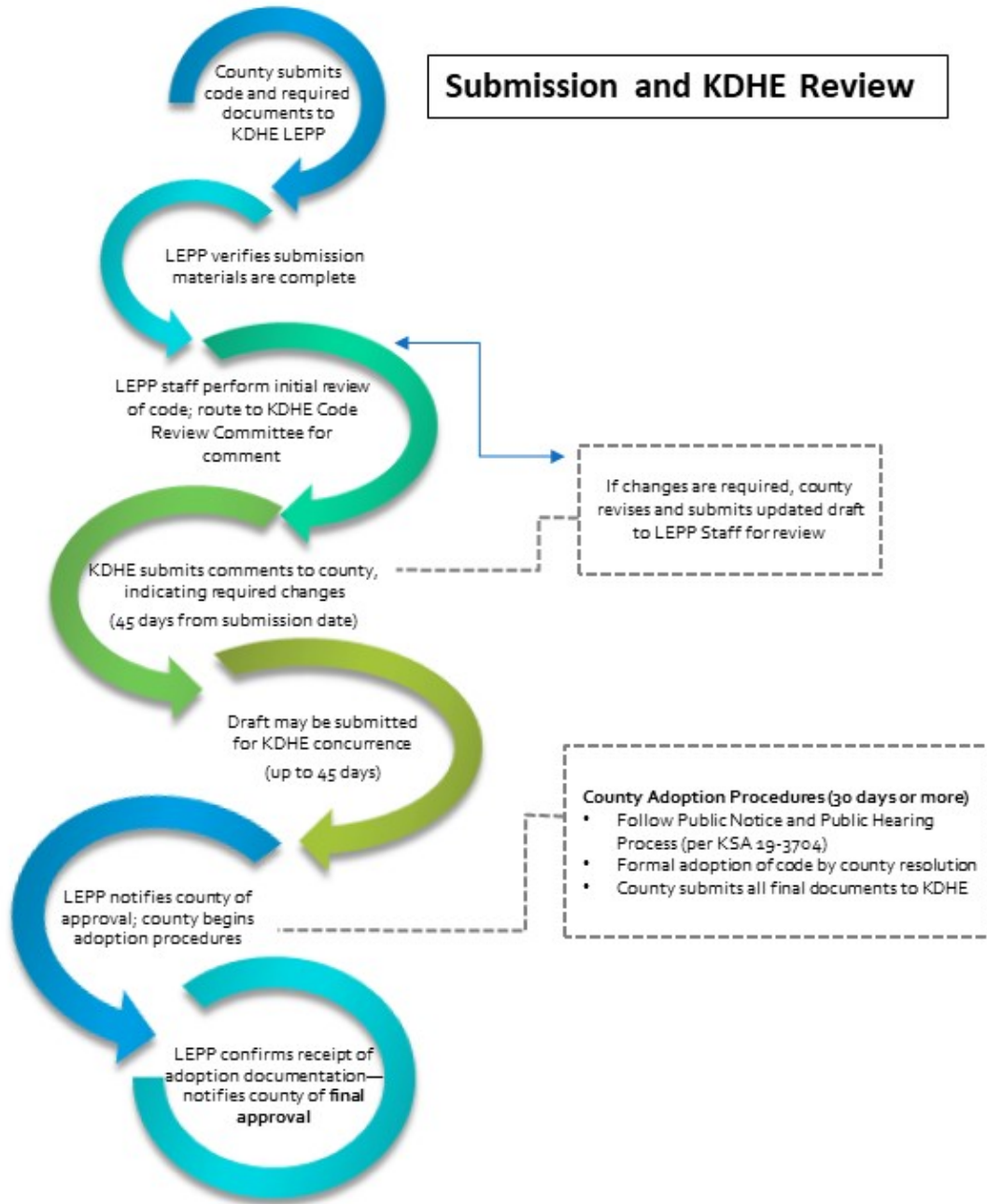
Hearing, County/Local Adoption

- 8** County Commission adopts the code by resolution
- 9** County submits electronic copy of the code, resolution, and proof of adoption to KDHE

Note: KSA 19-3704 requires minimum of 3 consecutive weeks notice

- 10** KDHE closes review, providing final, stamped copy of approved code to county, and retains a copy for record

Procedure Flow Chart



Code Revision FAQ

Why would a county adopt or revise a sanitary code?

- The county may have no code
- The county wants to incorporate changes to the existing code, such as:
 - To clarify language
 - Adopt licensing requirements
 - Adopt real estate inspection requirements
 - Add information about private water wells
 - Add information about subdivisions
 - Articulate requirements or procedures for alternate systems
 - Update soil evaluation methods (i.e. add soil profiles, etc.)
 - Articulate MOUs with other local agencies
 - Bring code to align with KARs
 - Bring code to align with other local ordinances
 - Other

Who typically sits on the County Code Committee (at the local level)

- LEPP Committee
- County Commissioners
- County Attorney
- County Sanitarian
- Planning and Zoning Department Representative
- Lenders
- Other

How do I know if my county code is in compliance with KDHE Minimum Standards (Bulletin 4-2)?

- Use Bulletin 4-2 checklist as a guide

What does the KDHE review of the draft code entail?

- LEPP Staff verify the code is in alignment with Bulletin 4-2
- Code is distributed to key areas within KDHE with content-specific expertise
- Comments from all reviewers are compiled and sent to the county, indicating any required changes, as well as recommendations to consider.

How long does a full KDHE review take, from the time my submitted request is complete?

- Approximately 6-12 months. This may vary based on several factors, including (but not limited to) complexity of changes, complexity of the overall code, and to what extent and how clearly does the code (including changes) align with minimum standards.
- Note: any changes to the local sanitary code will constitute a full KDHE review and approval. Please contact our office for questions pertaining to code review requirements.

What resources may be helpful in revising or drafting a new local sanitary code?

Please see the “Resources” appendix item for the most commonly used resources related to revising or drafting new local sanitary codes.

Document	Description
<u>KSA 65-201</u>	County, city-county and multi-county units; local health officers; appointment, tenure, removal; laws applicable
<u>KSA 65-159</u>	Abatement of nuisances, failure to remove, penalties
<u>KAR 28-5-1 through 9</u>	Sewage and Excreta Disposal
<u>KSA 19-3701 through 9</u>	Sanitation Controls
<u>K.A.R Article 30</u>	Water Well Contractor's License; Water Well Construction
<u>KDHE EPA 503</u>	Kansas Guidance on Land Application of Septage
<u>KDHE Bulletin 4-2</u>	Minimum Standards for Design and Construction of Onsite Wastewater Systems
<u>Environmental Health Handbook</u>	<u>Preface and Contents</u> <u>Private Water Wells</u> <u>Wastewater Characteristics and Health Concerns</u> <u>Legal Authorities for Pollution Control</u> <u>Site and Soil Evaluations</u> <u>Septic Tanks</u> <u>Enhanced/Advanced Treatment</u> <u>Soil Absorption Systems</u> <u>Water Conserving Toilets and Holding Tanks</u> <u>Wastewater Pond (Lagoons)</u> <u>Pumps and Hydraulics</u> <u>Septage Management</u>
Other Guidance	<u>MF 2645 Site and Soil Evaluation for Onsite Wastewater Systems</u> <u>MF 1044 Wastewater Pond Design and Construction</u> <u>MF 2290 Wastewater Pond Operation, Maintenance and Repair</u> <u>MF 2542 Selecting an Onsite Wastewater or Septic System</u> <u>KDHE Floor Drains</u> <u>MF 970 Private Wells—Safe Location and Construction</u> <u>MF 2396 Private Well Maintenance and Protection</u>