

FORD COUNTY ENVIRONMENTAL CODE

CHAPTER ONE

ADMINISTRATIVE PROCEDURES

- SECTION 1-1.0 AUTHORITY AND POLICY
- 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., as amended.
- 1-1.2 Declaration of Finding and Policy. The Board of County Commissioners finds that provisions for adequate and reasonable control over the sanitation and environmental conditions in Ford County are necessary and desirable. This Code is adopted to:
- a. Eliminate and prevent the development of environmental conditions that are hazardous to health and safety; and
 - b. Promote the economical and orderly development of the land and water resources of the county.
- For these reasons and objectives, it is the policy of the Board of County Commissioners to adopt and amend this Code to provide regulations that protect environmental sanitation and public health and safety.
- 1-1.3 Purpose. The purpose and intent of this Code is:
- a. To promote the public health, safety and welfare;
 - b. To protect the integrity of environmental and natural resources;
 - c. To prescribe the administrative procedures to be followed in administering the Code or any amendments thereto;
 - d. To establish administrative procedures to facilitate fair and equitable regulations while recognizing the rights

of affected persons to receive reasonably prompt processing and to appeal administrative decisions; and

- e. To promote the proper installation, operation and maintenance of on-site waste management systems.

1-1.4 Title: This Code shall be known and referred to as the Ford County Environmental Code.

1-1.5 Applicability: The procedures prescribed in this chapter shall be followed in administering this Code and any amendments thereto.

1-1.6 Effective Date. This Code shall become effective May 24, 1993, subject to any amendments thereafter.

SECTION 1-2.0 DEFINITIONS

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

- a. Administrative Agency means the entities authorized to administer and implement the provisions of this Code. The designated agencies for Ford County are the Ford County Health Department and Ford County Planning, Zoning and Environmental Health.
- b. Administrative Rules means those rules and regulations contained in this Code which prescribe general procedures to be followed in the administration of the Code adopted by the Board of County Commissioners.
- c. Authorized Representative means any person who is designated by the Administrative Agency to administer this Code.
- d. Board of County Commissioners means the Ford County Board of Commissioners.

- e. Health Officer means the County Health Nurse and/or the Director of Planning, Zoning and Environmental Health.
- f. Hearing Officer means an individual appointed by the Board of County Commissioners to hear appeals from decisions made by the Health Officer or Administrative Agency relating to the enforcement and administration of this Code.
- g. Person means an individual, corporation, partnership, joint venture, association, federal government, state government, political subdivision or other legal entity.
- h. Premises means any lot, parcel or tract of land and all buildings, structures, or facilities located thereon.
- i. Subdivision means any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of sale, lease or financing of development, either on the installment plan or upon any and all other plans, terms and conditions including re-subdivision. "Subdivision" includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, map, plat or other recorded instrument.

SECTION 1-3.0 ADMINISTRATIVE POWERS AND PROCEDURES

1-3.1 Right of Entry. Representatives of the Administrative Agency shall have the power and authority to enter upon private property to inspect, examine and to otherwise enforce this Code.

1-3.2 PERMITS AND LICENSES

1-3.2.1 Applications for Permits and Licenses. Every person required by this Code to obtain a permit or license shall make application on forms provided for such permit or

license to the Administrative Agency.

- 1-3.2.2 Issuance of Permit or License. After receipt of a complete application as required by this Code, the Administrative Agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within 20 business days of receipt of the application provided all requirements for soil profile, site assessment, system designs and license qualifications have been completed. If the permit or license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for denial.
- 1-3.2.3 Permit Nontransferable. No permit or license required by this Code shall be transferable to another person or premises, nor shall any fees required and paid be refundable.
- 1-3.2.4 Terms and Renewal. Any permit issued for a septic system shall be valid for a period of twelve (12) months following the date of issuance and not subject to renewal.
- 1-3.2.5 Permit Revocation. All permits are subject to revocation for reasons of noncompliance or misrepresentation. Failure to pay any fee imposed by this Code shall be reason for suspension or revocation of any permit or license.
- 1-3.2.6 Standard Fees. The Administrative Agency shall establish a schedule of fees sufficient to recover direct and indirect costs of processing and monitoring all permits and licenses required by the Code. All fees shall be paid to the Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid.

1-3.3 NOTICES, ORDERS AND APPEALS

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

- a. be in writing;
- b. include a statement of why the notice is being issued;
- c. allow a reasonable period of time for performance of any work required by the notice; and
- d. be properly served upon the owner or agent. Such notice shall be deemed properly served when a copy has been sent by certified mail, return receipt requested to the last known address of the land owner or agent.

1-3.3.2 Appeal. 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 person shall file with the Administrative Agency within ten (10) working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of such petition, the Administrative Agency shall 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 (10) working days after the date on which the petition was filed; provided, that upon request of the petitioner or the Administrative Agency the hearing may be postponed for a reasonable time beyond such ten (10) day period, when in the Hearing Officer's judgment the petitioner or the Administrative Agency has submitted

justifiable reason for such postponement.

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

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

1-3.4 RECORDS

1-3.4.1 Permit Applications. Applications for permits or licenses required by this Code shall be filed with the Administrative Agency.

1-3.4.2 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.

1-3.4.3 Proceedings of Hearings. The proceedings of all hearings, including findings and decisions of the Hearing Officer, and a copy of every notice and order 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.

1-3.5 GENERAL PROVISIONS

1-3.5.1 Enforcement Procedure. The County Counselor shall

enforce the provisions of this Code and any other environmental codes adopted by the Board of County Commissioners and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency. Actions for injunctive relief, mandamus, and quo warranto may be utilized for enforcement of this Code and any other environmental codes adopted by the Board of County Commissioners and shall be governed by the provisions of the Kansas Code of Civil Procedure.

1-3.5.2 Penalties. In addition to, and independently of, the enforcement procedures provided in section 1-3.5.1 herein, any violation of any provision of this Code shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200.00) for each offense. Each day's violation of the Code shall constitute a separate offense.

1-3.5.3 Disclaimer of Liability. This Code shall not be construed or interpreted as imposing upon the county or its officials or employees (1) any liability or responsibility for damages to any property, or (2) any warranty that any 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, who acts in good faith and without malice in the discharge of his or her duty, shall not thereby be personally liable for damages which may occur to any person or property as a result of the discharge of his or her duties.

1-3.5.4 Severability. 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 found unconstitutional and invalid.

CHAPTER TWO

ON-SITE WASTEWATER MANAGEMENT

SECTION 2-1.0 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 define 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 Ford County.

SECTION 2-2.0 APPLICABILITY

The provisions of this chapter shall apply to all unincorporated areas located in Ford County, Kansas.

SECTION 2-3.0 DEFINITIONS

2.3.1 Abandoned on-site wastewater system means an on-site wastewater system determined by the Administrative Agency to be a system:

- a. The use of which has been permanently discontinued;
- b. Which is in a state of disrepair such that it cannot be used to treat effluent, or it has the potential for transmitting effluent into the aquifer or both; or
- c. Which poses potential health and safety hazards.

2-3.2 Alternative Wastewater Treatment/Disposal. An onsite treatment system that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to

achieve acceptable treatment and dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources (e.g., at sites where high ground water, low-permeability soils, shallow soils, or other conditions limit the infiltration and dispersal wastewater or where additional treatment is needed to protect ground water or surface water quality). Components that might be used in alternative systems include sand filters, aerobic treatment units, disinfection devices, and alternative subsurface wastewater infiltration such as mounds, nongravel trenches, and pressure and drip distribution.

- 2-3.3 Beneficial Use means the use of water for any of the following purposes: agricultural water, aquatic life, domestic water supply, groundwater recharge, industrial water supply and recreation.
- 2-3.4 Nuisance means conditions or activities on properties both public and private, which have or threaten to have a detrimental effect on the health of the public or its members.
- 2-3.5 Private Wastewater System means any system which does not hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.
- 2-3.6 Sanitary Privy means a facility designed for the disposal of non-water carried wastes from the human body.
- 2-3.7 Sanitary Service means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater systems; and the transportation of such material to a point of final disposal.
- 2-3.8 Sewage means any substance that contains any of the waste products, excrement or other discharges from the bodies of human beings or animals; or chemical or other wastes from domestic manufacturing or other forms of industry.

2-3.9 Wastewater System means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic, industrial or commercial waste.

2-3.10 Vaults/Holding Tank means a water-tight receptacle for the retention of sewage either before, during or after treatment.

SECTION 2-4.0 PROHIBITED PRACTICES

2-4.1 Use of Non-Approved Private Wastewater Systems. No person shall use or cause to be used any private wastewater system or sanitary privy constructed after the adoption of this Code 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;
- b. fails to comply with the provisions of this Code, and written notice thereof has been given by the Administrative Agency;
- c. discharges inadequately treated wastes onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161(a); or
- d. causes vector breeding, produces offensive odors or any condition that is detrimental to health and comfort.

Abandoned wastewater systems are not exempt from this chapter and shall be abandoned in accordance with 2-5.5.

2-4.2 Use of Private Wastewater Systems Within 400 Feet of Public Sewer. No private wastewater system shall be constructed within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this Code, can be constructed on that property.

- 2-4.2 Existing Systems Located Within 400 Feet of a Public Sewer. It is not mandatory for existing wastewater systems located within 400 feet of a public sewer to connect to the public sewer as long as the private wastewater system works satisfactorily. When the system fails, connection is mandatory if a gravity interconnection can be made or interconnection is economically reasonable.
- 2-4.3 Location of Private Wastewater Systems Within 50 Feet of Full/Flood Pool. No portion of a private wastewater system shall be located within 50 feet of a 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 Administrative Agency. No septic tanks shall be installed within the 100 year floodplain.
- 2-4.4 Location of a Private Wastewater System Within 50 Feet of Private Water Supply Well. No portion of a private wastewater system shall be located less than 50 feet from a private water supply well. No sanitary sewer line shall be located less than 10 feet from a private water line.
- 2-4.5 Limitations. Only domestic sewage shall be directed to a private wastewater system. No person shall discharge or inject non-domestic wastewater into a private wastewater system or water well per K.A.R. 28-5-6.

SECTION SYSTEMS

- 2-5.0 REQUIREMENTS FOR PRIVATE WASTEWATER
- 2-5.1 Approval of Plans. After adoption of this Code no person shall develop any private wastewater system until the plans and specifications for such system have been approved by the Administrative Agency. The administrative procedures, "Minimum Standards for Design and Construction of Onsite Wastewater Systems" (KDHE Bulletin 4-2), and other references approved by KDHE and the Administrative Agency will be used for approving the plans for a private wastewater system.

- 2-5.2 **Sanitary Service.** No person shall engage in the cleaning of a private wastewater system or the transportation of wastewater to a disposal site unless he holds a valid system cleaners license from the Administrative Agency.
- Should a spill of fuel or discharge of pollutants occur, the local emergency staff should be contacted first by dialing 911. The Kansas Department of Health and Environment shall then be notified immediately: (785) 296-1679. These incidents should also be reported to the National Spill Response Center (1-800-424-8802). Hazardous materials spills and air releases that meet federal reportable quantities must also be reported to the Kansas Division of Emergency Management (1-800-275-0297). These reporting numbers shall be posted in several locations around the site. A Spill Prevention and Response Plan should be prepared.
- 2-5.3 **Contracting With Unlicensed Persons Prohibited.** No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary services unless that person holds a valid license.
- 2-5.4 **System Contractor.** No contractor shall install or modify a private wastewater system unless he holds a valid system contractor license from the Administrative Agency.
- 2-5.5 **Abandoned Systems To Be Disconnected, Plugged, Dismantled, Pumped, Removed, and Filled.** Abandoned wastewater systems shall be disconnected from buildings or facilities, pipes plugged and receptacles dismantled or removed; and any void space in which such receptacles were contained shall be filled with soil. Before filling, receptacle contents shall be pumped out and disposed of in accordance with Section 2-8.0.
- 2-5.6 **Permit.** No person shall construct or modify, or permit to be constructed or modified, any private wastewater system until a permit has been issued by the Administrative Agency.
- 2-5.7 **Maintenance.** All persons using a private wastewater system and responsible for its operation shall operate and maintain the system in conformity with standard operation

practices.

2-5.8 Suitable Site. No site shall be approved if:

- a. connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-4.0 of this Code;
- b. the site contains less than two acres of land exclusive of roads, streets or other public right-of-ways or easements, provided this area requirement may be reduced to one acre if the property is served by an approved public water supply and, provided further, the land is not part of a subdivision approved prior to the adoption of this Code. Subdivisions and lots which were recorded in the office of the Ford County Register of Deeds prior to May 24, 1993, the effective date of the Ford County Environmental Code, shall be exempted from the minimum lot size set forth herein, provided that the on-site wastewater system meets all other requirements established in the Code and is approved by the Administrative Agency in advance of any construction; or
- c. the soil, topography and geology do not meet the requirements set forth in Section 2-6.0.

2-5.9 Construction Approval. All private wastewater systems developed or modified after the effective date of this Code must be inspected and approved by the Administrative Agency for compliance with the approved plans. No portion of the system shall be covered or made inaccessible to inspection prior to approval.

2-5.10 Property Resale or Refinance. No person shall sell or refinance any property which utilizes an on-site wastewater system without first having the Administrative Agency inspect and approve the on-site system. Failed systems must be brought into Code compliance. In some cases, a failed system may require a site and soil evaluation. The inspection shall consist of, but is not limited to, the following:

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

2-5.11 Proper Maintenance and Operation. All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency shall find any private wastewater system malfunctioning, the owner and/or user shall be ordered to correct the condition.

2-5.12 Operation and Maintenance Agreement for On-Site Wastewater Systems. An operation and maintenance agreement is required for the owner of any new alternative wastewater system, including but not limited to, aeration units, sand filters and mound systems, which require routine maintenance in order to function properly. The agreement must be with an approved person possessing the ability to comply with the agreement on at least a semi-annual basis or such other time frame recommended by the manufacturer. The agreement must be approved by the Administrative Agency and kept current. The current agreement and any subsequent agreements must be filed in the office of Ford County Planning, Zoning and Environmental Health. Documentation verifying maintenance of the system shall be filed in the office of Ford County Planning, Zoning and Environmental Health by the person performing the maintenance. The documentation shall include:

- a. Landowner's name, address and telephone number;
- b. Service dates;

- c. Written summary of maintenance and repair performed; and
- d. Date documentation was submitted to the Administrative Agency.

Failure of the landowner to maintain and file a current maintenance agreement shall be cause for cancellation of the wastewater permit.

2-5.13 Waiver. The Administrative Agency shall have the authority to grant exemptions to this chapter when reliable information is provided which can justify the exception without compromising the environment.

SECTION 2-6.0 MINIMUM STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY.

No private wastewater system which is dependent upon soil absorption for the disposal of wastewater, shall be constructed on any lot of any size unless minimum standards for percolation rates, soil profiles and depth to impervious rock or groundwater are met. Minimum standards are defined in State of Kansas Department of Health and Environment Bulletin 4-2, as revised.

SECTION 2-7.0 REQUIREMENTS FOR SANITARY PRIVIES.

2-7.1 Approval of Plans. No person shall construct or modify any privy until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency.

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

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

condition.

2-7.4 Vault Required in Certain Areas. In areas where the elevation of the groundwater is within four feet of the bottom of the pit, a watertight vault shall be provided in lieu of the standard pit.

2-7.5 Location of a Privy Within 50 Feet of a Private Water Supply Well. No privy shall be installed less than 50 feet from an existing well.

SECTION 2-8.0 SANITARY SERVICES

2-8.1 Permit Required. No person shall remove or transport any wastes from any wastewater system or privy, unless that person holds a valid permit issued by the Administrative Agency.

2-8.2 Contracting With Non-Permitted Persons Prohibited. No person responsible for operating a private wastewater system or privy shall contract with any person for sanitary service unless that person holds a valid permit.

2-8.3 Minimum Standards for Sanitary Service Equipment. All equipment used for rendering of sanitary service shall be of watertight construction and maintained in good working condition. This is to ensure that all materials removed from private wastewater disposal systems or privies will be transported to an approved point of disposal without spillage of the waste.

SECTION 2-9.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT

After adoption of this Code no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency.

TABLE 1

Minimum Separation Distances for Wastewater Systems

<u>Separation Distance</u>	<u>Recommended Separation</u>	<u>Separation Minimum</u>
Lateral Lines to House Foundation or other buildings	50 feet	20 feet
Septic Tank to House Foundation	>10 feet	10 feet
Septic Tank to Lateral Lines	>10 feet	10 feet
Any part of wastewater system to property Line	50 feet	10 feet
Distance between lateral lines	10 feet	6.5 feet
Lagoon to House Foundation	>200 feet	50 feet
Lagoon to Property Line	>200 feet	50 feet
Privy to well	100 feet	50 feet
Any part of wastewater system to private water supply well	100 feet	50 feet
Any part of wastewater system to public water supply well	200 feet	100 feet
Sewer line to private water lines	25 feet	10 feet
Sewer line to public water lines	>25 feet	25 feet
Streams, lakes and ponds	>100 feet	50 feet

Wastewater System	<u>Maximums distant</u>
Lateral line	3 feet
Cleanouts required on solid lines	100 feet
Maximum length of lateral line	100 feet

CHAPTER THREE

NON-PUBLIC WATER SUPPLIES

SECTION 3-1.0 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, other than public water supplies in Ford County, Kansas, to protect the public health and prevent the contamination and pollution of water resources in the county.

SECTION 3-2.0 APPLICABILITY

The provisions of this chapter shall apply to all unincorporated areas located in Ford County, Kansas.

SECTION 3-3.0 DEFINITIONS

Domestic uses means the use of water by any persons or family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, or for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.

3-3.1 Potable water means water free from impurities in amounts sufficient to cause disease or harmful physiological effects in humans and conforming with current drinking water standards.

3-3.2 Pump Installer means any person who shall install pumps,

treat or otherwise service any water well or any system directly connected to a water well, such as the distribution system, to the first connection up to and including the water pressure tank.

3-3.3 Non-public Water Supply means all water supplies not meeting the definition of public water supply.

3-3.4 Public Water Supply means a system that has at least ten service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year.

3-3.5 Abandoned Water Well means a water well determined by the Administrative Agency to be a well:

- a. the use of which has been permanently discontinued;
- b. where the pumping equipment has been permanently removed;
- c. in a state of disrepair such 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 or safety hazards; or
- e. in such a condition it cannot be placed in active or inactive status.

3-3.7 Water Well Contractor means any person who constructs, reconstructs or treats a water well. The term shall not include:

- a. an individual constructing, reconstructing or treating a water well located on land owned by that individual when the well is used by the individual for farming, ranching, or agricultural purposes or for domestic purposes at the individuals place of abode;

- b. an individual who performs labor or services for a licensed water well contractor at the contractor's direction and under the contractor's supervision.

3-4.0 REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES

3-4.1 Permit. No person shall develop, construct, sell or lease any water supply subject to the regulations of this Code until a permit has been obtained from the Administrative Agency.

3-4.2 Approved Plans. No permit to develop a non-public water supply subject to the regulations of this Code shall be issued until the plans have been approved by the Administrative Agency. The Administrative Agency may request assistance from the Kansas Department of Health and Environment in reviewing and approving plans for non-public water supply systems.

3-4.3 Non-public Water Supplies Which Serve Two to Nine Service Connections. All non-public water supplies which serve two to nine service connections shall:

- (a) mechanically chlorinate the water delivered to the connections;
- (b) be tested for bacteriological quality at least every three months; and
- (c) maintain logs to verify chlorine residuals and bacteriological quality for a period of at least one year.

SECTION 3-5.0 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES

3.5.1 Location. All wells used as sources of water for non-public water supplies shall be separated from the specified

sources of pollution by distances equal to or greater than those shown in Table 2. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

TABLE 2

<u>AREA</u>	<u>Minimum Separation</u>	<u>Recommended Separation</u>
Subsurface absorption field for septic tank effluent	50 ft.	100 ft.
Sanitary privy	50 ft.	100 ft.
Septic tank	50 ft.	100 ft.
Barn yards, stables, manure piles, animal pens, etc.	50 ft.	100 ft.
Streams, lakes and ponds	25 ft.	50 ft.
Sewer lines, not constructed of cast iron or other equally tight construction	50 ft.	100 ft.
Sewer lines constructed of cast iron or other equally tight construction	10 ft.	10 ft.

3-5.2 Construction. The enforcement of this section of the Code shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10, as amended. Recommended standards for design, construction, location and practices consistent with current approved technology shall be followed.

3-5.3 Abandoned Wells. All abandoned wells, whether they are

cased or uncased, shall be plugged in accordance with K.A.R. 28-30-7, as amended.

3-5.4 Pump Installers. All pump installers desiring to engage in the business of pump installing, servicing or treating water wells shall be licensed by the Administrative Agency.

3-5.5 Well Contractors. All well contractors must be licensed in accordance with K.A.R. 28-30-3, as amended.

SECTION 3-6.0 REQUIREMENTS FOR SUBDIVISION DEVELOPMENT.
After adoption of this Code no person shall develop any subdivision until the plans and specifications for providing a water supply and protection of the water supply have been approved by the Administrative Agency.

CHAPTER FOUR

LAND APPLICATION OF PAUNCH

SECTION 4-1.0 PURPOSE AND INTENT

Paunch is a potential source of disease and water pollution and may be a hazard to the health, safety and welfare of the public. Paunch is also a valuable nutrient source for soil and a necessary by-product of the commercial slaughter industry. Paunch is not a hazard to the health, safety and welfare of the public when properly handled and applied to agricultural land. It is the purpose of this chapter to define minimum standards and regulate the land application of paunch generated as the result of commercial slaughter of livestock.

SECTION 4-2.0 APPLICABILITY

The provisions of this chapter shall apply to all unincorporated areas located in Ford County, Kansas.

SECTION 4-3.0 DEFINITIONS

4-3.1 Agricultural Land means land suitable for use in farming.

4-3.2 Commercial Slaughter means the slaughtering of livestock by any person for the purpose of selling the finished product or by-product for profit.

4-3.3 Farming means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock.

4-3.4 Land Applicator means any person hired by a commercial slaughter business, as an employee or independent contractor, to apply, distribute or otherwise dispose of paunch on any lands located in the unincorporated areas of Ford County.

4-3.5 Livestock means cattle, calves, sheep, swine, poultry or any other animal which can be used in and for the preparation of meat, meat products or animal by-products.

4-3.6 Paunch means material and liquid content from stomach ruminant, grit and pressed manure generated from the commercial slaughter of livestock. Paunch includes those wastes transported from a commercial slaughter site over public roads for land application. Excluded from this definition are:

- a. treated effluent used for irrigation permitted by the Kansas Department of Health and Environment; and
- b. wastes directed to Kansas Department of Health and Environment permitted landfills or compost facilities.

Paunch does not include oils, fats and grease, hair, hide scraps, meat scraps, and blood.

4-3.7 Person means an individual, corporation, partnership, joint venture association, federal government, state government, political subdivision or other legal entity.

SECTION 4-4.0 LAND APPLICATION OF PAUNCH

4-4.1 Permit Required. No person shall distribute, disperse transport, store, stockpile, incorporate or otherwise dispose of paunch on any lands located in Ford County unless the person holds a valid permit issued by the Administrative Agency, except a person may compost paunch in accordance with a solid waste processing facility permit issued by the Kansas Department of Health and Environment.

4-4.2 Contracting With Non-Permitted Persons Prohibited. No person in the business of commercial slaughter, directly or indirectly, shall contract or utilize any person who intends to land apply paunch on any lands located in the unincorporated areas of Ford County or transport paunch on roadways in Ford County, unless that person holds a valid permit.

4-4.3 Restrictions. The land application of paunch on any lands located in the unincorporated areas of Ford County shall be subject to the following restrictions:

- a. No paunch shall be applied within 500 feet of any residential dwelling.
- b. No paunch shall be applied on any land with less than 20 feet depth to groundwater.
- c. No paunch shall be applied within 200 feet of any water well used for drinking.
- d. No paunch shall be applied within 100 feet of any water well used for irrigation.
- e. No paunch shall be surface applied within 100 feet of any public roadway.
- f. No paunch shall be applied within 100 feet of any adjacent landowner.
- g. No paunch shall be applied within 100 feet of any surface water.
- h. No paunch shall be applied upon any land with a slope greater than five percent (5%) unless sub-surface applied.
- i. The annual application of paunch shall not exceed the agronomic needs of the land to produce a productive crop. Nitrates and phosphorus levels shall not exceed 150 parts per million (ppm) cumulative as determined by annual soil tests recognizing high pH soils.

j. In no event shall paunch be land applied to frozen, snow covered or saturated soils.

4-4.4 Intensive Management. A permitted land applicator shall engage in intensive management (see Section 4-5.2 c. and recommended or applicable Natural Resource Conservation Service Practices) for land application on the designated areas of primary total maximum daily loads (TMDL) and the buffer zone designated by the Kansas Department of Health and Environment (KDHE).

4-4.5 Incorporation of Paunch. A permitted land applicator shall incorporate surface applied paunch within 24 hours of application.

4-4.6 Compliance With Other Laws. In addition to the requirements set forth in this Code, a permitted land applicator shall comply with all federal and state laws and any applicable KDHE regulations. Failure to comply with this Code or any other applicable laws and regulations shall be grounds for revocation of the land applicator's permit.

SECTION 4-5.0 PERMIT REQUIREMENTS AND APPLICATIONS

4-5.1 Application for Permit. The application for a permit to land apply paunch shall be made on the form or forms provided by the Administrative Agency. An application must be fully completed and accompanied by a sworn affidavit stating the applicant is knowledgeable of and will fully comply with the provisions of this Code and all applicable laws and regulations.

Any person with a permit to land apply paunch must maintain liability insurance coverage with a company acceptable to the Administrative Agency in the minimum coverage amount of \$1,000,000.00 per occurrence. A current certificate of insurance must be kept on file with the Administrative Agency.

4-5.2 Plan. The applicant for a permit to land apply paunch must submit a Plan which details the following:

- a. The procedure applicant will use for monitoring the content of the paunch to be land applied;
- b. The route(s) the applicant will use when transporting paunch within Ford County and a descriptive list of the vehicle(s) to be used when transporting paunch (water tight, etc.). Vehicles used for transporting paunch shall be subject to inspection by the Administrative Agency at any time. Use of a vehicle may be prohibited if it is determined by the Administrative Agency to be unsafe or an unreasonable risk for spillage.
- c. The procedure applicant will follow for the clean-up resulting from an accident or spill;
- d. A nutrient management plan which will include the filing of a semi-annual report with the Administrative Agency identifying the following:
 - (1) each parcel of land upon which paunch has been applied during the previous six (6) months;
 - (2) each parcel of land upon which paunch may be applied during the next six (6) months;
 - (3) the name and mailing address of the owner(s) of each parcel listed in (1) and (2) above;
 - (4) the tonnage per acre applied on each parcel in (1) above;
 - (5) the results of the annual soil analysis for each parcel listed in (1) above; and
 - (6) the intensive management plan provided for in
- e. The annual "soil analysis" referred to herein means chemical analysis of plant available soil constituents to identify nutritional deficiency or chemical toxicity that could affect crop growth or yield. Soil analysis results are used to match nutrient applications to crop requirements, which can help prevent environmental contamination. A soil analysis for land application monitoring shall include, but not be limited to, nitrate-nitrogen, phosphorus,

potassium, calcium, magnesium, sodium, zinc, iron, manganese, copper, organic matter percentage, soil pH, buffer pH and soluble salts using methods defined by the Council on Soil and Plant Analysis.

- f. The person making the soil analysis required by this Code shall be approved in advance by the Administrative agency.

4-5.3 Procedure. The procedure for consideration of permit applications and the issuance of permits shall be as set forth in Chapter 1 of this Code.

4-5.4 Terms and Renewal. Any permit issued for land application of paunch shall be valid for twelve (12) months following the date of issuance. Permits may be renewed for additional twelve (12) month periods upon proper application, payment of renewal fees and demonstration of full compliance with this Code during the prior permit period. Renewal applications must be filed at least thirty (30) days prior to expiration of the current permit.

4-5.5 Permit Application Fees. The application fee for a permit to land apply paunch generated as the result of commercial slaughter of livestock shall be \$2,500.00 and must be paid at the time of application. The annual renewal fee shall be \$2,500.00 and must be paid prior to the renewal of an existing permit. All fees are non-refundable and shall be paid to the Administrative Agency.

4-5.6 Non-transfer of Permits. Permits issued pursuant to this Section of the Code are not transferable.