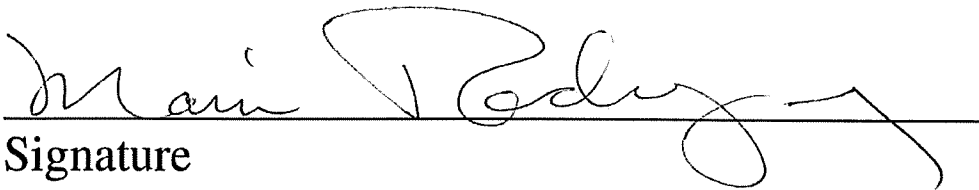


The enclosed Riley County Sanitary Code has been officially adopted by the Riley County Board of Commissioners.



Signature

Chairman, Board of County Commissioners

2-20-2020

Date

Return to:

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

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BUREAU OF ENVIRONMENTAL  
FIELD SERVICES



# ***The Riley County Sanitary Code***

***Riley County  
Planning and Development***

***Environmental Health***

***Adopted  
February 20, 2020***

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**CHAPTER I**  
**ADMINISTRATIVE PROCEDURES**

**ARTICLE 1**                    **AUTHORITY AND POLICY**

Section

- 1-1.1                    Legal Authority. This code is adopted under the authority granted to The Board of County Commissioners by K.S.A. 19-3701 et. seq., K.S.A. 19-101a, or K.S.A. 12-3301, 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 is necessary and desirable because the control and prevention of surface and groundwater pollution is fundamental to the health, safety, and welfare of the public. A 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 Board of County Commissioners to adopt and amend a sanitary code to provide current regulation of practices that affect health and safety.
- 1-1.3                    Purpose. The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administrating this sanitary code or any amendments thereto; and to prescribe rules and regulations for controlling practices to minimize health and safety hazards.
- 1-1.4                    Title. This code shall be known and referred to as the Riley County Sanitary Code.
- 1-1.5                    Applicability. This Code and all authorized rules, regulations, and restrictions authorized by this Code shall apply to the unincorporated area of Riley County, Kansas, and to all persons, property, establishments, and business activities located or conducted therein, regardless of ownership. This Code does not apply to any tract of land under one ownership, which exceeds 600 acres in area and is used only for agricultural purposes, except for residences located thereon.
- 1-1.6                    Separability. 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 to the clause, sentence, paragraph, section, or subsection thereof so found unconstitutional and invalid.
- 1-1.7                    Effective Date. This Code shall become effective from and after its approval by KDHE, the date of adoption by the Board of County Commissioners and publication of notice as required by law.

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ARTICLE 2

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.

Section

- 1-2.1 Administrative Agency means the entity authorized to implement and enforce the provisions of this Code. The Administrative Agency for Riley County is the Riley County Planning and Development Department.
- 1-2.2 Administrative Rules means those rules and regulations contained in Chapter I of this Code which prescribe general procedures to be followed in the administration of the Sanitary Code adopted by the county.
- 1-2.3 Agricultural Purposes means a purpose related to the production of livestock or crops.
- 1-2.4 Authorized Representative means any person who is designated by the Administrative Agency to administer this Code.
- 1-2.5 Board of County Commissioners means the Board of County Commissioners of Riley County, Kansas.
- 1-2.6 Board of Health means the Board of County Commissioners of Riley County, Kansas.
- 1-2.7 Effluent means outflowing treated wastewater.
- 1-2.8 Environmental Health Specialist means the person authorized by the Board of County Commissioners of Riley County, Kansas to enforce this Code.
- 1-2.9 Existing System means an installed private or public water system or wastewater disposal system, whether lawful or unlawful.
- 1-2.10 Hearing Officer means a qualified, neutral individual, not regularly employed by the Riley County Planning and Development Department, appointed by the Board of County Commissioners, to hear appeals from decisions relating to the enforcement and administration of this Code. The hearing officer shall be paid from funds of the Riley County General Fund.
- 1-2.11 Person means an individual, corporation, partnership, association, state or political subdivision thereof, federal, state agency, municipality, commission, interstate body, or other legal entity recognized by law as the subject of rights and duties.
- 1-2.12 Premise means any lot or tract of land and all buildings, structures, or facilities located thereon.
- 1-2.13 Sanitary Code means rules, 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: wastewater and wastewater disposal; water supply. Whenever

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the term "Code" is used herein, such reference shall be to the Riley County Sanitary Code.

- 1-2.14 KDHE means the Kansas Department of Health and Environment.
- 1-2.15 Structure means anything constructed or erected with a fixed location on the ground; including buildings, walls, signs, towers, and bins.
- 1-2.16 Variance means an exception to any provision of this Code authorized by the Board of County Commissioners of Riley County, Kansas pursuant to an appeal under this Code.
- 1-2.17 Waiver means an exception to any provision of this Code authorized by the Administrative Agency pursuant to this Code.

ARTICLE 3

ADMINISTRATIVE POWERS AND PROCEDURES

Section

- 1-3.1 Right of Entry. Authorized representatives of the Administrative Agency may, at any reasonable time, enter upon, examine and/or survey all such premises, establishments and buildings, as he or she shall deem necessary for the enforcement of this Code. In the event that the owner or person lawfully in control of the premises refuses to consent to such entry, then, upon application by the authorized representative, any court of competent jurisdiction shall issue an ex parte order requiring the owner or person lawfully in control of the premises to permit entry upon the premises and permitting the authorized representative, when accompanied by an officer from the Riley County Police Department, to enter forcibly upon the premises and conduct the examination and/or survey.
- 1-3.2 Notices, Orders, Appeals
- 1-3.2.1 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) identify the code violation and the factual basis thereof;
  - (c) specify necessary corrective action;
  - (d) allow a reasonable period of time for performance of any work required by the notice; and
  - (e) be properly served upon the owner, agent, or occupant, provided that such notice shall be deemed properly served upon such owner, agent, or occupant when a copy thereof has been sent by certified mail to the last known address of the owner, agent, or occupant as identified on the latest county tax rolls.
- 1-3.2.2 Appeal for Hearing. Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this Code may request, and shall be granted, a hearing on the matter before a Hearing Officer; provided such persons shall file with the Administrative Agency within fifteen 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

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request is made. The filing of the request for a hearing shall operate as a stay of the notice or order, except as provided in Section 1-3.3.

- 1-3.2.3 Conduct of Hearing. Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Officer and 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 working days after the date on which the petition was filed. 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.
- 1-3.2.4 Report of Hearing. Within ten working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the Board of County Commissioners. The findings shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the Hearing Officer, the Board of County Commissioners shall consider the report and issue an order, confirming, modifying or withdrawing the notice or order at their next regularly scheduled meeting, and shall notify the appellant in the same manner as is provided for in Section 1-3.2.1 within 30 calendar days. The decision of the Board of County Commissioners may be appealed to the District Court.
- 1-3.2.5 Proceedings of Hearings. The proceedings of all hearings shall be recorded. The recordings, findings, and decisions of the Hearing Officer and a copy of every notice and order related 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. Tapes will be kept for at least two (2) years unless an appeal is filed. Tapes may be destroyed after any appeal is completed.
- 1-3.3 Emergencies
- 1-3.3.1 Emergency Orders. Whenever the authorized representative finds that an emergency exists which requires immediate action to protect the public health, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken, as he or she may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this Code, such order shall be effective immediately and shall be enforceable in Riley County District Court.
- 1-3.3.2 Work Stoppage. Whenever any work is being performed on a private wastewater disposal system contrary to the provisions of this Code, the authorized 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 Administrative Agency to proceed with the work.

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1-3.3.3 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.

1-3.4 Disclaimer of Liability. This Code shall not be construed or interpreted as imposing upon the County or the Administrative Agency, or officials and employees of either: (1) any liability or responsibility for damages to property; or, (2) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by this Code, will function properly. In addition, any employee charged with the enforcement of this Code, acting in good faith and without malice in the discharge to his or her duties, shall not thereby be personally liable and is hereby relieved from personal liability for damage that may occur to any person or property as a result of any act required by this Code in the discharge of his or her duties.

1-3.5 Violations and Penalties

1-3.5.1 Unlawful Conduct.

The following acts shall be unlawful:

- (a) Obstruction of Authorized Representative. No person shall willfully impede or obstruct an authorized representative of the Administrative Agency in the discharge of his or her official duties under the provisions 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 Administrative Agency issued under Section 1-3.3 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 or 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 by this Code.
- (e) Failure to comply with Regulations. No person shall do any act or engage in any activity which is regulated by an Article, 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 regulations specified in this Code.
- (f) Falsification and Misrepresentation. No person shall falsify nor misrepresent any fact, information, product, or data provided, required, or submitted for any application, permit, license, inspection,

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examination, investigation, report, record, test, or other determination required under this Code.

(g) Improper Discharge. 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 wastewater 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.

1-3.5.2 Enforcement Procedure. The County Attorney shall enforce all criminal provisions of this code. The County Counselor will file actions of injunction, relief, restraining orders, and other civil matters necessary to enforce this Code, and shall be governed by the provisions of the Kansas Code of Civil Procedure.

1-3.5.3 Penalties. In addition to, and independently of, the enforcement procedures provided herein, any violation of any provision of this Sanitary Code or of any unlawful conduct described herein shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200) for each offense. Each day's violation shall constitute a separate offense.

1-3.6 Property Resale, Existing Systems Evaluation. Upon request of the property owner or contract buyer, the Administrative Agency shall provide an inspection of existing private water and private wastewater systems and verification of connection to public water and public wastewater systems at a fee established by the Board of Health. Any inspection provided under this section shall not constitute nor be deemed a warranty, and neither the Administrative Agency nor any other official of the County shall be held liable for claims arising out of the inspection. Upon completion of the inspection a written report will be issued to the applicant.

ARTICLE 4 PERMIT AND LICENSE REQUIREMENTS

Section

1-4.1 Application for Permits and Licenses. Every person required by this Code to obtain a permit or license shall make application for such permit or license to the Riley County Planning and Development Department on standard forms provided for that purpose.

1-4.2 Approval of Permit Application. After receipt of an application and appropriate fees as required by this Code, the Administrative Agency shall conduct such investigations as are deemed necessary to determine whether the permit application should be approved. The Administrative Agency has fifteen (15) working days, weather permitting, to complete the required investigative procedures after all requirements of the applicant have been completed. In wet or freezing weather, the Administrative Agency may extend the time permitted but shall inform the applicant when investigations will begin. The Administrative Agency shall approve or deny the permit application within one week of completion of all required investigative

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procedures. If the permit application is not denied within one week of completion of such procedures, it shall be automatically approved unless the Administrative Agency, after giving notice to the applicant, requests from the Board of Health, for good cause, an extension of the time period. If the permit application is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection. Denial of a permit application by the Administrative Agency is subject to the appeal process as detailed in Section 1-3.2.2.

1-4.3 Special Requirements. To protect public health and safety, the Administrative Agency may make more stringent requirements for the issuance of a permit in specific instances, provided:

- (a) The requirements shall be set forth on the permit.
- (b) When the applicant and the Administrative Agency agree that the requirements are necessary, the applicant shall note approval by the applicant's signature on the permit.
- (c) If the applicant does not agree with the more stringent requirements, the applicant may request a written rationale from the Administrative Agency. Such written rationale will be provided to the applicant within ten (10) calendar days from the date of the request. The applicant may appeal such requirements at a hearing as provided in Section 1-3.2.2.

1-4.4 Approval of License. After receipt of an application and appropriate fees as required by this Code, the Administrative Agency shall conduct such investigations as are deemed necessary to determine whether the license should be issued. The Administrative Agency has fifteen (15) working days to complete the required investigative procedures after all requirements of the applicant have been completed. The Administrative Agency shall issue or deny the license within one week of completion of all required investigative procedures. If the license is not denied within one week of completion of such procedures, it shall be automatically issued. If the license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection. Denial of a license by the Administrative Agency is subject to the appeal process as detailed in Section 1-3.2.2.

1-4.5 Permit or License Transferability. No license required by this Code shall be transferable. Permits issued under this Code shall transfer to a new property owner.

1-4.6 Errors and Omissions. The issuance of a permit shall not prevent the Administrative 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 Administrative Agency may, in writing, suspend or revoke a permit or license issued under provisions of this Code if the permit or license was issued in error, or on the basis of incorrect information provided by the applicant, or for noncompliance or misrepresentation.

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- 1-4.7 Permit or License Expiration. Permit applications approved under this Code will expire one year after approval unless the Administrative Agency approves a request for extension prior to the expiration date. All licenses will be issued for the current calendar year and will expire on December 31.
- 1-4.8 Standard Fees. The Board of Health shall adopt a schedule of fees for all procedures, permits, and licenses required by this Code, and said fees shall be paid into the Administrative Agency. The Administrative Agency shall not process any application for a procedure, permit, or license until the required fee has been paid. Any fees required and paid are not refundable unless approved by the Director of the Riley County Planning and Development Department.
- 1-4.9 Records
- 1-4.9.1 Permit Applications. Applications for permits or licenses required by this Code shall be filed with the Administrative Agency.
- 1-4.9.2 Official Actions. A written record of all official actions taken on applications for permits and licenses required by this Code shall be kept on file with the Administrative Agency.

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**CHAPTER II**  
**ON-SITE WASTEWATER MANAGEMENT**

**ARTICLE 1**

**PURPOSE AND INTENT**

Sewage is a potential source of disease, 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 Riley County. All 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 and is included as Appendix B.

**ARTICLE 2**

**DEFINITIONS**

Section

2-2.1

Alternative Wastewater Disposal System – Active means a private wastewater disposal system, approved by the Administrative Agency, which uses mechanical or electrical components or moving parts to effectively pre-treat the wastewater to reduce the levels of pollutants before discharge to an approved underground soil distribution system.

Alternative Wastewater Disposal System – Passive means a private wastewater disposal system, approved by the Administrative Agency, which does not use any mechanical or electrical components or moving parts but uses passive components and specified materials to effectively pre-treat the wastewater to reduce the levels of pollutants before discharge to an approved underground soil distribution system.

2-2.2

Cesspool means a drywell that receives solely untreated sanitary waste, and which sometimes has an open bottom or perforated sides.

2-2.3

Domestic Wastewater means sewage which is normally generated by residential activity, not commercial or industrial, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, and showers.

2-2.4

Lawful Private Wastewater Disposal System means an existing private wastewater disposal system lawfully installed prior to the effective date of this Code; and a system that is not in violation of this Code and: (a) was constructed prior to May 1, 1963; or (b) was constructed, altered, or extended with the required permit any time after May 1, 1963; or (c) has been issued

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an Administrative Agency permit based on an evaluation of existing construction.

- 2-2.5 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.
- 2-2.6 Private Wastewater Disposal System means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic wastewater, which is not required to hold a Kansas Water Pollution Control Permit. (See KSA 65-165, 65-166, 65-166a)
- 2-2.7 Privy means a water-tight vault made of concrete or other acceptable material designed to receive, store and provide for periodic removal of non-water carried waste from the human body.
- 2-2.8 Public Wastewater Disposal System means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of wastewater, which is required to hold a Kansas Water Pollution Control Permit. (See KSA 65-165, 65-166, 65-166a)
- 2-2.9 Sanitary Service means the pumping out and or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater disposal systems, and the transportation of such material to a point of final disposal.
- 2-2.10 Seepage Pit means a subsurface vertical shaft lined with un-mortared stone or other material, which is filled with rock, or gravel and receives septic tank effluent.
- 2-2.11 Septage means the liquid or solid material removed from a septic tank, privy, portable toilet, or other component of a private wastewater disposal system that only receives domestic wastewater.
- 2-2.12 Sewage means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic sources, manufacturing, or other forms of industry.
- 2-2.13 Vault/Septic Tank means a watertight receptacle for the retention of sewage either before, during, or after treatment.

ARTICLE 3

PROHIBITED PRACTICES

Section

2-3.1

Use of Non-approved Private Systems. No person shall use, or cause to be used, any private wastewater disposal system until it has been inspected and approved by the Administrative Agency, or if it:

- (a) has been enjoined as a public health nuisance by a court of competent jurisdiction; or
- (b) fails to comply with the provisions of this Code, and written notice thereof has been given by the Administrative Agency; or

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- (c) discharges onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161 (a), or into a seepage pit or cesspool; or
- (d) receives non-domestic wastewater, causes vector breeding, produces offensive odors or any condition that is detrimental to health and comfort; or
- (e) uses a vault/septic tank which is not a water-tight receptacle.

2-3.2 Use of Private Wastewater Disposal Systems within 400 Feet of Public Sewer. No private wastewater disposal system shall be constructed, repaired, or modified within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not reasonably feasible and that a private wastewater disposal system meeting the requirements of this Code can be constructed on that property.

2-3.3 Location of Private Wastewater Disposal Systems below Full/Flood Pool. No portion of a private wastewater disposal system shall be located on property covered by water at the flood pool elevation of any reservoir, unless written approval is obtained from the Administrative Agency and the United States Corps of Engineers. No portion of a private wastewater disposal system shall be located on property covered by water at the full pool elevation of any pond, lake, or water supply reservoir, unless written approval is obtained from the Administrative Agency. This does not preclude use and repair of existing systems, provided other requirements of this Code are met.

2-3.4 Location of Private Wastewater Disposal Systems within a 100 Year Flood Plain. No portion of a private wastewater disposal system shall be constructed within the 100 year flood plain (as established by the Federal Emergency Management Agency) of any stream, river, or water course unless written approval is obtained from the Administrative Agency. This does not preclude repair of existing systems, provided other requirements of this code are met.

2-3.5 Multiple connections to a Private Wastewater System. No more than one residence shall be connected to a private wastewater disposal system. This does not preclude continued use or repair of a lawful private wastewater disposal system.

2-3.6 Use of Cesspools, Seepage Pits. Cesspools, seepage pits, and other wastewater disposal methods not described as acceptable in this code or by the references adopted by this code, are illegal and shall be removed from operation immediately upon notification of the owner by registered mail. Any replacement wastewater disposal system shall be constructed in accordance with this Code.

ARTICLE 4                      ALTERATION, REPLACEMENT, OR RECONSTRUCTION OF EXISTING STRUCTURES

Section  
2-4.1

Non-Conforming Lots.

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- (a) In no case shall a structure, served by a private wastewater disposal system and located on a lot that does not meet size and separation requirements of this Code, be altered, replaced, reconstructed, or enlarged in such a manner that would enable an increase in the number of persons residing in said structure or otherwise produce an increase in the volume of wastewater; and
- (b) repairs, maintenance, or reconstruction of said structure shall be limited to those items necessary to keep the structure in sound conditions; and
- (c) use of said structure shall not be changed in any manner, which increases the volume of wastewater used.

2-4.2 Conforming Lots. Plans to alter or enlarge any structure served by a private wastewater disposal system must be submitted to the Administrative Agency for approval if such modification would enable an increase in the number of persons residing in said structure or otherwise produce an increase in the volume of wastewater. The Administrative Agency may require the existing private wastewater disposal system to be improved or enlarged to accommodate the potential increase in wastewater volume.

2-4.3 Reconstruction of Damaged Structures. In the event that the existing structure is damaged, by any means, to the extent of more than 50% of its value, restoration of the property shall not be allowed unless the premise contains a lawful private wastewater disposal system. An evaluation of the premise shall be conducted by the Administrative Agency before approval for the restoration can be granted.

ARTICLE 5

REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS

Sections  
2-5.1

Approval of Plans. After adoption of this code, no person shall develop any private wastewater disposal system until the plans and specifications for such system have been approved by the Administrative Agency. All private wastewater disposal systems shall conform to current state minimum standards for design and construction of onsite wastewater systems (KDHE Bulletin 4-2; See Appendix B). Other references regarding private wastewater disposal systems may also be used as a guide by the Administrative Agency in reviewing and approving plans for these systems. (See Appendix A for a list of these approved references.) The Administrative Agency may develop compaction standards for wastewater stabilization ponds based upon Kansas Department of Transportation's "Type B" compaction requirement. The Administrative Agency may require plans to be submitted by a registered professional engineer or other recognized professional with experience designing private wastewater disposal systems.

Application for Permit Required. No person shall construct, repair, or modify, or allow to be constructed, repaired, or modified, any private

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wastewater disposal system until a permit application has been received and approved by the Administrative Agency.

- 2-5.3 Use Permit Required. No person shall operate a private wastewater disposal system without a permit issued by the Administrative Agency. The permit shall be issued after construction has been approved.
- 2-5.4 Use of Existing Systems. Lawful private wastewater disposal systems are exempt from meeting the lot size and separation requirements of this Code. This exemption may be used to allow the repair of existing private wastewater systems if approval is obtained from the Administrative Agency. Any premise, which does not contain a lawful private wastewater disposal system, is subject to all restrictions and requirements of this Code.
- 2-5.5 Construction Approval. All private wastewater disposal systems constructed, repaired, or modified after the effective date of this code must be inspected and approved by the Administrative Agency for compliance with the approved plans; and no portion of the system shall be covered or made inaccessible to inspection prior to approval. Private wastewater disposal systems shall not be put into use until the construction is approved and the permit issued.
- 2-5.6 Proper Maintenance and Operation. All private wastewater disposal systems shall be maintained in accordance with standards established by the Administrative Agency. Approved references listed in Appendix A may be used by the Administrative Agency to help establish these standards.
- 2-5.6.1 Additional Maintenance Requirements for Septic Tanks. Septic tanks shall be pumped and inspected a minimum of every five (5) years to verify that the tees are in place and that the tank has not deteriorated. If the tank is no longer structurally sound or is not watertight, it must be replaced.
- 2-5.6.2 Additional Maintenance Requirements for Alternative Private Wastewater Disposal Systems.
- (a) Any person owning or installing an alternative private wastewater disposal system shall maintain the system in accordance with the manufacturer's instructions and requirements of the Administrative Agency as outlined in the "Riley County Environmental Health Administrative Standards for Alternative System Inspection and Maintenance" on file in the office of the Administrative Agency and on the Riley County website at [www.rileycountyks.gov](http://www.rileycountyks.gov).
  - (b) All Alternative Private Wastewater Disposal Systems - Active shall be subject to an annual inspection performed by either the Riley County Environmental Health Specialist, a licensed Alternative Private Wastewater Disposal System Installer or a licensed Alternative Private Wastewater System Maintenance Provider, selected by the alternative system's owner, authorized to perform work on alternative systems as outlined in Section 2-8.1. The annual inspection shall be conducted as outlined in the "Riley County Environmental Health Administrative Standards for Alternative System Inspection and Maintenance" on file in the office of the

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Administrative Agency and on the Riley County website at www.rileycountyks.gov. The alternative system's owner, or the owner's designated agent, also may conduct the annual inspection, provided the Environmental Health Specialist is present to contemporaneously observe and document the results of each step in the inspection on the inspection report(s) required by the "Riley County Environmental Health Administrative Standards for Alternative System Inspection and Maintenance", identified above.

(c) The annual inspections of Alternative Private Wastewater Disposal Systems - Active shall begin on the effective date of this Code.

2-5.7 Septic Tanks. All newly installed septic tanks shall have an effluent filter approved by the Administrative Agency. Whenever a private wastewater disposal system with a septic tank is repaired or modified, an approved effluent filter shall be installed.

2-5.8 Privies. No privy shall be constructed or reconstructed on any premise served by a public water supply, or on which water is delivered to any building under pressure, unless special permission for use of a privy is obtained from the Administrative Agency. No privy shall be constructed less than 300 feet from any dwelling other than that of the owner of the privy.

## ARTICLE 6

### STANDARDS FOR SITE APPROVAL-NEW CONSTRUCTION

No private wastewater disposal system shall be constructed unless the following minimum standards are met:

#### Section

2-6.1

#### Lot Size

2-6.1.1

Soil Absorption Systems. Any lot platted after December 1993 must meet the size requirements in Chapter IV of this Code and must meet the separation requirements listed in Table I, (page 24). Any lot, which is a part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to December 1993 shall contain one acre of land exclusive of roads and meet separation requirements listed in Table I except distance from a private wastewater disposal system, or shall contain an area suitable for construction of a private wastewater disposal system that meets all of the separation requirements listed in Table I.

2-6.1.2

Wastewater Stabilization Ponds. No wastewater stabilization pond shall be constructed on any lot or combinations of recorded contiguous lots with less than three acres of area.

2-6.2

#### Percolation Rates

- (a) Soils with percolation rates of 0 to 5 minutes/inch are not acceptable for construction of standard lateral fields.
- (b) Percolation rates of 60 minutes/inch or less may allow construction of a single lateral field, a double lateral field with diversion valve, or an alternative wastewater disposal system.

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- (c) Percolation rates of 61 to 120 minutes/inch necessitate construction of a double lateral field with a diversion valve, or may allow an alternative wastewater disposal systems or wastewater stabilization pond.
- (d) Percolation rates in excess of 120 minutes/inch necessitate construction of a wastewater stabilization pond or may allow an alternative wastewater disposal system.
- (e) No wastewater stabilization pond shall be constructed on soils which are suitable for standard septic tank – underground soil absorption systems.

2-6.3

Soil Profiles

- (a) No underground soil absorption field receiving effluent from a septic tank shall be constructed in soils which reveal evidence of seasonal water table intrusion, rock ledges, shale, or other impervious materials within four feet of the bottom of the excavation.
- (b) No mounds shall be constructed on soils, which reveal evidence of seasonal water table intrusion, rock ledges, shale, or other impervious materials within two feet of the natural ground surface.
- (c) The Administrative Agency will determine the suitability of a proposed site for installation of an absorption field serving an alternative wastewater disposal system. No alternative wastewater disposal system shall be constructed on a site where restrictive layers are likely to prevent the system from functioning as designed. The Administrative Agency may require soil and site analysis by a recognized professional.

2-6.4

Slopes

- (a) Standard construction practices for wastewater disposal soil absorption systems are limited to slopes no greater than fifteen (15) percent. A design proposal for construction on slopes in excess of 15 percent shall be submitted by a registered professional engineer for approval by the Administrative Agency.
- (b) Standard construction practices for mound systems are limited to slopes no greater than fifteen (15) percent. A design proposal for construction on slopes in excess of 15 percent shall be submitted by a registered professional engineer or other recognized professional for approval by the Administrative Agency.
- (c) Standard construction practices for wastewater stabilization ponds are limited to slopes no greater than twenty five (25) percent. A design proposal for construction on slopes in excess of 25 percent shall be submitted by a registered professional engineer for approval by the Administrative Agency.

ARTICLE 7

SANITARY SERVICES

Section

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Septage Haulers License Required. No person shall remove or transport any wastes from any private wastewater disposal system or privy, unless that

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person holds a valid Septage Haulers License from the Administrative Agency. A license shall be issued only to persons:

- (a) Operating properly designed and maintained equipment which has been inspected and approved by the Administrative Agency; and
- (b) Complying with all provisions of this Code.

2-7.2 Contracting with Unlicensed Persons Prohibited. No person responsible for operating a private wastewater disposal system or privy shall contract with any person for sanitary service unless that person providing the service holds a valid Septage Haulers License from the Administrative Agency.

2-7.3 Standards for Sanitary Service Equipment. All equipment used for rendering of sanitary service shall be of watertight construction and maintained in good working condition. All materials removed from private wastewater disposal systems or privies shall be transported to an approved point of disposal without spillage of the waste.

2-7.4 Disposal of Septage. All septage shall be properly disposed of by discharge to: (1) a municipal sewage treatment facility; (2) a properly managed landfill that accepts septage; or (3) a permitted and properly managed land disposal site as described in 2-7.5. The Septage Hauler shall maintain logs of operation, which reflect date, source, disposal site, and any other relevant data. Logs shall be kept for at least three years and shall be available for review upon request by the Administrative Agency.

2-7.5 Land Disposal of Septage

2-7.5.1 General Requirements. When land application is the desired method for disposal of septage, U.S. Environmental Protection Agency 503 Septage Management Rules (40 C.F.R. 503) must be complied with. In addition, land application sites shall comply with the County requirements in 2-7.5.2.

2-7.5.2 County Requirements. Landowners desiring to operate a land disposal site shall apply for a permit to the Administrative Agency. The site shall be evaluated by the Administrative Agency to determine that the site is not subject to flooding, is tillable ground suitable for cropping, and will not create any nuisance. The site shall be posted at entrances to forbid unauthorized personnel.

2-7.6 Inspection Reports. Septage Haulers shall submit inspection reports to the Administrative Agency for all private wastewater disposal systems pumped. Reports shall be submitted in a format approved by the Administrative Agency and no more than one month after the service.

## ARTICLE 8

## PRIVATE WASTEWATER DISPOSAL SYSTEM INSTALLERS

Section

2-8.1

License Required. No person shall install, repair or modify any private wastewater disposal system unless that person holds a valid license issued by the Administrative Agency. A license shall be issued only to persons:

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- (a) Demonstrating knowledge of this Code and proper wastewater disposal system installation techniques by passing an exam offered by the Administrative Agency; and
- (b) complying with all provisions of this Code; and
- (c) obtaining a minimum of two hours of approved continuation training each calendar year. The training, to be approved, must be directly related to the knowledge requirements listed in paragraph (a) above. Attendance at a workshop conducted, sponsored or approved by the Administrative Agency or any applicable professional association shall satisfy the requirements of this section.

The Administrative Agency shall require an advanced Private Alternative Wastewater Disposal System Installer license for installing, repairing or modifying alternative systems.

The Administrative Agency shall require an advanced Private Alternative Wastewater Disposal System Maintenance Provider license for servicing or inspecting alternative systems as outlined in the Riley County Environmental Health Administrative Standards for Alternative System Inspection and Maintenance, 2016.

2-8.2

Contracting with Unlicensed Installers Prohibited. No person responsible for operating a private wastewater disposal system shall contract with any person for construction, repair, or modification of a private wastewater disposal system, unless that installer holds a valid license.

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TABLE I  
LOCATION OF PRIVATE WASTEWATER DISPOSAL SYSTEM

<u>TO CLOSEST:</u>	<u>MINIMUM SEPARATION</u>
Private wastewater disposal system .....	100 ft.
Public or Private Water Well .....	100 ft.
Public or Private Water line from a well .....	25 ft.
Streams, lakes, and ponds .....	100 ft.
Property boundary .....	*50 ft.

\*May be waived to no less than 10 feet if other separations can be maintained and the adjoining property is zoned for non-residential and non-commercial use or if written permission is obtained from the adjoining property owner (shall not be waived to less than 50 feet for wastewater stabilization ponds.) When the adjoining property is a road right-of-way, half of the right-of-way may be considered part of the separation distance.

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## CHAPTER III

### PRIVATE WATER SUPPLIES TYPE I AND TYPE II

#### ARTICLE 1

#### PURPOSE AND INTENT

The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all water supplies which are or may be intended for domestic use, other than public water supplies, in Riley 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.

#### ARTICLE 2

#### DEFINITIONS

##### Section

3-2.1

Domestic Use means 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 irrigating of lands not exceeding a total of two acres in area for the growing of gardens, orchards, and lawns.

3-2.2

Private Water Supply means all water supplies for domestic use, which do not meet the definition of a public water supply system in KSA 65-162a.

3-2.3

Private Water Supply Type I means private water supply for domestic use, containing no more than two (2) service connections and serving fewer than twenty-four (24) people per year.

3-2.4

Private Water Supply Type II means a private water supply for domestic use, containing three (3) to nine (9) service connections and serving no more than twenty-four (24) people per year.

3-2.5

Public Water Supply means a system for the provision to the public of piped water for human consumption, if such system has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

3-2.6

Service Connection means any single connection between a water supply system and a single tract of land or lot for the purpose of supplying water for domestic or commercial use on the tractor lot regardless of the number of users or hydrants.

#### ARTICLE 3

#### REQUIREMENTS FOR PRIVATE WATER SUPPLY TYPE I AND TYPE II

##### Section

3-3.1

Permits. No well serving a Type I or Type II private water supply shall be drilled without first obtaining a well drilling permit from the Administrative Agency.

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Section

- 3-3.2 Approval of Plans. After adoption of this code, no person shall develop any private water supply Type II until the plans detailing locations of facilities, specifications of equipment, proposed operating standards, and reports of bacteriological and chemical tests have been approved by the Administrative Agency.
- 3-3.3 Application for Permit Required. No person shall construct any private water supply Type II until an "Application for a Private Water Supply Type II" has been received and approved by the Administrative Agency.
- 3-3.4 Use Permit Required. No person shall use any private water supply Type II constructed after adoption of this Code without a "Private Water Supply Type II Use Permit" issued by the Administrative Agency. No person shall use or lease any private water supply Type II without a "Private Water Supply Type II Use Permit" issued by the Administrative Agency. The "Private Water Supply Type II Use Permit" shall be issued only after construction has been approved.
- 3-3.5 Private Water Supply Type II Requirements. All private water supplies Type II shall meet the following requirements:
- (a) have a designated individual or service company as operator of the system. This name shall be submitted to the Administrative Agency; and
  - (b) test for bacteriological quality of the water supply using a laboratory certified by the State of Kansas, at least every three months; and
  - (c) test for nitrate content of the water supply using a laboratory certified by the State of Kansas, at least once each year; and
  - (d) maintain logs to verify bacteriological and chemical quality; and
  - (e) immediately: (i) notify all users of the water and the Administrative Agency should bacteriological and chemical quality of the water supply exceed the United States Environmental Protection Agency's (EPA) maximum contaminant levels; and (ii) immediately bring the bacteriological and chemical quality of the water supply within the EPA maximum contaminant levels, to the satisfaction of the Administration Agency.
- 3-3.6 Location of Wells. Wells constructed after adoption of this code shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table II (page 27). Such distances may be increased by the Administrative Agency in situations where the well may need additional protection to prevent contamination.
- 3-3.7 Construction of Wells. Well construction shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10 et seq., as amended.
- 3-3.8 Abandoned Wells. Abandoned wells as defined in K.A.R. 28-30-2, as amended, are to be plugged as specified in K.A.R. 28-30-7, as amended.
- 3-3.9 Water Well Records. Within 30 days after construction or plugging of a water well, the water well contractor shall submit a copy of the water well record, form WWC-5 for construction or form WWC-5p for plugging, to the Administrative Agency.

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TABLE II  
LOCATION OF WELLS  
FOR  
PRIVATE WATER SUPPLY TYPE I AND TYPE II

<u>AREA</u>	<u>MINIMUM SEPARATION</u>
Private Wastewater Disposal System .....	100 ft.
Privy .....	100 ft.
Septic Tank .....	100 ft.
Barn yards, Stables, Manure piles, Animal pens, etc. ....	50 ft.
Sewer lines, not constructed of cast iron or other equally watertight construction.....	100 ft.
Sewer lines constructed of cast iron or other equally watertight construction .....	30 ft.
Dwellings, Structures, which might be treated for termite infestation .....	50 ft.
Fuel or Chemical Storage .....	150 ft.
Other Existing Wells for Private Water Supply Type I and Type II .....	50 ft.
Streams, Lakes and Ponds .....	100 ft.

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**CHAPTER IV**  
**SUBDIVISION DEVELOPMENT**

ARTICLE 1                      PURPOSE AND INTENT

The provisions of this chapter are for the purpose of regulating and controlling the development of property which will be served by either a public or private water supply and either a public or private wastewater disposal system, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

ARTICLE 2                      DEFINITIONS

Section

4-2.1

Subdivision means the dividing of any land into two or more lots or tracts either of which contains 20 acres or less.

ARTICLE 3                      REQUIREMENTS FOR SUBDIVISION DEVELOPMENT

Section

4-3.1

Approval of Plans. After adoption of this Code no person shall develop any subdivision until the plans and specifications for private water supply and private wastewater management have been approved by the Administrative Agency.

4-3.2

Application for Approval Required. Any person seeking to subdivide land shall apply to the Administrative Agency for approval. The following standards will apply:

4-3.2.1

Site Requirements. Unless served by public wastewater disposal system, each lot shall meet the minimum standards for site approval as specified in Sections 2-6.1 through 2-6.4.

4-3.2.2

Lot Size Requirements. Subdivisions shall meet one of the following minimum lot size requirements:

- (a) Each lot must have two (2) acres of land exclusive of roads and streets if the lot contains or will contain a private water supplies Type I or Type II well and a private wastewater disposal system;
- (b) Each lot must have one and four-tenths (1.4) acres of land exclusive of roads and streets, if the lot contains or will contain a private wastewater disposal system and no private water supplies Type I or Type II well is or will be provided within the lot;
- (c) Each lot must have eight-tenths (0.8) acre of land exclusive of roads and streets, if the lot contains or will contain a private water supplies Type I and Type II well and all sewage is collected and disposed of by a public wastewater disposal system;

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- (d) Each lot must have the minimum lot size required under the Riley County Zoning Regulations if the lot will be served by a public water supply and a public wastewater disposal system.

4-3.2.3

Existing System Requirements. Existing private water supplies Type I and Type II and private wastewater disposal systems must comply with this Code and any connection to a public water supply and/or a public wastewater disposal system must be verified by the Administrative Agency before a subdivision may be approved.

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## APPENDIX A: APPROVED REFERENCES

Minimum Standards for Design and Construction of Onsite Wastewater Systems, Bulletin 4-2. March 1997. State of Kansas, Department of Health and Environment Bureau of Water – Nonpoint Source Section and K-State Research and Extension cooperating.

Environmental Health Handbook, Second Edition, 2002, Kansas Association of Sanitarians, Kansas Department of Health and Environment, and K-State Research and Extension cooperating.

Wisconsin Mound Soil Absorption System Siting, Design, and Construction Manual. Small Scale Waste Management Project, January 1990. University of Wisconsin – Madison, Wisconsin 53706.

Residential Onsite Wastewater Treatment Systems: An Operation and Maintenance Service Provider Program, Second Edition, Consortium of Institutes for Decentralized Wastewater Treatment, 2008.

Standard Methods for the Examination of Water and Wastewater, American Public Health Association, the American Water Works Association, and the Water Environment Federation.

K.A.R. 28-5-2 to 28-5-9 and 28-30-1 to 28-30-10 June 7, 2013, Kansas Administrative Regulations, Kansas Department of Health and Environment.

NSF International Standard / American National Standard, NSF / ANSI 40 -2012, Residential Wastewater Treatment Systems, prepared by the NSF Joint Committee on Wastewater Technology.

Handbook Septage Treatment and Disposal, United States Environmental Protection Agency, October 1984.

EPA Onsite Wastewater Treatment Systems Manual, United States Environmental Protection Agency, 2002.

EPA Design Manual, Onsite Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, 1980, Chapter 6, Section 6.2.7.

A Minnesota Regulator's Guide to the Venhuizen Standard Denitrifying Sand Filter Wastewater Reclamation System, Copyright 1997 by David Venhuizen, P.E.

Septic Tank Maintenance, Karen M. Mancl and Brian Slater, The Ohio State University Extension – College of Food, Agricultural, and Environmental Sciences, Publication #AEX-740, Last Updated: 2016.

Riley County Environmental Health Administrative Standards for Alternative System Inspection and Maintenance, 2016.

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Kansas Department of Transportation, Standard Specifications for State Road and Bridge Construction, Division 150 Equipment, Section 151 Compaction Equipment, Edition 2015; Standard Specifications for State Road and Bridge Construction, Division 200 Earthwork, Section 205 Excavation and Embankment for Highways, Edition 2015.

EPA Domestic Septage Regulatory Guidance, A Guide to the EPA 503 Rule, 1993.

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**APPENDIX B:**

State of Kansas Department of Health and Environment  
Bulletin 4-2, March, 1997, Minimum Standards for Design  
and Construction of Onsite Wastewater Systems,  
Bureau of Water-Nonpoint Source Section,  
In Cooperation with K-State Research and Extension

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