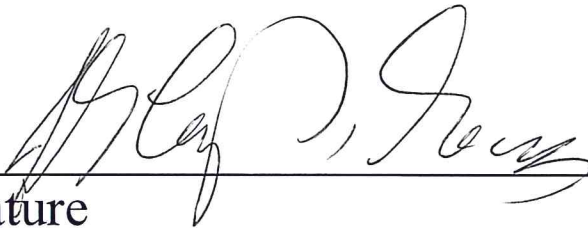


The enclosed Rice County Sanitation Code has been officially adopted by the Rice County Board of Commissioners.



Signature

Chairman, Board of County Commissioners

3-14-22

Date



Return to:

KDHE-Watershed Management Section  
1000 SW Jackson, Suite 430  
Topeka, KS 66612-1367

# Rice County Sanitation Code

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Kansas Department of  
Health and Environment

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# Chapter One

## Administrative Procedures

### Article I: General Provisions

#### Section I. Title

This Code shall be known and referred to as the Rice County Sanitation Code.

#### Section II. Legal Authority

This Code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et. Seq. as amended.

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

The County Commissioners find that provisions for adequate and reasonable control over the environmental conditions in unincorporated areas of the county are necessary and desirable; and that it is necessary to adopt a sanitation code to:

- A. Eliminate and prevent the development of environmental conditions that are hazardous to health and safety; and
- B. Promote the economical and orderly development of land and water resources of the county.

For those reasons and objectives, it will be the policy of the Board of County Commissioners to amend this code from time to time with respect to any matter affecting environmental sanitation and safety.

#### Section IV. Purpose

The purpose and intent of this code is:

- A. To prescribe the administrative procedures to be followed in administering this sanitation code or any amendments thereto;
- B. To prescribe rules and regulations for controlling practices to minimize health and safety hazards;

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- C. To establish administrative procedures to facilitate fair and equitable regulation while recognizing the rights of affected persons to receive reasonably prompt processing and to appeal administrative decisions.

### **Section V. Jurisdiction and Application**

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

This Code and any or all rules, regulations, restrictions and requirements shall also apply to and throughout all areas of Rice 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 Rice County Board of Health.

### **Section VI. Applicability within City Boundaries**

This Code and any or all authorized rules regulations, restrictions and requirements shall apply within and throughout any city in Rice County, Kansas and to all persons, property, establishments and business activities located or conducted within the municipal boundaries of any city from and after the effective date of adoption of the Code, by appropriate ordinance, by the governing body of the City.

### **Section VII. 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 VIII. 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, repaired or modified 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

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discharge of his duties shall not thereby be personally liable for damage which may occur to any person or property as a result of the discharge of his duties.

**Section IX. 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 Rice County, Kansas shall be incorporated within and made part of this Code, with or without notice and hearing, as authorized or required by State or Federal law.

**Section X. 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, 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 provision of this Code shall govern wherever applicable.

**Section XI. Effective Date**

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

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### Article 2: Administration

#### Section I. Administering Authority

The Rice County Sanitation Department and their designee(s) shall have the authority and responsibility for this Code. Under legal authority, pursuant to K.S.A. 19-3701, the Rice County Sanitation Department may implement such administrative procedures, consistent with this Code, as they deem 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 II.

##### Administrative Actions and Decisions

It is the intent of this Code to establish regulation 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 administrative decision or taking action for which standards are not provided then the decision or action shall be made according to the purpose and intents of this Code so that the result will best serve the public health and safety.

#### Section III.

##### 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 purposes and intent of the Code. Whenever applied to this Code, the terms and phrases used shall be interpreted in the following manner:

- A. Words appearing in the singular number shall include the plural, 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"

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shall include rules, regulations, restrictions and requirements authorized by the Code.

### Section IV. Definitions

The following words, terms and phrase appear in more than one Section of 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, with in those Chapters. Unless the Code 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. Access: Entry into or upon any real estate, structure or vehicle including any part thereof.
- B. Administrative Agency: Rice County Environmental Management; also referred to herein as "Agency".
- C. Administrative Rules: Those rules and regulations contained in Chapter One of this Code which prescribe general procedures to be followed in the administration of the Code adopted by the County.
- D. Applicant: Any person who submits an application or requests permission to do some act regulated by this Code.
- E. Application: The application forms provided by the Agency including the filing fee and any other supporting documents required by the Agency.
- F. Authorized Representative: Any employee of the Board of County Commissioners, who is designated to administer this code.
- G. Board of County Commissioners: Means the Board of County Commissioners of Rice County, Kansas.
- H. Board of Health: The Board of County Commissioners acting as the Rice County Board of Health.
- I. KDHE: Kansas Department of Health and Environment

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- J. Law: Includes federal, state and local statutes, ordinances, regulations and resolutions.
- K. Permit: Document or license provided by the Agency on standard forms to perform tasks required by this Code.
- L. Person: Any municipality, political subdivision, institution, corporation, partnership, association, or individual.
- M. Premises: Any one or more lots or tracts of land, including all buildings, structures, or facilities located thereon.
- O. Sanitation Code: Procedures, standards and regulations adopted by the County designed to minimize or control those environments and environmental conditions that may adversely affect the health and wellbeing of the public. Such environments and environmental conditions may include but are not restricted to domestic wastewater and domestic wastewater disposal and water supply. Whenever the term "Code is used herein, such reference shall be to the Sanitation Code of Rice County, Kansas.
- P. Schedule of Compliance: A schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with any regulation or limitation.
- Q. Subdivision: Any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the streets, alleys or other portions thereof intended to be dedicated for public use; and any re-subdivision of land or lots.

### **Section V. 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 or manuals applicable for that science, industry or technological skill.

### **Section VI. 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

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regulations are expressly declared to be subject to amendment, change or modification.

### **Section VII. 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 circumstances, relieve the holder from compliance with all other applicable laws, codes, regulations or requirements.

### **Section VIII. Waiver of Requirements**

In unusual cases where compliance with the requirements of this Code is not feasible, the Sanitation Director shall have the authority, in his sole discretion, to waive the requirements, provided he is furnished with reliable information to show that such waiver does not and will not impair the potability of the groundwater or otherwise endanger the health and safety of the individuals involved and/or the general public.

Requests for exception to any of the rules and regulations as set out within this Code shall be submitted before construction to the Agency in writing and shall contain all information relevant to the request.

Appeals from the decision of the Agency shall be made to the District Court, who after due consideration may affirm, reverse or modify the decision.

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**Article 3: Permits and Licenses**

**Section I. 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. Permit for Private or Semi-Public Wastewater Disposal System**

Every person who installs, removes, alters, repairs or replaces or causes to be installed, removed, altered, repaired or replaced any private wastewater disposal system or part thereof shall, prior to commencement of any work, apply for and obtain a permit to perform such work, and no private wastewater disposal system shall be installed, removed, altered, repaired or replaced except pursuant to a permit issued under this Article.

**B. License for Wastewater Contractor/ Installer**

Every person who conducts the activity of an installer as defined in Chapter 2 of this Code, shall apply for, obtain and maintain a valid operator's license to perform that activity.

**C. License for Sanitary Service Contractor**

Every person who engages in or conducts the activity of a Sanitary Service Contractor, as defined in Chapter 2 of this Code, shall apply for, obtain and maintain a valid operator's license to perform that activity.

**D. Permit for Private Water Supplies**

Every person who installs, drills, develops, constructs or reconstructs any private water supply on any premises subject to the Code shall, prior to commencement of any work, apply for and obtain a permit to perform such work.

**F. Every person who engages in the business of constructing, reconstructing, or treating water wells shall be licensed by KDHE as a water well contractor, as defined in Chapter 3 of this Code.**

**Section II.**

**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

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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 forms can be found on the County Website.

### B. Filing

An application for any permit or license required under this Code shall be filed with the Agency.

### C. Verification

An application for a permit must be signed by the owner of the property to be improved and for which the permit is being requested or by his authorized representative. The Agency 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 IV. Permit 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 any inspector, code or law enforcement officer, and any representative of the Agency 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.

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### 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 or 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 Agency prior to any change in ownership or location of any permitted licensed activity.

### D. Term Expiration

Each permit for construction 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 not to exceed one (1) year unless the Agency determines, for cause shown, that the permit or license should be issued for a period of time other than one (1) year; in which case, the Agency may designate a lesser time when the activity can or will be fully completed within the shorter period, or may designate a greater time, but in no event more than three (3) years, subject to annual review and payment of any required fee, where the activity is reasonably known or contemplated for continuation beyond one year.

### 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 Agency on a form authorized for that purpose. No permit or license which has been expired for more than thirty (30) working days or which is subject to revocation, for any reason, may be renewed, and such permits or licenses may be reissued only upon the filing of a complete application for a new permit or license.

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### F. Error and Omissions

The issuance of a permit or license shall not prevent the Agency 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.

The Agency may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information provided by the applicant.

### Section V. Standard Fees

For the purpose of defraying all or part of the cost of administration of this Code, the Board of County Commissioners shall establish a schedule of fees for all permits and licenses required by the Code. The fees imposed under this Code shall be paid by the applicant prior to the issuance of any permit or license authorized by the Code, and all annual fees shall be paid prior to the anniversary or expiration date of a permit or license, where applicable. The Fee Schedule can be found on the County Website.

#### A. Failure to Pay

Failure to pay any fee imposed by this Code may be cause for denial, suspension or revocation of any permit or license.

#### B. Double Fee for Unauthorized Practices

Any person who shall commence any activity for which a permit is required by this Code without first having obtained the permit shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such activity, provided, however that this provision shall not apply to emergency work when such work was urgently necessary to protect public health and safety and it was not practical to obtain a permit before commencement of such emergency work. In all such cases, a permit must be obtained as soon as possible after the performance of such work, and if there is a delay or more than three (3) working days in obtaining such permit, a double fee as herein provided shall be charged.

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**Section VI. Supplemental to State Regulations**

The permits or licenses, and all fees, conditions and regulations imposed under this Section or any other Section 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 Dept. of Health & Environment.

A. 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 regulations 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 ineffect.

B. Additional Regulations

Rules, regulations, and requirements applicable to any conduct, activity, condition or standard, which are not expressly regulated by operation of State law but which are regulated by this Code, shall be and remain in full force and effect as specifically applied under this Code for and within Rice County, Kansas.

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### Article 4: Inspections and Investigations

#### Section I. 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 as part of a permit application, the Agency shall inspect the premises prior to the start of operations to determine compliance with the approved specifications and with any other requirements of this Code.

##### B. Private and Semi-Public Wastewater Systems

Private and semi-public wastewater systems shall be inspected by the Agency 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. No portion of the system shall be covered or made inaccessible to inspection prior to approval.

#### Section II. 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.

#### Section III. Inspection Scheduling and Re-inspections

Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity, or for the correction of any violation or other non-conforming condition, it shall be the duty of the holder of the permit or license or the establishment to notify the Agency and schedule the time and date for the inspection. A minimum of 24-hours advance notification is required.

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### **Section IV. Access and Right of Entry**

The Agency shall have the right to make inspections of establishments, premises, places and localities for the purpose of determining compliance with this Code. Inspections shall be done at a reasonable time. The Agency may examine the water usage records of any establishment that uses a private sewage disposal system for information pertaining to the amount of water used by the establishment.

If the building, premises or establishment to be inspected is occupied, the Agency representative shall first present proper identification and request entry; if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner, or other persons having charge or control of the building or premises, to request entry. If entry is refused, the Agency shall have recourse to all remedies provided by law to secure entry.

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## Chapter Two

### Domestic Wastewater Treatment

#### Article 1: General Provisions

##### Section I. 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 treatment of all sewage generated or transported within Rice County unless otherwise regulated by competent authority.

##### Section II. Scope

All wastewater must be disposed of by the use of a sanitary sewer system as defined in this Section. A sanitary sewer system may be classified as either a: public wastewater system, semi-public wastewater system or a private wastewater system.

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### Section III. Definitions

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: A private wastewater system for the treatment of sewage by means of absorption trenches and the biological decomposition of wastewater effluent in the adjacent soil.
- 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. Alternative Wastewater System: A domestic wastewater system other than an anaerobic septic tank-soil absorption system, lagoon or privy that is used or designed to be used, to collect, treat, hold or discharge domestic waste from residential, industrial or commercial property. This includes, but is not limited to, such systems as; mounds, shallow and at-grade absorptions fields.
- D. Cesspool: A drywell that receives untreated wastewater and which may have an open bottom and / or perforated sides. Prohibited by this Code.
- E. Distribution Box: A watertight chamber below the outlet level of a septic tank or treatment unit and from which effluent enters the absorption system.
- F. Domestic Septage: The liquid and solid material removed from a septic tank, lagoon, privy (portable or stationary), alternative wastewater system, portable toilet or similar device that receives only domestic wastewater. Domestic septage does not include commercial or industrial wastewater or grease removed from a grease trap.
- G. Domestic Wastewater: All water-borne wastes produced at family dwellings in connection with ordinary living including kitchen, toilet, laundry, shower and bathtub wastewater. It also includes similar type wastewater produced at businesses, churches, industrial and commercial facilities or establishments. Storm water shall not be mixed with domestic wastewater.
- H. 100-Year Floodplain: Land which is subject to inundation as a result of flooding having a one percent (1%) chance of occurrence annually; and more recently referred to as a Special Flood Hazard Zone- AE, as defined by the Federal Emergency Management Agency (FEMA).
- I. Enhanced Treatment System: Any private or semi-public wastewater system which has been designed to improve the quality of wastewater effluent by reducing total nitrogen and one or more of the following: biological oxygen demand, dissolved solids, suspended solids, phosphorus or bacteria prior to

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disposal to the soil. Examples of such systems are aerobic septic tanks, sand, textile or peat filters and constructed wetlands.

- L. GPD: Gallons Per Day.
- M. Holding Tank: A watertight receptacle for the retention of wastewater before, during or after treatment.
- N. Non-Domestic Wastes: Any liquid or water-borne wastes, other than domestic wastewater, produced in connection with any industrial or commercial process or operation.
- O. Installer: Any person duly licensed to construct, install and/or repair private and semi-public sewage treatment systems.
- P. Private Wastewater System: Any septic system, lagoon, alternative wastewater system, privy, holding tank or other means of wastewater treatment that does not discharge to a public or semi-public wastewater system.
- Q. Privy: A water-tight facility designed and/or used for the biological composting and disposal of human excreta.
- R. Public Wastewater System: A wastewater system that is used or designed to be used for the collection, treatment and discharge of domestic wastewater or industrial or commercial wastes and has a valid permit from KDHE.
- S. Reconstruction: The replacement, alteration or repair of existing components of a private or semi-public wastewater system that improves or enhances the performance of the system or changes the classification of the wastewater system.
- T. Sand Trap Waste: The sand, gravel and other solid material along with its associated liquid which settles from the effluent flow produced in connection with the commercial or industrial process of washing vehicles.
- U. Sanitary Service: The pumping out and/or removal of wastes, sludge or human excreta from privies, septic systems, lagoons, alternative wastewater systems, enhanced treatment systems and other private or semi-public wastewater systems, and the transportation of such material to a point of final disposal treatment.
- V. Sanitary Service Contractor: Any person duly licensed to perform sanitary disposal services.
- W. Seepage Pit: A subsurface excavation three (3) feet or deeper, which may be filled or lined with rock or gravel and receives untreated wastewater. Prohibited by this Code.
- X. Semi-Public Wastewater System: A wastewater system used for on-site

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collection and treatment of domestic wastewater only, that accepts, or is designed to accept, greater than 1,000 GPD but no more than 2,500 GPD and does not discharge to the surface waters of the State.

- Y. Septic System: An anaerobic septic tank-soil absorption system used for the collection and treatment of domestic wastewater.
- Z. Septic Tank: An approved, watertight, accessible, covered receptacle designed and constructed to receive sewage in which three processes take place: settling of the solids, the digestion of some of the accumulated solids by anaerobic action, and separation of the floatable scum.
- AA. Single Family Waste Stabilization Pond: An artificial or man-made structure which is not a public wastewater system and into which 1,000 GPD or less of domestic wastewater is discharged and confined for treatment. i.e. is otherwise referred to as "lagoon" herein.
- BB. Soil Mottles: Spots or streaks of contrasting soil colors that indicate the presence of a seasonal water table zone.
- CC. Wastewater Contractor: Any individual or company that constructs reconstructs or modifies private or semi-public wastewater systems.
- DD. Wastewater (Sewer) District: A special district authorized and empowered by state statutes to plan, construct and operate a public wastewater system.

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### Section IV. Rules of Application

The requirements established by Chapter 2 of the Rice County Sanitation Code shall apply and be applicable to any and all private and semi-public wastewater systems now or hereafter installed, used or operated upon any property located within Rice 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 construct, reconstruct or modify, nor cause or allow the construction, reconstruction or modification of any private or semi-public wastewater system except as permitted under and which complies with the established requirements of this Code. No commercial or industrial wastes shall be directed to a private or semi-public wastewater system.

#### B. Existing Systems Treating Domestic Waste

Any private or semi-public sewage treatment system lawfully installed prior to the effective date of this Code and used exclusively for domestic sewage, and not industrial nor commercial wastes, may remain in use if, and as long as, it continues cooperate in accordance 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.

### Section V. Approval of Plans and Specifications

#### Semi-Public Wastewater Systems

- A. Plans and specifications for all semi-public wastewater systems shall be submitted to and approved by the Agency prior to starting any construction of such systems. Semi-public wastewater systems also have to follow Bulletin 4-2 state minimum standards.

#### Private Wastewater Systems

- B. Plans and specifications for all private wastewater systems shall be submitted to and approved by the Agency prior to starting any construction of such systems. The standards of design, construction and location for such systems shall be extracted from independent standards current to the time of plan review. Examples of such standards applicable at the time of this codes adoption are KDHE Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems and the KAS/KSU/KDHE Environmental Health Handbook.

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## Chapter Two

### Section VI. Criteria for Plan Approval

- A. Prior to issuing a permit for construction the contractor and the Agency shall conduct a soil profile test of the proposed building site in order to identify site limitations or restrictions. No permit shall be issued unless the proposed wastewater system meets accepted design standards for the conditions determined by the soil profile test.
- B. In addition to other criteria specified in this Code, no plan approval and permit for private or semi-public wastewater systems shall be issued if:
1. The proposed building site is one acre or less, for lots of record established after the effective date of this Code; or
  2. The natural slope of the lot is greater than ten (10) percent; or
  3. Any portion of the wastewater system, except a solid wastewater line of watertight construction is within:
    - a. 100 feet of any water well or a pump suction line from a water well. No wastewater line regardless of construction shall be located less than 10 feet from a private or semi-public water well or a suction line from a private or semi-public water well.
    - b. 50 feet from any property line of the building site or premises it serves.
    - c. 25 feet from a public water supply line.
    - d. 4 feet from any impervious layer, rock formation, permanent water table or seasonal water table.
    - e. No private or semi-public wastewater system shall be constructed if the applicant's property line is within 400 feet of an existing public sewer, unless the Agency finds that connection to such a sewer is not feasible and that a domestic wastewater system, meeting the requirements of this Code, can be constructed on the property.
    - f. For Single family wastewater stabilization ponds (lagoons) only:
    - g. Lagoons shall be located no closer than 100 feet, as measured from the edge of the 5-foot water line, to the nearest property line or residence. Piping can be gravity or pumped.
    - h. Lagoon fencing shall be constructed in accordance to accepted standards of construction and shall be completed within 15 days from the date of initial operation.

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## Chapter Two

### **Article 2: Prohibited Practices**

#### **Section I. Private or Semi-Public Wastewater Systems**

No person shall sell, use, or lease for use any real estate upon which is located a private or semi-public wastewater system which:

- A. Improperly discharges effluent as prohibited by Chapter Five, Article 1, Section I, Paragraph G of this code; or
- B. Discharges or receives industrial or commercial waste.

#### **Section II. Public, Private or Semi-Public Wastewater Systems**

No person shall sell, use or lease for use any public, private or semi-public wastewater system which:

- A. Discharges onto the surface of the ground, into watercourses, lakes, ponds or any impoundment; or
- B. Causes fly breeding, produces offensive odors or any other condition that is prejudicial to health and comfort.

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### Article 3: Semi-Public Wastewater Systems

#### Section I. Annual Permit

The owner of every semi-public wastewater system shall obtain a permit for the initial operation of the system and annually thereafter from the Agency. A permit for operation shall be issued by the Agency following an inspection of the system and said Agency's determination that the system has been constructed according to approved plans and presents no significant health risk. No semi-public wastewater system shall be constructed or operated until the owner has obtained the required permit.

#### Section II. Proper Maintenance and Operation

All semi-public wastewater systems shall be maintained in good working condition and shall not discharge onto the surface of the ground or drain into any stream or roadside ditch or produce offensive odors or become a breeding place for flies, mosquitoes or rats. Whenever the Agency shall find any semi-public wastewater system malfunctioning and causing any of the above prohibited conditions, he shall order the owner and/or user to correct the condition within thirty (30) working days.

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## Chapter Two

### Article 5: Regulations for Sanitary Service Contractors

#### Section I. License Required

No person shall remove, haul, transport, or dispose of any domestic septage without a valid license from the Agency. A valid sanitary service contractor's license issued to a sole proprietor, a partnership or a corporation shall be valid as to all its agents and employees.

#### Section II. License Term and Renewal

Any license issued under this Section shall expire on December 31 of each year and must be renewed annually. All required license fees in the amount of \$50.00 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 of part-year application.

#### Section III.

##### Standard of Performance

Every person licensed as a sanitary service contractor under this Section shall comply with the performance requirements specified in this Code.

##### A. Equipment

A license holder shall maintain his equipment so as to ensure that no spillage of sewage will occur during transportation, and that employees of the licensee are not subjected to undue health hazards. All sewage shall be transported in an enclosed watertight tank

##### B. Vehicles

Sewage shall be transported only in vehicles approved for that purpose by the Agency. Each such vehicle must be inspected prior to issuance or renewal of a license to a sanitary services contractor. The vehicle must be kept in good working condition and the name of the licensee shall be clearly displayed on both sides of the vehicle.

##### C. Disposal

All licensees shall comply with the requirements of Title 40, Part 503 of the Code of Federal Regulations: Standards for the Use or Disposal of Sewage Sludge. In addition, all licensees:

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1. Who dispose of domestic septage at a KDHE permitted public wastewater treatment facility shall comply with all requirements established by that facility for the discharge of domestic septage into the facility.
2. Who dispose of domestic septage by land application shall comply with the following criteria:
  - a. Application shall not exceed 30,000 gallons per acre per year.
  - b. No application within one-half mile of a public water supply well.
  - c. No application within a 100-year flood plain.
  - d. No application on to any surface, such as frozen or saturated soil, if run-off to the waters of the State is likely to occur.
  - e. No application within 50 feet of any property line.
  - f. No application within a wellhead protection zone that has been placed on file with the Agency.
  - g. No application into a private wastewater lagoon or sanitary landfill

### Section IV. License Revocation

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

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## Chapter Two

### Article 6: Regulations for Wastewater Contractors

#### Section I. License Required

No person shall install, engage in the installation of, repair or modify a private or semi-public wastewater system unless that person holds a valid wastewater contractor license issued by the Agency. Employees of a validly licensed installer are not required to be separately licensed.

#### Section II. License Term and Renewal

Any license issued under this Section shall expire on December 31 of each year and must be renewed annually. All required license fees in the amount of \$50.00 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 of part-year application.

#### Section III. 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 State and Local regulations pertaining to private and semi-public wastewater systems and general engineering principles pertaining to such systems. The Agency 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

#### Section V. Code Compliance

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

#### Section VI. License Revocation

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

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## Chapter Three

### Water Supplies

#### Article 1: General Provisions

##### Section I. Purpose and Intent.

The provisions of this code are for the purpose of regulating and controlling the development, maintenance, and use of private or semi-public water supplies in the unincorporated area of Rice 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 II. Compliance Required

After the effective date of this code, no person shall construct or reconstruct on any property subject to this code, any semi-public or private water supply that does not comply with the requirements of this code.

##### Section III. Definitions

In addition to the definitions provided in Chapters 1, 2 and 4 of this Code the words, terms and phrases listed below, for purposes of this chapter, are defined as follows:

- A. Abandoned Well: A well which: has been permanently discontinued from use; or, the pumping equipment has been permanently discontinued from use; or it has the potential for transmitting surface contaminants into the aquifer; or, possesses potential health and safety hazards; or, is in such a condition 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.
- C. Annular Space: The space between the well casing and the well bore or the space between two or more strings of well casings
- D. Aquifer: An underground formation that contains and is capable of transmitting groundwater.

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- E. Confined Aquifer: An aquifer overlain and underlain by impermeable layers. Groundwater in a confined aquifer is under pressure greater than atmospheric pressure and will rise in a well above the point at which it is first encountered.
- F. Construction: All acts necessary to create a water well as defined at paragraph BB herein.
- G. Domestic Purpose: 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 used in operating a farm, or for the irrigation of lands not exceeding a total of two acres for the growing of gardens, orchards and lawns.
- H. Groundwater: That part of the subsurface water which is in the zone of saturation.
- I. Grout: Material approved by KDHE such as cement, neat cement, bentonite clay or other such material approved by KDHE used to create a permanent impervious watertight bond between the casing and the undisturbed formation surrounding the casing or between two or more strings of casing.
- J. Grout Tremie Pipe or Grout Pipe: A steel or galvanized steel pipe or similar pipe having equivalent structural soundness that is used to conduct pumped grout to a point of selected emplacement during the grouting of a well casing or plugging of an abandoned well or test hole.
- K. Heat Pump Hole: A hole drilled to install piping for an earth coupled water source heat pump system, also known as a vertical closed loop system.
- L. Household Purpose: Water used for drinking, culinary and ablutionary purposes.
- M. Inactive Status: A water well that is not presently operating but is maintained in such a way that it can be put back in operation with a minimum of effort.
- N. Pitless Well Adaptor or Unit: An assembly of parts installed below frost line which will permit pumped groundwater to pass through the wall of the casing or extension thereof and prevent entrance of contaminants.
- O. Potable Water: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming to the most recent KDHE primary drinking water standards.

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- P. Private Water Supply: A water well supply used for domestic purposes, excluding public water supplies, semi-public water supplies and water supplies used for the watering of livestock on lands exceeding ten acres.
- Q. Public Water Supply: A water supply system that provides piped water for human consumption and has at least 10 service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
- R. Pump Pit: A watertight structure constructed at least two (2) feet away from the water well and below ground level to prevent freezing of pumped groundwater and which houses the pump or pressure tank, distribution lines, electrical controls, or other appurtenances.
- S. Reconstructed Water Well: an existing water 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.
- T. Sanitary Well Seal: A manufactured seal installed at the top of the well casing which, when installed, creates an airtight and watertight seal to prevent contaminated or polluted water from gaining access to the groundwater supply.
- U. Semi-Public Water Supply: A water supply used for domestic purposes serving three (3) to nine (9) service connections (under single or separate ownership) on a piped system.
- V. Static Water Level: The highest point below or above ground level which the groundwater in the well reaches naturally.
- W. Test Hole: Any excavation constructed for the purposes of determining the geologic, hydrologic and water quality characteristics of underground formations.
- X. Treatment: The stimulation of production of groundwater from a water well, through the 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 growths which inhibit the movement of groundwater into the well.
- Y. Uncased Test Hole: Any test hole in which casing has been removed or in which casing has not been installed.

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- Z. Unconfined Aquifer: An aquifer containing groundwater at atmospheric pressure. The upper surface of the groundwater in an unconfined aquifer is the water table.
- AA. Water District: Any special district authorized and empowered by state statutes to plan, construct and/or operate a public water supply system.
- BB. 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.
- CC. Water Well Contractor or Contractor: Any individual, firm, partnership, association, or corporation who constructs, reconstructs, or treats a water well. The term shall not include: A) an individual constructing, reconstructing or treating a water well located on land owned by the individual, when the well is used by the individual for farming, ranching, or agricultural purposes or for domestic purposes at the individual's place of abode, although the individual must comply with minimum well standards prescribed by Kansas statutes and KDHE regulations; or B) an individual who performs labor or services for a licensed water well contractor at the contractor's direction and under the contractor's supervision.

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## Chapter Three

### Article 2: Semi Public Water Supplies

#### Section I. Requirements for Semi-Public Water Supplies

No person shall operate or maintain a semi-public water supply system that has been:

- A. Constructed or reconstructed after January 1, 1988 until it has been inspected and a permit issued by the Agency.
- B. Temporarily or permanently enjoined as a public health nuisance by a court of competent jurisdiction.
- C. Found by the Agency not to comply with the provisions of this code and written notice thereof has been given to the owner or his agent.

#### Section II. Conditions of Use

In addition to the requirements of Article 3 of this Chapter, which pertain to private water wells, the following shall be done and reviewed by the Agency prior to the issuance of a permit, to assure water quality for the public:

- A. An initial test for all contaminants for which primary drinking water standards have been established by the KDHE.
- B. An initial and at least annual bacterial and nitrate analysis.
- C. A partial chemical analysis is to be done initially and every three (3) years thereafter. And should include at a minimum analysis for chloride, hardness, iron, manganese, sodium, sulfate and total hardness.
- D. Other tests such as a screen for pesticides, volatile organic chemicals, and heavy metals may be required, at the direction of the Agency, to protect the public's health.

The water samples shall be collected by the Agency and sent to a KDHE certified lab for analysis. The fee for the analysis is the responsibility of the owner of the water supply or his representative.

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### Article 3: Private Water Supplies

#### Section I. Permit

No person shall construct or reconstruct any private water supply on any premises subject to the regulations of this code until he has obtained a permit therefore from the Agency.

#### Section II. Approved Plans

No permit to construct or reconstruct a private water supply on premises subject to the regulations of this code shall be issued until the plan showing the location of the supply has been approved by the Agency.

#### Section III. Use Limitations

- A. No permit for constructing or reconstructing a water well for private water supply purposes shall be issued to any person when in the discretion of the Agency the property can be served at a reasonable cost by a public water supply, or when the water supply to be accessed constitutes a significant, quantified health risk.
- B. No use of surface water (lakes, ponds, or streams) as a source of water for a private water supply shall be permitted.
- C. No person shall sell, lease or rent any real estate upon which is located a private or semi-public water supply which fails to comply with the provisions of this Code after written notice of the defective condition has been given to the owner or responsible person by the Agency.

#### Section IV.

##### Construction

All persons constructing or reconstructing a water well shall comply with the minimum requirements for construction as established in the most current edition of the KDHE Articles 12 (K.S.A. 82a-1201, et seq.) and 30 (K.A.R. 28-30-2, et seq.).

The water samples shall be collected by the Agency after construction. Delivery of the samples are the responsibility of the owner of the water supply or his representative to a KDHE certified lab for analysis. The fee for the analysis is the responsibility of the owner of the water supply or his representative paid to Rice County Environmental Management.

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### **Section V. Plugging of Abandoned Wells, Cased and Uncased Test Holes**

All abandoned water wells shall be plugged including cased and uncased test holes pursuant to K.A.R. 28-30-7. Water wells not being used shall be put on inactive status or plugged depending on the future potential use of the well as noted in K.A.R. 28-30-7(f). Abandoned water wells and boreholes within Equus Beds Groundwater Management District #2 boundaries shall be plugged or put on inactive status following K.A.R. 28-30-200, et seq.

### **Section VI. Inactive Status**

Landowners outside of Equus Beds Groundwater Management District #2 boundaries may obtain the KDHE's written approval to maintain wells in an inactive status rather than being plugged if the landowner can present evidence to KDHE as to the condition of the well and as to the landowner's intent to use the well in the future. As evidence of intentions, the owner shall be responsible for properly maintaining the well in such a way that:

- A. The well and the annular space between the hole and the casing shall have no defects that will permit the entrance of surface water or vertical movement of subsurface water into the well;
- B. The well is marked and is not a safety hazard;
- C. The top of the well is securely capped in a watertight manner and is adequately maintained in such a manner as to prevent easy entry by other than the landowner;
- D. The area surrounding the well shall be protected from any potential sources of contamination within a one hundred (100) foot radius;
- E. If the pump, motor or both, has or have been removed for repair, replacement, etc., the well shall be maintained to prevent injury to people and to prevent the entrance of any contaminant or other foreign material;
- F. The well shall not be used for disposal or injection of trash, garbage, sewage, domestic wastewater or storm runoff; and
- G. The well shall be easily accessible to routine maintenance and periodic inspections.

The landowner of a well within Equus Beds Groundwater Management District #2 boundaries shall comply with K.A.R. 28-30-204.

### **Section VII. Separation from Pollution Sources**

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Well locations shall be approved by the Agency with respect to distances from

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pollution sources and compliance with local regulations. The following minimum standards shall be observed.

- A. The horizontal distances between the well and the potential source of pollution or contamination such as sewer lines, pressure sewer lines, septic tanks, lateral fields, pit privy, seepage pits, fuel or fertilizer storage, pesticide storage, feed lots or barnyards shall be one hundred (100) feet or more.
- B. Proper drainage in the vicinity of the well shall be provided so as to prevent the accumulation and ponding of surface water within fifty (50) feet of the well. The well shall not be located in a ravine or any other drainage area where surface water may flow into the well.
- C. When sewer lines are constructed of cast iron, plastic or other equally tight materials, the separation distance shall be ten (10) feet or more.
- D. All wells shall be twenty-five (25) or more from the nearest property line, allowing public right-of-way to be counted; however, a well-used only for irrigation, lawn and garden watering, or cooling purposes may be located closer than twenty-five (25) feet to an adjoining property where:
  - 1. Such adjoining property is served by a sanitary sewer and does not contain a septic tank system, disposal well or other source of contamination or pollution; and
  - 2. The property to be provided with the proposed well is served by both a sanitary sewer and a public watersupply.

### Section VIII. Water Well Disinfection

All water wells shall be disinfected in accordance with K.A.R. 28-30-10. All persons constructing, reconstructing, or treating, a water well and removing the pump or pump column, replacing a pump, or otherwise performing an activity which has potential for contaminating or polluting the groundwater supply shall be responsible for adequate disinfection of the well, well system and appurtenances thereto.

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## Chapter 4

### Public Water Supply Protection

#### Article 1: General Provisions

##### Section I. Purpose and Intent

The provisions of this chapter are adopted for the purpose of protecting the sources of water for public water supplies through the regulation and control of practices contributing to non-point source pollution within wellhead protection zones that have been approved by the governing body of the public water supply and the Rice County Board of County Commissioners.

##### Section II. Definitions

In addition to the definitions provided in Chapters 1,2 and 3 of this code, the words, terms and phrases listed below, for purposes of this Chapter are defined as follows:

- A. Animal Unit: Means a unit of measurement calculated by using the most current formula described by K.S.A. 65-171d and any future amendments thereof.
- B. Confined Feeding Facility: Means any lot, pen, pool, or pond, which is:
  - 1. Used for the confined feeding of animals or fowl for food, for or pleasure purposes.
  - 2. Not normally used for raising crops; and
  - 3. Not used for growing vegetation for animal food.
- C. Publicly Owned Treatment Works: Means any wastewater treatment facility licensed by the Kansas Department of Health and Environment which is operated, owned or licensed to a benefit district, township, city, county or state unit of government
- D. Wellhead Protection Zone: Means a groundwater sensitive area identified by the public water supplier as being within the zone of capture, withdrawal or other accepted method of delineating a public water supply well. Also referred to as source water protection zone or groundwater protection zone.

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Chapter Four

**Article 2: Prohibited Practices**

**Section I. Confined Feeding Facility**

KDHE permits confined feeding facilities using state and federal statutes, regulations, and standards and this Code follow those same state and federal statutes, regulations and standards.

**Section II. Unlined Pit Privies**

No person shall sell, use, lease or rent any unlined pit privy within a wellhead protection zone.

**Section III. Commercial Storage Tanks**

Owners of commercial storage tanks located within a wellhead protection zone shall report to the public water supplier for their respective wellhead protection zone any release or unaccounted loss of inventory within 24 hours.

**Section IV. Publicly Owned Treatment Works Sludge**

Within a wellhead protection zone, publicly owned treatment works sludge shall not be applied on or below the ground.

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## Chapter Five

### Code Enforcement

#### Article 1: Unlawful Conduct

##### Section I. General Provisions

For the purpose of enforcing the regulations, conditions, requirements, and prohibitions established by this Code the following acts shall be unlawful:

**A.** Obstruction of the Agency

No person shall willfully impede or obstruct a representative of the Agency in the discharge of his official duties under the provision 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. The existence of emergency conditions may be a defense to this provision.

**C.** Failure to Comply with Emergency Order

No person shall fail or refuse to comply with an emergency order of the Agency issued under Article 2 Section I 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 of 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 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 regulation specified in this Code.

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## Chapter Five

### F. Falsification and Misrepresentation

No person shall falsify nor misrepresent any fact, information, produce 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 or sewage 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 sewage disposal 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. No cesspools or seepage pits are allowed under this Code.

### H. Failure to Repair or Correct

No person shall fail or refuse to repair or to correct any defect, deficiency or other condition, whether natural or otherwise, in any private or semi-public wastewater system which has caused, or which the Agency determines is likely to cause, within reasonable certainty, any improper discharge or other health hazard, unsanitary condition, or unlawful pollution.

### I. Prohibited Practices

No person shall permit, or allow to permit, any prohibited practice as established by this Code.

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Chapter Five

**Article 2: Enforcement Proceedings**

**Section I. Emergency Orders**

The Sanitation Director of Rice County, or other authorized code enforcement office or representative of the 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 Sanitation Director finds that an emergency exists which requires immediate action to protect the public health he may without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this Code, such order shall be effective immediately and shall be enforceable in Rice County District Court.

B. Work Stoppage

Whenever any work is being performed on a private sewage disposal system contrary to the provisions of this Code, the Agency 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 such 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 II. Suspension of Permit or License**

The Agency 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 premises subject to the permit, receives written notice of such suspension. The holder or

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other aggrieved party may request a hearing in accordance with Article 4, Section I 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 condition the length of suspension upon correction of the conditions upon which the suspension is based.

### **Section III. Revocation of License**

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

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

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

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Chapter Five

**Article 3: Penalties and Prosecution**

**Section I. Penalties**

Any violation of any provision or requirement of this Code or the commission of any unlawful act or conduct specified in this Chapter shall be deemed to be a Class C misdemeanor punishable upon conviction by a fine of not less than \$100.00 and not more than \$500.00. Each day's violation shall constitute a separate offense.

**Section II. Prosecution**

The Agency is hereby authorized to apply to the District Court for enforcement of this Code, unless a municipality adopting this Code provides otherwise for the prosecution of violations arising within its municipal jurisdiction. In that event, the City Attorney of the municipality adopting this Code may prosecute violations of this Code in the name of the city in the municipal court of that city.

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**Article 4: Appeals**

**Section I. Appeal for Hearing**

Any person aggrieved by any notice, final order, or denial of a permit or license by the Agency 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 for hearing shall operate as a stay of any notice or order except an emergency order.

**Section II. Hearing Officer**

The Agency shall designate, in writing, one or more officials to act as 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 the Agency, made the determination or issued the order upon which the appeal is based.

**Section III. 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 ten-day period.

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

**Section IV. 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 V. Proceedings of Hearings**

A summary of all proceedings of hearing, 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 Agency.

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

The appeal of any final decision action of the Agency 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 or the governing body of any city.

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## Appendix 1: Lagoon Construction

A wastewater pond is best located down slope and away from the house, so the sewer line to the pond flows by gravity at the correct slope. When choosing the site, nuisance conditions, which could result from odors or accidental discharge, should be considered. Odors would least likely affect the owner when a pond is located northeast or east of the house, based on prevailing wind directions in Kansas.

Select an inconspicuous place 100 feet or more from the house and property lines, 50 feet from any surface water, 30 feet from potable water lines, out of a 100-year flood plain, and away from easements or rights-of-way. Separation distances from surface water, wells, property lines, public water lines and such must be followed from local codes or Kansas Department of Health and Environment (KDHE) Bulletin 4-2. A site plan showing all physical features — surface and buried — and contour elevations will help to locate and design a pond. The bottom of the pond should be at least four feet above highest groundwater level.

The top of the pond embankment, or berm, should be below the lowest drain or cleanout in the house. Sometimes the pond must be located up-gradient of the house. This option is more expensive because a pump chamber and pump are required, and pumps are also subject to failure. When pumping is required, it is advisable to add a septic tank and have the system designed by an experienced person.

### Size of Wastewater Pond

Size and design of the pond involve several considerations. The water surface area must be large enough to provide adequate oxygen to keep the pond aerobic. An area of 165 square feet per person, with a minimum of 900 square feet, is usually considered adequate for oxygen transfer.

Kansas law prohibits discharge from private wastewater ponds, so they must hold all wastewater. Losses occur through leakage or seepage (maximum of ¼-inch per day), and evaporation. Maximum losses total 14 feet in Southwest Kansas, to 10 feet or less in Eastern Kansas per year.

A five-foot water depth with two feet of freeboard is ideal for easy maintenance of vegetation between the water level and top of the embankment. The minimum depth to prevent rooted aquatic growth in the pond and exposure of the inlet pipe is three feet.

### Sewer Line to Pond

Use at least a four-inch-diameter line from the house to the pond. All joints must be water tight as leaks attract tree roots that will clog the line, causing a sewer backup. Schedule 40 thermoplastic sewer pipe with solvent welded joints is durable, easy to lay and recommended. Or force main if pumped.

Ideal line slope is two percent or two feet per 100 feet (one-quarter inch per foot). Vary from this slope as little as terrain permits. A minimum of one foot and a maximum of three feet per 100 feet (¼- to ¾-inch per foot) are recommended to avoid solids accumulation in the pipe. Care in laying the line results in less maintenance and fewer problems.

At least two cleanouts should be installed, one just outside the house and a second near the pond where the ground surface is six inches above the berm (see Figure 2) for access to unplug the line. A cleanout at each change in direction and every 100 feet is also recommended. Cleanouts may be a “T” or “Y” the same size as the sewer line, but cleaning is easier if access in each direction is possible.

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The line must enter the pond below the water surface to prevent freezing and ice problems, be above the bottom at least 20 inches, and should extend to near the center of the pond. The end of the pipe should be anchored by posts, steel support, or concrete blocks attached to a concrete slab (splash pad) at least two feet × two feet × four inches thick to help prevent damage to the discharge line.

Finally, after the embankment berms are complete, replace the topsoil over the outside, top and upper few feet of the inside of the embankment. Seed the embankment to perennial grass and apply and anchor a straw cover or erosion blanket for soil protection within 15-Days..

### **Wastewater Pond Fence**

The fence should preferably be located at least three feet outside the embankment toe. Here it makes mowing the embankment easier and looks more pleasing. The fences should never be on the water side of the embankment because it makes controlling vegetation very difficult. The fence shall be installed within 15-Days.

A fence on top of the berm, although not recommended, should be at least four feet from the inside edge to make mowing the embankment and slopes easier. A large (at least four feet wide) rigid-frame, hinged gate should be provided to allow easy access. When livestock are around the pond, the fence must be beyond the outside toe of the embankment slope to prevent erosion and damage to the embankment. The fence should be at least four feet tall but may need to be taller.

Fence openings should be no larger than about eight square inches ( $2 \times 4$  or  $2\frac{3}{4} \times 2\frac{3}{4}$  inches) or vertical slots no wider than  $1\frac{1}{2}$  inches. The material should be strong enough to stand up to children, wildlife and livestock if present. Kind and size of animals must be considered in selecting fence material. One barbed-wire strand must be placed at the bottom edge of the fence to discourage animals from going under. One barbed-wire strand should top the fence, but when livestock are present, use at least two strands on top.

### **Use of a Septic Tank**

Sometimes a septic tank should be installed ahead of a wastewater pond. There are both advantages and disadvantages for using the tank, so there is no single recommendation. Advantages include reduced organic strength by 40 percent; reduced solids load, which allows use of a small diameter effluent line and an effluent pump, increased distance between cleanouts, greater variability in sewer grade and greater flexibility for placement; reduced likelihood of odors; and reduced sludge accumulation in pond. Disadvantages include increased construction cost, anaerobic wastewater discharge to pond and added maintenance for the tank.

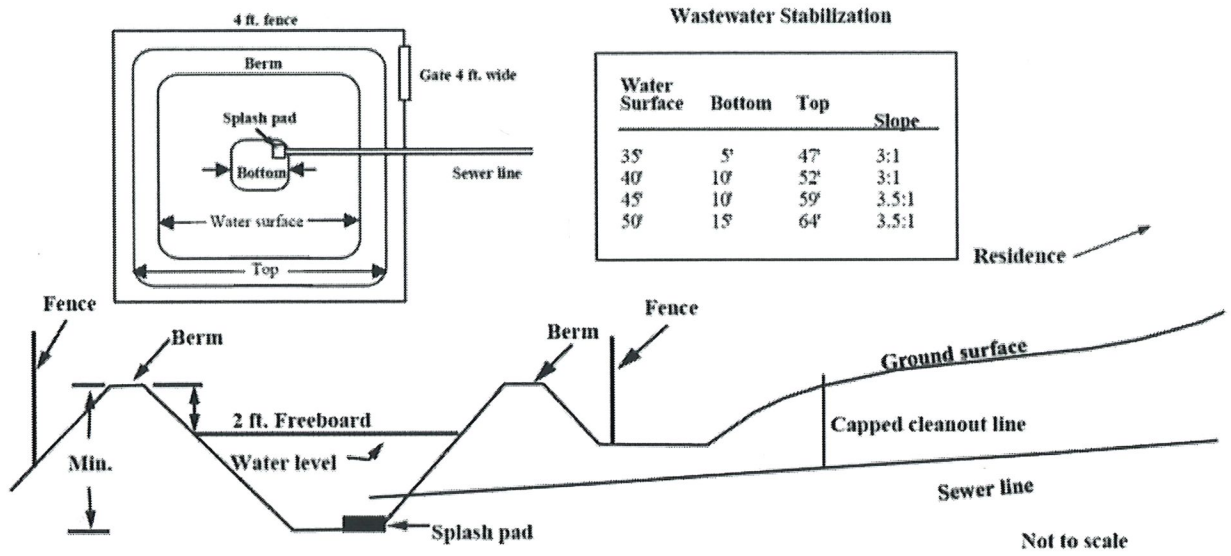
There are situations where a septic tank may be a benefit to include when a pond must be at a higher elevation than the residence, this will require pumping. This can occur when the sewer line grade from the point of discharge from the home or building cannot meet the one to three percent slope range. When a tank is used, it must be pumped regularly to avoid solids carryover that could block the effluent line to the lagoon.

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# Appendix 1: Lagoon Construction



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Appendix 2: Animal Units

Animal	Animal Unit Value
Horses	2.0
Mature dairy cattle	1.4
Beef cattle <i>Weighing more than 700 pounds</i>	1.0
Cattle <i>Weighing less than 700 pounds</i>	0.5
Swine <i>Weighing more than 55 pounds</i>	0.4
Ducks	0.2
Swine <i>Weighing 55 pounds or less</i>	0.1
Sheep or Lambs	0.1
Sheep or Lambs	0.018
Laying Hens or Broilers <i>If the facility has a Liquid manure System</i>	0.033
Laying Hens or Broilers <i>If the facility has continuous overflow watering</i>	0.01
Laying Hens or Broilers <i>If the facility has a dry manure system</i>	0.003

Total Animal Units= (# Animals) x (Corresponding Animal Unit Value)

Reference: K.S.A. 65-171d (3)(a)

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