JOHNSON COUNTY KANSAS
Health & Environment

Johnson County Sanitary Code

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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 are defined, where necessary, within those chapters. Unless the context requires or specifies otherwise, the following words, terms or phrases, as used in this Code, shall be given the meaning defined in this section and in the Consortium of Institutes for Decentralized Wastewater Treatment, second edition.

1. **Abandoned Onsite Wastewater System:** System which is determined by JCDHE to have been permanently abandoned or is in such a state of disrepair as to make it unusable.
2. **Absorption System:** An onsite wastewater disposal system for the treatment of wastewater by means of a leaching field and adjacent soil or by other means of absorption into the ground.
3. **Absorption Bed:** Below-grade soil treatment area consisting of a wide and shallow excavation containing distribution media and multiple laterals.
4. **Absorption Field (Lateral Field):** A configuration of onsite wastewater absorption trenches or bed installed to absorb wastewater effluent from a septic tank or other solids-removal device.
5. **Absorption Trench (Lateral Trench):** Below-grade soil treatment area, having fixed horizontal separation, consisting of a shallow excavation with a width of 3 feet or less, containing distribution media and one lateral.
6. **Access:** Entry into or upon any real estate, structure or vehicle including any part thereof.
7. **Administrative Agency:** JCDHE or official designated in any of the Chapters contained in this Code to administer the provisions of that Chapter or any Section therein.
8. **Administrative Authority:** The Board of County Commissioners or their appointed representative.
9. **Administrative Rules:** Any regulation adopted by JCDHE and is determined to be necessary and appropriate to enable JCDHE to fulfill the department's duties and responsibilities under this Code.
10. **Advanced/Enhanced Onsite Wastewater Treatment System:** A private wastewater disposal system, approved by JCDHE, which effectively provides secondary treatment of septic tank effluent to reduce levels of pollutants before discharge to an approved underground soil distribution system.
11. **Aerated/Aerobic Wastewater Treatment System:** An onsite wastewater disposal system employing biological action, which is enhanced by the addition of air or oxygen and has been tested and meets National Sanitation Foundation Standard 40 - Residential Wastewater Treatment Systems. Includes but is not limited to all media filters, aerated tanks and mounds, followed by soil absorption, including drip irrigation, which meet the testing standards set by the Director.
12. **Agricultural Purpose:** A land use related to the production of livestock or crops, including growing crops or pasture and functions immediately and necessarily related thereto, and the feeding of livestock by the resident on the land, but does not include any structure used as a dwelling or the sewage treatment system servicing such dwelling.
13. **Alternative Onsite Wastewater System:** Any onsite wastewater system which has been approved by JCDHE, and has proven reliability and performance in field use, but which differs in design or operation from septic tank and absorption-field system or wastewater stabilization pond (lagoon).

14. **Applicant:** Any person who submits an application or requests permission to do some act regulated by this Code.
15. **Application:** The application form provided by JCDHE, including the filing fee and any other supporting documents required by JCDHE.
16. **Aquifer:** A subsurface water-bearing bed or stratum of sand, gravel or bedrock which stores or transmits water in recoverable quantities or is capable of yielding water to, or transmitting water contaminants or pollutants to, wells or springs.
17. **Authorized Representative:** A person who is designated by JCDHE to administer the provisions of this Code or any Section therein.
18. **Bedrock:** A soil horizon which contains greater than 50% consolidated rock by volume that underlies the soil and other unconsolidated material.
19. **Blackwater:** Wastewater generated from toilets and kitchen sinks. Blackwater has the potential to be pathogenic.
20. **Board of County Commissioners:** The Board of County Commissioners of Johnson County, Kansas.
21. **Board of Health:** The Board of County Commissioners acting as the Board of Health for Johnson County, Kansas.
22. **Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems- (State of Kansas Department of Health and Environment):** the Kansas design manual for onsite septic systems which is authorized by Kansas Administrative Regulations 28-5-6 to 28-5-9.
23. **Cesspool:** A drywell that receives untreated wastewater and which may have an open bottom or perforated sides. **Prohibited by this Code.**
24. **Class V Well:** Those wells defined in the Federal Underground Injection Control (UIC) program as Class V (40 C.F.R. 146.5). A septic system receiving only domestic wastewater and having the potential to serve 20 or more persons a day or any septic system receiving non-domestic wastewater is a Class V Well. Class V UIC wells prohibited by Kansas law include large capacity cesspools, motor vehicle disposal wells and industrial waste disposal as per Kansas Administrative Regulation 28-46-26a (K.A.R. 28-46-26a).
25. **Commercial Wastewater:** Any wastewater produced as a by-product of any commercial process or operation, other than domestic sewage.
26. **Composting Toilet:** A self-contained toilet system using little or no water, designed to decompose human wastes through microbial action (composting), and store the resulting material for further treatment and disposal. **Prohibited by this Code.**
27. **Conventional System:** A wastewater treatment system relying on a septic tank to separate and treat sewage and utilizes gravity to disperse the effluent to the lateral field.
28. **Consortium of Institutes for decentralized wastewater systems:** The Consortium of Institutes for Decentralized Wastewater Treatment, often referred to as "The Onsite Consortium", is a group of Educational Institutions cooperating on decentralized wastewater training and research efforts. The Consortium also includes people from professional associations, citizens groups, regulatory agencies and private industry.

29. **County:** Johnson County, Kansas.

30. **Director:** The Director of JCDHE or delegate.

31. **Distribution Box:** A watertight chamber below the outlet level of a septic tank or treatment unit from which wastewater enters the absorption system.

32. **Domestic Wastewater/Sewage:** Wastewater/Sewage which is normally characterized as residential wastewater/sewage, not from commercial or industrial activity, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

33. **Effluent:** Sewage water, or other liquid, partially or completely treated or in its natural state, discharging from a septic tank, subsurface wastewater infiltration system, aerobic treatment unit, or other treatment system or system component.

34. **Engineer:** A licensed professional civil engineer registered with the State of Kansas.

35. **Engineered:** Plans, drawings, designs and calculations prepared and stamped by a professional engineer licensed by the State of Kansas.

36. **Environmental Health Handbook (EHH):** A technical resource for professionals, service providers and technicians who work with private wastewater and private water systems. First published in 1992 by the Kansas Department of Health and Environment and revised in 2002 and 2020.

37. **Establishment:** Any structure or self-contained unit therein, including single- and multiple-family dwellings, commercial and industrial buildings, schools, churches, and public institutions.

38. **Experimental/Innovative System:** A type of onsite wastewater treatment and disposal system that by construction, design, or function does not conform to requirements set forth in this Code or Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems (State of Kansas Department of Health and Environment) design. This category is designed to allow innovative systems that have been demonstrated to work in practice or theory to be considered for use in the County. Each Experimental/Innovative System must undergo a thorough JCDHE review prior to system installation and be granted a variance under the provisions of this Code.

39. **Floodplain:** Land that may be submerged by flood waters but is not normally submerged.

40. **100-Year Floodplain:** Land which is subject to inundation as a result of flooding having a one percent (1%) chance of occurrence annually; and more recently referred to as a Special Flood Hazard Zone- AE, as defined by the Federal Emergency Management Agency (FEMA).

41. **Graywater:** Wastewater from sources within single-family residences, duplexes/multiplexes, or apartments including showers, bathtubs, clothes-washing machines, hand-washing lavatories and sinks (excluding water from soiled diapers, kitchen sinks and dishwashers) that are not used for disposal of hazardous or toxic ingredients.

42. **Grease Traps:** A plumbing device designed to intercept or trap most greases and solids before they enter a wastewater disposal system. These reduce the amount of fats, oils and greases (FOGs) that enter the septic tank and absorption field.

43. **Ground Water Table:** The upper surface of ground water in the zone of saturation of a geologic formation.

44. **Health Officer:** The legally appointed Local Health Officer of Johnson County, appointed in accordance with K.S.A. 201, or their duly authorized representative.
45. **Hearing Officer:** Any person designated in this Code, or by JCDHE, to hear appeals from decisions made by an agency representative relating to the enforcement and administration of this Code.
46. **Holding Tank:** An approved watertight receptacle for the retention of wastewater before, during or after treatment.
47. **Industrial and Commercial Wastewater Systems:** Any wastewater system for wastewater produced as a by-product of any industrial and commercial process or operation, other than domestic wastewater. Uses involving industrial or commercial wastewater must comply with regulations involving industrial and commercial wastes as approved and permitted by the Kansas Department of Health and Environment. Industrial or commercial wastewater (from shops, car washes, funeral homes, etc.) shall not be permitted to discharge to any onsite domestic wastewater system.
48. **Class A:** Used for or designated as having the potential for the use or discharge of industrial or commercial waste; or a Class V well used exclusively for domestic waste which serves twenty (20) or more fulltime equivalents per day. A fulltime equivalent is a person who occupies a building during a 24-hour day.
49. **Class B:** Used solely for domestic waste located at a commercial or industrial site and determined not to have potential for the discharge of industrial or commercial waste.
50. **Industrial Wastewater:** Any wastewater produced as a by-product of any industrial process or operation, other than domestic sewage.
51. **JCDHE:** Johnson County Department of Health and Environment
52. **KDHE:** Kansas Department of Health and Environment
53. **Installer:** See Onsite Wastewater System Installer.
54. **Lagoon:** A constructed basin surrounded with berms and lined with either low-permeability soils or a synthetic liner, which uses wind or mechanical aeration, sunlight, and natural bacteria to treat domestic wastewater through physical, chemical, and biological processes.
55. **Lateral:** Pipe, tubing or other conveyance, used to carry and distribute effluent.
56. **Lateral Field:** See Absorption Field.
57. **Lateral Trench:** See Absorption Trench.
58. **Law:** Includes Federal, State and Local statutes, ordinances, regulations and resolutions.
59. **Major Repair:** See Structurally Significant Alteration.
60. **Minor Repair:** Means the replacement or repair of onsite wastewater system subcomponents, such as pipes, switches, pumps, valves, baffles, or such similar type of work as designated by JCDHE.
61. **Mound System:** An above-ground pressure dosed onsite wastewater system used to absorb wastewater from septic tanks in cases where seasonably high-water table zones, high bedrock considerations, slowly permeable soils, or limited land areas prevent conventional subsurface absorption systems.
62. **NPDES:** National Pollutant Discharge Elimination System

63. **Onsite:** A water supply or a sanitation system located entirely within the boundaries of the legal description of the property which they serve and is not connected to a public sewage treatment system.

64. **Onsite Wastewater System Designer:** Any person duly licensed to plan or design private sewage treatment systems, including alternative systems, such as a mound, low pressure pipe, or at-grade system, as well as conventional systems.

65. **Onsite Wastewater System Installer:** Any person duly licensed to construct, install or repair any onsite wastewater disposal systems and able to design conventional and shallow-in-ground systems that are pumped, or gravity fed, authorized by this Code.

66. **Onsite Wastewater Treatment System, or Onsite System:** A Private Onsite Wastewater Treatment and Disposal System, along with attendant pipes and appurtenances, which is not required to have a Kansas Water Pollution Control Permit issued pursuant to K.S.A. 65-165.

67. **OSHA:** Occupational Safety and Health Administration.

68. **Permit:** The written permission to perform some act regulated by this Code, including, for example, permission to construct or permission to operate.

69. **Person:** An individual, corporation, partnership, association, state or political subdivision thereof, federal agency, state agency, municipality, commission or interstate body or other legal entity.

70. **Plat:** A map or plan of an area of land showing actual or proposed features.

71. **Point Source:** Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

72. **Pollution:** Any induced alteration of the physical, chemical, biological, and radiological integrity of water, air, soil (both surface and subsurface) or contamination of food or foodstuffs.

73. **Premises:** Any lot or tract of land and all buildings, structures or facilities located thereon.

74. **Private Sewage Treatment System:** A sanitary sewage system which retains sewage generated by an individual establishment on the same premises as the establishment and such sewage is either treated onsite or transported for treatment at another site by means other than pipes or conduits connected to a public sewage treatment system. Treatment facilities operated under a National Pollutant Discharge Elimination System (NPDES), other state or federal permits, holding tanks serving commercial, retail or industrial establishments are not included in this definition.

75. **Privy (Sanitary Privy):** A facility with a water-tight receptacle made of concrete or other acceptable material designed to receive, store and provide for periodic removal of non-water carried wastes from the human body. **Prohibited by this Code.**

76. **Public Wastewater Disposal System:** A sanitary wastewater system which holds a state water pollution control permit and collects untreated or partially treated wastewater from individual establishments, premises, or recreational areas and transports it by means of pipes or conduits to a plant or other location for treatment. This includes, but is not limited to, systems built, served or operated by public sewer districts and municipal sewer systems; for regulatory purposes, holding tanks serving commercial, retail or industrial establishments; and systems which are privately owned and operated but which are required to obtain a permit under the (NPDES).

77. **Pump Tank:** Tank used in addition to a septic tank, which contains a sewage effluent pump, control floats, control panels, and a high-water alarm.

78. **Pumper/Hauler:** See Sanitary Disposal Service Operator.

79. **Rathole:** A well completed above the water table so that its bottom and sides are typically dry except when receiving fluids. **Prohibited by this code.**

80. **Sanitarian:** An agent determined by the County to be trained in the sanitary sciences (e.g., biology, chemistry, geology, physics and mathematics) who acts as an inspector or health official.

81. **Sanitary Disposal Service:** The pumping out or removal of wastewater (sewage, sludge or human excreta) from onsite wastewater disposal systems (any source, including but not limited to sanitary privies, vaults, septic tanks, lagoons, waterless sewage systems, private wastewater treatment systems, or holding tanks) or the transportation of such material to a point of temporary storage or final treatment or disposal.

82. **Sanitary Disposal Service Operator:** Any person duly licensed to perform sanitary disposal services.

83. **Sanitary Sewage/Wastewater System:** Any system of pipes, tanks, conduits, structures or other devices for the collection, transportation, storage, treatment and disposal of sewage.

84. **Seepage Pit:** A subsurface excavation three (3) feet or deeper, which may be filled or lined with rock or gravel and receives untreated wastewater. **Prohibited by this Code.**

85. **Septage:** Either liquid or solid material removed from a septic tank, portable toilet, type III marine sanitation device, or similar system that receives only household, non-commercial, non-industrial sewage. Domestic septage does NOT include grease from grease traps.

86. **Septic Tank:** A watertight, accessible, covered receptacle that is designed and constructed to receive wastewater either before, during or after treatment in which two processes take place; settling of the solids, and the digestion of some of the accumulated solids by anaerobic action. All septic tanks shall be designed, constructed and approved according to specifications set forth by the Kansas Department of Health and Environment, Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems (State of Kansas Department of Health and Environment).

87. **Sewage:** A combination of liquid wastes which may include chemicals, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution which is discharged from a dwelling, building, or other establishment.

88. **Sewer District:** Any municipal sewer system duly formed, authorized and empowered to plan, construct and operate a public sewer system in accordance with K.S.A. 19-27a01 et seq.

89. **Schedule of Compliance:** A schedule of remedial measure and time including an enforceable sequence of action or operation leading to compliance with any regulation or limitation.

90. **Sludge:** Refers to the layer of solids that accumulates at the bottom of a septic tank or other wastewater system component, as a result of the wastewater treatment or detention processes. Often consists of decomposed or partially decomposed solids, active or inactive microbial bulk, and any other materials that are heavier than the liquid wastewater.

91. **Soil Mottles:** Spots or streaks of contrasting soil colors which indicate the presence of a seasonal water table zone.

92. **Structurally Significant Alteration:** When used in reference to private onsite wastewater treatment and disposal systems, the term "structurally significant alteration" means any of the following a) Replacement, repair or extension of any portion of the lateral field of the system, or b) Replacement, repair or reconstruction of any one or more of the critical parts of the system, as designated by the JCDHE; or c) Any replacement, repair or reconstruction which, upon review of the JCDHE, is determined to be an essential repair in order to correct or prevent an improper discharge or imminent health hazard or unlawful pollution.

93. **Subdivision:** 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 plans, terms and conditions, including re-subdivision. "Subdivision" includes the division or development of residential and nonresidential-zoned land, whether by deed, meets and bounds description, map, plat or other recorded instrument.

94. **System Failure:** A condition of an onsite wastewater system that threatens the public health by inadequately treating sewage or creating a potential for direct or indirect contact between sewage and the public, as determined by JCDHE. System failure includes but is not limited to: surface discharge of sewage; seeping of incompletely treated sewage; unfenced or fenced lagoons that do not restrict access by children, pets or livestock; any other condition determined by JCDHE a health hazard to humans, pets or livestock.

95. **Tight Line:** The solid pipe from the house to the septic tank.

96. **Trunk Line:** The solid pipe from the septic tank to the first lateral line or to the pump tank.

97. **Variance/Waiver/Exception:** A rule, exception or exemption granted by JCDHE, from the specific terms of this Code which will not be contrary to the public interest and were owing to special conditions a literal enforcement of this Code will, in an individual case, result in an unnecessary hardship.

98. **Wastewater:** Liquid or water carrying pollutants or water contaminants from industrial, municipal, agricultural, or other sources.

99. **Wastewater Stabilization Pond:** See Lagoon.

100. **Water Table Zone:** A zone in the soil which is either continually or seasonally saturated with water.

101. **Waterless Toilet:** A self-contained toilet system using little to no water, designed to store human waste for further treatment and disposal.

CHAPTER I
POLICY, ADMINISTRATION AND ENFORCEMENT

ARTICLE I
GENERAL PROVISIONS

Section 1. **Title**

This Code shall be known and referred to as the Johnson County Environmental Sanitary Code 2025 Edition.

Section 2. **Legal Authority**

This Code is adopted under the authority granted to the Board of County Commissioners under application of Federal Law and the Laws of the State of Kansas, including K.S.A. 19-3701 et seq., as amended, and pursuant to the powers and authorities of the Board of County Commissioners under K.S.A. 19-101a; and Sec. 5 of Article 12 of the Kansas Constitution and by K.S.A. 12-3301 et seq., if adopted by any city.

Section 3. **Findings and Declaration of Policy**

A fundamental duty of every government is the protection of the health and safety of its citizens and to thereby promote the public welfare. Consequently, the Board of County Commissioners hereby finds, determines and declares that it is necessary to adopt a uniform system of rules, regulations and standards to mitigate and prevent environmental conditions that are or may be hazardous to the public health, safety and welfare and to thereby promote the safe, economical and orderly development and conservation of the land and resources of the County.

Section 4. **Purpose**

The purpose of this Code is:

A. To promote the public health, safety, comfort and well-being of the public; and
B. To prescribe the procedures to be followed in administering this Code; and
C. To prescribe rules, regulations, standards and enforcement procedures to minimize, control, or mitigate potential or actual sources or causes of disease, infection, contamination or pollution, whether in food, solid waste, sewage, air, water or other media; and
D. To protect the integrity of water, air, soil and natural resources, including aquatic biota, flora, fauna and wildlife through the prevention of pollution and degradation of the environment by regulation of activities which may affect environmental conditions.

Section 5. **Jurisdiction and Application**

This Code and all authorized rules, regulations, restrictions and requirements shall apply from and after the effective date of adoption, to and throughout the unincorporated areas of

Johnson County, Kansas, including all land which is or in the future becomes under the jurisdiction of the Board of County Commissioners by operation of law or action of the state or federal governments and to all persons, property, establishments and business activities located or conducted, regardless of ownership and acreage, within Johnson County, Kansas, and outside the municipal boundaries of any City.

Section 6. **Applicability within City Boundaries**

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

Section 7. **Public Health Jurisdiction and Application**

This Code and any or all rules, regulations, restrictions, and requirements shall apply to and throughout all areas of Johnson County, Kansas, including those areas located within the municipal boundaries of any City, whenever authorized or required under application of the Laws of the State of Kansas or of the United States, whether by statute, contract, rule or regulation, or pursuant to the jurisdiction of the Johnson County Board of County Commissioners acting as the Johnson County Board of Health.

Section 8. **Severability**

If any clause, sentence, paragraph, section, or subsection of this Code shall be adjudged invalid for any reason whatsoever, such judgement shall not affect, repeal, or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section, or subsection thereof found to be invalid.

Section 9. **Disclaimer of Liability**

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

Section 10. **Amendments and Additions**

This Code may be supplemented, or its provisions may be amended by Resolution adopted by the Board of County Commissioners, as provided by K.S.A. 19-3705, and any such amendments or additions shall be incorporated within and codified as a part of this Code.

Any changes, modifications or additional provisions adopted and imposed by State or Federal Law, rule or regulation which are applicable to and administered through the jurisdiction of Johnson County, Kansas, shall be incorporated within and made a part of this Code, as authorized by State or Federal law.

Section 11. **Repeal and Supersede Effect**

This Code shall supersede any and all previously adopted Resolutions or regulations, which are, in whole or in part, in conflict with any provision of this code, where applicable, and any rule, regulation or resolution which is or was in effect upon the effective date of this Code shall be repealed to the extent necessary to give this Code full force and effect, and in the case of any conflict of provisions, whether real or apparent, then the provisions of this Code shall govern wherever applicable.

Section 12. **Effective Date**

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

ARTICLE II
ADMINISTRATION

Section 1. **Administering Authority**

Unless otherwise specifically designated within a separate and Chapter or Article of this Code, the Director of JCDHE or their designees, shall have the primary authority and responsibility for the administration of this Code.

Under the authority of any Chapter or Article of this Code, the JCDHE may implement such administrative procedures, consistent with this Code, as deemed necessary for the effective administration of any regulations or which may be required or imposed under application of the laws of the State of Kansas or the United States.

The Board of County Commissioners, or appropriate governing body of any city which adopts this Code, may designate code enforcement officers who shall be responsible for the enforcement of all provisions of this Code in coordination with the JCDHE Director or their designees.

Section 2. **Administrative Actions and Decisions**

It is the intent of this Code to establish regulations and standards for the protection of the public health and safety. To the extent possible, all administrative actions and decisions required or authorized for the administration of this Code shall be made solely in accordance with the standards enumerated in the Code. Whenever, in the course of administration, it is necessary to make an administrative decision or take action for which standards are not provided, then the decision or action shall be made according to the purpose and intent of this Code so that the result will best serve the public health and safety.

Section 3. **Interpretation of Terms or Words**

All terms and words used in this Code shall be interpreted and given meaning according to their common understanding and to provide reasonable application of the purpose and intent of the Code. Whenever the context requires, in the application of this Code, the terms and phrases used shall be interpreted in the following manner:

A. Words appearing in the singular number shall include the plural, and those appearing in the plural shall include the singular.
B. Words used in the present tense shall include the past tense and future tense, and words used in the future tense shall include the present and past tense.
C. Words appearing in the masculine gender shall include the feminine and neutral genders.
D. The word “shall” is mandatory; and the word “may” is permissive.
E. The phrase “this Code” shall refer to the Code and all the authorized rules, regulations, restrictions and requirements and the phrase “the regulations” shall include rules, regulations, restrictions and requirements authorized by the Code.

Section 4. **Technical and Scientific Terms**

Unless otherwise defined, any technical or scientific term used within this Code or within any rule, regulation, restriction or requirement shall be given the meaning most commonly known and applied within the appropriate literature of manuals applicable for that science, industry or technological skill.

Section 5. **Vested Interests**

Nothing contained in this Code, or any regulations shall be deemed or construed to grant any vested interest or protected right to any person beyond the express limited terms of any permit or ruling issued under this Code, and the Code and regulations are expressly declared to be subject to amendment, change or modification.

Section 6. **Compatibility with Other Laws**

Nothing contained in this Code or any regulations shall be deemed to alter or modify the application of any other laws, codes or regulations which are or may be applicable to the property, use, business activity or other object or matter regulated under this Code, and any permit, approval or other condition given or acknowledged under this Code shall be limited in effect to the requirements of this Code and shall not, under any circumstance, relieve the holder from compliance with all other applicable laws, codes, regulations or requirements.

ARTICLE III
PERMITS AND LICENSES

Section 1. **Permits and Licenses**

No person shall conduct, or perform any business or activity identified in this section without first having obtained a valid permit or license in conformance with the requirements of this Code.

A. **Onsite Wastewater Disposal System – Permit Required**.

1. Every person who installs, removes, alters, repairs or replaces, or causes to be installed, removed, altered, repaired or replaced any onsite wastewater disposal system or part thereof shall, prior to commencement of any work, apply for and obtain a permit to perform such work and no onsite wastewater disposal system shall be installed, removed, altered, repaired or replaced except pursuant to a permit issued under this article.
2. Every person who purchases or otherwise acquires a possessory interest of ownership in any real property connected to or served by a private sewage treatment system shall, within sixty (60) days of the purchase or acquisition, apply for a use permit. Such systems shall be subject to inspection by JCDHE as part of the permitting process.

B. **Onsite Wastewater System Installer – License Required**. Every person who conducts the activity of an Onsite Wastewater System Installer, as defined in the DEFINITIONS section of this code, shall apply for, obtain and maintain a valid license from JCDHE to perform that activity.

C. **Onsite Wastewater System Designer – License Required.** Every person who conducts the activity of an Installer as defined in Chapter I of this Code, shall apply for, obtain and maintain a valid operator's license to perform that activity; provided, however, that any person licensed under this Code as an Installer shall be deemed a licensed for the design of those conventional and shallow-in-ground systems which are pumped or gravity-fed, as determined by JCDHE.

D. **Sanitary Disposal Service Operator – License Required**. Every person who engages in or conducts the activity of a Sanitary Disposal Service Operator, as defined in Chapter I of this code, shall apply for, obtain and maintain a valid license to perform that activity.

E. **Disposal.** Waste materials removed from onsite wastewater systems or privies must be disposed of in a manner approved through a written plan submitted to the Johnson County Department of Health and Environment.

F. Industrial or Commercial - Onsite Wastewater Treatment and Disposal System – Operation - License Required.

1. Every property owner or other responsible agent or person who has installed for use or who uses and operates an industrial or commercial onsite wastewater system shall, prior to its use, apply for and obtain a valid operations permit for the system from the JCDHE. No industrial or commercial onsite wastewater system shall be installed, used, operated, altered, replaced or repaired except pursuant to a permit issued under this Article, and pursuant to the requirements of Chapter II Article I of this Code.
2. Any underground holding tank and Class V well shall comply with this Code.
3. Discharge of industrial or commercial waste to a private onsite wastewater system is prohibited. Any such system in effect at the time of passage of this Code shall cease and desist immediately.

G. Applications for Permits and Licenses. All persons required by this code to obtain a permit or license shall make application for such permit or license to the JCDHE on standard forms provided for that purpose.

1. **Content:** Application for a permit or license shall be made on forms provided for that purpose. The application shall give a description of the character of the work proposed to be done, or activity to be engaged in, and, if appropriate, the locations, ownership, occupancy, and use of the premises in connection therewith. JCDHE may require plans, specifications, drawings or such other information as deemed necessary.
2. **Filing:** An application of any permit or license required under this Code shall be filed with the JCDHE.
3. **Verification:** An application for a permit must be signed by the property owner or their authorized representative. JCDHE may require proof of such authorization.
4. **Compliance:** The applicant shall be responsible for compliance with the permit requirements as further set out in this Code. Only a person who complies with the requirements of this Code shall be entitled to receive or retain a permit or license.

H. Issuance of Permit or License. After receipt of an application for a permit or license required by this code, JCDHE shall begin such investigations as deemed necessary to determine whether the permit or license should be issued or denied. JCDHE will begin such investigations within 5 business days and issue or deny the permit or license within thirty (30) days of receipt of the application. If the application is denied, JCDHE shall give the applicant written reason for denial.

It shall be the duty of the person performing the work authorized by a permit to notify JCDHE when work is ready for any required inspection. Such notification shall be given not less than eight (8) hours during normal office hours before the work is to be inspected.

I. **Permit Conditions:** Every permit and license issued under this Code shall be subject to the terms and conditions specified in this section. JCDHE may include conditions in any permit or license as needed to meet the specific requirements and general purpose of this Code.

J. **Right of Access**. Application for, and acceptance of, any permit issued under this Code shall grant to any representative of JCDHE the right to enter upon any property subject to the permit, at any reasonable time during standard business hours, with or without notice, for the purpose of inspection to determine and ensure qualifications for and compliance with the permit and shall allow for reasonable access to and review of records, property or other materials necessary to perform the inspection.

1. JCDHE may examine the water usage records of any establishment which uses a private sewage treatment system for information pertaining to the amount of water used by the establishment.
2. If the building, premises or establishment to be inspected is occupied, a JCDHE representative shall first present proper identification and request entry. If such building or premises is unoccupied, JCDHE staff shall first make a reasonable effort to locate the owner, or other persons having charge or control of the building or premises, to request entry. If entry is refused, JCDHE staff will work on remedies provided by law to secure entry.

K. **Authorized Activity**. Each permit or license issued under the authority of this Code shall be limited to and expressly provide for the type and manner of activity permitted for the holder and shall not be used nor applied for any other purpose, type or manner of activity. The permit or license shall specifically refer to the activity description contained within the permit or license application, and any change in the type, manner, scope or location of any activity shall require application for and modification of the permit or license.

L. **Permit/License Non-transferable**. No permit or license required by this Code shall be transferable to another person or premises, nor shall any fees required and paid be refunded. The holder of the permit or license shall notify JCDHE prior to any change in ownership or location of any permitted or licensed activity.

M. **Term Expiration**. Each permit or license issued under the authority of this Code shall clearly state the date of issuance, the term of the permit or license, and the expiration date. The term of each permit or license issued under this Code shall be for a period not to exceed 12 months from permit application date, unless otherwise specified. The Director may designate a lesser time when the activity can or will be fully completed within the shorter period, or may designate a greater time, but in no event more than 36 months from permit application date, subject to annual review and payment of any

required fee, where the activity is reasonably known or contemplated for continuation beyond 12 months.

The term of each private sewage treatment system use permit shall be for a period consisting of the time that the system is owned by the permit holder and operated in compliance with this Code. The use permit shall expire upon the transfer of the property to any other owner.

N. **Renewal.** Any permit or license issued under the authority of this Code may be renewed for one or more additional terms upon application for renewal filed with Director of JCDHE. No permit or license which has been expired for more than thirty (30) days or which is subject to revocation, for any reason, may be renewed, and such permits or licenses may be reissued only upon filing of a complete application for a new permit or license.

O. **Errors and Omissions**.

1. The issuance of a permit shall not prevent JCDHE, from thereafter requiring the correction of errors in plans and specifications, or from preventing construction activity being carried on thereunder when such activity would be in violation of this Code or of any other code or resolution, or from revoking any permit or license when issued in error.
2. JCDHE, may, in writing, suspend or revoke a permit or license issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information provided by the applicant.

P. **Standard Fees**. For defraying all or part of the cost of administration of this Code and to assist in the regulation of matters affecting public health, the Johnson County Board of County Commissioners shall establish a schedule of fees for all permits and licenses required by this code, payable upon submission of the application for such permit or license. **Refer to Appendix B for JCDHE fee sheet.**

1. **Multiple Uses or Services:** Whenever any person conducts more than one activity or whenever more than one activity is conducted at a single property or establishment, the fee imposed under the schedule for each separate permitted or licensed activity shall be assessed and paid as required.
2. **Fee Payment:** The fee imposed under this Code shall be paid by the applicant prior to the issuance of any permit or license authorized by the Code and all annual fees shall be paid prior to the anniversary or expiration date of any permit or license.
3. **Failure to Pay:** Failure to pay any fee imposed by this Code may be cause for suspension of revocation of any permit or license.
4. **Double Fee for Unauthorized Practices:** Any person who begins work without first obtaining a permit from JCDHE, shall pay double the permit fee appropriate for work, unless the work is urgently necessary to protect public health and safety (example system failure with sewage entering home, near drinking water or surface

water) prior to purchasing the permit. In all such cases, a permit must be obtained through JCDHE within three (3) business days following the work.

5. **Adjustments to Fee Schedule:** The fees imposed under this Code (see Appendix B) may be adjusted or changed as provided in the Johnson County budget for the applicable fiscal year, and upon adoption, the adjusted fees shall be appended to this Code and shall supersede the fee schedule established in Appendix B of the prior code. The Director of JCDHE shall publish annually the applicable fee schedule and shall provide copies to all interested persons upon request.

Section 2. Supplemental to State Regulations

The permit(s) or license(s), and all fees, conditions and regulations imposed under this Code shall be supplemental to and in addition to any permits, licenses, fees or regulations imposed or required by any other law, including those administered by the Kansas Department of Health and Environment. All private wastewater systems must be installed and operated to meet or exceed minimum Kansas standards for design and construction as set forth in the most recent edition of Kansas Department of Health and Environment Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems and amendment thereto.

Section 3. Administration of State Requirements

In the event that any rule, regulation or requirement arising under the laws of the State of Kansas is assumed or administered through the jurisdiction of the Johnson County Board of County Commissioners, or the JCDHE, acting under any lawful executive or administrative order or pursuant to a contract agreement, whereby the jurisdiction of any state authority is delegated to or administered by Johnson County, then any permit or license issued or issuable by the state authority shall apply and shall satisfy the permit or license requirements imposed by this article subject to the following conditions and exceptions:

A. Permit or License Fees: The permit or license fees required by Appendix B shall apply and be required for payment if greater than or equal to any state-imposed fees. The state-imposed fees shall apply whenever it is greater, but only one fee shall be imposed and required for payment.

B. Conflict in Regulations or Requirements: All rules, regulations, restrictions and requirements of this Code shall remain in effect and shall apply to any activity or condition covered by this Code except when in direct conflict with a provision of the state rules or regulations, in which case the state-imposed rules or regulations shall apply. Terms and conditions, rules, requirements, regulations or limitations which are supplemental to those imposed by the state and which are not specifically or expressly excluded or prohibited, shall not be considered conflicting and shall be imposed and in effect.

C. **<u>Additional Regulations</u>**: Rules, regulations and requirements applicable to any conduct, activity, condition or standard which is not expressly regulated by the state, but which is regulated by this Code, shall be and remain in full force and effect as specifically applied under this Code for and within Johnson County, Kansas.

ARTICLE IV
INSPECTIONS AND INVESTIGATIONS

Section 1. **Inspections Required**

Physical site inspections shall be authorized and performed for all permitted or licensed activities under this code.

Construction Activity: Whenever plans and specifications are required by this Code to be submitted to JCDHE as part of a permit application, JCDHE shall inspect the premises prior to the start of operations to determine compliance with the approved plans and specifications and with any other requirements of this Code.

Existing Private Sewage Treatment Systems: All existing private sewage treatment systems may be inspected as often as necessary to ensure the prevention of a sanitary nuisance or public health risk.

A. **New Private Sewage Treatment Systems:** Private sewage treatment systems shall be inspected by JCDHE prior to being placed in operation as defined in this Code.

B. **Industrial/Commercial Onsite Wastewater Systems:** Each industrial or commercial on-site wastewater system, whether now installed or hereafter permitted, shall be inspected at least once annually to ensure compliance with this Code, and shall be subject to annual renewal, of the operations permit.

C. **Repairs and Replacements:** Any replacement of or repair to a private sewage treatment system regulated by this Code, other than normal maintenance, which constitutes a structurally significant alteration shall be inspected prior to undertaking and completing the repairs and replacements.

D. **Minor Repairs and Emergencies:** All minor repairs, as defined in Chapter II of this Code, require inspections. Minor repairs which are conducted during normal business hours require pre-notification to JCDHE Emergency repairs conducted during evening hours or on the weekend require notification to the department within 1 business day of the repair.

Section 2. **Inspection Reports**

A written or electronic inspection report by JCDHE, or designees shall be made for all inspections conducted under the authority of this Code, stating the name of the inspector, the date and time of the inspection, the type of inspection, and the property inspected. The report shall enumerate all findings made during the inspection and shall describe any determined violations, the Code section violated, and the correction to be made. A copy of the completed report shall be issued to the owner of the premises and, if different than the owner, to the holder of or applicant for the permit. The report is a public document.

Section 3. **Inspection Scheduling**

Whenever inspections are required under this Code to be scheduled for any installation, construction, initial activity or for correction of any violation or other non-conforming condition, it shall be the duty of the holder of the permit or license or the operator of the establishment to promptly notify JCDHE, or designees and schedule the time and date for the inspection. Such notification shall be given not less than eight (8) hours during normal office hours before the work is to be inspected. A reinspection fee may be assessed if the work for which inspection is scheduled is not then complete or if the corrections required are not then made and a subsequent inspection is required.

Section 4. **Property Transfer Inspections**

Whenever any building or use requiring sanitation is connected to or is served by a private wastewater system, or private water supply, and is offered for sale, including contract for deed, transfer, leasing or renting, the seller shall have such system inspected by JCDHE and subject to the fees provided in this Code. See fee schedule in Appendix B. Any inspection shall not constitute nor be deemed a warranty, and neither JCDHE nor any other official of the County or municipality shall be liable for any failures of the system or for other claims arising out of the inspection. When the inspection is completed and approved, JCDHE will issue the proper permit. Upon discovery by JCDHE that the seller or seller's agent has failed to request a system inspection as defined by this code, JCDHE will require the new property owner to arrange an inspection within 30 days of the notice of violation. The new property owner shall be responsible for correcting anything that violates this Code, at their expense. The resale inspection shall not relieve any person of compliance with the requirements of this Code.

It shall be the duty of the property owner to uncover and pump the septic or holding tank prior to or at the time of any property resale inspection or use permit inspection conducted under authority of this Code. The property owner shall use a sanitary disposal contractor that holds a valid license issued by JCDHE to pump the septic or holding tank.

Due to the length of the inspection process, it is critical that the inspections start at the scheduled time. If the Johnson County Licensed Septic Hauler's pump truck is more than 30 minutes late to the inspection, JCDHE has the right to reschedule the inspection.

The protocol for inspection of private wastewater systems shall include, but not be limited to:

A. **Septic Tank with Absorption Field Systems:** Septic tanks must be pumped dry and inspected to determine volume, tank composition, baffles or tees at the inlet and outlet and the septic tank's general structural integrity, location, measurement and mapping of the absorption field lines (if records of the location are available).

B. **Pump Tanks with Absorption Field Systems**: Pumping dry and inspection of the pump tank to determine volume, tank composition, baffles or tees at the inlet and outlet and the

pump tank's general structural integrity, location, measurement and mapping of the absorption field lines (if records of the location are available). Pump operation and high-water alarms.

C. **Aerated Tanks:** Aerator operation, manufacturer and maintenance contract. Pumping and inspection of the septic tank to determine volume, tank composition, baffles or tees at the inlet and outlet and the septic tank's general structural integrity. Location, measurement and mapping of the absorption field lines (if records of the location are available). Pump operation and high-water alarms.

D. **Drip Irrigation System:** Operation and design standards of the specific system.

E. **Holding Tanks:** Structural integrity, alarm system, pumping records and verification of use.

F. **Mound System:** Operation and design standards of the specific system.

G. **Other Alternative System:** Operation and design standards of the specific system.

H. **Wastewater Stabilization Pond (Lagoon):** Dimensions; type and integrity of fencing; vegetation (growth such as cattails, trees and duckweed); evidence of erosion; evidence of seepage; any structures over 10 ft. tall within 50 ft. of the operating level; color of the water; and cleanouts every 100 ft. or less.

I. **Private Water Supply:** Identify type of water supply (drilled well, hand dug well, other). If private water supply is a well, determine whether it is properly sealed.

If there are both a public water supply and a private supply on same property, determine if there are any cross connections.

1. Any abandoned water well(s) or cistern(s) located on the property shall be plugged within thirty (30) days by the owner in accordance with the Kansas Department of Health and Environment regulations per K.S.A. 82a-1201 to 82a-1215 and amendments thereto.
2. Any drinking water well on a property that does not meet the appropriate setback to any part of the onsite septic system must be relocated to ensure the proper setback to protect the health of the occupants.

ARTICLE V
ENFORCEMENT PROCEEDINGS

Section 1. **Emergency Orders**

The Director of JCDHE, or delegate, may issue such orders or directives as deemed necessary upon a determination that such action is required to prevent, contain, or eliminate an obvious violation of this code or an imminent threat to the health or safety of the public.

A. **Health Risk**: Whenever JCDHE, determines that a condition exists which requires immediate action to protect public health, JCDHE, without prior notice or hearing, may issue an emergency order stating the nature of the threat to public health and directing that action be taken as necessary to eliminate or minimize such condition. Notwithstanding any other provisions of this code, such order shall be effective immediately upon issuance and shall be put in writing as soon as possible.

B. **Work Stoppage**: Whenever any work is being performed on an onsite wastewater disposal system or onsite water (private wells) supply system that is contrary to the provisions of this code, JCDHE, may order the work stopped immediately by issuing an emergency order and serving it on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop work until authorized by JCDHE or designees to proceed with the work.

C. **Compliance**: Any person, to whom an emergency order is directed, shall comply immediately, but upon written request filed within five (5) days of issuance, shall be afforded a review of the order by a Hearing Officer as soon as possible. Such review shall be held within ten (10) days of the issuance of such emergency order.

Section 2. **Suspension of Permit or License**

JCDHE may suspend any permit or license issued if the holder thereof does not comply with the requirements of this code. The suspension shall become effective ten (10) days after the holder of the license or permit, or the person in charge of such establishment or premises subject to the permit or license, receives written notice of such suspension. The holder or other aggrieved party may request an appeal hearing in accordance with Article VI of this code. After a hearing, JCDHE may issue the suspension as originally ordered or modify it, but in no event shall JCDHE issue a suspension for a period longer than that set out in the original order. The original order, or any order entered after an appeal, may condition the length of time of the suspension upon correction of the conditions upon which the suspension is based.

Section 3. **Revocation of Permit or License**

JCDHE may revoke a permit or license for violations of any of the requirements of this Code or for interference with JCDHE performance of its duties.

Prior to revocation, JCDHE shall notify, in writing, the holder of the permit or license, or the person in charge of the establishment or premises subject to the permit or license, of the specific reason(s) for which the permit or license is to be revoked and that the permit or license becomes final. Any holder of the license or permit, or the person in charge of the establishment or premises which is subject to the notice of violation, may request an appeal hearing as provided in Article VI of this Code. If no request for an appeal hearing is filed within ten (10) days of the notice of violation, the revocation of the permit or license becomes final. Whenever a revocation of a permit has become final, the holder of the revoked permit may make a written application for a new permit and pay the fee required.

Whenever a revocation of a license has become final, the holder of the revoked license shall not be eligible for a new license unless or until the JCDHE is assured that such licensee is qualified to perform all duties in compliance with the requirements of this code.

Section 4. **Abatement of Nuisances**

In accordance with K.S.A. 65-159, JCDHE may maintain a civil action in injunction, in the name of the Board of County Commissioners of Johnson County, or any municipality in which this code is applicable, to abate and enjoin a nuisance, which have, or threaten to have a detrimental effect on the environment or the health of the public.

ARTICLE VI
APPEALS

Section 1. **Appeal for Hearing**

Except as provided in Article V of this Chapter, any person aggrieved by a notice, final order or denial of a permit or license may request an appeal hearing on the matter before the JCDHE provided such person files the request within ten (10) days after the date of the notice, final order or denial. Said request for a hearing shall be in writing setting forth the grounds in which the appeal request is made. The filing of the request for a hearing shall operate as a stay of any notice, final order or denial except an emergency order.

Section 2. **Hearing Officer**

JCDHE shall designate, in writing, one or more officials to act as the department's Hearing Officer to hear appeals under this code. The officer may be an employee of the department but shall not be the person who, in the name of the department, made the determination or issued the order upon which the appeal is based.

Section 3. **Conduct of Hearing**

Upon receipt of the appeal request, JCDHE shall assign a date and time for an appeal hearing and designate a Hearing Officer. A copy of the appeal hearing date, time and place shall be mailed to each part of the appeal request and to the applicant, interested person, governmental agency or other appropriate party. The hearing shall be commenced not later than ten (10) days after the date on which the request for hearing was filed; provided, that upon request of the aggrieved party the hearing may be postponed for a reasonable time beyond such ten-day period.

At the conclusion of the appeal hearing, the Hearing Officer shall issue a written decision to the petitioning party. The decision may sustain, modify or deny the decision of JCDHE.

Within ten (10) days after the conclusion of the appeal hearing, a summary of all proceedings of the appeal hearing, including the findings and the decision of the Hearing Officer, together with a copy of the appeal request, every notice and order related thereto, shall be filed with the JCDHE.

Section 4. **Application of State Law Procedures**

The appeal of any final decision or action of JCDHE which is taken under authority of a State Administrative Agency in application of the laws of the State of Kansas shall be subject to and conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501, et seq. and the provisions of that Act shall supersede any and all time limitations and procedures otherwise specified in this code.

The Kansas Administrative Procedures Act shall not apply to any proceedings arising out of an appeal from any decision or action taken solely under the authority of the Board of County Commissioners.

ARTICLE VII
VIOLATIONS AND PENALTIES

Section 1. Prohibited Practices and Unlawful Conduct

The following acts shall be unlawful:

A. Obstruction of Administrative Agency: No person shall willfully impede or obstruct a representative of the JCDHE in the discharge of their official duties under the provisions of this code.

B. Operation without a Permit or License: No person shall fail to comply with the specified terms or conditions of any permit or license issued under this Code nor do any act or engage in any activity or conduct regulated by this Code without a valid permit or license, nor continue activities or conduct subject to any permit or license which has expired, been suspended or been revoked under this Code.

C. Use of Non-Approved Systems: No person shall use, or cause to be used, any private onsite wastewater system constructed after the adoption of this Code until it has been inspected and approved by JCDHE.

D. Failure to Comply with Emergency Order. No person shall fail or refuse to comply with an emergency order of the JCDHE issued under Article V of this Chapter.

E. Failure to comply with Permit or License: No person shall fail to comply with the specified terms or conditions of any permit or license issued under this Code nor do any act or engage in any activity or conduct regulated by this Code without a valid permit or license, nor continue activities or conduct subject to any permit or license which has expired, been suspended or been revoked under this Code.

F. Failure to Comply with Regulations: No person shall do any act or engage in any activity which is regulated by any Article, Section or Chapter of this Code except as authorized and permitted under the Code, and no person shall knowingly operate any activity regulated by this Code in any manner which does not comply with the requirements of the conditions and regulations specified in this Code.

G. Falsification and Misrepresentation: No person shall falsify nor misrepresent any fact, information, product or data provided, required or submitted for any application, permit, license, inspection, examination, investigation, report, record, test or other determination required under this Code.

H. Improper Discharges: No person shall cause nor permit any wastewater to be discharged to or upon the ground surface, into the groundwater or natural surface water course which creates or causes a health hazard or unlawful pollution, and no person shall cause nor permit any effluent from any onsite wastewater disposal system to be so

discharged, or to leak, seep or otherwise escape from the system such as to create or cause a health hazard or unlawful pollution.

I. **Failure to Repair or Correct:** No person shall fail or refuse to repair or correct any defect, deficiency, or other condition, whether natural or otherwise, in any onsite wastewater disposal system, or onsite water (private wells) system, which has caused, or which JCDHE has determined is likely to cause, within reasonable certainty, any improper discharge or other health hazard, unsanitary condition, or unlawful pollution. If the violation is not corrected within the time frame set forth by JCDHE, the Director may issue an order for the property to be vacated until corrections have been made and any fines have been paid.

Section 2. **Penalties**

Any violation of any provision or requirement of this Code or the commission of any unlawful act or conduct specified in this Article shall be deemed to be a Class G infraction under the Johnson County, Kansas, Code of Regulations for Procedure and Enforcement, and punishable upon conviction by a fine of not less than $100.00 and not more than $500.00. Each day's violation shall constitute a separate offense.

Section 3. **Prosecution**

The County Counselor shall prosecute violations of this Code in the name of the Board of County Commissioners of Johnson County, Kansas. Prosecution shall be in accordance with the Johnson County, Kansas, Code for Procedure and Enforcement, Resolution No. 116-88, or any amendments or subsequent enactments, and shall be commenced in the County Codes Section of the District Court of Johnson County, Kansas, unless a municipality adopting this Code provides otherwise for the prosecution of violations arising within its municipal jurisdiction.

The City Attorney of the municipality adopting this Code may prosecute violations of the Code in the name of the city in the municipal court of that city.

Section 6. **Remedies nonexclusive.**

The remedies provided for in this Code are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant person. Further, the Director is empowered to take more than one enforcement action against any noncompliant person or user.

ARTICLE VIII
CODE VARIANCE

Section 1. **Variances**

The owner or representative of any land, or the user of any onsite wastewater treatment system or private water supply regulated by this code may file a request for a variance with JCDHE for any standard, specification, rule or regulation prescribed by this code which is not otherwise discretionary under the authority of JCDHE for construction. After receipt of the request, JCDHE and designees shall prepare a report and recommendation regarding the request for a variance. A copy of the report shall be sent to the requesting party and to any appropriate Planning or Governing body or interested person or party requesting such report. The report shall include specific reasons or purpose for a recommendation of approval or denial.

In making any decision varying or granting an exception of the rules or modifying any provision of this code, JCDHE or designees may impose such restriction terms, time limits and other appropriate safeguards as deemed necessary to protect the public interest and assure compliance with the purpose and intent of this code, including performance bonds, or other surety acceptable to the County, guaranteeing the completion of any required improvement. Such surety shall be in favor of the County and properly executed prior to the granting of any permit. The amount of the surety shall be based on a general estimate of the cost of said improvement as determined by the Board of County Commissioners.

Any person who owns a lot or tract of land which has been recorded or platted as a lot or tract of record prior to April 7, 2006, may apply for and receive a variance from the minimum lot size requirements established by this Code for the installation, use or operation of any type of private sewage treatment system if, after inspection and evaluation, the code official of JCDHE determines, in coordination with the Johnson County Planning office, that the system can and will comply with all other applicable requirements of this Code and the applicable zoning and subdivision regulations of the County. JCDHE shall adopt standards to apply in granting such variances.

Rule Exceptions: The owner of any land or the user of any onsite sewage treatment system regulated by this Chapter may apply for an exception to any standard, specification, rule or regulation prescribed in this Chapter, which is not otherwise discretionary, under the authorities granted to the Director of the JCDHE.

A. Applications: Applications for any rule exception under this Section shall be filed with the Director of the JCDHE on approved and authorized forms and shall contain the following information:

1. The name of the applicant.
2. The name of the property owner if different than the applicant.
3. The address and legal description of the property.
4. The zoning and land use, existing and proposed, for the property.

5. The express rule, regulation or requirement for which exception is sought.
6. A detailed description of the plan, action, or other specification which is proposed in alternative to the rule or requirement.

B. Application Fee: There shall be and hereby is imposed a fee (refer to Appendix B) for and upon each application for a rule exception file under this Section. The fee shall be charged and paid for each separate tract, lot or subpart of a tract or lot subject to the application and for each rule, regulation or requirement for which exception is sought.

C. Report and Recommendation: Upon receipt of any application for a rule exception under this Section, the Director of the JCDHE or their designee shall evaluate the application and may conduct such site inspections or other investigations as they deem appropriate, and may require the applicant to submit additional facts, information or tests as may be reasonably necessary to render a decision on the application. The Director or their designee shall prepare a report and recommendation on the application within seven (7) days after receipt of the application and of all required additional information. A copy of the report and recommendation shall be sent to the applicant, to any appropriate planning or governmental body, to the Johnson County Unified Wastewater Districts, and to any other interested person or party.

D. Final Decision: The report and final recommendation of the JCDHE Director, or their designee, shall be and become the final decision on the application unless, within fourteen (14) days after the date of the report and final recommendation, the applicant or other interested party or governmental body requests in writing a formal review of the application or final recommendation. Any final decision of the JCDHE Director, or their designee, shall be issued in the form of a written administrative order, and the order shall be certified and recorded with the County Register of Deeds.

E. Review Proceeding: Whenever a timely request for a review of any application or final recommendation is filed with the JCDHE Director, a review proceeding shall be conducted in accordance with this subsection.

1. **Review of Design, Specifications or Standards:** If the applicant requests an exception to any design criteria or technical specification or standard required under this Article, then the review shall be conducted by the Board of Code Review for Johnson County. The Board of Code Review shall hold its meeting to consider the application or recommendation within fourteen (14) days after a request for review is filed with the Director. Notice of the meeting shall be provided in writing to the applicant, the party seeking review, the Director, and any other interested person or governmental body.
2. **Review of Land Use Considerations:** If the applicant requests an exception to any land use consideration, including but not limited to, minimum lot sizing, then the review shall be conducted by the Board of County Commissioners. A notice stating the exception requested and the date, time and place of the review proceeding shall be published by the applicant in the official county newspaper in

the area where the site is located at least seven (7) days, but not more than fourteen (14) days, prior to the proceeding date. A copy of the notice shall be mailed by the applicant to the owner of any property located within 1000 feet of the site location and to any appropriate planning or governing body at least seven (7) days prior to the date set for the review proceeding.

F. **Standards for Review:** The report and recommendation of the JCDHE Director, or their designee, shall be given substantial deference upon any review, but the person applying for any rule exception shall have the responsibility, in all instances, to demonstrate that the exception is justified and necessary. No rule exception shall be granted, either by final decision of the Director, or their designee, or upon any order of a review proceeding unless it is found and determined that:

1. The rule or requirement for which an exception is sought cannot practically be met as applied to the property without extreme and undue hardship; and
2. The rule exception will not adversely affect the proper and efficient operation of the private sewage treatment system nor require extraordinary monitoring, care or maintenance; and
3. The system as proposed will comply with all other applicable rules, regulations or requirements and will not cause nor result in any identifiable risk to the environment or public health.

G. **Decision on Review:** The decision in any review proceeding authorized in this Section shall be issued, in writing, within seven (7) days after completion of all review proceedings. A copy of the final decision shall be certified and recorded with the County Register of Deeds. Any final decision on any application for a rule exception under this Section shall be solely with the discretion of the Director or the reviewing board and shall not be subject to review by nor overturned in any court or other jurisdictional body in the absence of demonstrated fraud or deliberate, capricious action.

CHAPTER II. WASTEWATER DISPOSAL
ARTICLE I
GENERAL PROVISIONS

Section 1. **Purpose**

Wastewater is a potential source of disease and a potential hazard to the health, safety and welfare of the public. It also poses a direct threat to the environment as a potential pollutant of the air, water and soil, and presents a hazard to all forms of plant and animal life. It is the purpose of this chapter to provide minimum standards for the sanitary disposal of all wastewater generated or transported within Johnson County unless otherwise regulated by a competent authority.

Section 2. **Scope**

All wastewater must be disposed of by the use of an approved wastewater system as defined in this Article. A sanitary wastewater system may be classified as either a public wastewater disposal system or a private onsite wastewater treatment system (POWTS) unless alternative disposal/treatment options have been approved by JCDHE.

Section 3. **Requirements for Subdivision Development**

After the adoption of this Code, no person shall develop any subdivision until the plans and specifications for the onsite wastewater system(s) have been approved by JCDHE or the wastewater system(s) have been approved by Johnson County Wastewater, and, when required, by the Kansas Department of Health and Environment. A subdivision is defined as any plat creating two (2) or more lots pursuant to the provisions and requirements set forth in the Johnson County Subdivision Regulations.

No township or county planning commission, or zoning board authorized to review plats of subdivisions, shall recommend for approval any plat containing one or more lots or building sites having less than 87,120 square feet of land available for an onsite wastewater system, unless a public wastewater system is provided to serve all properties within the subdivision or a surety bond, in an amount stipulated by the Johnson County Board of County Commissioners, is filed with the Johnson County Treasurer to guarantee the installation of such public systems.

Section 4. **Rules of Application**

The provisions of Bulletin 4-2 "Minimum Standards for Design and Construction of Onsite Wastewater Systems" published by KDHE and Kansas State University Agricultural Experiment Station and Cooperative Extension Service, March 1997, and as may be amended, is hereby adopted and incorporated into this Code and is set forth herein to assure protection of the public health and environment from all designed, constructed and installed onsite wastewater systems. Requirements established by the KDHE Bulletin 4-2 and the Johnson County Sanitary Code shall apply and be applicable to any and all privately owned

onsite wastewater treatment systems now or hereafter installed, used or operated for any facility located within the unincorporated area of Johnson County, Kansas.

Sections of this Code may be more stringent than the requirements of KDHE Bulletin 4-2 and have been adopted based on available research and technology.

A. General Rule: Unless otherwise provided or accepted in accordance with this Section, as of the effective date of the code, no person shall design, install, replace, alter, repair, use or operate, nor cause or allow the installation, replacement, alteration, repair, use or operation of any onsite wastewater disposal system except as permitted under and as which complies with the established requirements of this Code.

B. Existing Systems Treating Domestic Wastewater: Any onsite domestic wastewater disposal system lawfully installed prior to the effective date of this Code, and used exclusively for domestic sewage, may remain in use if, and as long as:

1. It continues to operate in accordance with the original design and location and does not experience any system failure; and
2. Does not present any hazard to the public health, safety or welfare; and
3. Does not discharge onto the surface of the ground, or waters of the state, as defined in K.S.A. 65-161(a); and
4. Any replacement, structurally significant alteration, enlargement, repair, removal, conversion, improvement or demolition shall comply with the requirements of this Code or any later amendments, revisions or versions.
5. The system is found to be adequate and not failing or in need of repairs at the time of property transfer.
6. Temporary hardship manufactured homes, set up subsequent to natural disaster or accidental destruction of a permanent dwelling or family hardship situations, as permitted by Johnson County Regulations, may be connected to existing onsite sanitation systems. Such connections shall be subject to an inspection and compliance with the requirements of this Code.

C. Existing Systems Treating Industrial and Commercial Wastewater:

1. Discharge of industrial or commercial waste to a soil absorption system is prohibited. Any soil absorption system in commercial or industrial use at the time of passage of this Code shall be referred to the Kansas Department of Health and Environment to assure compliance with state and federal requirements.
2. Those systems, which are used exclusively for domestic wastewater, may remain in use, as long as the system is used only for domestic wastewater treatment and satisfies the requirements of this Code.
3. A sewage treatment system lawfully installed prior to the effective date of this Code which is used as an industrial or commercial onsite wastewater system shall, within 120 days after the effective date of this Code, apply for and obtain an operations permit.

a. Thereafter, such systems which have a valid Class A permit as defined under Definitions 47 a, above, may continue in operation, subject to annual inspections, for a period of twenty-four (24) months if, and as long as, the system operates in accordance with its original design and location and does not experience any failure or pose any hazard to the public health, safety or welfare. Upon expiration of the twenty-four (24) month period, such private sewage treatment systems shall comply with all other requirements of this Code.

b. Thereafter, such systems which have a valid Class B permit as defined under Definitions 47 b, above, may continue in operation, subject to annual inspections, for as long as the system is used solely for the permitted purposes and satisfies all other requirements of this Code.

   Industrial or commercial wastes collected and retained on site using underground holding tanks shall be subject to all Kansas Department of Health and Environment permit and inspection requirements and shall comply with or satisfy all requirements and regulations now or hereafter adopted by the Kansas Department of Health and Environment.

c. Definition 46 above under the DEFINITIONS section shall also apply to holding tanks as described.

D. **<u>Existing Tracts and Lots of Record</u>**: The owner or representative of any land, which is a tract or lot of record on or before the effective date of this Code, shall apply for and receive a permit under the applicable provisions of this chapter if:

1. The tract or lot size is at least two (2) acres; and

2. The installation and use of the system shall be exclusively for onsite wastewater disposal and will comply with all other requirements of this code; and

3. The lot is located in a parcel of land which has received final approval on or before the effective date of this Code or the lot or tract is not platted but was duly recorded as a lot or tract of record prior to the effective date of this Code; and

4. The lot or tract is not located within the boundaries of any sewer subdistrict operated by the Johnson County Unified Wastewater Districts or other municipalities; and

5. From and after December 31, 1998, all applications for a permit for a system treating domestic wastes, including those for existing lots and tracts of record, shall comply with the minimum lot size requirement of two (2) acres.

ARTICLE II
PUBLIC WASTEWATER SYSTEMS

Section 1. **Regulation of Municipal or Public District Systems**

Any public wastewater system which is maintained and operated by a municipality, by a lawfully created public sanitary sewer district, or by a lawfully organized public improvement district authorized under application of the Laws of the State of Kansas and located in whole or part within Johnson County, Kansas, shall be built and operated only as permitted by the rules and regulations of the Kansas Department of Health and Environment and United States Environmental Protection Agency and shall comply with and be governed by such laws, rules, regulations and administrative actions.

A. Privately Owned National Pollutant Discharge Elimination System (NPDES)

Any sanitary sewage treatment system which is maintained and operated by any private person, and not by an authorized public entity, pursuant to a National Pollutant Discharge Elimination System (NPDES) permit issued by any federal or state authority, or which by law would be required to obtain such permit, and which is located within Johnson County, Kansas, shall comply with and be regulated by the terms and conditions of the permit and all rules, regulations and requirements imposed by the applicable federal or state regulatory authority. Any system covered by this Section shall operate within Johnson County, Kansas, only pursuant to a valid and effective NPDES permit, and no person shall build, maintain or operate any such system without a valid permit. Any such facility which does not have a lawfully issued permit, or for which the permit is suspended or revoked, may then be regulated by the provision of this Code after consultation and in cooperation with the Kansas Department of Health and Environment.

B. Systems Serving Commercial or Industrial Users

Every premises or property which is used as or occupied by a commercial or industrial establishment and which is not connected to a public sewage treatment system as identified by Section 1 or Section 2 of this Article must install, use, and maintain a holding tank facility (see Chapter II, Article VII, Section 3A for holding tank sizing), and no other type of onsite sewage treatment system, for sewage treatment (except as provided in Section 2). The holding tank facility shall meet the specifications and requirements in Section 2.

1. Prior to the installation of the holding tank for such commercial or industrial waste usage, the operator or property owner of the premises or property which is licensed as a Class A industrial and Commercial Onsite Wastewater System and which is not a Class V well, shall petition for and create an authorized regulatory sanitary sewer district under the jurisdiction and authority of the Johnson County Unified Wastewater Districts. Thereafter, in order to maintain a valid permit, the use, maintenance, and operation shall comply with and be regulated by the applicable rules, regulations, and requirements of the Unified Wastewater Districts, including its Sewer Use Regulation or other such requirements contained in the agreement.

2. Prior to the installation of the holding tank for such commercial or industrial usage, the operator or property owner of premises or property which is licensed as a Class B Industrial and Commercial Onsite Wastewater System, or the operator or property owner of premises or property which is properly licensed Class V well, may petition for and create an authorized regulatory sanitary sewer district as provided for in Section 2 , above , and shall thereafter, comply with and be regulated by the applicable rules, regulations, and requirements of the Unified Wastewater Districts, including its Sewer Use Regulations or other such requirements contained in the agreement.

    a. In the alternative, said premises or property which has a valid Class B permit as defined in Section 2, above, may continue in operation, subject to annual inspections, for as long as the system is used solely for the permitted purposes and satisfies all other requirements of this Code.

Section 2. **<u>Policy Regarding Public Wastewater Systems</u>**

Due to unsuitable soil conditions, high ground water table, bedrock being close to the surface of the ground, the density of development permitted by Johnson County Zoning and Subdivision Regulations, and the relationship of development to community growth areas, the Johnson County Board of County Commissioners may require public wastewater districts to be established in accordance with K.S.A. 19-27a01. The cost of installation, maintenance and operation of the public wastewater district facilities shall be borne by those properties and persons being served by the system.

ARTICLE III

PRIVATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

Section 1. **Types**

Private Onsite Wastewater Treatment Systems are classified as being one the following types:

A. Septic Tank & Soil Absorption System
B. Wastewater Stabilization Pond (Lagoon)
C. Mound System
D. Holding Tank
E. Composting Toilet
F. Alternative Treatment System
G. Subsurface Drip Disposal System with aerobic treatment
H. Other system as defined by the County and in compliance with this Code

Section 2. **Proper Maintenance and Operation**

All onsite wastewater disposal systems shall comply with applicable provisions of K.A.R. 28-5-6 and 28-5-7, shall be maintained in good working condition and shall not discharge onto the surface grade or into the groundwater or drain into any stream or roadside ditch or produce any offensive odors or become a breeding place for flies, mosquitoes or rats and other disease vectors. Surfacing of effluent in pools or streams or groundwater contamination will indicate system failure. Whenever JCDHE shall find any onsite wastewater disposal system malfunctioning and causing any prohibited condition, it shall order the owner/or user to correct the condition within thirty (30) days.

Some alternative wastewater systems may require additional maintenance in order to function properly. JCDHE, or designees may require a maintenance agreement with a qualified service provider for the life of the system. All records of maintenance performed under a required maintenance agreement shall be provided to JCDHE within seven (7) days of completion.

Section 3. **Location of an Onsite Wastewater System**

All Onsite Wastewater Systems must meet the minimum separation distances outlined in Table 1 below, unless a variance or rule exception is granted pursuant to Chapter I, Article VIII, Section 1 of this Code. There shall be no permanent structure over the septic tank, onsite wastewater disposal field, or other parts of an on-site wastewater system.

Table 1: Minimum Separation Distances for Onsite Wastewater Systems:

	Septic Tank	Septic System
Property Lines	10 feet	10 feet
Well	100 feet	100 feet
Pond / Lake Used for Drinking Water	100 feet	100 feet
Pond / Lake Not Used for Drinking Water	50 feet	50 feet
Public Potable Water Line / Main	25 feet	25 feet
Private Potable Water Line	10 feet	10 feet
Building / Structure	10 feet	25 feet
Swimming Pool	10 feet	15 feet
Cistern	50 feet	50 feet
Spring	50 feet	50 feet
Stream / Water Course	50 feet	50 feet
Utility Lines or Easements	10 feet	10 feet

Section 4. **Location of Onsite Wastewater Systems Below Flood/Full Pool**

No portion of an onsite wastewater system shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake or water supply reservoir with the potential to inundate the onsite wastewater system.

No pond or swimming pool shall be constructed or maintained so as to discharge or have the potential to discharge water or graywater into an onsite wastewater disposal system which could result in the failure of that system, unless a structure or suitable arrangement approved by JCDHE is constructed to protect the onsite wastewater disposal system from such discharge or potential discharge of water.

Section 5. **Location of Onsite Wastewater Disposal Systems Within a 100-Year Floodplain**

Except for wastewater stabilization ponds (lagoons), no portion of an onsite wastewater system shall be constructed within the Special Flood Hazard Zone AE as defined by the Federal Emergency Management Agency (aka: 100-year floodplain) for Johnson County. This does not preclude repairs of existing systems, provided other requirements of this Code are met. Berms of a wastewater stabilization pond (lagoon) shall be constructed a minimum of one (1) foot above the base flood elevation. Where base flood elevations have not been established, the base flood for the levee shall be determined and certified by a registered professional engineer or licensed surveyor.

Section 6. **Connections to Public Wastewater Systems**

To the extent feasible, public sewer systems shall be used for the disposal of all wastewater within Johnson County. No onsite wastewater system shall be permitted under this chapter whenever a public sewer system is within one hundred feet (100') of the property line unless JCDHE finds that connection to such a sewer is not feasible or is cost-prohibitive and an onsite wastewater system meeting the requirements of this code can be constructed on the property.

A. **Existing Systems:** After the effective date of this Code, no permit for construction or for a structurally significant alteration of a private sewage treatment system shall be issued for any lot or tract of land any part of which is located within 100 feet of a main or lateral sewer line which is part of the public sewage treatment system which can serve the lot or tract, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.

B. **New Systems:** The use of any private onsite wastewater treatment system for which a permit to construct was issued after the effective date of this Code shall be prohibited two years after a main or lateral sewer line first becomes available for service within 100 feet of the lot or tract served by the private sewage treatment system, and when it is determined that connection to the public system is feasible and reasonably available to the property owner.

C. **Extensions or Waivers:** The requirement for connection to a public sewage treatment system for any particular tract or lot may be waived, or the time extended by official action of the Board of County Commissioners, or other applicable governing body, such as a city, for cause shown that the required connection would result in undue hardship.

Section 7. **Repairs and Corrections**

Any onsite wastewater disposal system that cannot connect to a public wastewater system and does not function properly as designed and permitted shall be replaced or repaired. Plans and specifications for the replacement or repairs shall be submitted to and reviewed by JCDHE, and no repairs or replacements, other than ordinary maintenance, shall be performed without a permit and inspection as required under this Code.

Section 8. **General System Requirements**

The system shall be designed based on wastewater flow, including water used to flush a reverse osmosis or softener system. It shall consist of a building connection, a treatment unit such as a septic tank and absorption field. An "absorption field" means a configuration of onsite trenches installed to absorb wastewater effluent from a septic tank or other solids removal device. The system shall be sized to receive all domestic wastewater including laundry waste, whether or not an approved graywater system has been installed. The design of the system shall ensure that the waste discharged to the onsite wastewater disposal system:

A. Does not contaminate any drinking water.
B. Is not accessible to insects, rodents or other possible carriers of disease, which may come in contact with food or drinking water.
C. Does not contaminate surface water or groundwater aquifers.
D. Does not surface above ground level.
E. Does not pose a danger and/is not accessible to children or animals.
F. Does not give rise to a nuisance due to odor or unsightly appearance.

Section 9. **Alternative Sewage Treatment Systems (ASTS)**

When site conditions are not conducive to the use of traditional septic systems, an Alternative Sewage Treatment System (ASTS) may be considered by JCDHE. ASTS engineered designs must be submitted to JCDHE for review and approval during the planning stages of the project.

Alternative sewage treatment systems are defined as any sewage treatment and dispersal system other than a conventional sewage disposal system. ASTSs are used to overcome one or more adverse site or soil condition such as high groundwater, slowly permeable soils, or other limiting condition or where increased wastewater treatment is needed. Unlike conventional sewage disposal systems, ASTSs vary in design and concept depending on the site and soil conditions. The design goals of all sewage treatment and dispersal systems, including ASTSs, are the prevention of disease, treatment and dispersal of sewage effluent below the surface of the ground, and the prevention of contamination of groundwater and other beneficial waters by discharges from sewage disposal systems. Deed Restrictions may be required depending on the maintenance protocol for each system.

Section 10. **Application Procedure**

The person applying for the wastewater disposal system permit shall first file an application on a form furnished for that purpose by JCDHE, or designees. The permit application shall:

A. Identify and describe the activity for which permission is requested (e.g., construction, repair, etc.). Identify the location of the activity for which permission is requested by legal description and street address.

B. Indicate the type of establishment which the sanitary wastewater system will serve.

C. Provide a completed soil profile analysis and site assessment for each site location as specified in Section 11 of this Article.

D. Include a system design that is in agreement with the recommendations of the site assessment. System design shall include a legal description of the site, required laterals, septic tank size or lagoon size, number of bedrooms in the dwelling and be prepared by a licensed installer or registered professional engineer.

Section 11. **Field Data Requirements**

A. **Site and Soil Evaluation**. Four feet (4') of soil beneath the bottom of the soil absorption field is required to assure adequate treatment before wastewater reaches the water table or flows laterally due to the presence of a restrictive layer. An evaluation of the soil

including a soil profile are required to assess the ability of a site to provide proper wastewater treatment. In some cases, a variance may be allowed when an alternative design is proposed.

B. **Soil Profile**. A soil profile shall be conducted by JCDHE and shall consist of an onsite visual examination of the soil in location of the proposed absorption field. The applicant shall be responsible for digging a minimum of three (3) three-foot by five-foot by six-foot (3'W x 5'L x 6'D) inspection pits prior to completing the analysis of the soil capabilities evaluation. This evaluation will be used to determine the soil loading rate. See Table 2 below.

Table 2: Guide to Wastewater Infiltration Rates for Below-Grade Soil Absorption Systems

SOIL HORIZON CHARACTERISTICS	Wastewater Loading (gpd/ft^2)
Gravelly coarse sand; moderate or strong platy structure; sandy clay loam or silty clay loam with weak platy structure; cemented consistence or any consistence stronger than firm (moist), or hard (dry); sandy clay, clay or silty clay with massive or weak structure; silt loam, clay loam or silty clay loam with massive structure.	0.0
Sandy clay, clay or silty clay of low clay content with moderate or strong structure; sandy clay loam, clay loam or silty clay loam with weak structure.	0.1 – 0.2
Sandy clay loam, clay loam or silty clay loam with moderate or strong structure; sandy loam, loam or silt loam with weak structure.	0.3 – 0.4
Sandy loam, loam or silt loam with moderate or strong structure; fine sand, very fine sand, loamy fine sand or loamy very fine sand.	0.5 – 0.6
Coarse sand, sand, loamy sand or loamy coarse sand with single-grain structure.	0.7 – 0.8

Section 12. **Plans and Specifications**

Plans and specifications shall be drawn to scale, no greater than one inch to fifty feet (1" – 50'), and shall include, but not be limited to the following information of a Plot Plan:

A. Location of the soil profile analysis in relation to the area of the proposed onsite wastewater disposal system.
B. Size of lot, dimensions and relative location of structures.
C. Proposed location of the onsite wastewater disposal system, including all system parts and all set back distances.
D. Proposed location of a replacement area for the sewage treatment system, consisting of at least 5,000 square feet.
E. Retention of Plans: One set of approved plans shall be retained by the JCDHE and one set of approved plans shall be returned to the applicant.

Section 13. **Inspection Required for System Approval**

No septic tank or onsite wastewater disposal system shall be placed into service and no occupancy permit may be issued to any person for use of any establishment to be connected to such system until the system has been inspected and approved by JCDHE.

A. No inspection nor system approval will be initiated until and unless the applicant or owner has fully complied with the permit and application requirements of this Code. Any required permit must be posted and displayed at the property job site.
B. The applicant, property owner or installer shall provide a minimum of eight (8) business hours' notice to JCDHE to perform any required inspection. An inspection will be conducted only when proper notice is given and only where the site address can be properly located on a map or is posted and visible from the road and only where the foundation and structure are finished before installation of the system.
C. There will be at least three (3) inspections required for each wastewater system. Additional inspections may be required when determined necessary by the inspector.

    1. The first site inspection shall be performed before issuance of any septic system permit and includes the following:

        a. Verification that, if required, a minimum of three (3) soil exploration holes, six feet in depth each, have been dug. Per OSHA regulation (Trenching and Excavation Safety – Access and Egress) benching and shoring steps shall be provided by the excavator for safety.

        b. Performance or review of a minimum of three (3) soil profile analyses in the proposed onsite system area.

        c. Inspection of the proposed area for the size requirement of an additional replacement system.

    2. The second inspection shall be performed when the system is installed. The tank and pipe shall be in the ground but must be uncovered for the inspector to check the following:

        a. Tank size and inside structure, including the inlet and outlet baffles or tees. The installation of a riser. Backfill around the tank up to at least half the way up the tank to the manufacturer's recommendation.

        b. Tight line from building to septic tank shall be SCH 40 PVC or other approved pipe material. Gravel / aggregate is required for bedding material on the tight line when the pipe is suspended / deflection in the pipe and not laying solid on undisturbed soil. A minimum of a ¼ inch per foot slope is required for the tight line. A cleanout to grade is required within three feet of the building on the

outside and then a two-way cleanout every 100 feet thereafter. Only one exit location for the building plumbing of the tight line to the septic tank is allowed, unless received prior approval from JCDHE.

c. Depth of gravel in laterals.

d. All alarms and mechanical components of the system are tested and approved.

3. The third inspection shall be performed after final grading has occurred, but before occupancy. The inspector will check for the following:

a. Depth of soil cover over septic tank.

b. Depth of soil cover over lateral lines.

c. Contour of soil to assure allowance for water diversion around lateral field.

d. That established grass seedling or sod has been laid down over the septic system.

e. Verify a designated breaker for the septic system is labeled in the electrical panel if electricity is required for the septic system.

Section 14. **Applicable Building Codes**

In addition to the standards and requirements established under this Chapter, the installation, alteration, construction, reconstruction, repair, replacement or other work for or upon any onsite wastewater system regulated under this Code shall comply with and satisfy the specifications and requirements, whenever applicable, of the International Building Code, the International Residential Code, the International Plumbing Code, and National Electric Code, or similar codifications, as adopted by and in effect in Johnson County, Kansas. The JCDHE shall have available copies of any such code specifications and shall delineate those parts and requirements, which are applicable to private wastewater systems.

Section 15. **Abandoned System Requirements**

An abandoned onsite wastewater system shall be disconnected from building or facilities, pipes plugged, and receptacles dismantled or removed; and any void space in which such receptacles are contained shall be plugged following procedures described in Kansas State University Research and Extension, Bulletin MF-2246: Plugging Cisterns, Cesspools, Septic Tanks and Other Holes, July 1998. Before filling, receptacle contents shall be pumped out and disposed of in accordance with Chapter II, Article XI, Section 3 of this Code (Regulations for Sanitary Disposal Service Operators). The guidance applies to systems that receive only domestic sewage. If the system has received non-domestic sewage, then closure must be coordinated with KDHE, which may require additional sampling and closure activities.

ARTICLE IV

REQUIREMENTS FOR ONSITE WASTEWATER ABSORPTION SYSTEMS

Section 1. **Permits Required**

It shall be unlawful for any person, firm, or corporation to erect, construct or perform any structurally significant alteration, remove, convert or demolish any wastewater system regulated by this Code, without first obtaining an onsite wastewater system permit from the JCDHE. Permits issued under this Article shall be subject to the following qualifications:

A. **Minimum Lot Size:** A minimum lot or tract size of two (2) acres shall be required for any permit issued under this Article except as provided in Chapter II, Article I, Section 4.D. This minimum lot size applies to single family homes. Multi-family housing or commercial systems may require greater acreage. See Chapter I, Article VIII, Section 1 for Variance.

B. **Terms and Renewals:** A permit issued under this Article shall be valid for a period of twelve (12) months following the date of issuance and may be renewed annually by order of JCDHE.

C. **Transfer:** A permit issued under this Article shall not be transferable.

D. **Standards:** No permit shall be issued to any person, property or establishment which does not comply with and satisfy the specified requirements of all applicable Sections of this Code including any applicable provision of K.A.R. 28-5-6 and 28-5-7.

Section 2. **General System Requirements**

The system shall be designed to consist of a building connection and treatment unit, such as a septic tank and absorption field.

Section 3. **Application Requirements**

The system design shall include the required laterals, and septic tank size as set forth in Section 4 of this Article.

Section 4. **Construction Specifications**

Septic tanks shall meet the design and construction specifications as set forth in the State of Kansas Department of Health and Environment, Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems (State of Kansas Department of Health and Environment) and amendments thereto. All tanks associated with the treatment, collection or disposal of onsite domestic wastewater (including but not limited to septic tanks, holding tanks, pump tanks, treatment unit tanks) shall be constructed of sound, durable materials, not subject to excessive corrosion or decay and shall be watertight, such as concrete, fiberglass or thermoplastics. Each such tank shall be structurally designed to

withstand all anticipated earth or other loads and shall be installed level and on a solid bed. Steel septic tanks shall not be permitted.

The access manhole shall be located directly over the compartment divider or over each compartment to allow easy access for pumping and inspection and shall be no less than 20-inch diameter. A secondary safety device shall be installed in the riser. A tee is required for the inlet of a pump tank.

All new septic tank installs require a riser from the tank to surface grade with a lockable lid. Any existing septic tank that is 12 inches or greater below grade shall have a riser from the tank to surface grade with a lockable lid.

Tank Requirements: Residential septic tanks shall be a minimum of one thousand (1,000) gallon capacity tanks. Tanks shall be sized according to Table 3 below.

Table 3: Minimum Septic Tank Capacities Based on the Number of Household Bedrooms.[1]

Number of Bedrooms	1	2	3	4	5	6	*
Capacity (gallons)	1000	1200	1200	1500	1500	2000	
*In the event that any installation serves more than a six- bedroom home or its equivalent or serves a facility other than a home with the equivalent of twelve persons or more, approval of septic-tank capacity and design shall meet Kansas Department of Health and Environment Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems (State of Kansas Department of Health and Environment) septic tank sizing approval must be obtained from the JCDHE Environmental Program Manager Onsite/Aquatics or the Environmental Division Director.							

[1]For each additional bedroom, add 300 gallons to the value.
[2]Volume held by the tank below the liquid level (invert of the outlet pipe).
[3]Minimum tank size is 1000 gallons.

Pump Tanks

A. Septic Tank Effluent Pump (STEP): This method involves a two-compartment septic tank with the pump assembly in the second compartment. An approved pump assembly which includes a filter basket shall be used.

B. Pump Tank: Single or multiple compartment pump tanks shall be precast concrete, fiberglass or polyethylene. The pump tank shall have a minimum capacity of 1,000 gallons.

C. Manhole and Alarm: All pump tanks shall be equipped with an approved manhole and lid-to-finished grade and shall also be equipped with an approved high-water alarm.

D. **Depth:** The access manhole cover must be at least 20" diameter and extended to the finished grade and shall consist of a cast iron ring and lid, or other material, which meets JCDHE's approval.

E. **Location:** The location of the septic system shall be such as to maintain not less than the stated distances as shown in Chapter II, Article III, Section 3.

F. **Site Preparation:** The area proposed to be occupied by the private wastewater disposal system shall not be disturbed or compacted prior to system installations. Fencing or other appropriate barriers shall be used to designate this area. During and after installation, care shall be taken to avoid compaction or destruction of the soil profile.

G. **Excavation:** Excavation for septic tank and lateral systems shall not be done in such a manner, or in which site and soil conditions are likely to result in over-compaction of the area.

H. **Lateral Size:** The linear footage required for lateral system shall be determined based on soil loading rates and the number of bedrooms' water usage as outlined in Bulletin 4-2, Minimum Standards for Design and Construction of Onsite Wastewater Systems (State of Kansas Department of Health and Environment). See Table 4 below.

Table 3: Bedroom/Load Rate/Square Footage for Conventional Systems / Lateral Fields

Wastewater Load Rate (gpd/ft^2)	One - Bedroom	Two - Bedroom	Three - Bedroom	Four - Bedroom	Five - Bedroom	Six - Bedroom	Seven - Bedroom
0.8	265	1000	1200	1300	1625	2000	2500
0.6	350	1100	1300	1400	1750	2250	2750
0.5	420	1200	1400	1600	2000	2500	3000
0.4	525	1300	1500	1800	2250	2750	3250
0.3	700	1400	1600	2000	2500	3000	3500

I. **Lateral Trench:** The acceptable absorption trench length shall not exceed one hundred feet (100') and shall be determined based on trench width as provided in Table 5 of this Article, with a maximum trench depth not to exceed twenty-four (24) inches.

Table 5: Trench Separation Distances

Trench Width (inches)	Minimum Separation Distance Between Trench Centerline (feet)
18-24	8.0
24-30	8.5
30-36	9.0

J. **Lateral Field:** Standard perforated distribution pipe, with a minimum four inch (4") internal diameter (10' length of rigid SCH 40 PVC) shall be used. There shall be a minimum pipe slope of four inch (4") from outlet end of tank to first lateral trench. Individual distribution pipe shall have a maximum slope of two inches (2") per one hundred feet (100'). Individual distribution pipe should not exceed one hundred feet (100') from end of lateral trench to trunk line. Distribution lines shall be installed on top of minimum of six inches (6") of washed gravel sized from three quarter inch (3/4") to two inches (2"). Distribution pipe shall be covered with a minimum of two inches (2") of washed gravel sized from three quarter inch (3/4") to two inches (2"). JCDHE shall approve the fabric material that will be placed over the gravel before backfilling. Serial or "step-down" distribution may be required for excessively sloping yards. Valves or drop boxes may be required on all serial or step-down distribution systems. Depth of the trenches shall be twenty-four inches (24").

1. No part of the lateral field shall be covered by more than twelve inches (12") of backfill. No septic tank lateral field or any portion thereof shall be placed in fill material unless approved by JCDHE. All lateral fields shall meet design and construction specifications set forth in the State of Kansas Department of Health and Environment Bulletin 4-2 and amendments thereto.
2. The lateral field shall be constructed and installed according to requirements approved by JCDHE and shall be designed and installed with some method of detection, acceptable to JCDHE, which allows for and assists in locating the lateral lines in the future.

K. **Connections:** Inlet and outlet pipe connected to the septic tank shall be four inch (4") solid pipe with a minimum rating of Schedule 40. Solid lines from the outlet pipe of the septic tank shall be four inch (4") solid pipe with a minimum rating of SDR 35. Materials used in the plumbing, wastewater line, and lateral fields shall meet standards specified by the American Society for Testing and Materials (ASTM).

L. **Prohibited Connections:** No roof, driveway, or floor drain shall be connected to a septic tank system.

M. Additional Requirement for Absorption Field Utilizing Gravel-less Lateral Field Technology: The following requirements are in addition to all other requirements noted within this Code:

1. Inspection ports may be required by JCDHE for monitoring purposes such as in a pumped system.
2. The end plates of each chamber trench shall be constructed of plastic, made by the manufacturer of the chambers.
3. The overhead distribution pipe shall be fed into the top of the chamber (unless otherwise specifically approved by JCDHE) with a standard PVC tee fitting. The PVC tee shall extend downward midway into the depth of the chamber.

N. Alternative Septic Treatment Systems (ASTS): Enhanced treatment of domestic onsite wastewater systems may be considered after thorough assessment by JCDHE in areas of marginal suitability for conventional systems. JCDHE requires the alternative, experimental or innovative domestic onsite wastewater system to be designed by a professional engineer, or follow criteria developed by a professional engineer. Additional monitoring and reporting requirements of alternative, experimental or innovative systems may be required by JCDHE.

O. Other Requirements: Any additional construction specification guidelines necessary shall be approved by JCDHE.

Section 5. Inspection Requirements

An inspection shall be made when the system is installed. The tank and pipe shall be in the ground but must be uncovered for the inspector to check the following:

A. Tank size and inside structure, including inlet and outlet baffles or tees and any risers.

B. Connections to the house, influent and effluent side of the tank.

C. The width and depth of trenches for lateral lines.

D. All solid, un-perforated trunk lines on undisturbed soil and with no rock material in the trunk line ditch.

E. Depth of gravel in laterals.

F. Level of pipes and the end of each lateral line capped or interconnected.

G. Filter material over laterals.

H. Anticipated depth of fill over laterals.

I. Quality of all construction materials to assure compliance with minimum standards set forth by JCDHE.

J. All electrical system work (Electrical conduit, conductors, wiring system, electrical boxes, equipment and disconnects) shall comply with National Electrical Code (NEC) or any code and standards adopted by Johnson County. Dedicated breakers and/or disconnects shall be GFCI since part of the wiring and connections are in wet locations.

A second inspection may be made after final grading has occurred, but before occupancy, when determined necessary by the inspector. The inspector will check the following:

A. Depth of soil over septic tank.
B. Depth of soil cover over lateral lines.
C. Contour of soil to assure allowance for water diversion around the lateral field.
D. Operation of aeration unit (when installed).

ARTICLE V
REQUIREMENTS FOR MOUND SYSTEMS

Section 1. **Permits Required**

It shall be unlawful for any person to erect, construct or perform any structurally significant alteration, remove, convert or demolish any mound system without first obtaining the proper construction permit from JCDHE.

Section 2. **Permit Qualification**

A permit authorized under this Article shall be issued, and any mound system operated under the provisions of this Code, shall be approved subject to the qualifications specified in this Section.

A. **Minimum Lot Size:** A minimum lot or tract size of two acres shall be required for use, operation or permittance of any mound system under this Article except as provided in Chapter I, Article VIII of this Code.

B. **Standards:** Any mound system permitted or operated under the authority of this Article shall comply with the standards prescribed in this Article and all applicable terms, conditions and requirements of this Code.

Section 3. **General Requirements and Standards**

Mound systems shall be permitted only after a thorough site evaluation has been made, and landscaping, dwelling, placement, effect on surface drainage and general topography have been considered. Mound systems shall not be utilized on soils where high groundwater level or bedrock occurs within twelve inches (12") of the surface. If high groundwater level or bedrock occurs within twelve inches (12”) of the surface, an aerobic treatment unit (ATU) will be required to install a mound system.

Section 4. **Design**

All mound systems shall be designed by a registered professional engineer, registered sanitarian or professional soils scientist, and approved by JCDHE. Required distances from the system, as provided in Article III, Table 1, shall apply to the design of mound systems. Construction specifications of septic tanks and laterals, etc. used in a mound system shall comply with the construction standards as provided in Article IV, Section 4.

ARTICLE VI

REGULATIONS FOR PRIVIES

Section 1. **Permit.**

No privy shall be constructed or erected on any premises.

ARTICLE VII

REQUIREMENTS FOR HOLDING TANKS

Section 1. **Permits Required**

It shall be unlawful for any person, firm or corporation to install, perform any modification or structural alteration, convert or use any holding tank without first obtaining a permit from JCDHE.

Section 2. **Permit Qualifications**

A permit authorized under this Article, and any holding tank used for sanitation purposes operated under the provisions of this Code, shall only be approved subject to the following qualifications:

A. **Land Use:** Holding tanks may only be used for private onsite retentions of wastewater before the contents are removed by a Sanitary Disposal Operator.

1. Holding tanks may be permitted or operated for such uses as seasonal cabins, camping facilities, auctions, public or private schools, golf courses and other recreational activities when such uses are approved by JCDHE.
2. Holding tanks may be permitted or operated for commercial and industrial tracts or parcels that were in existence prior to the effective date of this Code and subject to the approval of a Variance or Rule Exception as provided in Chapter I, Article VIII, of this Code.

B. **Standards:** Holding tank systems shall only be permitted after a thorough site consideration and evaluation has been made by JCDHE.

Section 3. **General Requirements and Design**

Prior to the approval for any holding tank system, an analysis of the site shall be prepared by a licensed engineer, professional soils scientist or registered sanitarian to include the soil capability, water table, depth to bedrock, is subject to 100 Year Flooding, lot/parcel size and lot/parcel configuration. Any holding tank system authorized under this Article shall be designed, constructed, and operated to comply with the following standards and specifications:

A. **Capacity Requirements:** The minimum liquid capacity of a holding tank collecting domestic wastewater shall be 2,000 gallons or a minimum five (5) day holding capacity, whichever is greater. Holding capacity shall be determined on average daily water use.

B. **Site Location:** Holding tanks shall be located at least ten (10) feet from any part of a building or structure and a minimum of ten (10) feet from any property boundary. Holding tanks shall be located so as to provide access to an all-weather road or driveway

wherein the pumper may drive equipment to within one hundred (100) feet of the servicing manhole.

C. **Warning Devices:** A high water warning device shall be installed so that it activates when water levels reach one (1) foot below the inlet pipe. Such device shall be an audible and illuminated alarm.

D. **Access Opening:** Each tank shall have an access manhole which is extended to finished surrounding grade and shall consist of a circular cast iron ring and lid or other material subject to the approval of JCDHE; such manhole lids or covers shall be secured by appropriate manhole design such as cast-iron lid flush with cast iron ring or lid screwed down to riser.

Section 4. **Change in Use**

The permit holder shall notify JCDHE in writing within thirty (30) working days of any change in the use of the premises served by the holding tank, including change of ownership or occupancy.

ARTICLE VIII

REQUIREMENTS FOR WASTEWATER STABILIZATION PONDS

Section 1. **Permits Required**

It shall be unlawful for any person, firm or corporation to erect, construct or perform any structurally significant alteration, remove, convert or demolish any wastewater stabilization pond (lagoon) regulated by this Code, without first obtaining a permit from JCDHE. Permits issued under this Article shall be subject to the following qualifications:

A. **Land Use:** Permits may be issued under this Article only for an establishment which is not required to hold a Kansas Department of Health and Environment Water Pollution Control Permit. Any wastewater stabilization pond (wastewater lagoon) for industrial uses must be approved by the Kansas Department of Health and Environment.

B. **Minimum Lot Size:** Unless a waiver or variance is granted pursuant to Chapter I, Article VIII of this Code, a minimum lot or tract size of fifteen (15) acres shall be required for any permit issued under this Article.

C. **Standards**: No permit shall be issued to any person, property or establishment, which does not comply with and satisfy the specified requirements of all applicable Sections of this Code.

Section 2. **Wastewater Lagoon Design Requirements**

Plans for all wastewater lagoons shall be submitted to JCDHE for approval. All wastewater lagoons shall meet design and construction specifications as set forth in the Kansas Environmental Health Handbook. 3rd Edition, 2020. See Table 6 below.

Table 6: Lagoon Sizing

M -35: 1 – Bedroom	M – 50: 4 - Bedroom
M – 40: 2 - Bedroom	M – 55: 5 – Bedroom
M – 45: 3 - Bedroom	M – 60: 6 - Bedroom

A. All wastewater lagoons must be designed and maintained so as not to overflow or discharge.
B. The completed construction of the wastewater lagoon shall conform to the plans and specifications approved by JCDHE.
C. The wastewater lagoon shall be operated in such a manner that a public health nuisance or water pollution problem will not arise.
D. The normal ground water elevation shall be four (4) feet below the bottom of the lagoon.

E. A separation distance of one hundred (100) feet between the proposed water's edge of the lagoon at the normal pond water depth and the property line of another owner shall be provided.
F. When the lagoon 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 (1) foot on both the bottom and side slopes. The area of supplemental excavation shall be filled with a non-permeable earthen material to limit seepage from the pond. 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 shall be mixed with bentonite clay at the manufacturer's recommended rate and compacted.
G. A septic tank of a size no less than one thousand (1,000) gallons shall be installed. Effluent from the septic then shall drain by sewer pipe to the lagoon.
H. The sewer line shall be a four (4) inch solid pipe with a minimum rating of SCH 40 PVC for the first ten (1) feet after the septic tank then, SDR thirty-five (35) with a minimum slope of one-eighth (1/8) inch per foot. A cleanout must be installed before entering the septic tank.
I. After construction of the lagoon, the builder shall smooth the berm so that no clods, rocks or ruts will interfere with mowing.
J. A stand of grass shall be established on the berm. This grass should be short-rooted, perennial, such as blue, fescue or brome, and shall be mowed regularly.
K. The entire lagoon area shall be fenced with a minimum four (4) feet high woven or welded wire fencing with two-inch by four-inch (2" x 4") maximum openings. This fence is to discourage entry by unauthorized persons (especially children), pets and livestock.
L. A gate of sufficient size and location to accommodate the entrance of a mower must be provided.
M. Roof drains may not be discharged to the lagoon unless an approved control arrangement is provided to readily facilitate a diversion from the system in the event of heavy precipitation.
N. Construction of the lagoon must be approved by JCDHE before a final occupancy permit will be issued.
O. Lagoons, where more than twenty-five hundred (2,500) gallons per day of domestic wastewater is processed, may be considered a Public Wastewater Disposal System.
P. Maintenance is required to remove vegetation at the water's edge, to mow vegetation on embankments and remove trees which shade the pond.

    1. Not maintaining an adequate water level in the lagoon will allow for increased vegetation growth and make it harder to prevent unwanted plants (e.g., smartweed, cattails, cottonwood/willow trees).
    2. The lagoon may have an over-abundance of unfavorable or harmful bacteria or algae due to the lack of incoming water, which could lead to odor issues and mosquito breeding.
    3. The lagoon may have structural issues due to low water levels and insufficient soil saturation (e.g., cracks).

Section 3. **Wastewater Lagoon Separation Distances**

All private onsite systems must meet minimum separation distances outlined in Table 7 unless a variance was approved by JCDHE.

Table 7: Minimum Separation Distances for Wastewater Stabilization Pond Systems

Private Onsite Wastewater Disposal System	**Minimum distance (feet)**
Septic tank to foundation of house or other buildings	10
Any part of a wastewater system to:	
Public potable water line	25
Private potable water line	10
Property line	10
Public water supply, well or suction line	100
Private water supply well or suction line	50
Surface water course	50
Public Utility Lines (not water)	10
Wastewater Stabilization Pond (Lagoon):	
Property line	100’ operational water level
Dwelling foundation	100’ operational water level
Private or public water line	100’ operational water level
Surface water course	50’ operational water level

ARTICLE IX

REQUIREMENTS FOR OTHER ALTERNATIVE ONSITE WASTEWATER SYSTEMS

Section 1. **Permits Required**

A permit shall be required for any system authorized or approved under this Article.

Section 2. **Permit Qualifications**

Any permit approved or authorized under this Article shall be issued subject to the qualifications specified in this Section.

A. **Standards:** No permit shall be issued to any person, property or establishment which does not comply with and satisfy standards prescribed for the alternative sewage treatment system by JCDHE consistent with standards imposed for the systems designated in this Chapter, and all applicable terms, conditions and requirements of this Code.

B. **Minimum Lot Size:** Unless a Variance is granted, pursuant to Chapter I, Article VIII, a minimum lot or tract size of two (2) acres shall be required for any permit issued under this Article.

ARTICLE X

REQUIREMENTS FOR ONSITE WASTEWATER SYSTEM INSTALLERS

Section 1. **License Required**

No person shall engage in the installation or repair of an onsite wastewater system unless that person holds a valid license issued by JCDHE. Employees of a validly licensed installer are not required to be separately licensed. To receive a license:

A. Contractors wishing to install or repair onsite wastewater systems in Johnson County must pass an examination to become licensed installers. Multiple employees of a contractor may be licensed. Only the primary owner or manager of the business is required to pass the test. However, if the primary owner or manager of the business is the only individual who obtains a license, then they must be physically present at the job site during the installation of the wastewater system.

B. The examination will test the contractor's knowledge of KDHE Bulletin 4-2 and the Johnson County Sanitary Code requirements.

C. The test requires a minimum passing score of seventy five percent (75%).

D. In the event the contractor receives less than seventy five percent (75%), the contractor will be provided the opportunity to re-test at JCDHE Office, after thirty (30) days.

Section 2. **License Term and Renewal**

Any license issued under this Article shall expire on December 31st of each year and must be renewed annually, on or before January 15th of the following year. Applications for licenses and renewals shall be filed on forms supplied by JCDHE. All required license fees shall be paid at the time of the application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part year application.

Section 3. **Standards of Performance**

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to onsite wastewater systems and general engineering and geologic principles pertaining to such systems. JCDHE may consider actual experience, education or professional licensing of the applicant in the granting or denial of an application for an initial license or renewal, including prior revocations or disciplinary action.

Attendance by any applicant at an appropriate training workshop, conducted or sponsored by JCDHE or other recognized governmental, educational or professional institution, and satisfactory completion of a written examination administered by or on behalf of JCDHE regarding subjects related to public health concerns, wastewater disposal techniques, standards for design or construction or installation of wastewater disposal systems, wastewater treatment theory, and hydraulics shall satisfy the requirements of this Section.

Section 4. **Certificate of Insurance**

A licensed Installer shall have and maintain insurance for liability and workmanship in amounts and forms as designated by the JCDHE, and a copy of the certificate of insurance shall be filed with JCDHE.

Section 5. **Code Compliance**

The installation, relocation or repair of any onsite wastewater disposal system shall be in compliance with the provisions of this Code.

Section 6. **License Revocation**

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I, Article V, Section 3 of this Code.

Section 7. **Continuing Education**

A requirement for continuing education is set for extended renewal of a wastewater system installer license. The Licensee must complete continuing education approved by JCDHE. The continuing education must be pertinent and related to wastewater treatment. A minimum of three (3) Continuing Education Units (CEU's) must be submitted to the JCDHE per calendar year.

ARTICLE XI

REQUIREMENTS FOR SANITARY DISPOSAL SERVICE OPERATORS

Section 1. **License/Permit Required**

No person may engage in the removal, transport, or disposal of wastewater from any onsite wastewater system or component (holding tank, septic tank, pump tank, portable toilet or grease trap) unless that person holds a valid Sanitary Disposal Service Operator's License. Sanitary disposal service operators employed under a validly licensed Sanitary Disposal Service are required to be individually licensed by JCDHE. Licensed sanitary disposal service operators must have a permit to dispose of wastewater by land application.

Section 2. **License/Permit Term and Renewal**

Any license/permit issued under this Article shall expire on December 31st of each year and must be renewed annually, on or before January 15th of the following year. Applications for licenses/permits and renewals shall be filed on forms supplied by the JCDHE. All required license/permit fees shall be paid at the time of application for the license/permit or renewal, and no fee required under this Code shall be prorated, nor refunded for any partial term or part year application.

Section 3. **Standards of Performance**

Every person licensed as a Sanitary Disposal Service Operator under this Article shall comply with the performance requirements specified in this Section.

A. Cleaning: When cleaning a septic tank, the licensed Sanitary Disposal Service Operator shall remove the liquid, sludge and scum, leaving no more than three (3) inches depth of wastewater. Cleaning a septic tank, pump tank, holding tank, trash tank or ATU tank for inspection by the Johnson County Department of Health & Environment inspector, a license holder shall remove the liquid, sludge and scum, and wash down the sides and bottom of the tank in preparation for a complete and through inspection of the tank. A Grease Interceptor (GI), pumping shall include the removal of all contents from the interceptor, including grease, floating materials, gray water, bottom sludge and solids. Cleaning shall include removal of solids from the walls, floors, baffles and pipe work in the interceptor.

B. Sanitary Disposal Service Equipment

1. **Maintenance:** All equipment used for removing, transporting~~/~~or disposing of septage shall be of watertight construction, and be maintained in good condition to ensure that all materials removed from onsite wastewater systems will be transported, without spillage, to an approved point of disposal.

2. **Inspection and Registration:** All sanitary disposal equipment and vehicles shall be inspected annually by JCDHE for compliance with this Code. Registration and license of inspected equipment and vehicles will be maintained by JCDHE and shall expire one year from date of inspection. Each vehicle shall bear permanent identification clearly identifying the name of the company, the owner and the address of the business.

C. Disposal:

1. **Within County:** A licensed septage hauler shall dispose of the collected septage in a manner approved by JCDHE. Septage shall be acquired, transported, treated and disposed of at an approved municipal wastewater treatment plant. Land application is not allowed within Johnson County.
2. **Outside County:** For licensed septage haulers who are permitted to land apply in another county, septage shall be acquired, transported, treated and disposed of according to the U.S. Environmental Protection Agency Title 40, Chapter I, Subchapter O, Subpart B – Land Application 503.10, and in such a fashion that no surface runoff leaves the property.
3. Discharge of such septage is prohibited:
    a) Within one hundred (100) feet of any water well, or
    b) Within twenty-five (25) feet of other properties, or
    c) Within thirty-three (33) feet of any surface water body, or
    d) Within the 100-year floodplain, or onto saturated or frozen ground

D. Records: A license/permit holder shall maintain records of sanitary disposal activity, as outlined in this section. Records shall be immediately submitted to JCDHE, upon request. The records shall include:

1. Acquisition of septage.
2. Date, location [source], volume (in gallons) of each acquisition (load or partial load) of septage or waste transported.
3. Method of treatment, if any treatment occurred.
4. Disposal of septage.
    a. Date, location, method of disposal.
    b. Date, description, and proof of equipment maintenance performed.
    c. The report form must contain the signature of the person submitting the report and must bear the signature or signatures of the responsible person operating the disposal site for each load or partial load received at the site from the contractor. For Grease Interceptors (GI's), a copy of all pumping/cleaning records and repairs or maintenance shall be sent to Johnson County Wastewater.

E. **Experience**: Prior to the issuance or renewal of a license, the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to Sanitary Disposal Service Operators. Prior violations of this Code may be taken into consideration for approving the license.

F. **Compliance:** The license/permit holder shall comply with all applicable federal, state and local regulations or laws including, but not limited to, those set forth now or hereafter adopted in EPA 40 CFR Part 503 (Standards for the Use or Disposal of Wastewater Sludge, Volume 58, Number 32, Page 9388, of the Federal Register, February 19, 1993), as amended.

G. **Liability for Remediating Spills:** Any person who disposes of septage on public property without the written consent of JCDHE shall be liable for the removal of the septage, restoration of the area, and the proper disposal of that septage, as well as the costs incurred by such remediation.

H. **Certificate of Insurance:** A licensed sanitary disposal service operator shall have and maintain insurance for liability and workmanship in amounts and forms as designated by JCDHE, and a copy of the Certificate of Insurance shall be filed with the JCDHE.

Section 4. License Revocation

A license/permit may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I, Article V, Section 3 of this Code.

ARTICLE XII

REQUIREMENTS FOR ONSITE WASTEWATER SYSTEM DESIGNERS

Section 1. **License Required**

No person shall conduct or perform the services of designer for any private sewage treatment system regulated under this Chapter or for other purposes of this Code, unless that person holds a valid license issued by JCDHE. Employees of a validly licensed Designer are not required to be separately licensed. A licensed professional engineer shall be deemed licensed for the purposes of this Section. A person licensed as an installer under this Code shall be deemed licensed under this section for the purpose of designing conventional and shallow in- ground systems that are pumped or gravity fed, as determined JCDHE, but no others, and a license shall be required for the design of any alternative system such as mound, low pressure pipe, or other permitted alternative systems.:

1 Designers wishing to design onsite wastewater systems in Johnson County must pass an examination to become licensed designers. Multiple employees of a designer may be licensed. Only the primary owner or manager of the business is required to pass the test.

2 The examination will test the de knowledge of KDHE Bulletin 4-2 and the Johnson County Sanitary Code requirements and Johnson County Designer Manual.

3 The test requires a minimum passing score of seventy five percent (75%).

4 In the event the designer receives less than seventy five percent (75%), the contractor will be provided the opportunity to re-test at JCDHE Office, after thirty (30) days.

Section 2. **License Term and Renewal**

Any license issued under this Article shall be valid for a term of two (2) years, running concurrently with the calendar year, and shall expire on December 31 of each succeeding calendar year. Any license issued under this Article may be renewed, on or before January 15 of any succeeding year. Applications for licenses and renewals shall be filed on forms supplied by JCDHE. All required license fees shall be paid at the time of application for the license or renewal, and no fee required under this Code shall be prorated or refunded for any partial term or part-year application.

Section 3. **Standards of Performance**

Prior to the issuance or renewal of a license under this Article, the applicant shall be required to demonstrate adequate knowledge of the regulations pertaining to onsite wastewater systems and general engineering and geologic principles pertaining to such systems. JCDHE may consider actual experience, education or professional licensing of the applicant in the granting or denial of an application for an initial license or renewal, including prior revocations or disciplinary action.

Attendance by any applicant at an appropriate training workshop, conducted or sponsored by JCDHE or other recognized governmental, educational or professional institution, and satisfactory completion of a written examination administered by or on behalf of JCDHE

regarding subjects related to public health concerns, wastewater disposal techniques, standards for design or construction or installation of wastewater disposal systems, wastewater treatment theory, and hydraulics shall satisfy the requirements of this Section.

Section 4. **Continuing Education**

A requirement for continuing education is set for extended renewal of a wastewater system designer license. The Licensee must complete continuing education approved by JCDHE. The continuing education must be pertinent and related to wastewater treatment. A minimum of three (3) Continuing Education Units (CEU's) must be submitted to the JCDHE per calendar year.

Section 5. **License Revocation**

A license may be revoked for failure to comply with this Code. The revocation procedure shall comply with the provisions of Chapter I, Article V, Section 3 of this Code.

CHAPTER III
PRIVATE WATER SUPPLY (DRINKING WATER WELLS)
ARTICLE I
PURPOSE AND INTENT

The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all water supplies which are or may be intended for domestic use, other than public water supplies, in Johnson County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

Section 1. Compliance Required.

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

ARTICLE II

DEFINITIONS

In addition to the definitions provided in other chapters of this code, the words, terms and phrases listed below, for purposes of this Chapter III, are as follows:

1. **Abandoned Water Well:** a water well determined by JCDHE to meet at least one of the following conditions:
   A. Use of the water well has been permanently discontinued.
   B. Pumping equipment has been permanently removed from the water well.
   C. The water well either is in such disrepair that it cannot be used to supply water or has the potential for transmitting surface contaminants into the aquifer, or both.
   D. The water well poses potential health and safety hazards.
   E. The water well is in such a condition that it is not an active well or cannot be placed in inactive status.
2. **Active Well:** a water well which is an operating well used to withdraw water or monitor or observe groundwater conditions.
3. **Aquifer:** an underground formation that contains and is capable of transmitting groundwater.
4. **Backflow:** the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.
5. **Confined Aquifer:** an aquifer overlain and underlain by impermeable layers. Groundwater in a confined aquifer is under pressure greater than atmospheric pressure and will rise in a well above the point at which it is first encountered.
6. **Construction of Water Wells**: all acts necessary to obtain groundwater for private, public or commercial use, by any method.
7. **Domestic Uses:** the use of water by any person or family unit or household for household purposes, or for the watering of poultry, farm and domestic animals used in operating a farm, or for the watering of less than one thousand (1,000) head of livestock, or for the irrigating of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.
8. **Groundwater:** the part of the subsurface water which is in the zone of saturation.
9. **Grout:** cement grout, neat cement grout, bentonite clay grout or other material approved by the Kansas Department of Health and Environment (KDHE) used to create a permanent impervious watertight bond between the casing and the undisturbed formation surrounding the casing or between two or more strings of casing.
10. **Inactive Status:** a water well which is not presently operating but is maintained in such a way it can be put back in operation with a minimum of effort.
11. **KDHE:** Kansas Department of Health and Environment.

12. **Potable Water:** water free from impurities and carcinogens in amounts sufficient to cause disease or harmful physiological effects in humans and conforming with the latest KDHE regulations.
13. **Private Water Supply:** private water supply for domestic use, containing no more than two (2) service connections and serving no more than twenty-four (24) people per year.
14. **Public Water Supply System:** a system for delivery to the public of piped water for human consumption that has at least ten (10) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. This term includes any source, treatment, storage or distribution facilities used in connection with the water supply system.
15. **Pump Pit:** a watertight structure constructed at least two feet away from the water well and below ground level to prevent freezing of pumped groundwater and which houses the pump or pressure tank, distribution lines, electrical controls or other appurtenances.
16. **Reconstructed Water Well:** an existing 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.
17. **Sanitary Well Seal:** a manufactured seal, approved by the Kansas Department of Health and Environment and JCDHE, installed at the top of the well casing which, when installed, creates an air and watertight seal to prevent contaminated or polluted water from gaining access to the groundwater supply.
18. **Semi-Public Water Supply:** a private water supply for domestic use, containing three (3) to nine (9) service connections and serving no more than twenty-four (24) individuals at least 60 days out of the year.
19. **Spring:** the point at which groundwater is naturally discharged at the earth's surface.
20. **Static Water Level:** the highest point below or above ground level which the groundwater in the well reaches naturally.
21. **Test Hole or Hole:** any excavation constructed for the purpose of determining the geologic, hydrologic and water quality characteristics of underground formations.
22. **Treatment:** the stimulation of the production of groundwater from a water well through the use of hydrochloric acid, muriatic acid, sulfamic acid, calcium or sodium hypochlorite, polyphosphates or other chemicals, and mechanical means, to reduce or remove iron and manganese hydroxide and oxide deposits, calcium and magnesium carbonate deposits, and slime deposits associated with iron or manganese bacterial growths that inhibit the movement of groundwater into the water well. These treatments may only be used under the supervision of a KDHE licensed water well contractor.
23. **Unconfined Aquifer:** an aquifer containing groundwater at atmospheric pressure. The upper surface of the groundwater in an unconfined aquifer is the water table.
24. **Water District:** Any special district authorized and empowered by state statutes to plan, construct ~~or~~ operate a public water supply system.
25. **Water Well:** Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater.
26. **Water Well Contractor License:** a document issued by the Kansas Department of Health and Environment to qualified persons making application therefore, authorizing such persons to engage in the business of constructing, reconstructing, or treating water wells.

27. **<u>WWC-5 Form:</u>** Also known as a 'water well record.' While the WWC-5 Form or 'water well record' may be used to report a well that has been constructed, reconstructed, or plugged, the WWC-5P Form or 'water well plugging record' was developed subsequently to report a plugged water well. Any licensed water well contractor, as well as any landowner, "…who constructs, reconstructs, or plugs a water well shall keep a careful and accurate log of the construction, reconstruction or plugging of such well and shall furnish a record of said well log to the secretary within thirty (30) days after completion of such well in such form as the secretary might require." (K.S.A. 82a-1212)

ARTICLE III

STANDARDS & REQUIREMENTS

Section 1. Purpose and Intent of Article

The provisions of this article have been adopted for the purpose of regulating and controlling the construction, maintenance and use of public and private water supplies of the county ensuring that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

Section 2. Compliance Required

A. No person shall construct or reconstruct on any property subject to the provisions of this chapter, anypublic, semi-public, or private water supply that does not comply with the requirements of this chapter.

B. No dwelling shall be occupied that does not have water supplied under pressure to that dwelling.

C. No sale or conveyance of any real property shall be complete until all abandoned wells on such real property are plugged. Hand dug wells on real property shall be plugged or reconstructed in accordance with K.A.R. 28-30-2 through 28-30-10, as amended.

Section 3. Requirements - Public Water Supplies

A. Permit to operate. No person shall operate a public water supply without obtaining a public water supply permit from KDHE.

B. Approval of plans. No person shall construct or reconstruct any public water supply on any property subject to the provisions of this chapter until the plans and specifications have been submitted to and approved in writing by KDHE.

Section 4. Requirements - Semi-public Water Supplies

A. Permit to construct: No person shall drill, develop, construct or reconstruct any semi-public water supply on any premises for domestic use subject to regulations of this chapter until they have obtained a permit from JCDHE.

B. Minimum water testing standards: Semi-public water supplies shall be tested annually for coliform bacteria and annually for nitrate. Results of the testing shall be submitted to JCDHE. Testing shall be done by a laboratory approved by JCDHE. The JCDHE shall reserve the right to require additional testing if, in their opinion, a potential exists for other contaminants. If either coliform bacteria are present or nitrate exceeds the Maximum Contaminant Level (MCL), the end users of the semi-public

water supply shall be notified in writing by JCDHE, to their residence within 10 days of receipt of results. The semi-public water supply shall be treated in accordance with requirements set by JCDHE.

C. Approval of plans: No person shall construct or reconstruct, after adoption of this chapter, any semi-public water supply on any property subject to the provisions of this chapter until the plans and specifications have been submitted to and approved, following minimum standards found in K.A.R. 28-30-2 through 28-30-10, as amended, in writing by JCDHE.

Section 5. Requirements - Private Water Supplies

A. Permit to construct: No person shall drill, develop, construct or reconstruct any private water supply on any premises for domestic use subject to regulations of this chapter until they have obtained a permit from JCDHE.

B. Approval of plans: No permit to construct, reconstruct or develop a private water supply on any premises subject to the regulations of this chapter shall be issued until the plans showing the locations and construction of the supply have been approved by JCDHE.

C. Inspections for transfer of property: Whenever any property connected to, or served by, a private water supply is offered for or subject to a contract of sale, JCDHE shall evaluate the condition of the well, the area surrounding the well, and the well water, at a fee to be paid to JCDHE. A water sample shall be taken and screened for bacteria, nitrate, and chloride and reported as Environmental Protection Agency's (EPAs) primary and secondary Maximum Contaminate Levels (MCL's). Any inspection provided under this section shall not constitute nor be deemed a warranty and JCDHE shall not be liable for any future failures of the system or for other claims arising out of the inspection. Inspection shall not relieve any person of compliance with the requirements of this Code.

D. Water testing for licensed childcare facilities: Where a private water supply serves a childcare facility, a water sample shall be screened annually for coliform bacteria, nitrate, and lead. Results of the testing shall be submitted to the JCDHE. Testing shall be done by a lab approved by JCDHE. The JCDHE shall reserve the right to require additional testing if, in their opinion, a potential exists for other contaminants. If either coliform bacteria are present or nitrate or lead exceed the Maximum Contaminant Level (MCL), the owners of the childcare facility shall be notified in writing within 10 days of receipt of results. The childcare facility water supply shall be treated in accordance with requirements set by JCDHE.

E. Use limitation: Use of surface water (lakes, ponds or streams) as a source of water for a private water supply shall not be permitted:

1. Where a public water supply line is available; or

2. Where a satisfactory groundwater source is available; or

3. Unless adequate treatment is provided, in no case shall surface water be used without filtration and chlorination; or

4. Where the pond or lake receives any drainage or discharges from septic tanks or sewage treatment plants.

Section 6. **Minimum Standards for Groundwater Supplies.**

A. Location: All wells used as sources of water for semi-public and private water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in the following table (Table 8). JCDHE shall determine the minimum distances that shall be provided between a well and other potential source of contamination. Such distances shall be sufficient to provide reasonable assurance that the well will not become contaminated.

Table 8: Minimum Standards for Groundwater Supplies

Groundwater Supplies	Minimum Separation (feet)
Subsurface absorption field for septic tank effluent	100
Septic tank	100
Streams, lakes, and ponds	50
Barnyard, stables, manure piles, animal pens, etc.	50
Sewer lines not constructed of cast iron or other equally tight construction	50
Sewer lines constructed of cast iron or other equally tight construction	10
Property lines	25
Petroleum and fertilizer storage	50
House/outbuilding	50
Lagoon	100

B. Construction: The enforcement of this section shall be regulated in accordance with K.A.R. 28-30-2 through 28-30-10, as amended. Recommended standards for design, construction and location; and practices consistent with current approved technology shall be followed.

Section 7. **Requirements for Subdivision Development.**

No person shall develop any subdivision until the plans and specifications for water supply provision and protection have been approved by Johnson County Planning or the respective City Planning Dept.

Section 8. **Water Well Pump Installer and Maintenance Licensure.**

Not applicable to this code.

Appendix A to the Johnson County Sanitary Code

2025 Fee schedule for Onsite Septic System Program

Service description	Fee
Soil Profile Analysis	$475.00
New System Installation Permit Residential	$480.00
New System Installation Permit Commercial	$490.00
Existing System Significant Alteration Permit	$430.00
Minor Repair Permit	$80.00
Resale Inspection	$260.00
Property Addition Approval/Locate	$80.00
Decommission (Septic Tank, Holding Tank, Well/Cistern)	$60.00
Rule Exception or Variance	$220.00
Annual Installer License	$150.00
Designer License (2 Year)	$300.00
Annual Sanitary Disposal Operator License Annual Sanitary Disposal Truck License	$80.00 $280.00 Per truck
Class A Commercial or Industrial Annual Operations License	$210.00
Class B Commercial or Industrial Annual Operations License	$125.00
Inspection outside normal hours: (min charge 2 hrs) in addition to the fees above	$95.00/hour