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BUREAU OF WATER

The enclosed proposed amendments to the Montgomery County Sanitary Code have been officially adopted by the Montgomery County Board of Commissioners.

Lee Matney

Signature

Chairman, Board of County Commissioners

11-22-99

Date

MONTGOMERY COUNTY SANITARY CODE

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BUREAU OF WATER

PROPOSED AND PRESENTED BY
MONTGOMERY COUNTY HEALTH DEPT.
MONTGOMERY COUNTY
KANSAS

JULY 1, 1993
REVISED SEPTEMBER 1, 1999

APPROVED
Kansas Department of Health
and Environment

9/24/99
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CHAPTER 1

TITLE, PURPOSE, AUTHORITY JURISDICTION AND DEFINITIONS

SECTION 1 TITLE

1-1.1 This Sanitary Code shall be known as the "Sanitary Code for Montgomery County, Kansas", and shall hereinafter be referred to as "this Code".

SECTION 2 PURPOSE

1-2.1 The purpose and intent of this Code is to set forth procedures and regulations that shall be followed and administered to promote and protect the health, safety, comfort and general welfare of the people of Montgomery County, Kansas. The enforcement of this Code will reduce and/or prevent the development of environmental conditions that are hazardous or could potentially be hazardous to people's health and safety.

SECTION 3 AUTHORITY

1-3.1 This Code is adopted under the "authority established by Kansas Statutes Annotated (K.S.A.) 19-3701 et. seq. as amended".

SECTION 4 JURISDICTION

1-4.1 This Code shall apply to all unincorporated areas of the County of Montgomery, Kansas, except land used exclusively for agriculture, as defined in Section 1-5.2 of this Code.

SECTION 5 DEFINITIONS

1-5.1 ADMINISTRATIVE AGENCY

Administrative Agency shall mean the Montgomery County Environmental Health Department.

1-5.2 AGRICULTURAL PURPOSE

Agricultural purpose shall mean any premises under one ownership which exceeds twenty-five (25) acres in area and is used for the production of livestock or crops.

1-5.3 ALTERNATING LATERAL FIELD

Alternating lateral field shall mean a subsurface absorption system divided into two fields to allow alternate use of the individual fields over extended periods of time. The sewage effluent coming from the septic tank is diverted from one field to the other by means of a diversion valve or box approved by the Director of Environmental Health.

1-5.4 AUTHORIZED REPRESENTATIVE

Authorized representative means any employee of the Environmental Health Department who is designated by the Director of Environmental Health to administer this Code.

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- 1-5.5 **DIRECTOR OF ENVIRONMENTAL HEALTH**
Director of Environmental Health shall mean the person appointed by the Montgomery County Commissioners and may be a registered Sanitarian.
- 1-5.6 **DISTANCES**
Distance shall mean horizontal distances unless otherwise designated.
- 1-5.7 **DOMESTIC WASTEWATER**
Domestic wastewater shall mean any wastewater from a home or business in which effluents contain human excreta, food wastes or dishwashing and / or laundry discharges.
- 1-5.8 **ENVIRONMENTAL HEALTH DEPARTMENT**
Health Department shall mean the Montgomery County Health Department.
- 1-5.9 **HEARING OFFICER/OFFICERS**
Hearing Officer shall mean any person/persons designated by the Board of Health to hear appeals from decisions of the Director of Environmental Health relating to the enforcement and administration of this Code.
- 1-5.10 **HUMAN EXCRETA**
Human excreta shall mean the normal body discharge (feces and urine) from humans.
- 1-5.11 **INDUSTRIAL AND COMMERCIAL WASTES**
Industrial and commercial wastes shall mean any and all liquid or water-borne wastes produced in connection with any industrial or commercial process or operation.
- 1-5.12 **INSTITUTION**
Institution shall mean an establishment of a public or private character that serves to instruct, train, or care for persons; such as, but not limited to a school, college, care home or hospital.
- 1-5.13 **LATERAL FIELD**
Lateral field shall mean a system which effects transfer of treated sanitary sewage to soil for percolation, evaporation and/or transpiration disposal.
- 1-5.14 **MANURE**
Manure shall mean livestock excreta which sometimes contains associated litter.
- 1-5.15 **MONTGOMERY COUNTY**
Montgomery County shall mean all of the unincorporated areas of Montgomery County.
- 1-5.16 **MULTIPLE PROPERTY**
Multiple property shall mean more than one property owned by a person as defined in this section.

1-5.17 **NON-DOMESTIC WASTEWATER**

Non-domestic wastewater shall mean any animal excreta from cattle, hogs, etc.

1-5.18 **NUISANCE**

Nuisance shall mean any condition or activity on private real property which has or threatens to have a detrimental effect on the health of the public or its individual members (Public Health Law Manual-APHA).

1-5.19 **OFFENSIVE ODORS**

Offensive odors shall mean any odor deemed annoying, nauseous, unwholesome or objectionable by a majority of individuals so exposed when it interferes with the comfortable enjoyment of life or property. Notwithstanding the fact that the degree of such annoyance, nausea, unwholesomeness, or objectionableness may be unequal.

1-5.20 **OWNER**

Owner shall mean any person who, alone or jointly or severally with others:

- a) shall have record legal title to any property or structure thereon with or without accompanying actual possession thereof; or
- b) shall have charge, care or control of any property or structure thereon as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

1-5.21 **PERCOLATION RATE**

Percolation rate shall mean the ability of the soil to absorb, adsorb and/or transmit water as measured by methods set forth by the Director of Environmental Health.

1-5.22 **PERSON**

Person shall mean a natural person or a legal entity; such as, but not limited to, an individual, firm association, joint stock company, syndicate, partnership or corporation.

1-5.23 **PREMISES**

Premises shall mean a lot, plot or parcel of land including structures located thereon.

1-5.24 **PRIVATE WASTEWATER FACILITY**

Private wastewater facility used for the collection and disposal of sewage from a single establishment located upon one individually owned property.

1-5.25 **PRIVATE WASTEWATER SYSTEM**

Private wastewater system is one not required to hold a National Pollution Discharge Elimination System (NPDES) permit.

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- 1-5.26 **PROPERTY**
Property shall mean any real property within Montgomery County which is not a street or highway.
- 1-5.27 **PUBLIC WASTEWATER FACILITY**
Public wastewater facility shall mean a wastewater facility designed and/or used for the collection and disposal of waste from multiple property or facilities required to have a permit from the Kansas Department of Health and Environment.
- 1-5.28 **SANITARY SERVICE**
Sanitary service shall mean the pumping out and/or removal of waste, sludge or human excreta from privies, septic tanks, or other wastewater facilities; and the transportation of such material to a point of final disposal approved by the Director of Environmental Health.
- 1-5.29 **SANITARY CODE**
Sanitary Code shall mean the rules and regulations adopted by Montgomery County which are designed to minimize or control those environments and environmental conditions that may adversely affect the health and well-being of the public; such as, but not limited to, liquid wastes or other matters as herein presented.
- 1-5.30 **SEPTIC TANK**
Septic tank shall mean a facility for the receipt of sewage and clarification by settling into a liquid portion ready for further treatment by other methods and concentration of solids and organic matter for storage and digestion within the facility.
- 1-5.31 **SEWAGE**
Sewage shall mean any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings, animals, chemical, other wastes from domestic manufacturing, or other forms of industry.
- 1-5.32 **SOIL PERCOLATION TESTS**
Soil percolation test shall mean soil tests as set forth by the Director of Environmental Health to determine the suitability of the soil for absorption of sub-surface sewage effluent disposal.
- 1-5.33 **SOIL ANALYSIS**
A field inventory of the soil, observation and documentation of the soil horizons classification in regard to texture, structure, consistency and mottling.
- 1-5.34 **SUBDIVISION**
Subdivision shall mean the division of a lot, tract or parcel of land into two or more lots, plots, sites for the purpose, whether immediate or future, or sale for building development, including the streets, alleys or

other portions thereof intended to be dedicated for public use; and any further subdivision of lands or lots.

1-5.35 **SUBSURFACE WASTEWATER FACILITY**

Subsurface wastewater facility shall mean an aerobic or anaerobic sewage disposal facility designed to adequately dispose of solids and liquid sewage waste beneath the surface of the ground by means of liquefaction, bacterial action, and absorption through fabricated subsurface systems and natural earth.

1-5.36 **WASTE STABILIZATION POND**

Waste stabilization pond shall mean a diked surface, earthen excavation designed to retain sewage in order that biological treatment may be accomplished.

1-5.37 **WASTEWATER**

Wastewater shall mean any water that is used for any purpose and then discharged on or from the premises where used.

1-5.38 **WASTEWATER FACILITIES**

Wastewater facilities shall mean the arrangement of devices, structures and mechanisms to treat and modify water carried waste from residences, business buildings, institutions, industrial establishments, and mobile home parks.

1-5.39 **WATER IMPOUNDMENT NUISANCE**

Water impoundment nuisance shall mean conditions created by restricted drainage of wastewater resulting in the establishment of nuisance conditions.

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CHAPTER 2

ADMINISTRATIVE PROCEDURES

SECTION 1 ADMINISTRATION

2-1.1 RESPONSIBILITY OF THE DIRECTOR OF ENVIRONMENTAL HEALTH

The Director of Environmental Health shall be responsible for the implementation of all provisions contained in this Code and is hereby authorized to make or cause to be made investigations, to issue notices and orders, to hold hearings, to bring legal action in courts of competent jurisdiction, and to take other measures as are necessary for the implementation of this Code.

2-1.2 RIGHT OF ENTRY

The Director of Environmental Health shall have the right to enter, examine, and/or survey at any reasonable time, any premises, establishments and buildings as he shall deem necessary for the implementation of this Code.

2-1.3 OBSTRUCTION OF DUTIES

No person shall willfully and unlawfully impede or obstruct the Director Environmental Health in the discharge of official duties under the provision of this Code.

2-1.4 DISCLAIMER OF LIABILITY

This Code shall not be construed or interpreted as imposing upon the County or it officials or employees;

- (a) any liability or responsibility for damages to any person or property, or
- (b) 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.

2-1.5 SEPARABILITY

If any clause, sentence, paragraph, section or subsection of this act shall, for any reason, be adjudged by any court of competent jurisdiction, to be unconstitutional and invalid.

2-1.6 RECORDS

A record shall be kept by the Director of Environmental Health of all official actions taken on applications for permits and licenses required by this Code. The proceedings of all hearings, including findings and decisions of the Hearing Officer, together with a copy of every notice and order related thereto, shall be filed with the Health Department. Applications for permits or licenses, required by this Code, shall be filed in the Health Department.

2-1.7 SUPPLEMENTAL REGULATIONS

Supplemental standards may be established detailing construction guidelines and administrative policies

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to insure application of correct technologies and meeting of community needs.

SECTION 2 PERMITS, LICENSES AND FEES

2-2.1 APPLICATIONS FOR PERMITS/LICENSES

Every person required by this Code to obtain a permit or license shall make application for such permit or license to the Health Department on application forms provided by the Health Department. All permits and licenses are non-transferable, all applicable fees are non-refundable.

2-2.2 ISSUANCE OF PERMIT OR LICENSE

After receipt of an application for a permit or license required by this Code, the Director of Environmental Health shall begin such investigations and inspections as he shall deem 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, depending upon information and data requested. If the permit or license is denied, the Director of Environmental Health shall send the applicant a written notice and state the reason for rejection.

2-2.3 PERMIT NON-TRANSFERABLE

No permit or license required by the Code shall be transferable, nor shall any fees required and paid therefore be refundable.

2-2.4 PERMIT REVOCATION

All permits are subject to revocation for reasons of noncompliance or misrepresentation.

2-2.5 FEES

Permit, license, and inspection fees shall be reviewed and established by the Board of Health. Fee adjustments may be made from time to time to compensate for economic changes, time, travel or other expenses.

SECTION 3 VIOLATIONS

2-3.1 NOTICES OF VIOLATIONS

Whenever the Director of Environmental Health determines that there has been a violation of any provision of this Code, he shall give notice of such alleged violation to the person/persons responsible therefore, as hereinafter provided. Such notice shall:

- (a) be in writing;
- (b) describe the violation alleged to exist or have been committed;
- (c) provide a reasonable period of time for correction of the violation described;
- (d) be addressed to and served upon the owner and/or occupant of the premises. Such notice shall be deemed properly served upon the owner or occupant if a copy thereof is sent by Certified Mail to their

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last known address;

- (e) every person/persons who have been cited for violation of any provision of this Code may request a hearing before a Hearing Officer and show cause why the correction of such violation should not be made. Failure to request said hearing in writing within ten days of notification constitutes a waiver of the hearing procedure.

SECTION 4 APPEALS/HEARINGS

2-4.1 APPEAL FOR HEARING

Any appeals by any aggrieved person from rulings made by the Director of Environmental Health shall be to the Board of Zoning Appeals as set forth in Article 7, Zoning Regulations in Montgomery County, Kansas. Appeals shall be made to the Zoning Administrator with fourteen (14) calendar days plus three (3) days mailing time.

2-4.2 REPORT OF HEARING

The Procedures and Hearing results set forth in the Zoning Regulations in Montgomery County, Kansas Article 7 will apply to all appeals under this Code.

SECTION 5 EMERGENCY ORDERS

2-5.1 EMERGENCY ORDERS

Whenever the Director of Environmental Health finds that an emergency exists which requires immediate action to protect the public health and safety, he may without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of a permit or license if required. Notwithstanding any other provision of this Code, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

SECTION 6 PENALTIES - PROPERTY OWNER

2-6.1 ENFORCEMENT PROCEDURES

The Director of Environmental Health shall levy a fine for any violation of any provision of the Code. Any violation of any provision of a Code shall be deemed to be punishable by a fine not to exceed two hundred dollars (\$200.00) for each offense, and each day's violation shall constitute a separate offense. If the violation is not corrected within the time period set forth by the Director of Environmental Health, the director may issue an order requesting the property be vacated until corrections are made and penalties have been paid.

2-6.2 UNPAID PENALTIES

Unpaid penalties will be levied with the property tax for collection.

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SECTION 7 PENALTIES - CONTRACTORS AND OPERATORS

2-7.1 ENFORCEMENT PROCEDURES

The Director of Environmental Health shall levy a fine for violation of any provision of the Code. Any violation of provision of the Code shall be deemed to be punishable by a fine not exceed two hundred dollars (\$200.00) for each offense, and each day's violation shall constitute a separate offense. If the fine is not paid and a license applied for, the Director may issue an order requesting that the contractor/operator's equipment be confiscated until penalties have been paid.

2-7.2 UNPAID PENALTIES

Unpaid penalties will be levied with the property tax for collection.

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CHAPTER 3
NUISANCES

SECTION 1 AUTHORITY

3-1.1 ABATEMENT OF NUISANCES

The Director of Environmental Health shall have the power and authority to examine all nuisances, sources of filth and causes of sickness that may be injurious to the health of the inhabitants in Montgomery County, Kansas. Whenever any such nuisance, source of filth or cause of sickness shall be found to exist on any private property or upon any watercourse in this State, the Director of Environmental Health shall have the power and authority to order, in writing, the owner or occupant thereof at his or her own expense to remove the nuisance, source of filth or cause of sickness within twenty-four (24) hours, or within such reasonable time thereafter as the Director of Environmental Health may order. If after proper notification by the Director of Environmental Health the owner or occupant shall fail to obey such order, such owner or occupant upon conviction shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), and each day's continuance of such nuisance, source of filth or cause of sickness shall be a separate offense.

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CHAPTER 4

PRIVATE WASTEWATER FACILITIES

SECTION 1 PERMITS, APPROVALS, EXISTING WASTEWATER FACILITIES

4-1.1 CONSTRUCTION APPROVAL

No construction or modification of any private wastewater system shall be initiated without the approval of the Director of Environmental Health. New construction shall include: initial construction or enlargement of the wastewater facility/facilities, modification of the method of extent of sewage treatment, and/or replacement of any portion of an existing wastewater facility/facilities.

4-1.2 EXISTING WASTEWATER FACILITIES

Existing wastewater facilities, or facilities on which construction was started prior to the effective date of this Code, are regulated under this Code. This shall include: modification of the method or extent of sewage treatment, enlargement, replacement of any portion of an existing wastewater facility/facilities, and/or when inspected by the Director of Environmental Health and the wastewater facility is found to be lacking in design or operation to the extent that water pollution or a public health hazard or nuisance is created. A permit application will be required for correction of any deficient wastewater facility/facilities, and a permit for use of such a system will be approved only after proper corrections have been made. Wastewater facilities existing as of the effective date of this Code, need not have a permit unless enlarged, replaced, modified, found to be deficient or creating a health hazard or nuisance, requiring corrective measures.

4-1.3 PROHIBITED PRACTICES

- (a) No person shall rent, lease, or sell any home or business without first having an inspection of the wastewater system and complying with the regulations set forth by this Code.
- (b) The installation of cesspools / seepage pits is prohibited.
- (c) The discharge of industrial waste to private wastewater facilities is prohibited.

SECTION 2 ABANDONMENT PROCEDURES

4-2.1 PUBLIC WASTEWATER SYSTEMS AVAILABLE

All private wastewater systems shall be discontinued and properly abandoned when public wastewater systems are available.

- (a) Disconnect the building sewer from the private wastewater facility;
- (b) Evacuate all sewer lines;
- © The septic tank is to be pumped out by a sanitary service contractor licensed in Montgomery County (see Section 8-1.1 of this Code);

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- d) Septic tanks shall be removed, properly filled, or collapsed and backfilled. The backfill shall provide for settlement to prevent a low area;
- e) All sewer lines may be allowed to exist as dormant lines.

4-2.2 **ABANDONMENT OF PRIVATE WASTEWATER FACILITIES**

Any private wastewater facility which is discontinued shall follow abandonment procedures set forth by the Director of Environmental Health.

4-2.3 **ABANDONMENT PROCEDURES - SEPTIC TANKS AND LATERAL FIELDS**

- a) Disconnect building sewer from the private wastewater facility;
- b) Evacuate all sewer lines;
- c) The septic tank is to be pumped out by a sanitary service contractor licensed in Montgomery County (see Section 8-1.1 of this Code);
- d) Septic tanks shall be removed, properly filled, or collapsed and backfilled. The backfill shall provide for settlement to prevent a low area. If the septic tank is salvageable, it may be removed and reused, with the approval of the Director of Environmental Health;
- e) All sewer lines may be allowed to exist as dormant lines.

4-2.4 **ABANDONMENT PROCEDURES - WASTE STABILIZATION PONDS**

- a) With the approval of the Director of Environmental Health, the water in the waste pond may be discharged to agricultural cropland or grassed area not used for recreation. The wastewater shall be applied in a fashion so that there is no surface run-off. The property upon which this liquid sewage is to be discharged must be under the control of the owner of the wastewater facility and may not be within one hundred (100) feet of any water wells nor fifty (50) feet of other properties. Care shall be exercised to minimize the discharge of fresh or untreated sewage and sewage solids;
- b) Sewage solids and untreated sewage may be allowed to remain in the waste pond;
- c) The waste stabilization pond is to be backfilled with soil including either the berm or dike area. Backfilling shall allow for settlement and prevent a low area;
- d) Sewer lines going to the waste pond may be allowed to exist as dormant lines, after they have been evacuated.

All abandonment procedures shall be done with the approval and supervision of the Director of Environmental Health.

SECTION 3 ADMINISTRATIVE PROCEDURES

4-3.1 **RESPONSIBILITY - PERMITS**

It is the responsibility of the property owner to comply with all private wastewater standards and to secure

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a Montgomery County Wastewater Management Permit before any unit is installed.

4-3.2 **RESPONSIBILITY - CONTRACTOR**

No contractor shall begin construction of a wastewater facility without submission of approved plans for the facility and applying for a wastewater permit.

4-3.3 **APPLICATION FOR PERMIT**

The owner or his designated representative shall apply for approval to construct, reconstruct or modify a private wastewater facility on application forms provided by the Montgomery County Health Department. This application shall be accompanied with applicable fees.

4-3.4 **REQUIRED SITE INFORMATION**

When applying for a wastewater permit, the applicant shall complete and submit the wastewater permit application to the Health Department (see Section 5-4.1 - 5-4.9 of this Code).

4-3.5 **CONSTRUCTION APPROVAL**

When the facility design, the site, and the intended usage are found acceptable, the Director of Environmental Health will notify the owner that construction of the wastewater facility may be started. Before a permit is issued, an inspection of the site will be conducted to determine the feasibility of a wastewater facility. If the soil is acceptable and all the other requirements have been met, a permit will be issued. An inspection will be conducted during the installation and prior to the final covering before a final approval of the wastewater facility will be given. When the wastewater facility has been properly constructed, the Director of Environmental Health will release to the owner a permit to allow use of the wastewater facility (see Section 5-4.1 - 5-4.9 of this Code).

4-3.6 **PROTECTION OF WATERLINES**

It is of utmost importance that potable water lines be protected from any source of pollution. The following shall pertain where individual septic tanks and tile absorption fields, waste stabilization ponds, waste lines discharging into roadside ditches, feedlots, or other sources of pollution are encountered:

- (a) The recommended distance is one hundred (100) feet but a minimum distance of fifty (50) feet shall be maintained between all potable water lines and all septic tanks, waste stabilization ponds or open sewage discharge locations;
- (b) Under no circumstances shall a water line extend through a septic tank tile absorption field, or feedlot. All water lines shall be located a minimum of fifty (50) feet from the closest known extent of any sewage absorption field. The recommended distance is one hundred (100) feet;
- (c) A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines;

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- (d) When it is necessary for any water line to cross a sewer line, the sewer line shall be constructed of cast iron or plastic pipe ten (10) feet either side of the water lines unless the water line is at least two (2) feet clear distance above the sewer line;
- (e) When it is necessary for any water line to cross a sewer drain including an open drain ditch, the sewage flow shall be encased in a cast iron or approved plastic pipe for a least ten (10) feet on each side of the water main;
- (f) Under no condition will it be considered that the encasement of the water main through an area of real or potential pollution would provide the protection needed for the water supply.

4-3.7 **APPROVAL OF PLATS/SUBDIVISIONS**

After the adoption of this Code, no person shall develop any subdivision until the plans and specifications for wastewater management have been approved by the Health Department.

4-3.8 **SPECIFICATIONS**

All wastewater facilities shall be constructed in conformance with regulations and specifications set forth in this Code (see Section 5-1.1 - 6-5.3 of this Code.)

4-3.9 **RESPONSIBILITY**

The owner of the property upon which a wastewater facility is located shall be responsible for the maintenance of the wastewater facility. The wastewater facility shall be maintained in a fashion to prevent water pollution, to be free of public health hazards and/or nuisances.

4-3.10 **CORRECTION OF DEFICIENCIES**

The owner shall correct operational or design deficiencies within a fifteen (15) day time period, weather permitting, as directed in writing by the Director of Environmental Health. The stipulated time limit for correction of operational and/or design deficiencies shall be reasonable in relation to the circumstances and hazards involved.

4-3.11 **WAIVER**

The Administrative Agency shall have the authority to grant exceptions when reliable information is provided which justifies the exception and does not compromise the environment.

4-3.12 **APPROVAL OF PERMITS**

All wastewater facilities serving industrial-commercial establishments, institutions and recreational areas not requiring a permit from the Kansas Department of Health and Environment shall comply with the Montgomery County Sanitary Code. Permits, approval and administrative procedures shall be as set forth in this Code.

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4-3.13

ADDITIONAL INFORMATION

Specific information regarding the type of waste and volume of that waste shall be provided to assist in designing a system to serve the referenced facilities.

4-3.14

VARIANCE OF WASTEWATER FACILITY REQUIREMENTS

The Director of Environmental Health may grant a variance of these requirements subject to the following considerations:

- (a) When the features of the site for which the variance is requested are not compatible with the requirements of this Code;
- (b) When alternate designs can attain the objectives of the Code;
- (c) When an application for a variance shall be filed with the Director of Environmental Health.

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CHAPTER 5

DOMESTIC WASTEWATER FACILITIES - SEPTIC TANK AND LATERAL FIELDS

SECTION 1 SEPTIC TANK AND LATERAL FIELD REQUIREMENTS

5-1.1 MINIMUM LOT SIZE

After the effective date of this Code, all property on which a septic tank and lateral field wastewater facility are to be constructed, must provide a minimum of eighty-six thousand square feet (86,000 sq. ft.) or two (2) acres excluding easements and dedicated public right-of-ways. Existing lots platted and developed prior to the date of the Code shall be required to provide a minimum of one (1) acre this may include easements and dedicated public right-of-ways. This minimum size lot requirement is independent of all other area and separation requirements.

5-1.2 MINIMUM AREA - LATERAL FIELDS

If a lateral field is utilized, at least ten thousand square feet (10,000 sq. ft.) of the property must be suitable for the location of the lateral field. Alternating lateral fields as specified in Section 5-3.1 - 5-3.8 of this Code require twenty thousand square feet (20,000 sq. ft.).

5-1.3 SITE REQUIREMENTS - LATERAL FIELDS

Locations for lateral fields must meet the following conditions:

- (a) The site shall have a minimum of four feet (4') of soil depth below and between the bottom of the proposed lateral trenches and bedrock or other impervious layer;
- (b) The site shall have a minimum of ten feet (10') depth between the ground surface and the maximum elevation of the ground water surface;
- (c) No portion of a private wastewater systems shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir unless written approval is obtained from the appropriate Administrative Agency;
- (d) Private wastewater systems which are dependant upon soil absorption for the disposal of wastewater, shall meet minimum percolation standards as stated in Section 7-1.1 - 7-2.5 of this Code;
- (e) The provisions in the above sections shall not prohibit soil modification to enhance percolation or other advanced systems that employ similar technology;
- (f) A maximum slope of ten percent (10%) is the limit for the use of on-site systems.

5-1.4 ALTERNATIVE TYPES OF LATERAL FIELDS

Situations may arise in which conventional types of lateral field installation are not compatible for a particular property due to soil characteristics, elevation, utilities, lot size involved, etc. When this type of situation occurs and a conventional type of system cannot be utilized due to limiting factors of whatever

origin, an alternative type of septic system may be required. These alternative type of systems may include but not be limited to: mounds, wetlands, shallow on-ground, expanded trench width and aerobic type systems.

In each individual case, the type of system designated shall attempt to provide for the most effective means of wastewater treatment so as to protect the environment and public health while also considering the financial impact the individual property owner will incur in establishing such a system.

5-1.5 **MINIMUM ABSORPTION AREA REQUIRED**

Lateral fields shall be required to have a minimum of one thousand five hundred square feet (1,500 sq. ft.) of total absorption area. Alternating lateral fields shall have a minimum of three thousand square feet (3,000 sq. ft.) of total absorption area.

5-1.6 **MINIMUM SEPTIC TANK CAPACITY**

1 Bedroom Dwelling	750 gallon tank
2 Bedroom Dwelling	1,000 gallon tank
3 Bedroom Dwelling	1,000 gallon tank
4 Bedroom Dwelling	1,500 gallon tank

5-1.7 **CONSTRUCTION REQUIREMENTS - SEPTIC TANKS**

Septic tanks shall be watertight and of durable construction. The ability to support a conventional septic tank servicing vehicle is required as specified in Section 5-4.1 - 5-4.3 of this Code.

SECTION 2 SEPARATION REQUIREMENTS - SEPTIC TANKS AND LATERAL FIELDS

5-2.1 **WATER SOURCES**

Septic tanks and lateral fields must have a minimum of fifty feet (50') horizontal separation from all water wells, ponds, streams, and lakes.

5-2.2 **OTHER PROPERTIES**

Septic tanks and lateral fields must have a minimum horizontal separation of twenty-five feet (25') from other properties.

5-2.3 **PUBLIC WATER SUPPLY SYSTEMS**

The Kansas Department of Health and Environment Public Water Supply Separation Requirements shall be used as requirements for separation of private wastewater facilities from public or community water supply systems (see Section 9-6.1 - 9-6.3 of this Code).

5-2.4 **ADDITIONAL REQUIREMENTS**

Additional separation requirements may be required by the Director of Environmental Health.

SECTION 3 ALTERNATING LATERAL FIELDS

5-3.1 WHAT ARE ALTERNATING LATERAL FIELDS?

Alternating lateral fields are a division of the soil absorption system into more than one (1) field allowing alternate use of the individual fields over extended periods of time, thereby extending the life of the absorption system. Alternating operation of the fields permits part of the system to "rest" periodically so that the infiltrative surface can be rejuvenated naturally through biodegradation of the clogging mat. The "resting" field also acts as a standby unit that can be put into immediate service if a failure occurs in the other part of the system. This provides a period of time during which the failed field can be rehabilitated or rebuilt without an unwanted discharge.

Switching of the fields is recommended on a semi-annual or annual schedule by means of a diversion valve.

5-3.2 MINIMUM REQUIREMENTS

The alternating system required by the Montgomery County Sanitary Code consists of two (2) fields. Each field contains one hundred percent (100%) of the total required area for a single field.

5-3.3 SEPTIC TANK

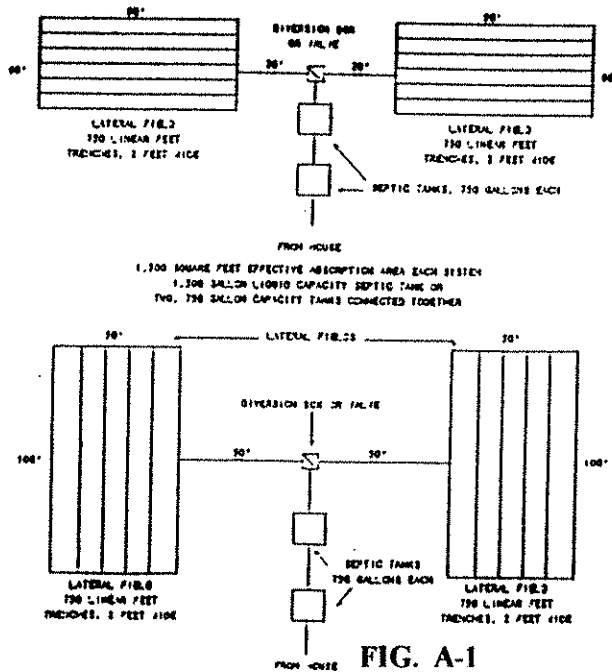
One thousand five hundred gallon (1,500 gal.), prefabricated, reinforced, concrete tank. May be one (1) tank unit or two (2), seven hundred fifty gallon (750 gal.), liquid capacity tanks connected together.

5-3.4 LATERAL FIELD

Two (2) individual lateral fields of one thousand five hundred square feet (1,500 sq. ft.) total effective absorption area each, or a total of three thousand square feet (3,000 sq. ft.) of effective absorption area. Sewage flow to the lateral fields is to be controlled by a diversion valve or box as described in Section 5-3.5 - 5-3.6 of this Code (see Figure A-1).

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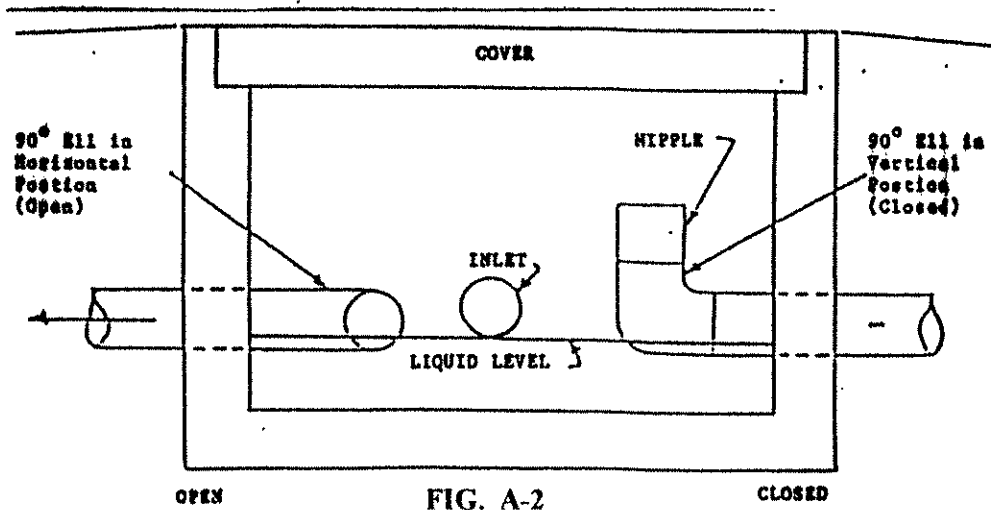
**TYPICAL LAYOUTS
ALTERNATING LATERAL FIELDS**



5-3.5 DIVERSION BOX

A diversion box is constructed similar to a distribution box and has one (1) inlet with two (2) or more outlets which are diverted with either a treated wood gate, manually controlled or adjustable ells (see Figure A-2, A-3 and A-4).

**DIVERSION BOX
UTILIZING ADJUSTABLE ELLS
FOR ALTERNATING LATER FIELDS
SECTION VIEW**



ALTERNATING LATERAL FIELDS
 DIVERSION BOX UTILIZING A TREATED WOOD GATE
 TOP VIEW

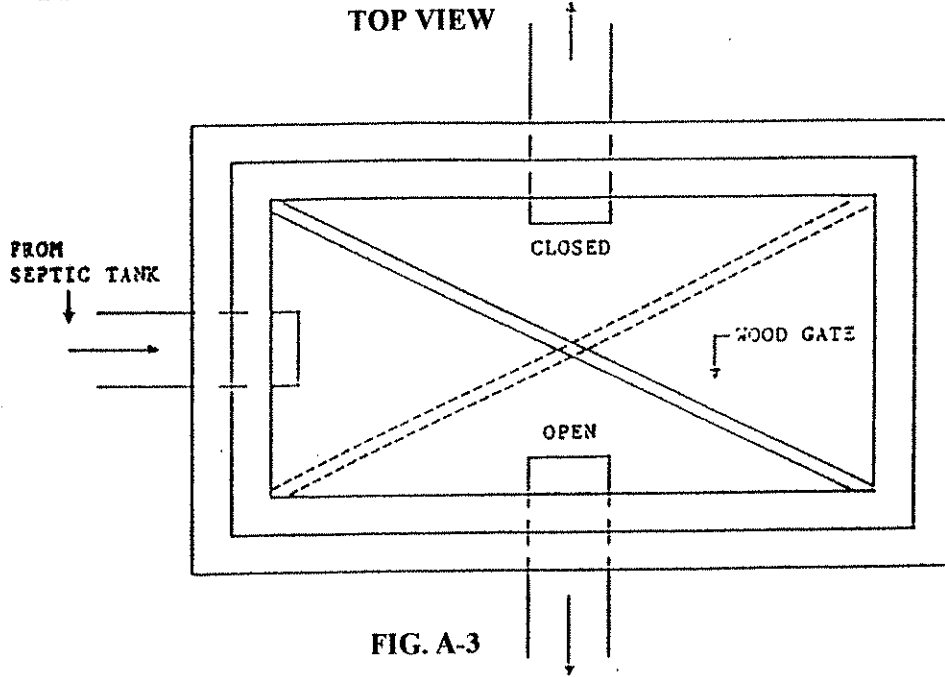


FIG. A-3
 SIDE VIEW

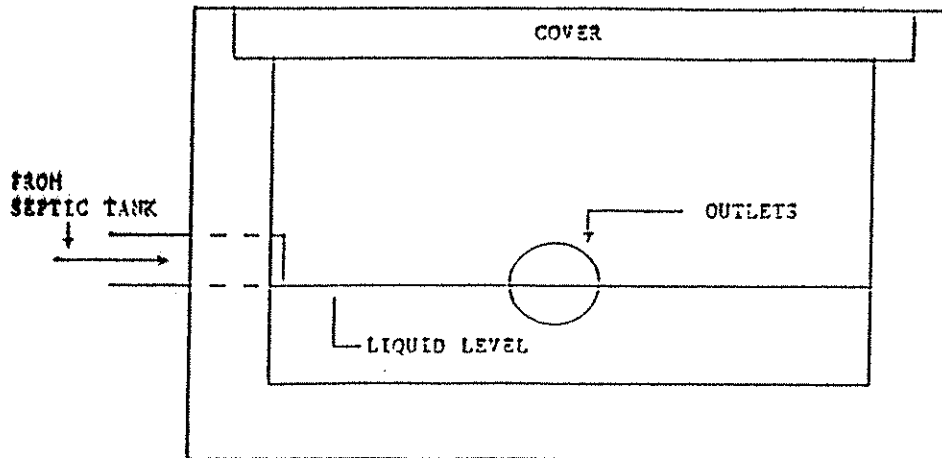


FIG. A-4

5-3.6 **DIVERSION VALVES**

Diversion valves are commercially available. Typical diversion valves have a hookup for one (1) incoming line and outlet of two (2) line hookups. The valve is controlled by a valve direction handle which extends above or at ground surface for manual access (see Figure A-5).

TYPICAL DIVERSION VALVE

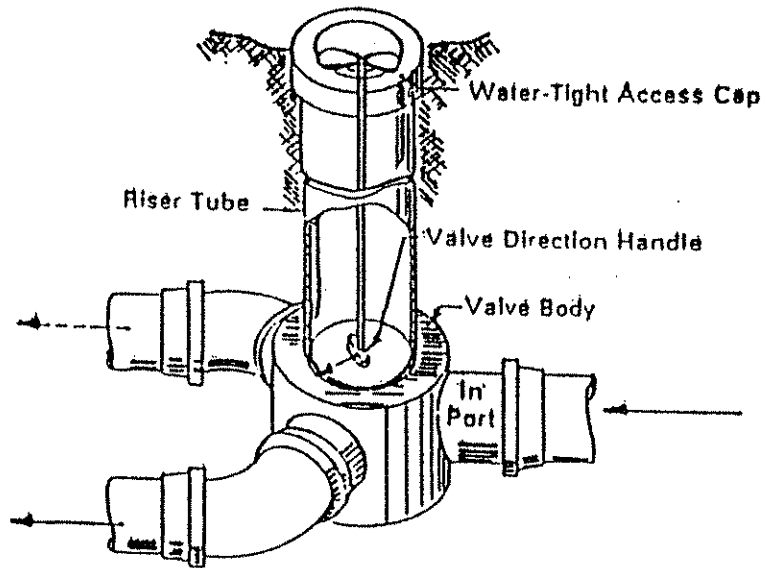


FIG. A-5

5-3.7 **CONSTRUCTION**

Construction materials shall be approved by the Director of Environmental Health. All diversion boxes are to be watertight and durable.

5-3.8 **MAINTENANCE**

Maintenance of diversion valves involves little more than turning the valve at the desired frequency. Any accumulated solids in the diversion box or valve should be removed periodically.

SECTION 4 SEPTIC TANKS AND LATERAL FIELDS

5-4.1 **SEPTIC TANKS - MATERIAL**

- (a) Reinforced concrete, precast; cast in place. Minimum thickness, three inches (3");
- (b) Fiberglass, reinforced;
- (c) Other materials as approved by the Director of Environmental Health. All septic tanks must be watertight and of durable strength to withstand the weight of conventional sanitary service pumping equipment.

5-4.2 **SEPTIC TANKS - BAFFLES**

- (a) Cement, precast into the tank;
- (b) Fiberglass, precast into the tank;
- (c) Four inch (4") diameter sewer pipe "T". No sewer pipe elbows are allowed to be used as inlet baffles.
- (d) Additional solids retention devices such as outlet inverts will be required and will be constructed of either plastic or clay tile materials.

5-4.3 **SEPTIC TANKS - ACCESS**

All tanks shall be required to have a manhole access for all sanitary service pumping and inspection.

5-4.4 **SEWER PIPE - PERFORATED AND SOLID - MATERIAL**

- a) Polyvinyl-chloride (PVC), plastic/styrene, plastic pipe. Minimum tested crush strength, one thousand five hundred pounds per square inch (1,500 psi);
- b) Schedule forty (40) PVC or stronger is required under driveways, easements, or other areas where vehicle traffic is likely;
- c) Flexible sewer pipe is not allowed unless prior approval is granted by the Director of Environmental Health.

5-4.5 **SEWER PIPE SIZES**

- a) Four (4") inch diameter minimum;
- b) No longer than twenty foot (20') joints.

5-4.6 **CLEAN-OUTS**

A minimum of one sewer clean-out from the dwelling to the septic tank. One (1) clean-out access shall be provided every one hundred feet (100').

5-4.7 **TRENCHES**

- a) Minimum width of eighteen inches (18");
- b) Maximum width of four feet (4');
- c) Maximum depth of two feet (2') unless approved by the Director of Environmental Health;
- d) Separation between trenches is a minimum of ten feet (10'), unless approved by the Director of Environmental Health.

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5-4.8

GRAVEL

Crushed rock one and one half to three (1½ to 3") inches in size or greater shall be used. The rock shall be cleaned and free of debris. Total depth of gravel shall be sixteen inches (16"). The placing of the pipe will vary (see Figure A-6).

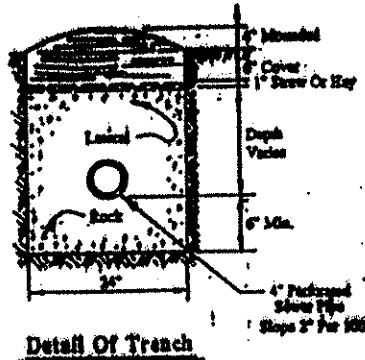


FIG. A-6

5-4.9

OTHER

- (a) A minimum of a six inch (6") drop from the septic tank to the lateral field (may be a sudden drop or gradual).
- (b) All lateral lines are to be looped or interconnected unless the topography of the site is such to prevent interconnection.
- (c) Lines are to be run level as much as possible. No greater than one-eighth inch (1/8") per one foot (1') slope of pipe.

SECTION 5 SOIL CONDITIONS FOR INSTALLATION

5-5.1 EXCAVATION OF INSTALLATION

Any excavation or construction of an absorption lateral field shall not be attempted when soil moisture is above the plastic limit so as to inhibit excessive compaction and smearing of soil structure.

NOTE: These specifications are intended as guidelines for contractors and person installing septic tanks and lateral fields. The Director of Environmental Health may use discretion for a variance to these specifications if, in his opinion, the variance creates the same objective and will not affect the health or welfare of the people.

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CHAPTER 6

DOMESTIC WASTEWATER FACILITIES - WASTE STABILIZATION PONDS

SECTION 1 WASTE STABILIZATION PONDS SITE REQUIREMENTS

6-1.1 MINIMUM LOT SIZE

A minimum of five (5) acres shall be provided for construction of any home or building that will use a single family waste stabilization pond.

6-1.2 CONSTRUCTION

Waste stabilization ponds shall be constructed in conformance with the minimum requirements set forth in Section 6-1.1 - 6-3.6 of this Code (see Figures A-7 and A-8).

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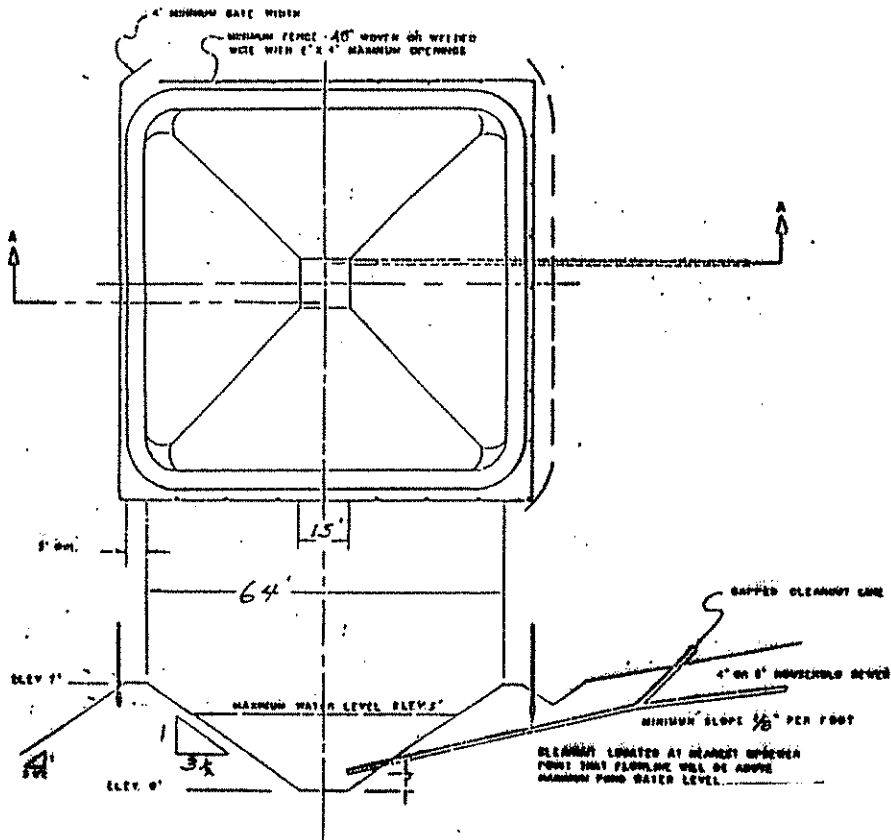
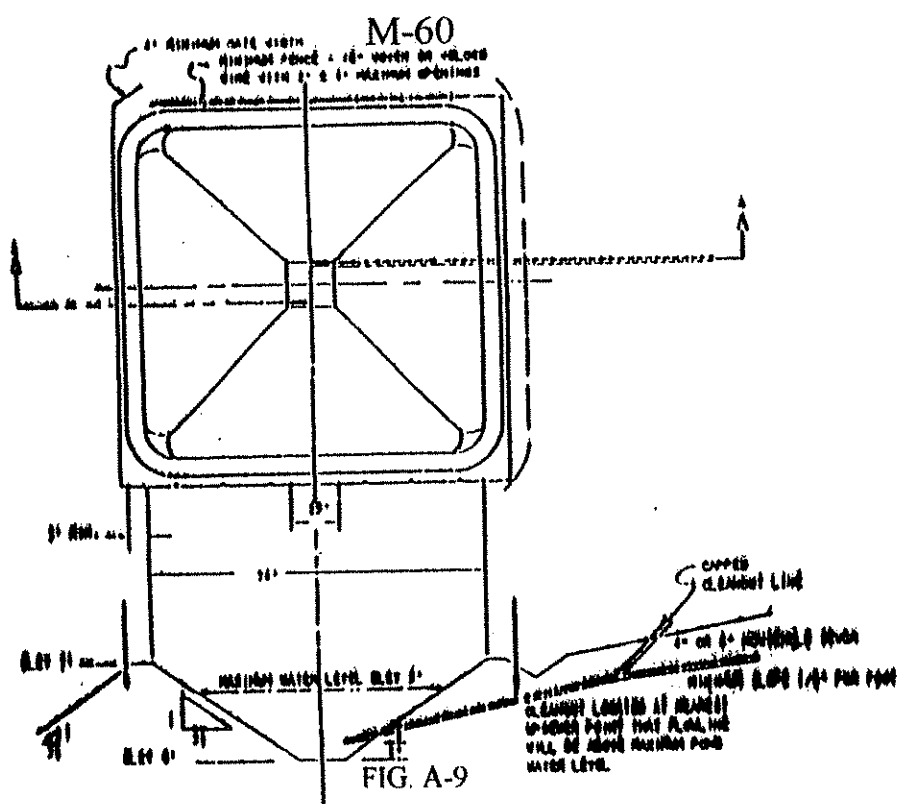
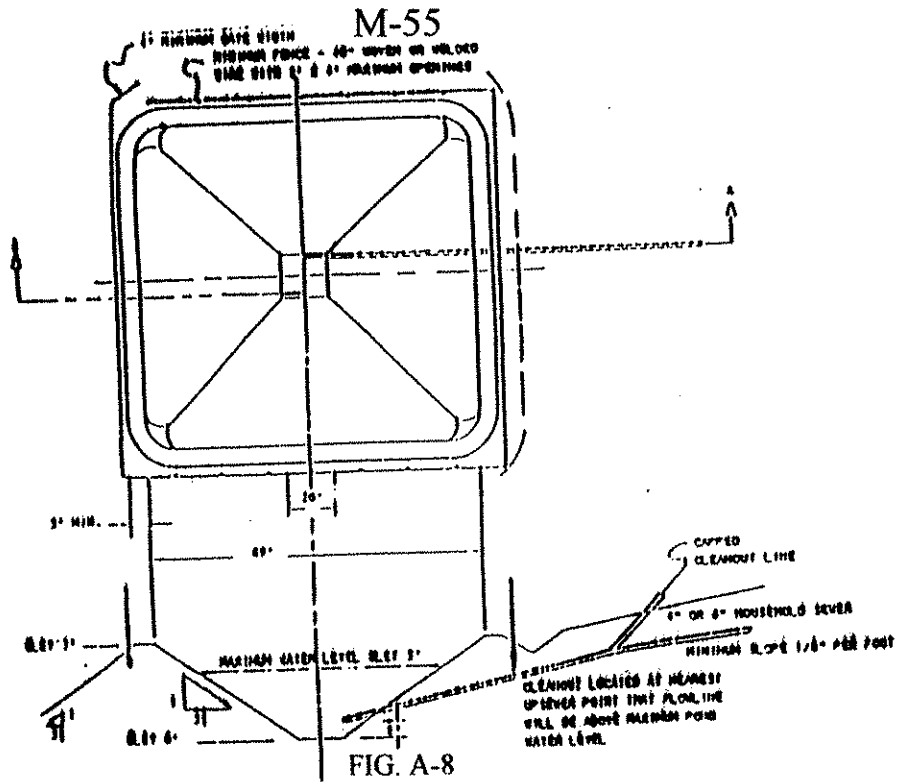


FIG. A-7

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6-1.3 **OPERATION**

Waste stabilization ponds designed and permitted as non-discharging facilities must be operated in such a fashion to assure that no discharge occurs. If overflow of a waste stabilization pond is imminent, overflow control methods shall be approved by the Director of Environmental Health (see Section 6-5.1 - 6-5.3 of this Code).

6-1.4 **MINIMUM SITE REQUIREMENTS**

- (a) No waste stabilization pond bottom shall be constructed at an elevation below the normal ground water elevation. The normal ground water elevation must be a least ten feet (10') below ground surface;
- (b) The percolation rate shall be less than a one inch (1") fall per hour (see Section 7-2.1 - 7-2.5 of this Code).

6-1.5 **PENETRATION OF ROCK OR POROUS STRATA**

When the pond excavation penetrates or terminates in either a rock strata or a porous (sand or gravel) strata, the excavation shall be extended a distance of one foot (1') on both the bottom and side slopes. The area of supplemental excavations shall be filled with a non-permeable earthen material to limit seepage from the pond to a maximum value of one-fourth inch (1/4") per day. This normally may be accomplished by using a clay soil which is free of rocks. If a clay soil is not available, the fill soil should be mixed with bentonite clay at the manufacturer's recommended rate and compacted.

SECTION 2 MINIMUM SEPARATION REQUIREMENTS

6-2.1 **PROPERTY LINES**

There should be a minimum separation of one hundred feet (100') between the maximum operational water level of the pond (at the five foot (5') water depth) and property lines. Public roadways (total right-of-way) may be considered part of the separation, if necessary. The Director of Environmental Health may grant a waiver in a specific instance to allow construction with a separation of less than one hundred feet (100') if public health will not be compromised.

6-2.2 **WATER SUPPLY WELL**

There must be a minimum separation of one hundred feet (100') between the maximum operational water level of the pond and any water supply well. An exception may be made if the well involved serves only the occupant's needs; in this case the separation can be fifty feet (50').

6-2.3 **WATER SUPPLY LINES**

There must be a minimum separation of fifty feet (50') between the maximum operational water level of the pond and any water supply line (public or private) but under no circumstances can the dikes infringe

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on any easement or right-of-way including easements for water supply lines.

6-2.4 **HOUSING**

There should be a minimum of fifty feet (50') from the house it is serving and a minimum of three hundred fifty feet (350') from other houses.

SECTION 3 CONSTRUCTION REQUIREMENTS

6-3.1 **MINIMUM REQUIREMENTS FOR INLET SEWER LINE**

- (a) Four inch (4") minimum diameter pipe;
- (b) Pipe material must be steel, plastic, PVC or ABS and freeze and/or breakage resistant;
- (c) Provide a capped clean-out line at the nearest point that flow line will be above maximum pond water level;
- (d) The slope of the inlet pipe must be a minimum of one-eighth inch per foot ($\frac{1}{8}$ " per ft.), and one foot (1') from the bottom.

6-3.2 **FENCING**

The pond must be adequately fenced to prevent entrance of unauthorized persons, pets and livestock.

- (a) The fence must be a minimum of four feet (4') in height of woven or welded wire with two inch (2") to four inch (4") maximum openings;
- (b) Allow enough area between the fence and the dike area to adequately maintain and mow with the fencing located behind the berm.
- (c) Maximum fence post spacing is twelve feet (12');
- (d) The gate width must be a minimum of four feet (4') to allow access of mowers, etc. This gate should provide the same degree of resistance to entry as the fence.

6-3.3 **POND DIKES**

- a) All dike slopes are to be three and one-half foot ($3\frac{1}{2}$ ') horizontal to one foot (1') vertical;
- b) Minimum dike berm (top) width is to be three feet (3');
- c) Minimum dike freeboard is to be two feet (2');
- d) Surface drainage is to be diverted away from the pond and berm;
- e) All clods, rocks, etc., must be removed from dike area and ruts smoothed to facilitate mowing of the dike area.

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6-3.4 **STERILIZATION AND SEEDING**

- a) The pond bottom and interior dikes up to two foot (2') elevation are to be treated with a herbicide at the manufacturer's recommended sterilization rate. Care shall be taken not to apply herbicide above the two foot (2') elevation level where grass will be seeded;
- b) All dike area not sterilized is to be seeded with a densely growing, short rooted grass; such as, blue, fescue, brome, or bermuda.

6-3.5 **WATERING**

- a) Pre-water the pond to two and one-half feet (2½');
- b) The maximum water level elevation is to be five feet (5'). Remember two foot (2') minimum freeboard.

6-3.6 **ROOF DRAINS**

Roof drains may be discharged to the wastewater system provided there is a control arrangement to readily divert this water from the wastewater system.

SECTION 4 OPERATION AND MAINTENANCE DIRECTIONS

6-4.1 **GRASS, WEEDS AND TREES**

All of the area bounded by the outside bottom edge of the dikes (or the fenced where there is no dike) shall have a good stand of grass established and maintained on it. This grass should be a short-rooted perennial such as blue, fescue, brome or bermuda. Once this vegetation is established, it should be regularly mowed during the growing season and under no circumstances shall trees or tall weeds be allowed to develop in this area. General vegetation should not be allowed to grow higher than six inches (6") since it could provide cover for rodents that could feed upon the sewage and/or burrow into the dikes; also rank growth reduces air circulation at the ponds surface. Special attention should be given to mowing the faster growing vegetation at the water's edge.

6-4.2 **MOSQUITOS**

It is important to control all trees and weeds (like cattails); as soon as, the first ones develop in the water. Mosquito production is directly proportional to the amount of such vegetation, essential air circulation is reduced, the pond's seal can be destroyed, organic overloading can occur and evaporation can be reduced. Pulling them out by hand is generally the best method. Remove them from the water so that they do not contribute to the organic loading of the pond. If you chose to use a herbicide, first call your county extension agent for the latest advice on what product to use. Follow the manufacturer's recommendations, and avoid spillage or drift that would kill the grass on the dikes.

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6-4.3 **DAMAGE TO THE DIKES**

Any damage to the dikes shall be repaired by reshaping the area to the original plan and then establish a good stand of grass on the worked areas. Among the most common causes of dike damage are settling, erosion and rodent burrowing. Surface water shall be diverted around the pond so it will not contribute to the hydraulic loading of the pond or create an erosion problem.

6-4.4 **FENCING**

The fence, gate and pipe, shall be maintained in the condition called for in the original plans specifications.

6-4.5 **WATER DEPTH**

The water depth should be maintained between three to five feet (3' to 5'). To help maintain the minimum depth, roof drains may be directed into the wastewater line (see Section 6-3.6 of this Code).

SECTION 5 EMERGENCY PROCEDURES - THREATENED OVERFLOW

6-5.1 **IRRIGATION**

One method often suitable for preventing overflow is to use some of the pond water for irrigation. This irrigation water must be distributed so all water is absorbed into the ground without run-off. **Therefore, irrigation is not an option when the ground is saturated or frozen.** The area to be irrigated shall not be within fifty feet (50') of property not under the control of the facility owner nor within one hundred feet (100') of a water supply well. The preferred irrigation area is plowed cropland. The irrigation area should not be a children's play area, a food garden or an area accessible to lactating dairy animals. Care should be taken to minimize the taking of fresh or untreated sewage and sewage solids within the irrigation water; the intake should be suspended about midway in the water's depth.

Irrigation is not to be considered a normal operating procedure but rather an emergency procedure to be used on rare occasions.

6-5.2 **EXCESS SEWAGE HAULED**

One alternative is to have the excess sewage hauled away by a septic tank cleaning service.

6-5.3 **PERSISTENT OVERFLOW**

If the threat of overflow persists, other measures must be taken; such as, enlargement of the existing pond or construction of an additional cell.

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CHAPTER 7

SOIL PERCOLATION TESTING

SECTION 1 SOIL PERCOLATION TESTS

7-1.1 AUTHORIZED TESTERS

Soil percolation test shall be performed by person authorized by the Director of Environmental Health.

7-1.2 PROCEDURES

Soil percolation tests shall be performed following steps and procedures set forth by the Director of Environmental Health (see Section 7-2.1 - 7-2.5).

SECTION 2 PERCOLATION TEST PROCEDURE

7-2.1 NUMBER AND LOCATION OF TESTS

Commonly a minimum of three percolation tests are performed within the area proposed for an absorption system. They are spaced uniformly throughout the area. If soil conditions are highly variable more tests may be required by the Director of Environmental Health.

7-2.2 PREPARATION OF TEST HOLE

The diameter of each test hole shall be six inches (6") minimum, dug or bored to the proposed depths of the lateral line, or to the move limiting soil horizon. To expose a natural soil surface, the sides of the hole are scratched with a sharp pointed instrument and the loose material is removed from the bottom of the test hole. Two inches (2") of one-half to three-fourths inch ($\frac{1}{2}$ " to $\frac{3}{4}$ ") in diameter gravel are placed in the hole to protect the bottom from scouring action when the water is added.

7-2.3 SOAKING PERIOD

The hole is carefully filled with at least twelve inches (12") of clear water. This depth of water should be maintained for a least four hours (4 hrs.), preferably overnight if clay soils are present. A funnel with an attached hose or similar device may be used to prevent water from washing down the sides of the hole. Automatic siphons or float valves may be employed to automatically maintain the water level during the soaking period. It is extremely important that the soil be allowed to soak for a sufficiently long period of time to allow the soil to swell if accurate results are to be obtained.

7-2.4 MEASUREMENT OF THE PERCOLATION RATE

Except for sandy soils, presoak the test holes for fifteen hours (15 hrs.), but no more than thirty hours (30 hrs.) prior to testing. Any soil that sloughed into the hole during the soaking period is removed and the water level is adjusted to six inches (6") above the gravel (or eight inches [8"] above the bottom of the hole). At no time during the test, is the water level allowed to rise more than six inches (6") above the gravel.

Immediately after adjustment, the water level is measured from a fixed reference point to the nearest one-sixteenth of an inch (1/16") at thirty minute (3- min.) intervals. The test is continued until two (2) successive water level drops do not vary by more than one-sixteenth of an inch (1/16"). At least three (3) measurements must be made. After each measurement, the water level is readjusted to the six inch (6") level. The last water level drop is used to calculate the percolation rate.

In sandy soils or soils in which the first six inches (6") of water added after the soaking period seeps away in less than thirty minutes (30mins.), water level measurements are made at ten minute (10 min.) intervals for a one hour (1 hr.) period. The last water level drop is used to calculate the percolation rate.

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7-2.5 CALCULATION OF THE PERCOLATION RATE

The percolation rate is calculated for each test hole by dividing the time interval used between measurements by the rate of the last water level drop. This calculation results in a percolation rate in terms of minutes per inch. To determine the percolation rate for the area, the rates obtained from each hole are averaged. If tests in the area vary by more than twenty minutes (20 min.) per inch, variation in soil type are indicated. Under these circumstances, percolation rates should not be averaged.

EXAMPLE: If the last measured drop in water level after thirty minutes (30 min.) is five-eighths of an inch ($\frac{5}{8}$ "), the percolation rate = $(30 \text{ min.}) (\frac{5}{8} \text{''}) = 48 \text{ min/in.}$

SECTION 3 SOIL ANALYSIS

7-3.1 Soil analysis shall be performed by a person authorized by the Director of Environmental Health. This individual shall be certified with not less than 12 contact hours of soil evaluation training.

7-3.2 METHOD OF SOIL EVALUATION

Soil should be analyzed to a depth of six feet (6'). Pit or auger type analysis is acceptable. Should a pit analysis be conducted, OSHA safety shoring requirements shall be utilized.

7-3.3 SOIL ANALYSIS RECORD

Documentation of analytic findings must be completed on soil description forms provided by either the Montgomery County Environmental Health Department of the U. S. Soil Conservation Service. These documents must be made available to the Montgomery County Environmental Health Department prior to the determination of any new wastewater installation.

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CHAPTER 8
SANITARY SERVICE EQUIPMENT

SECTION 1 LICENSE

8-1.1 LICENSE REQUIRED

No person shall remove, haul or transport, or offer to move, haul or transport any domestic wastewater facility, or privy unless he holds a valid license obtained from the Director of Environmental Health. The license may not be transferred to any other person, company, association or corporation (see Section 2-2.3 of this Code).

8-1.2 APPLICATION AND INSPECTION FEE

Every person wishing to obtain a Sanitary Service License shall make application for a license on forms provided by the Director of Environmental Health and shall pay the applicable fees to the Montgomery County Health Department for inspection of the equipment and evaluation of the person's operation procedures.

8-1.3 LICENSE FEE

A license fee shall be paid to the Montgomery County Health Department at the time the application or renewal is submitted to the Director of Environmental Health.

8-1.4 RENEWAL

License will be renewed annually upon receipt of the licensing fee and approval of the Director of Environmental Health. Renewal date will be January 15th each year.

8-1.5 CONTRACTING WITH UNLICENSED PERSON PROHIBITED

No person responsible for operating a private sewage facility, privy or disposing of industrial or commercial waste, shall contract, or offer to contract with any person for sanitary service unless that person holds a valid license to provide such service from the Director of Environmental Health.

SECTION 2 SANITARY SERVICE EQUIPMENT

8-2.1 MINIMUM STANDARDS FOR SANITARY SERVICE EQUIPMENT

No wastewater, wastewater sludge or human excreta shall be transported in equipment that does not comply with the following requirements:

- (a) The tank shall be constructed of heavy gauge steel plate or aluminum;
- (b) The tank shall be water and airtight and have a minimum capacity of five hundred gallons (500 gals.);
- (c) The tank shall have suction type pumps with a minimum of twenty feet (20') of two inch (2") suction hose attached;

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(d) The discharge line will be equipped with a leak-proof valve and an elbow or extension pipe to permit discharge of waste directly into a wastewater line or manhole and shall be equipped with air-tight manhole covers.

8-2.2 **LICENSE NUMBER**

The license number of the permit to transport, required in Section 8-1.1, shall be plainly and clearly marked on each truck.

8-2.3 **NON-CONFORMING EQUIPMENT**

Any person engaged in the business of cleaning or hauling waste/wastewater from septic tanks, holding tanks or privy vaults at the time this Code takes effect shall make all equipment comply with the provisions of this Code or cease using it for transportation of waste, wastewater, sludge or human excreta within ninety (90) days after the effective date of this Code.

SECTION 3 DISPOSAL OF WASTE/WASTEWATER

8-3.1 **APPROVED DISPOSAL**

All waste/wastewater shall be disposed of in a manner approved by the Director of Environmental Health at an approved site.

SECTION 4 REVOCAION OF LICENSE

8-4.1 **REVOCAION**

Licenses issued under the provisions of Section 8-1.1 - 8-3.1 of this Code shall be revoked if the applicant has made any false or misleading statements in his application for such license or for violations or any portion of this Code. The Director of Environmental Health shall notify the licensee of such revocation in writing.

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CHAPTER 9
WATER WELLS

SECTION 1 DEFINITIONS

9-1.1 WATER WELL

Water well shall be defined as in K. S. A. 82a-1203(f) of the Groundwater Exploration and Protection Act as being "any excavation that is drilled, cored, bored, washed, driven, jetted or other construction when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater."

9-1.2 RECONSTRUCTED WATER WELL

Reconstructed water well means an existing water well that has been deepened or has had the casing replaced, repaired, added to or modified in any way for the purpose of obtaining groundwater.

9-1.3 ABANDONED WATER WELL

Abandoned water well means a water well determined by the Health Department to be a well:

- (a) In which the use has been permanently discontinued;
- (b) In which the pumping equipment has been permanently removed;
- © Which is in such a state of disrepair that it cannot be used to supply water, or it has the potential for transmitting surface contaminants into the aquifer or both;
- (d) Which poses potential health and safety hazards; or
- (e) Which is in such a condition it cannot be placed in active or inactive status.

9-1.4 CISTERN

A partially or entirely subterranean reservoir capable of water storage without water production capabilities.

SECTION 2 CONSTRUCTION APPROVAL REQUIRED

9-2.1 NEW CONSTRUCTION

New construction on any water well, as defined, may not be started by the owner, contractor, or any other person until a permit and approval has been obtained from the Director of Environmental Health and Kansas Department of Health and Environment for such a water well. New construction of cisterns is prohibited.

9-2.2 EXISTING WATER WELLS AND CISTERNS

Existing water wells and cisterns are those which were existing or on which construction was started or approved prior to the effective date of this Code. Existing water wells are regulated under this Code when

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the water wells are reconstructed or abandoned as defined in Section 9-1.1 - 9-1.3 of this Code. All existing cisterns must be equipped with a workable pump and be constructed so as to inhibit hazards or contamination or be abandoned.

SECTION 3 PERMIT APPLICATION

9-3.1 APPLYING FOR A PERMIT

The property owner or his designated representative shall apply for approval to construct or reconstruct a water well upon application forms provided by the Montgomery County Health Department and Kansas Department of Health and Environment. This application shall be accompanied with the applicable fees and a schematic of the proposed construction site, wastewater treatment systems and utilities on the property.

9-3.2 PERMIT APPROVAL

The Director of Environmental Health Will notify the owner of approval to start construction of the water well after investigation has been completed of the proposed location of the water well.

SECTION 4 CONSTRUCTION REGULATIONS

9-4.1 REGULATIONS

Water well construction regulations as specified within K.S.A. Article 12, The Kansas Groundwater Exploration and Protection Act, 82a-1201 et. seq. as amended and K.A.R. Article 30, Water Well Contractors License, Water Well construction and Abandonment, 28-30-2 et. seq. as amended shall hereby be adopted as Montgomery County Regulations for construction of water wells as defined in this Code.

SECTION 5 WATER WELL AND CISTERN ABANDONMENT

9-5.1 ABANDONED WATER WELLS

Abandoned water wells, as defined in Section 9-1.3 of this Code, shall be plugged or caused to be plugged by the landowner.

9-5.2 WATER WELL ABANDONMENT REGULATIONS

Water well abandonment regulations as specified within K.S.A. Article 12, The Kansas Groundwater Exploration and Protection Act, 82a-1201 et. seq. as amended and K.A.R. Article 30, Water Well Contractors License Water Well Construction and Abandonment, 28-30-2 et. seq. as amended, shall hereby be adopted as Montgomery County Regulations for abandonment of water wells.

9-5.3 CISTERN ABANDONMENT

Cistern abandonment must be completed by:

- (a) Removal of water;
- (b) Clear debris such as piping, hardware, nonmasonry or stone materials from inside and around the site;

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- (c) Puncture the bottom so as to eliminate water retaining capabilities;
- (d) Plug openings such as underground inlet pipes with concrete;
- (e) Fill entire interior areas of cistern with sand, gravel or other clean inert granular material allowing for settlement.

SECTION 6 SEPARATION DISTANCES - POLLUTION SOURCES

The following minimum horizontal separation distances shall be maintained between water supplies and potential sources of pollution or contamination.

9-6.1 **WASTEWATER SYSTEMS**

Sewer lines, pressure sewer lines, septic tanks, lateral fields, pit privy, seepage pits, fuel or fertilizer storage, pesticide storage, feed lots or barn yards, and any other potential sources of pollution or contamination shall be fifty feet (50') or more.

9-6.2 **SEWER LINE MATERIALS**

Sewer lines constructed of cast iron, plastic, or other equally tight materials; the minimum separation distance shall be twenty-five feet (25') or more from public and private waterlines.

9-6.3 **PROPERTY LINES**

All wells shall be twenty-five (25) or more feet from the nearest property line.

SECTION 7 WATER WELL DISINFECTION

Constructed or reconstructed water wells shall be disinfected by the following minimum procedures.

9-7.1 **GRAVEL**

Gravel for gravel-packed wells shall be disinfected by immersing the gravel in a chlorine solution containing not less than two-hundred (200) mg/l (milligrams per liter) of available chlorine before it is placed in the wells annular space.

9-7.2 **CONSTRUCTED OR RECONSTRUCTED WELLS**

Constructed or reconstructed wells shall be disinfected by adding sufficient hypochlorite solution to them to produce a concentration of not less than one-hundred (100) mg/l of available chlorine when mixed with the water in the well.

9-7.3 **PUMP, CASING, SCREEN AND PUMP COLUMN**

The pump, casing, screen and pump column shall be washed down with a two-hundred (200) mg/l available chlorine solution.

9-7.4 **RESPONSIBLE PERSON**

All persons constructing, reconstructing, or treating a water well and removing the pump, replacing a pump, or otherwise performing an activity which has potential for contaminating or polluting the

groundwater supply shall be responsible for adequate disinfection of the well, well system and appurtenances thereto.

9-7.5

TESTING NEW OR RECONSTRUCTED WATER WELL

Testing the water well, if used as a potable source, for coliform bacteria and nitrates will be the responsibility of the property owner. Proof of a safe water test must be sent to the Montgomery County Environmental Health Department before final approval can be given.

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CHAPTER 10

WASTEWATER SYSTEM CONTRACTORS

SECTION 1 LICENSE

10-1.1 LICENSE REQUIRED

No person shall construct, or modify any private wastewater system unless he holds a valid license obtained from the Director of Environmental Health. The license may not be transferred to any other person, company, association or corporation. (See Section 2-2.3 of this Code.)

10-1.2 APPLICATION FEE

Every person wishing to obtain a Wastewater System Contractor's License shall make application for a license on forms provided by the Director of Environmental Health. In addition, the applicant must pay the applicable fees to the Montgomery County Environmental Health Department and pass a written examination for evaluation of the person's operation procedures. Accommodations can be made for individuals incapable of taking the written examination.

10-1.3 LICENSE FEE

A license fee shall be paid to the Montgomery County Health Department at the time the application or renewal is submitted to the Director of Environmental Health.

10-1.4 RENEWAL

License will be renewed annually upon receipt of the licensing fee and approval of the Director of Environmental Health. Renewal date will be January 15th each year.

10-1.5 CONTRACTING WITH UNLICENSED PERSONS PROHIBITED

No person responsible for operating a private sewage facility, or privy shall contract or offer to contract with any person for construction or modification of any sewage facility unless that person holds a valid license to provide such service from the Director of Environmental Health.

SECTION 2 REVOCAION OF LICENSE

10-2.1 REVOCAION

Licenses issued under the provision of Section 8-1.1 - 8-3.1 of this Code shall be revoked if the applicant has made any false or misleading statements in his application for such license or for violations of any portion of this Code. The Director of Environmental Health shall notify the licensee of such revocation in writing.

SECTION 3 NON-KANSAS BASED COMPANY

10-3.1 TRANSIENT MERCHANTS LICENSE

Anyone who is not a Kansas based company or does not have a Kansas Sales Tax ID Number will have

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