



By ROBERT PIERCE

- Leader & Times

Progress continues on fixing the water supply at a business just on the edge of Liberal's northern city limits.

Owners at X-Treme Fitness were asking the Seward County Commission to grant a waiver request of public water supply requirements.

After determining that the commission does not have that jurisdiction, however, a representative from the Kansas Department of Health and Environment was invited to Monday's meeting to see what could be done to grant such a waiver of what was determined to be a state requirement.

KDHE's Erich Glave said the waiver does involve state regulations as far as whether or not the well at X-Treme Fitness should be a public water supply.

"Under EPA guidelines, it is because of the number of people who are there on a daily basis," he said. "As far as the septic system goes, that's something the county has responsibility with, and the state may have some input since it is bordering on a classified injection well. Once you get over 20 people using a septic tank, it evolves into a different class."



X-Treme Fitness owner Cliff Abbott suggested putting in a temporary 1-inch water line from the City of Liberal to fix the problem.

"I contacted the city," he said. "They have a whole bunch of bells and whistles. They said it's not even city. It needs to be zoned."

Abbott said the 1-inch water line would be all that is necessary to take care of the bathroom facilities at his business.

"They're still in the process of figuring out what they need to do because it's not in the city limits," he said.

Abbott said the size of the septic tank at his business is not known at this time, but he said there is a way to find out.

"We can fill it all the way up, pump it out, measure out the volume, and that tells how many gallons it is," he said. "There's been a lot of speculation of what goes on there. The only thing

we do know is it's not running out of the ground, it hasn't collapsed, it hasn't failed. It's doing what it was designed to do."

Abbott said part of the problem is that X-Treme Fitness is just outside of the city limits, and paperwork would need to be done in order to get a 1-inch line.

"Once we get with the developing part to put that in there, it has to be part of the city," he said. "That's part of the process. It's got to be submitted, and there's documentation on that. Has it started? No."

Abbott said he is willing to do what is necessary to get water running into the business.

"I understand the codes and trying to find a way to solve this, and I'm willing to pay the expense to get it done," he said. "It's just at the city's mercy."

Commissioner C.J. Wettstein said if the City of Liberal lets Abbott install the water line and the current septic system continues to work for the next six months, a public water supply could be put into place.

County counsel Dan Diepenbrock said in terms of the water supply at X-Treme Fitness, the commission has no jurisdiction go waive what is essentially a state regulation. The septic tank issue, though, is still at the mercy of the county's sanitation codes.

"I would recommend you not grant any waivers regarding your sanitation code," he said.

Planning and zoning administrator Marcie Weatherly said the septic tank at Abbott's business is likely the same size as those used at many rural homes in Seward County, but it serves more people.

“When it fails, it fails, and you have a much larger problem,” she said.

Abbott said the bathrooms at X-Treme Fitness could be disabled, and port-a-potties would be used instead. Weatherly said this is not contrary to county sanitation codes.

“If the city has something within that extra-territorial area where they wouldn’t allow it, that would be a city thing, and I can’t answer for whether they would or not,” the zoning administrator said. “That would be a suitable solution for us.”

Glave said X-Treme Fitness can interconnect with city water, develop a public water supply or provide some option that guarantees safe drinking water that can be measured.

“It’s your responsibility, not mine, that you provide clean drinking water,” he said to the commission. “If you’ve got an option, I would pursue it as hard as I can.”

Abbott said the city’s water department is in favor of putting in a 1-inch water line.

“They’ve got to follow their protocol because it’s not in the city limits,” he said. “It’s a couple hundred feet off. They’re going through their protocol with whatever needs to happen as part of that.”

Commission chairman Ada Linenbroker provided the framework to a solution that would later be agreed to by the board.

“We’re going to use porta-a-potties and bottled water and shut the water off,” she said. “You don’t have to worry about contaminating anybody.”

According to Marcala Skinner of the Seward County Clerk’s office, a solution was made to cap

## **X-treme plumbing solution**

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off the septic tank and shut off the water to the business, with bottled water and port-a-potties being provided to customers at X-Treme Fitness.

Skinner said Abbott was looking to take care of shutting off the water, capping off the septic tank and getting port-a-potties this morning, with Weatherly present to observe the process. In the meantime, Abbott will work with the City of Liberal to annex the property to get a line into city water.