

The enclosed Marshall County Sanitary Code has been officially adopted by the Marshall County Board of Commissioners.

Charles R. Loiseux

Signature

Chairman, Board of Commissioners

6-6-11

Date

Return to:

KDHE-Watershed Management Section

1000 SW Jackson, Suite 420

Topeka, KS 66612-1367

RESOLUTION NO. 11 - 06-6-1

A RESOLUTION AMENDING THE
MARSHALL COUNTY, KANSAS ENVIRONMENTAL
SANITARY CODE

WHEREAS, on June 6, 2011, the Marshall County Commission of Marshall County, Kansas, has held a public hearing pursuant to Notice of their intention to consider adopting the revised Environmental Sanitary Code of Marshall County, Kansas, dated March 25, 2002, as amended, and

WHEREAS, the Board of County Commissioners of Marshall County, Kansas, has now received and considered said revision and found the revision to be desirable and necessary for the protection of the health and welfare of the public in Marshall County, Kansas. Said Environmental Sanitary Code shall be available for inspection at the Marshall County Courthouse, Marysville, Kansas.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Marshall County, Kansas, that the proposed revision for the Environmental Sanitary Code of Marshall County, Kansas, a copy of which revision is attached hereto, marked Exhibit A and incorporated herein as though full set forth herein, be and is hereby adopted.

Adopted this 6th day of June, 2011.

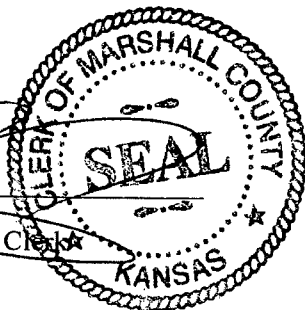
BOARD OF COUNTY COMMISSIONERS
MARSHALL COUNTY, KANSAS

Charles R. Loese

Don K. Halle

ATTEST:

Sonya Stohs
Sonya Stohs, County Clerk



Vote: Yea 2 Nay 1

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, MARSHALL COUNTY, ss:
Howard Kessinger

being first duly sworn, deposes and says: That
he is (Publisher) of THE MARYSVILLE
ADVOCATE, a weekly newspaper printed in the
State of Kansas, and published in and of general cir-
culation in Marshall County, Kansas, with a general
paid circulation on a yearly basis in Marshall Coun-
ty, Kansas, and that said newspaper is not a trade,
religious or fraternal publication.

Said newspaper is a weekly published at least week-
ly 50 times a year; has been so published continu-
ously and uninterruptedly in said county and state
for a period of more than five years prior to the first
publication of said notice; and has been admitted at
the post office of Marysville in said County as sec-
ond class matter.

That the attached notice is a true copy thereof and
was published in the regular and entire issue of said
newspaper for 1 consecutive weeks, the first
publication thereof being made as aforesaid on the
9th day of June, 2011,
with subsequent publications being made on the fol-
lowing date:

_____, 20____
_____, 20____
_____, 20____
_____, 20____

Howard Kessinger

Subscribed and sworn to before me this 9th
day of June, 2011.

My commission expires: 7-20-2014

Janice R. Smith
Notary Public

Printer's fee \$ 39.00 6 inches
Additional copies \$ _____ x 6.50/inch

Please remit to: The Marysville Advocate
Box 271
Marysville, KS 66508

39.00

MARSHALL COUNTY SANITARY CODE

published in The Marysville
on Thursday, June 9, 2011)
Notice Marshall County Kan-

ry Code
LUTION 6-6-1
LUTION OF THE MARSHALL
TY BOARD OF COMMIS-
SERS

HEREAS, a notice of public hear-
concerning the adoption of the amend-
shall County Sanitary Code, Mar-
county, Kansas, was given pursuant
A. 19-3704, and

HEREAS, a public hearing was
10:30 A.M. on June 6, 2011, in the
ission Chambers at the Marshall
Courthouse, Marysville, Kansas,
for the purpose of allowing all in-
l parties an opportunity to discuss
ended Sanitary Code.

OW, THEREFORE BE IT RE-
ED BY THE MARSHALL
TY BOARD OF COMMIS-
ERS OF MARSHALL COUNTY,
AS, that adoption of the amended

Sanitary Code is necessary for the protec-
tion of the general health and welfare of
the public, and

BE IT FURTHER RESOLVED,
that the boundaries of the area subject to
the amended Sanitary Code are all unin-
corporated areas within Marshall County,
Kansas, and

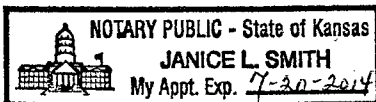
BE IT FURTHER RESOLVED, that
this resolution shall be published once in
the official county newspaper and shall be
effective upon its date of publication and
a copy of said code is available at the Mar-
shall County Clerk's Office.

This resolution is officially adopted
this 6th day of June, 2011, by the Marshall
County Board of Commissioners, Mar-
shall County, Kansas.

BOARD OF COUNTY COMMISSION-
ERS OF MARSHALL COUNTY, KAN-
SAS

Charles Loisean, Chair
Robert Connell, Member
Thomas Helle, Member

ATTEST: Sonya Stohs, County Clerk



**MARSHALL
COUNTY SANITARY
CODE**

MARSHALL COUNTY, KS

JANUARY 2011

APPROVED

JAN 28 2011

**Kansas Department of
Health and Environment**

Marshall County Sanitary Code

Table of Contents

Chapter 1 - Administrative Procedures

Section 1-1.0 Authorization and Policy	Page 2
Section 1-2.0 Definitions	Page 3
Section 1-3.0 Administrative Powers and Procedures	Page 4

Chapter 2 - On-site Wastewater Management

Section 2-1.0 Purpose and Intent	Page 8
Section 2-2.0 Applicability	Page 8
Section 2-3.0 Definitions	Page 8
Section 2-4.0 Prohibited Practices	Page 10
Section 2-5.0 Requirements for Private Wastewater Systems	Page 11
Section 2-6.0 Minimum Standards for Soil Topography and Geology..	Page 13
Section 2-7.0 Requirements for Sanitary Privies	Page 13
Section 2-8.0 Sanitary Services	Page 14
Section 2-9.0 Requirements for Subdivision Development	Page 14

Chapter 3 – Nonpublic Water Supplies

Section 3-1.0 Purpose and Intent	Page 15
Section 3-2.0 Applicability	Page 15
Section 3-3.0 Definitions	Page 15
Section 3-4.0 Requirements for Nonpublic Water Supplies	Page 16
Section 3-5.0 Minimum Standards for Groundwater Supplies	Page 16
Table 1 Minimum Separation Distance	Page 17
Section 3-6.0 Requirements for Subdivision Development	Page 17

Appendix A Wastewater Lagoon Systems	Page 18
--	---------

Appendix B	Page 21
------------------	---------

Figures 1-4	Page 22
-------------------	---------

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

ENVIRONMENTAL/SANITARY CODE

MARSHALL COUNTY, KANSAS

CHAPTER 1

ADMINISTRATIVE PROCEDURES

SECTION 1-1.0 AUTHORITY AND POLICY

1-1.1 Legal Authority. This code is adopted under authority granted to the Marshall County Board of County Commissioners by K .S.A. 19-3701 et. seq. and/or K.S .A. 12-3301 et. seq., as amended.

1-1.2 Declaration of Finding and Policy. The Commissioners find that the provision of adequate and reasonable control over environmental conditions in the county are necessary and desirable . An environmental/sanitary code establishes standards to eliminate and/or prevent the development of environmental conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Marshall County Board of Commissioners to adopt, and amend when necessary, an environmental/sanitary code for the regulation of practices that affect the environment and public health and safety.

1-1.3 Purpose. The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administering this environmental/sanitary code and any amendments thereto.

1-1.4 Title. This code shall be known and referred to as the Marshall County Environmental/Sanitary Code.

1-1.5 Applicability. The procedures prescribed in this chapter shall be Followed in administering this code and any amendments thereto.

1-1.6 Effective Date. This code shall become effective September 1, 1993.

SECTION 1-2.0 DEFINITIONS

The following words, terms and phrases appear in more than one chapter of this code and thus have general application and usage . Words, terms , and phrases appropriate or applicable to specific chapters within this code may be found in that particular chapter .

1-2.1 **Administrative Agency** means the entity authorized to administer and implement the provisions of this code. The Administrative Agency for Marshall County is designated as the Board of County Commissioners of Marshall County, Kansas or a duly authorized representative of the Board of County Commissioners of Marshall County, Kansas.

1-2.2 **Administrative Rules** means those rules contained in chapter one of this environmental/sanitary code which prescribe general procedures to be followed in the administration of the environmental/sanitary code adopted by the county.

1-2.3 **Authorized Representative** means any person or agency who is designated by the Administrative Agency to administer this code.

1-2.4 **Board of County Commissioners** means the Board of County Commissioners of Marshall County, Kansas.

1-2.5 **Board of Health** means the Marshall County Board of Health. (K.S .A. 65-201)

1-2.6 **Health Officer** means the Marshall County Health Officer, appointed by Marshall County Board of Health, or a duly authorized representative.

1-2.7 **Hearing Officer** means the Board of County Commissioners of Marshall County, Kansas, or their appointed representatives to hear appeals from decisions made by the health officer relating to the enforcement and administration of this code.

1-2.8 **KDHE** means the Kansas Department of Health and Environment.

1-2.9 **Person** means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission or interstate body or other legal entity recognized by law as the subject of rights and duties.

1-2.10 **Premise and/or Real Property** means any lot, parcel, plat or tract of land and all buildings, structures, or facilities located thereon.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

SECTION 1-3 .0 ADMINISTRATIVE POWERS AND PROCEDURES

1-3.1 Right of Entry. Authorized Representatives of the Administrative Agency shall have the power and authority to inspect premises for compliance with the Marshall County Environmental/Sanitary Code by K.S.A 65-159.

1-3.2 Permit and License.

1-3.2.1 Application for Permits and Licenses . Every person required by this environmental/sanitary code to obtain a permit or license shall make application for such permit or license to the Authorized Representative.

1-3.2.2 Issuance of Permit or License. After receipt of an application a required by this code, the Authorized Representative shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within thirty (30) days of such receipt . If the permit or license is denied, the Authorized Representative shall send the applicant a written notice and state the reasons for rejection.

1-3.2.3 Permit Nontransferable. No permit or license required by this environmental/sanitary code shall be transferable, nor shall any fees required and paid therefore be refundable.

1-3.2.4 Permit Revocation. All permits are subject to revocation for reasons of noncompliance or misrepresentation .

1-3.2.5 Standard Fees. The Administrative Agency shall establish a schedule of fees for all permits and licenses required by the code, and said fees shall be paid to the Authorized Representative . The Authorized Representative shall not process any application for a permit or license until the required fee has been paid.

1.3.3 Notices, Orders, Appeals

1-3.3.1 Notice of Violations. When the Administrative Agency determines that there has been a violation of any provision of this code, notice of such violation shall be issued to the person responsible . The notice shall :

- a. be in writing;
- b. include a statement of why the notice is being issued;
- c. allow a reasonable period of time for performance of any work required by the notice ; and,

APPROVED

- d. be properly served upon the owner or agent and such notice shall be deemed properly served when a copy has been sent by certified mail to the last known address of the owner or agent.

1-3.3.2 Appeal for Hearing. Any person aggrieved by any notice or order issued by the Administrative Agency or Authorized Representative under the provisions of this environmental/sanitary code may request, and shall be granted, a hearing on the matter before the Hearing Officer ; provided such person files with the Administrative Agency, within ten (10) working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. Except in the case of Emergency Orders as defined in Section 1-3.3.4, the filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of such petition, the Administrative Agency shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced no later than ten (10) working days after the date on which the petition was filed ; provided, that upon request of the petitioner, the Administrative Agency may postpone the hearing for a reasonable time beyond such ten-day period, when in the Agency's judgment the petitioner has submitted justifiable reason for such postponement.

1-3.3.3 Report of Hearing. Within ten (10) working days after such a hearing, the Hearing Officer shall submit the findings of the hearing to the petitioner. The findings shall include a recommendation that the order be sustained, modified, or withdrawn . The Administrative Agency shall consider the report and issue an order confirming, modifying or withdrawing the notice or order, and shall notify the petitioner in the same manner as is provided for in Sec. 1-3.3.1.

1-3.3.4 Emergency Orders. Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, the Administrative Agency may issue an order reciting the existence of such an emergency, and specifying action to be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply immediately.

APPROVED

JAN 28 2011

1-3.4 Records.

1-3.4.1 Permit Application. Applications for permits or licenses required by this code must be filed with the Authorized Representative.

1-3.4.2 Official Actions. A written record of all official actions taken on applications for permits and licenses required by this environmental/sanitary code shall be kept on file with the Administrative Agency.

1-3.4.3 Proceedings of Hearings. The proceedings of all hearings, including findings and decisions of the Hearing Officer, and a copy of every notice and order thereto shall be filed with the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.5 General Provisions.

1-3.5.1 Enforcement Procedure. The County Attorney or County Counselor shall enforce the provisions of this code and other environmental/sanitary codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement , upon request of the Administrative Agency. Actions of injunction, mandamus, and quo warrant to may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure .

1-3.5.2 Penalties. In addition to, and independently of, the enforcement procedures provided in section 1-3.5.1, any violation of any provision of an environmental/sanitary code shall be deemed to be a misdemeanor and upon conviction punishable by a fine not to exceed two hundred dollars (\$200) for each offense . Each day's violation shall constitute a separate offense.

1-3.5.3 Disclaimer of Liability. This code and other environmental/sanitary codes adopted shall not be construed or interpreted as imposing upon Administrative Agency, Authorized Representative, the county or its officials or employees (1) any liability or responsibility for property, or (2) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by the environmental/sanitary code will function properly.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

1-3.5.4 Reparability. If any clause, sentence, paragraph, section or subsection of this code shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or subsection found to be unconstitutional and invalid.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

ENVIRONMENTAL/SANITARY CODE

MARSHALL COUNTY, KANSAS

CHAPTER 2

ON-SITE WASTEWATER MANAGEMENT

SECTION 2-1.0 PURPOSE AND INTENT

Sewage is a potential source of disease and water pollution, and a hazard to the health, safety, and welfare of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance and use of on-site wastewater systems, and the removal and disposal of materials from such facilities within the legal boundaries of Marshall County.

SECTION 2-2.0 APPLICABILITY

The provisions of this chapter shall apply to all premises, real property, located in all unincorporated areas of Marshall County, Kansas. Any incorporated city within Marshall County may adopt this sanitary code by proper proceedings.

SECTION 2-3.0 DEFINITIONS

2-3.1 Beneficial use means the use of water for any of the following purposes: agricultural water supply ; aquatic life; domestic water supply; groundwater recharge; industrial water supply; recreation.

2-3.2 Cesspool is defined as a drywell that receives untreated domestic wastes containing human excreta. A drywell is defined as a well completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

2-3.3 Domestic Wastewater means wastewater originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks.

2-3.4 Non-domestic Wastewater means automotive grease, oil, antifreeze or toxic or hazardous waste from a commercial or manufacturing business or waste other than domestic waste.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

2-3.5 Nuisance means conditions or activities on properties both public and private, which have, or threaten to have a detrimental effect on the environment or the health of the public.

2-3.6 Private Wastewater System Private wastewater system means any system that is not required to hold a Kansas Water Pollution Control Permit pursuant to K.S.A.1991 Supp. 65-171d. This includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.

2-3.7 Sanitary Privy means a facility with a water-tight receptacle made of concrete or other material acceptable to the code administrator designed to receive, store and provide for periodic removal of non-water carried wastes from the human body. Material removed from the vault is transported and disposed at a publicly owned wastewater treatment facility or other means as approved by local authorities.

2-3.8 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human excreta from sanitary privies, vaults/holding tanks, septic tanks, or private wastewater disposal systems; and the transportation of such material to a point of final disposal.

2-3.9 Seepage Pit means a subsurface excavation, which is filled with rock or gravel and receives effluent from treatment devices.

2-3.10 Sewage means any substance that contains any of the waste products or excrement or other discharges from the bodies of human beings or animals or chemical or other wastes from domestic, manufacturing or other forms of industry.

2-3.11 Subdivision means any parcel 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 redivision of lands.

2-3.12 Wastewater Systems means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic, industrial, or commercial waste.

2-3.13 Vaults/Holding Tanks means a water-tight receptacle constructed of concrete or other material, designed to receive, store and provide for periodic removal of non-water carried wastes from the human body.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

SECTION 2-4.0 PROHIBITED PRACTICES

2-4.1 Use of existing wastewater systems. Private wastewater systems existing prior to the adoption of this code are exempt from meeting the requirements of this code unless the existing wastewater system poses a hazard to waters of the state or public health as referred to in Section 2-4.2 provisions a, c, d, and/or e.

2-4.2 Use of Nonapproved Private Systems

No person shall sell, use, or cause to be used, any private wastewater system, or sanitary privy constructed after adoption of this environmental/sanitary code until it has been inspected and approved by the Authorized Representative, or if it:

- a. has been enjoined as a public health nuisance by KDHE, the Administrative Agency or a court of competent jurisdiction; or,
- b. fails to comply with the provisions of this environmental/sanitary code, and written notice thereof has been given by the Administrative Agency; or,
- c. discharges onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161 (a); or,
- d. causes vector breeding, or produces offensive odors or any condition that is detrimental to health and comfort; or,
- e. discharges to a cesspool or seepage pit; or,
- f. Receives foundation drain, floor drain, surface water, or other non-domestic wastewater. Only domestic wastewater shall be permitted to discharge to an approved onsite wastewater system.

2-4.3 Use of Private Wastewater Systems Within 400 feet of Public Sewer. No private wastewater system shall be constructed or reconstructed within 400 feet of an existing public sewer, unless the Administrative Agency finds connection to such a sewer is not feasible and that a private wastewater system, satisfying the purposes and requirements of this code, can be constructed and used on that property.

2-4.4 Location of Private Wastewater Systems Below Full/Flood Pool. No portion of a private wastewater system shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir.

2-4.5 Location of Private Wastewater Systems Within a 100 Year Flood Plain. No portion of a private wastewater system shall be located within the 100 year flood plain as established by the Federal Emergency Management Agency, of any stream, river, or water course.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

SECTION 2-5.0 REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS.

2-5.1 Approval of Plans. After adoption of this code no person shall develop any private wastewater system until the plans and specifications for such systems have been approved by the Authorized Representative. Onsite wastewater systems shall be designed, constructed and operated in accordance with standards set forth in KDHE Bulletin 4-2 "Minimum Standards for Design and Construction of Onsite Wastewater Systems" published March 1997, as amended, by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service. KDHE Bulletin 4-2 is hereby adopted by reference. Copies of KDHE Bulletin 4-2 can be obtained from the Authorized Representative upon request.

2-5.2 Permit. No person shall construct or modify, or permit to be constructed or modified, any private wastewater system until a permit application has been issued by the Authorized Representative. Installation of wastewater systems must be completed and permit requirements met within 12 months of the permit approval date . If installation is not completed within the 12 months, the landowner must reapply for the permit and submit the additional required permit fee. Completion of wastewater lagoons includes the fencing requirements as stated in Appendix A.

2-5.3 Suitable Site. No site shall be approved if:

- a. connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-4 .0 of this code; or
- b. the lot size is less than 4 acres of land if utilizing a nonpublic water well or 3 acres of land if utilizing public water supply exclusive of roads, streets, or other right-of-ways or easements. Real property deeded or platted prior to the amendment of this code must meet the lot size requirements of this code in effect the time the deed or plat is filed. See Appendix B for illustrative examples; or
- c. the soil, topography, and geology do not meet the requirements set forth in Section 2-6.0

2-5.4 Construction Approval. All private wastewater systems developed or modified after the effective date of this environmental/sanitary code must be inspected and approved by the Authorized Representative for compliance with the approved plans . No portion of the system shall be covered or made inaccessible to inspection prior to approval. Minimum construction guidelines will be based on current KDHE guidelines for conventional and alternative wastewater systems. A

APPROVED

JAN 18 2011

copy of the KDHE guidelines may be obtained from the Authorized Representative. Construction requirements as stated in the Marshall County Environmental/Sanitary Code takes precedence over any state construction requirements. Specific wastewater pond requirements for Marshall County are stated in the attached Appendix A.

2-5.5 Proper Maintenance and Operation. All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency finds any private wastewater disposal system in violation of this code, the owner and/or user shall be ordered to correct the condition. Failure to do so shall be deemed a misdemeanor and punishable by a fine not to exceed \$200 .00 for each offense. Each day's violation shall constitute a separate offense.

2-5.6 Property Sale or Refinance. No person shall sell or refinance any property which utilizes an onsite wastewater system without first having the Administrative Agency inspect and approve the onsite system. Failed systems must be brought into Code compliance. The inspection shall consist of, but is not limited to, the following:

- a. The tank shall be pumped at the time of inspection;
- b. The tank shall be checked for proper size, cracks and presence Of correct inlet and outlet baffles;
- c. Properly installed absorption field;
- d. Evidence of effluent discharge promoting or contributing to an environmental health hazard; and
- e. Wastewater stabilization pond (lagoon) will be checked for proper maintenance, fence, gate, lock and any requirement set forth by this Code.

2-5.7 Waiver. The Administrative Agency shall have the authority to grant exceptions when reliable information is provided which can justify the exception and which will still protect the beneficial uses of the waters of the state and not create a nuisance or health hazard. Before construction may begin on the onsite wastewater system, the variance must be approved and filed by the Authorized Representative to remain in compliance with KSA 28-5-9.

SECTION 2-6.0 MINIMUM STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY

No private wastewater system shall be constructed on any lot of any size unless minimum standards for soil, topography and geology as established in KDHE Bulletin 4-2 are met.

APPROVED

Natural Resource Conservation Service (NRCS) Soil Surveys, Percolation test and soil profile examinations may be conducted and the results interpreted by the Authorized Representative or a party or agency approved and designated by the Administrative Agency.

SECTION 2-7.0 REQUIREMENTS FOR SANITARY PRIVIES

2-7.1 Approval of Plans. No person shall construct or modify any sanitary privy until the plans and specifications for the proposed construction and/or modification have been approved by the Authorized Representative. Sanitary privies shall not be constructed where other means of wastewater treatment acceptable under this code can be made available to the site.

2-7.2 Approval of Construction. No person shall sell, use, or make available for use, any newly constructed or modified sanitary privy until the construction has been inspected and approved by the Authorized Representative for compliance with approved plans.

2-7.3 Proper Maintenance. No person shall use, or offer for use, any sanitary privy that is not maintained in a clean sanitary condition.

2-7.4 Vault/Holding Tank Required. A watertight vault/holding tank shall be provided in lieu of the standard pit.

2-7.5 Location of a Sanitary Privy Within 100 feet of a well . No sanitary privy shall be installed less than 100 feet, 500 feet preferred, from any existing well.

SECTION 2-8.0 SANITARY SERVICES

2-8.1 Minimum Standards for Sanitary Service Equipment. All equipment used for rendering of sanitary service shall be of watertight construction and maintained in good working condition. This ensures that all materials removed from private wastewater disposal systems or sanitary privies will be transported to an approved point of disposal without spillage of waste.

2-8.2 Approved Septage Disposal Methods. All septage shall be disposed of using one of the following methods:

- a. The most desirable method is disposal of septage at a municipal wastewater treatment plant. Septage haulers may be requested to submit a written and signed agreement between the hauler and the plant indicating the amount of septage that the plant agrees to accept annually by the hauler.

APPROVED

- b. Land application of septage in accordance with Federal EPA 503 Regulations is also an acceptable method.
- c. Other methods which are approved by KDHE and the Administrative Agency.

2-8.3 Restrictions To Land Application of Septage All land application of septage shall be:

- a. limited to less than 30,000 gallons of septage per acre per year;
- b. stabilized with lime to reduce pathogens and vector attraction;
- c. incorporated into the soil within twenty-four (24) hours of application or applied to a nitrogen consuming crop;
- d. prohibited from parks and recreational areas;
- e. prohibited from land used for cultivation of edible plants;
- f. limited to sites where the ground water table is greater than four (4) feet below the ground surface.
- g. prohibited from frozen, snow covered or saturated soil caused by heavy rain or flooding;
- h. prohibited from sites within the ten year flood plain;
- i. two hundred (200) feet from any surface water bodies;
- j. prohibited of applying septage within 250 feet of any house or occupied dwelling; and
- k. prohibited of applying septage within 100 feet of a property line.

SECTION 2-9.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT After adoption of this code no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

ENVIRONMENTAL/SANITARY CODE

MARSHALL COUNTY, KANSAS

CHAPTER 3

NONPUBLIC WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT

The provisions of this chapter are for the purpose of controlling the siting, maintenance, and use of all water supplies, other than public supplies and irrigated areas larger than two acres, used for human consumption, in Marshall County, KS, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

SECTION 3-2.0 APPLICABILITY

The provisions of this chapter shall apply to all premises, real property, in all unincorporated areas of Marshall County Kansas. Any incorporated city within Marshall County may adopt by proper proceedings this sanitary code.

SECTION 3-3.0 DEFINITIONS

3-3.1 Domestic Uses means the use of water by any person or family unity or household for household purposes, or 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 in area for the growing of gardens, orchards and lawns.

3-3.2 Public Water Supply means a system that has at least ten service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

3-3.3 Nonpublic Water Supply means all water supplies not meeting the definition of Public Water Supply.

APPROVED

JAN 28 2011

SECTION 3-4.0 REQUIREMENTS FOR NONPUBLIC WATER SUPPLIES

3-4.1 Permit. No person shall develop any non-public water supply until a permit has been obtained from the Authorized Representative.

3-4.2 Approved Plans. No permit to develop a non-public water supply subject to regulations of this code shall be issued until the plans have been approved by the Authorized Representative. References approved by KDHE shall be used as a guide by the Authorized Representative in reviewing and approving plans for non-public water supply systems.

3-4.3 Disinfection of Nonpublic Water Supplies Testing Positive for Coliform Bacteria . Nonpublic water supplies testing positive for coliform bacteria shall be disinfected in accordance to Kansas Water Well Regulations noted in K.S.A. 82a-1201 et seq. Kansas Groundwater Exploration And Protection Act and K.A.R. 28-30-1 et seq. Water Well Contractor's License; Water Well Construction and Abandonment.

3-4.4 Waiver/Variance. The County Commissioners shall have the authority to Grant exceptions when reliable information is provided which can justify the exception and which will still protect the beneficial uses of the waters of the state and not create a nuisance. All waivers/variances granted shall comply with the provisions noted in K.A.R. 28-30-1 to 28-30-10 et.seq.as amended. If such wavier/variance does not comply with Article 30, a waiver/variance from KDHE must be maintained.

SECTION 3-5.0 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES

3-5.1 Location. All wells used as sources of water for non-public water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table 1 . Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

APPROVED

JAN 18 2011

Kansas Department of
Health and Environment

TABLE 1

Minimum Separation Distance Between Nonpublic water Supply Wells and Sources of Pollution

<u>Source of Pollution</u>	<u>Minimum Separation</u>	<u>Recommended Separation</u>
Subsurface absorption field for septic tank effluent or household lagoon	100 feet *	> 100 feet
Sanitary Privy	100 feet	> 100 feet
Septic tank	50 feet *	> 100 feet
Barnyards, stables, manure piles, animal pens, etc.	50 feet *	> 100 feet
Streams, lakes and ponds	50 feet *	> 50 feet
Sewer lines, not constructed of cast iron or other equally watertight construction	50 feet *	> 100 feet

<u>Source of Pollution</u>	<u>Minimum Separation</u>	<u>Recommended Separation</u>
Sewer lines constructed of cast iron or other equally watertight construction	10 feet *	> 10 feet
Property line	25 feet	> 25 feet

*As required by K.A.R. 28-10-101

3-5.2 Construction and Enforcement. Well construction and the enforcement of this section of the environmental code shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10 et seq . as amended .

SECTION 3-6.0 Requirements for Subdivision Development

After adoption of this code no person shall develop any subdivision until the plans and specifications for water supply provision and/or protection have been approved by the Administrative Agency.

APPROVED

JAN 28 2011

APPENDIX A

WASTEWATER LAGOON SYSTEMS

Introduction:

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

Lagoon System:

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

Table 1: Minimum Required Distances from household Lagoon

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

Note: Distances measured from maximum water level.

Lagoon Size:

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

Table 2:

<u>Design Size</u>	<u>Water Surface</u>	<u>Bottom</u>	<u>Top</u>	<u>Slope</u>
M35	35'	5'	47'	3: 1
M40	40'	10'	52'	3: 1
M45	45'	10'	59'	3.5: 1
M50	50'	15'	64'	3.5:1

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

Sewer Line to Lagoon:

The sewer line from the residence to the lagoon shall be a minimum of a four (4) inch diameter solid pipe. Schedule 40 or heavier is best, but SDR 35 will be approved. However, under high traffic areas, for example a driveway, Schedule 80 or heavier pipe must be used or the pipe needs to be double encased. All joints will have solvent welded joints.

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

The trench bottom should be undisturbed soil and free of rocks or other material that could rupture the line. Backfill shall be compacted around the sides of the line at least 2 inches over the top of the line. The remainder of the trench shall be filled and mounded over trench to allow for settling.

At least two (2) cleanouts shall be provided. One clean out shall be located just outside the house (or inside) and the second shall be located near the lagoon. Additionally, a clean out is highly recommended every 100 feet or at every change in directions of the sewer line. Clean outs may be a "T" or "Y" the same size as the sewer line.

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

Construction:

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

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

Embankment slopes shall not be steeper than 3 feet (horizontal) to 1 foot (vertical).

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

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

Topsoil should be replaced on embankment surface once the lagoon is completed. Perennial groundcover is necessary to reduce erosion. Groundcover shall be seeded as soon as it is feasible to plant the desired groundcover choice. A protective straw or hay cover mulch is encouraged to hold the soil and seed in place until the cover is established.

FIGURE 1 depicts a typically constructed wastewater lagoon system.

APPROVED

JAN 28 2018

Fencing Requirements:

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

Fencing diagrams are shown in **FIGURES 2, 3 and 4**. Fencing material must be a minimum of 4 feet tall and taller is highly recommended. Fence openings shall be no larger than 2"x4" or consist of combination cattle panels or woven wire. Types of acceptable fencing include chain link, welded wire, woven wire, horse panels or combination cattle panels. The combination cattle panels or woven wire must have smaller opening at the bottom or throughout the fence (2"x4"). When using the combination cattle type panels or woven wire at least one row of barb wire must be placed around the top. If livestock is accessible to the lagoon area all of the fence types should have barb wire and be placed at the bottom of the lagoon berm toe (outside). Without livestock, fence may be placed around the top of the lagoon berm, but cannot be any closer than 2 feet from the inside edge of the top of the embankment. Any type of fence posts may be used, but solid, sturdy corner posts are required or the corners must be securely anchored. Posts placed between the corners cannot be further than 10 ft apart. The fencing material must be flush to the ground at all points. Fence must be maintained properly at all times.

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

Abandoned Wastewater Lagoons:

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

Maintenance:

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

APPROVED

JAN 28 2018

Kansas Department of
Health and Environment

Appendix B

Illustrative Examples for acreage requirements under 2-5.3 Suitable Site:

After the Sanitary Code amendment date:

Example A is buying unplatted land to build a new house. Since the purchase is made after the amendment of this code and a new deed will be issued for the property, the parcel must meet the 5-acre minimum requirement.

Example B is buying a rural home that currently sits on an 80-acre parcel, but the entire 80 acres is not being purchased. Example B must purchase at least 5 acres from the original parcel.

Land deeded or platted prior to the Sanitary Code Adoption Date, September 1, 1993:

Example C purchased a one acre plat in 1989. Example C is exempt from meeting any acreage requirement. However, the separation distances required by the Marshall County Sanitary Code must still be met and a permit must be obtained for either a domestic well or a septic system.

Land deeded or platted prior to the amendment date but after the adoption of the Sanitary Code:

Example D purchased land to build a home in 1995. The location had a private well for a water supply. Marshall County Sanitary Code requirements in effect at the time the parcel was deeded required Example D to purchase a minimum of at least two acres. Parcels deeded with rural water supply were required to have at least 40,000 square feet of land. Regardless of parcel size, all domestic water wells, modified and new septic systems must meet the separation distances of the Marshall County Sanitary Code.

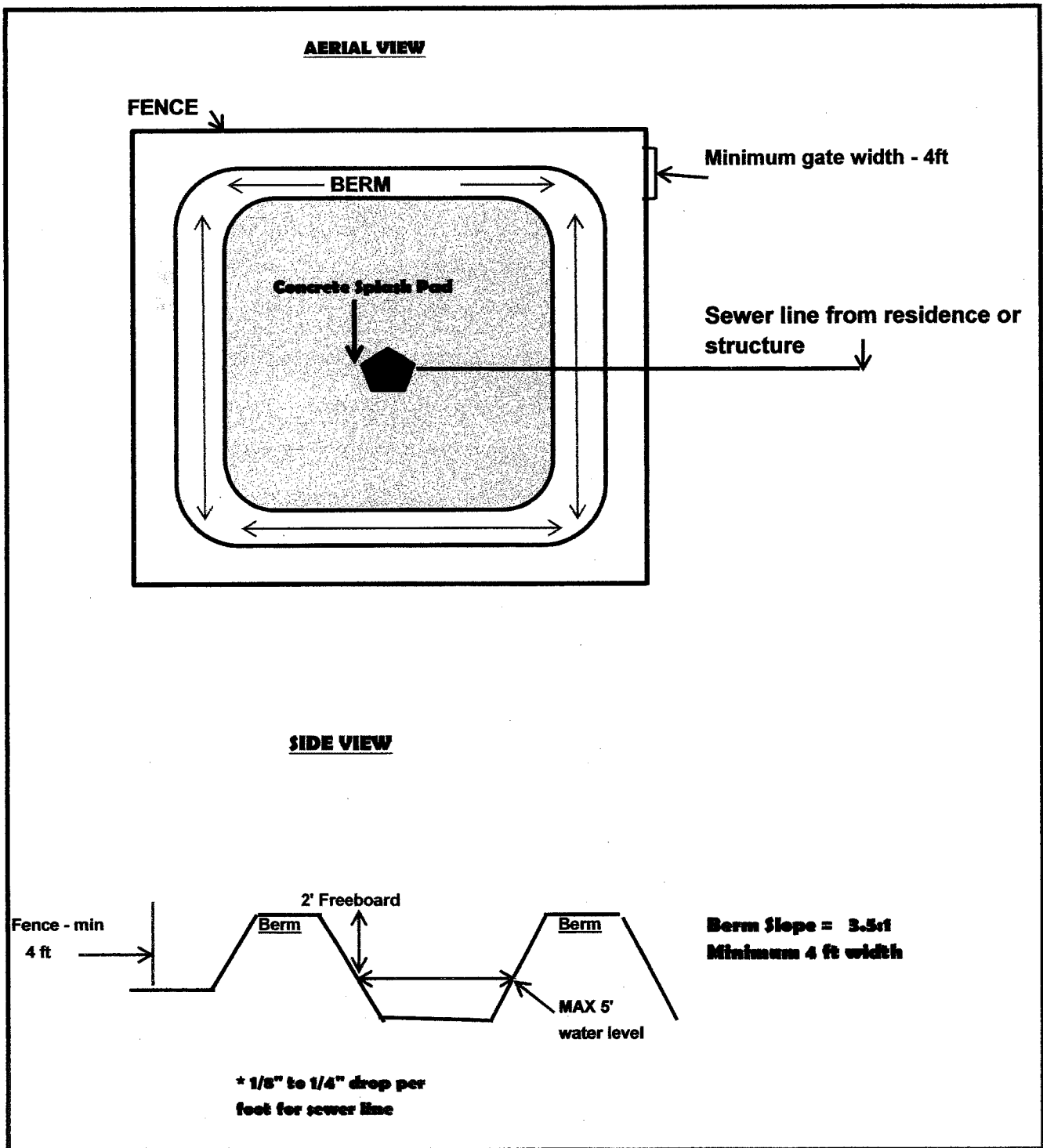
Whenever a parcel of land is broken into smaller parcels, all parcels must meet the Sanitary Code acreage requirement in effect at the time it is deeded. This would include subdivision plats and deeded parcels.

APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

Figure 1: Domestic Lagoon System Construction

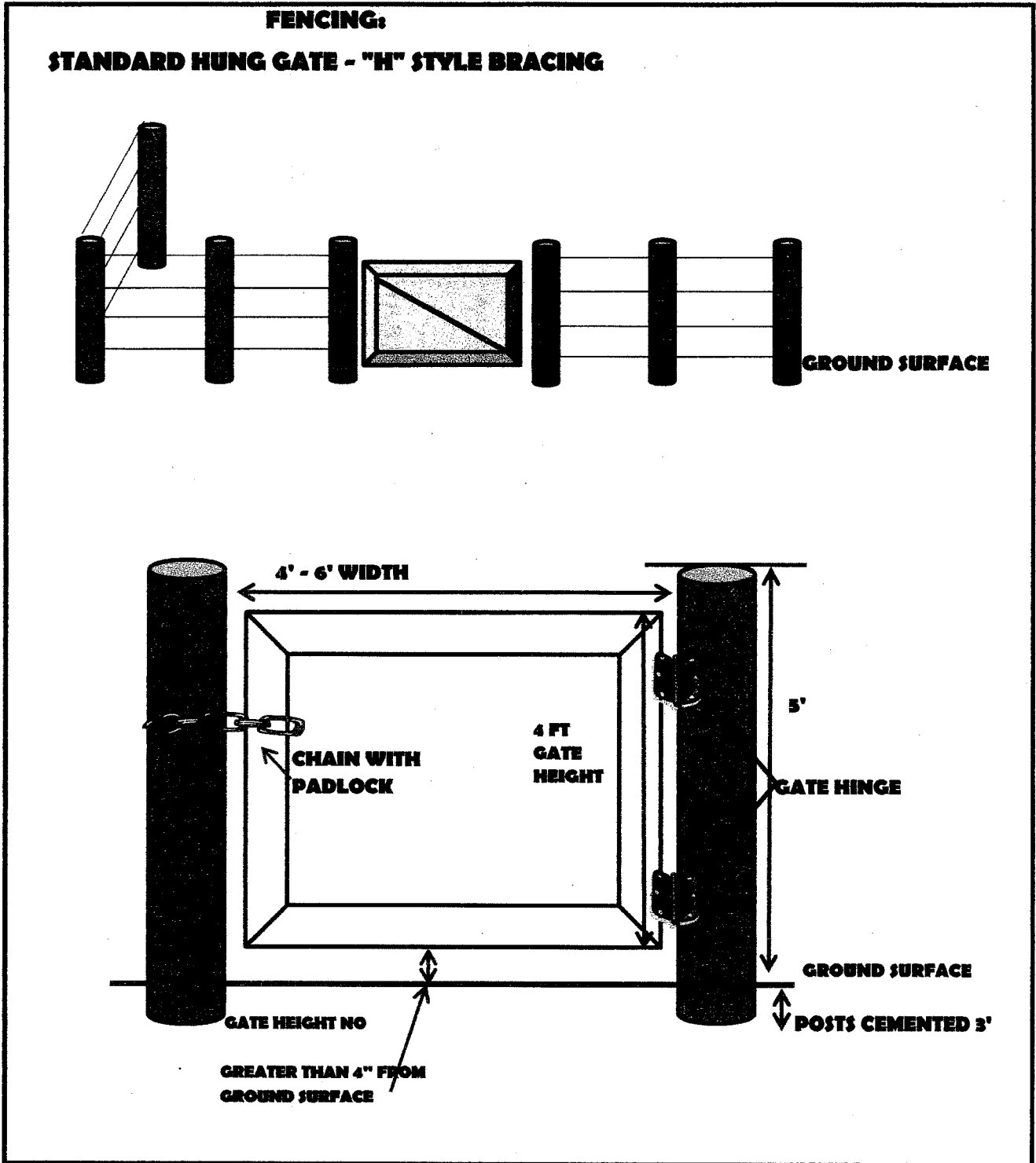


APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

Figure 2: Lagoon Fencing

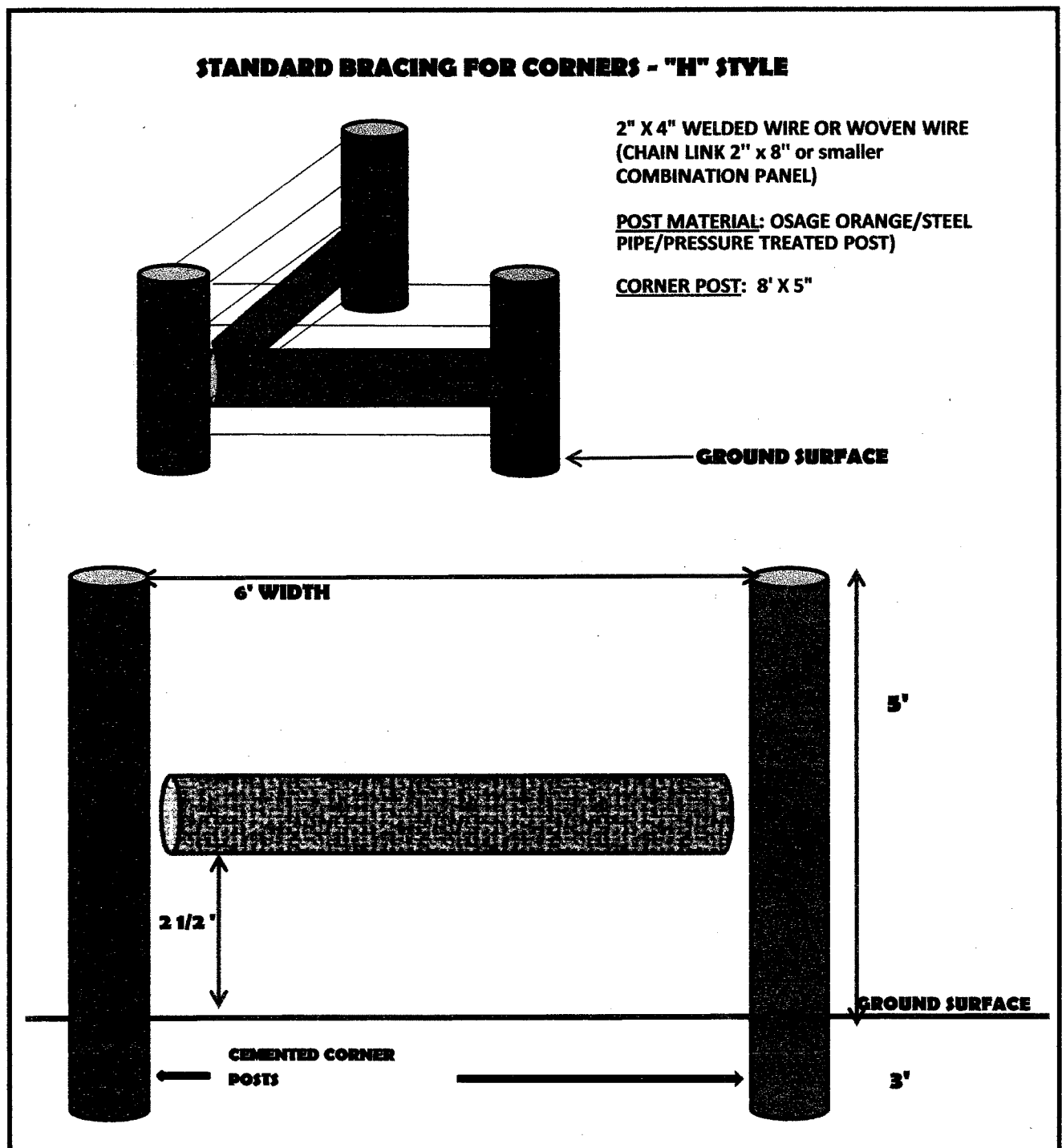


APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

Figure 3: Standard Bracing

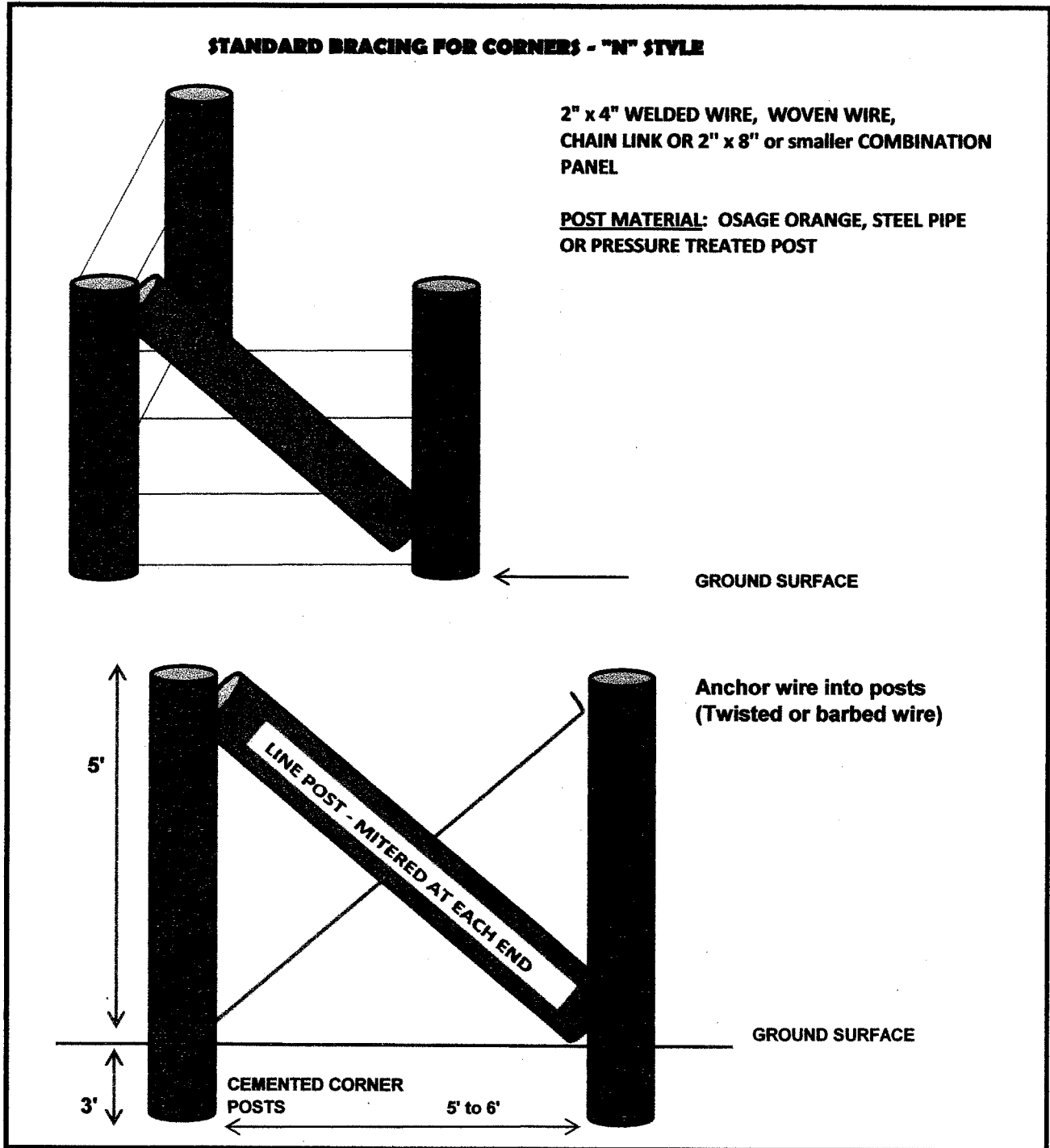


APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

FIGURE 4: Standard Bracing Continued

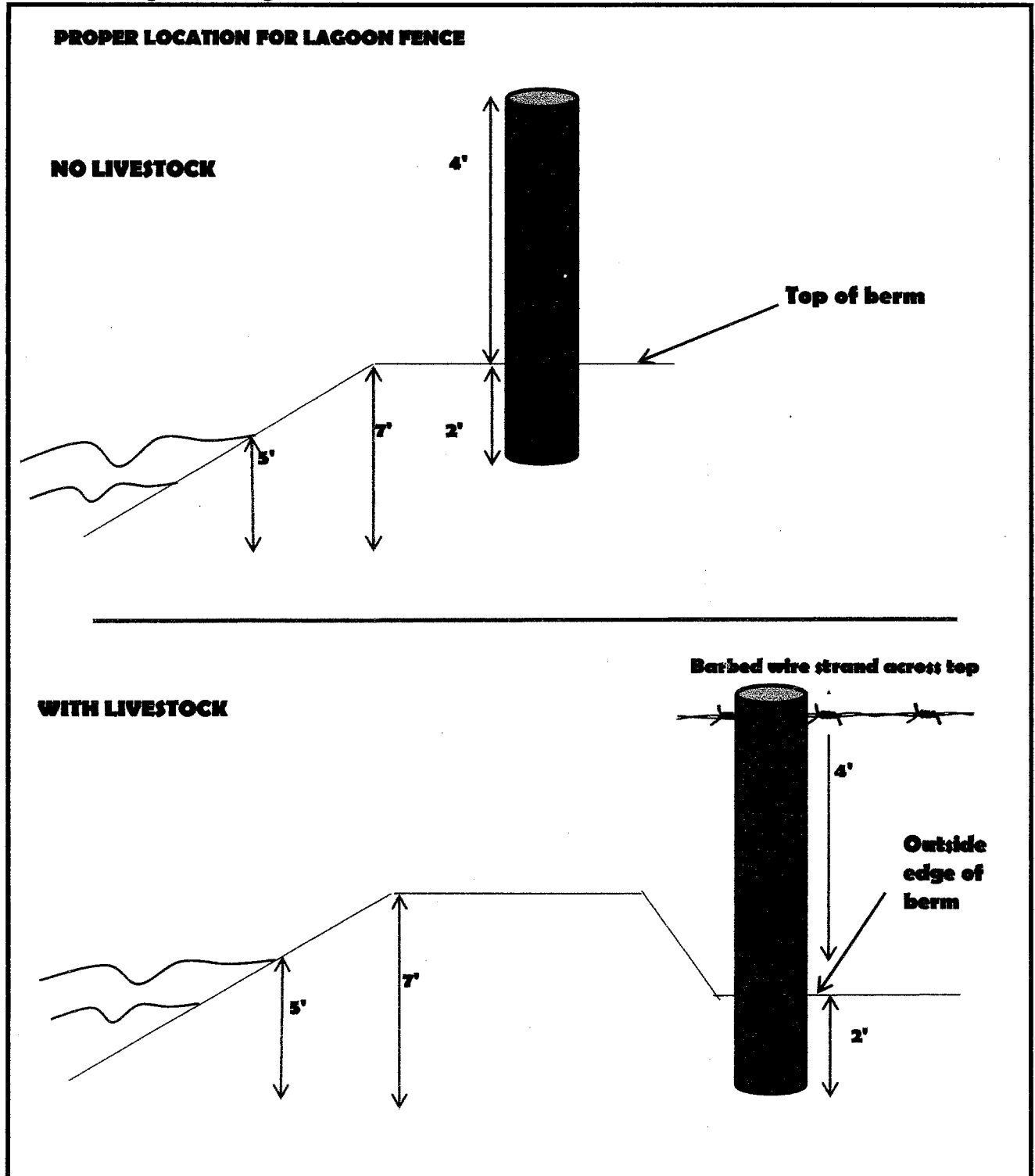


APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

FIGURE 5: Lagoon Fencing



APPROVED

JAN 28 2011

Kansas Department of
Health and Environment

