

2021 Kansas Statutes

65-3309. Wastewater management; plan, contents and procedure; committee. (a) Each county preparing a plan shall organize a wastewater management committee as provided in subsection (b). However, counties with populations of 30,000 or less, may at their discretion, apply to the secretary of health and environment to be exempt from the requirement of preparing a plan. The secretary, after receipt of an application for exemption, shall determine whether sufficient necessity exists to justify the preparation of a countywide wastewater management plan, and shall in the secretary's sole discretion, either grant or deny the exemption application. Each county preparing a plan shall submit to the secretary a workable plan for wastewater management within such county as prepared by the county wastewater management committee. The wastewater management plan shall provide for comprehensive countywide management to be effective throughout the county. The plan shall incorporate and coordinate existing plans, ordinances and guidelines and shall address (1) city and county cooperation in management of existing point sources of pollution; (2) the management of onsite residential wastewater treatment facilities, including septic tanks; (3) industrial waste treatment; (4) procedures for approval of water delivery and wastewater systems for new developing areas; and (5) urban stormwater runoff.

(b) There is hereby created in each county of this state required to prepare a wastewater management plan a county wastewater management committee. The county wastewater management committee shall be one of the following:

(1) In any county where subsection (b)(2) or (3) does not apply, the committee shall include one member of the board of county commissioners who shall serve as chairperson of the committee, the county engineer, the county health officer or such officer's designated representative, the director of planning where one exists, one representative from each city affected by the county wastewater management plan and two members selected from the public at large. The member of the committee from each city affected by the plan shall be appointed by the mayor of such city, and the members of the public at large shall be appointed by the board of county commissioners.

(2) In any county where a multijurisdictional planning commission is functioning solely within that county, such planning commission is hereby designated as the county wastewater management committee. An advisory committee to said planning commission is hereby created which shall include one member of the board of county commissioners, the county engineer, the county health officer or such officer's designated representative, the director of planning, one representative from each city affected by the county wastewater management plan, one representative from each improvement district affected by the county wastewater management plan and two members selected from the public at large. The member of the committee from each city affected by the plan shall be appointed by the mayor of such city, and the members of the public at large shall be appointed by the board of county commissioners.

The multijurisdictional planning commission functioning as the county wastewater management committee may in its discretion designate the advisory committee as the county wastewater management committee.

(3) In any county where a wastewater management agency or agencies has been established in the Kansas water quality management plan pursuant to section 208 of the federal water pollution act and amendments thereto, such agency or agencies is hereby designated as the county wastewater management committee.

(c) Every plan required by a county wastewater management committee shall:

- (1) Reasonably conform to the rules and regulations, standards and procedures adopted by the secretary for implementation of this act;
 - (2) integrate and coordinate existing comprehensive plans, population trend projections, engineering and economics so as to plan adequately for changing conditions;
 - (3) take into account existing acts and regulations affecting the development, use and protection of air, water or land resources;
 - (4) include such other reasonable information as the secretary shall require.
- (d) All entities affected by or that can contribute to the wastewater management plan shall have adequate opportunity for comment and input in the development of the plan. Such entities shall include, but not be limited to, rural water districts, water districts and improvement districts. The plan shall be reviewed by each local governing body affected and by appropriate official planning agencies within the area covered by the plan for consistency with programs of comprehensive planning for the county and for each other local governing unit. All such reviews shall be transmitted to the secretary with the proposed plan.
- (e) The secretary is authorized to approve or disapprove plans for countywide wastewater management submitted in accordance with this act. If the plan is disapproved, the secretary shall furnish all reasons for such disapproval. Any action of the secretary pursuant to this subsection is subject to review as provided in K.S.A. 65-3312 and amendments thereto. If the plan is disapproved by the secretary, the county shall modify the plan so as to obtain the secretary's approval unless otherwise ordered by the court on review.
- (f) Any city or county commission of any county required to develop a countywide wastewater management plan under the act of which this section is amendatory may act on behalf of the other units of government of said county in filing the necessary documents to obtain state and federal grants in aid and in such case shall act as contracting agency for employment of any consultants necessary for plan development and shall also act as financial disbursement manager for development of the plan.

History: L. 1979, ch. 270, § 2; L. 1980, ch. 193, § 1; L. 1986, ch. 318, § 95; July 1.