

State health stands behind cesspool rules

By Tom Betz

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Sherman County commissioners want to go forward with an appeal hearing on the cesspool question Ron Schilling brought up in August, but the meeting in Colby has been delayed until Sept. 29 the commissioners heard on Tuesday.

County Attorney Bonnie Selby showed the commissioners a letter from Timothy E. Keck, deputy chief counsel for the Kansas Department of Health and Environment sent a letter upholding the state regulations she received at the end of August.

In his letter Keck said the state health department has the statutory authority to develop regulations pertaining to wastewater disposal in Kansas. He said the specific regulation was approved and became effective on Jan. 1, 1973.

"This regulation specifically

prohibits disposal of untreated or inadequately treated sewage into excavations," the letter said. "Cesspools are excavations that receive untreated sewage and therefore are prohibited. Since cesspools are a prohibited disposal system, they may not be grandfathered under county codes adopted after Jan. 1, 1973."

Keck's letter said Schillings cesspool "cannot be grandfathered under the County Sanitary Code or state regulations and must be replaced with a code approved onsite wastewater system."

Commissioner Larry Enfield said it sounded like the same thing they had heard before.

Selby said the letter says the authority is given to the health department to draw up the regulations and they are going to stand by those.

"I wonder when that cesspool was put in," Enfield said. "It was prob-

ably before 1973. Guess we need to ask Schilling."

Selby said the state is saying cesspools are illegal and cannot be grandfathered in under the county code Sherman approved in 1993.

"I don't think we can give up on this," Enfield said.

Commissioner Cynthia Strnad said people who have cesspools are not going to call anyone until this is cleared up.

Selby said she felt it is something that needs to be addressed by the legislature and suggested drafting a letter to the state representative and state senator.

Strnad said she agreed with sending the letter and proceeding with the appeal process. She said with the appeal the county would be on record. She said the thing comes down to whether the system failed or he had a plugged pipe.

Enfield asked what the next step

would be. Selby said the Local Environmental Protection Group board has to appoint a person to hear the appeal, and the Sherman County commissioners have to agree to the person before a hearing date can be set.

The commissioners agreed to pursue both the letter to the representatives and the appeal.

In other business the commissioners:

- Talked about starting the process to hold a tax sale next year. Attorney Selby said she would draft an ad to get bids for abstracting of property to be part of a tax sale.

- She said they would take in as many three-year delinquent property taxes as possible.

Strnad asked how long it would take to do the abstracting as it seemed to take forever the last time the county wanted to do a tax sale.

Selby said she felt part of that was

her fault as it took long enough she decided to add another year to the list and that added to the work.

She said with all the abstract work and notices and publication it will be next spring before a tax sale can be ready.

- Heard that Deputy Attorney General Nicole Romine will be in Goodland the end of September or early October to open an office in the Sherman County Courthouse.

Strnad asked where the office would be.

Selby said they were looking at using the vault in the county attorney's office.

"We will do what she wants," Strnad said.

- Discussed a motion to dismiss filed in Colorado by the attorneys from Wheeler Trigg O'Donnell in the lawsuit filed against Sherman County by Rocky Mountain Chipseal.

In the motion to dismiss the Colorado attorney are asking the United States District Court in Colorado to throw the case out on the basis Rocky Mountain Chipseal lacks jurisdiction and that Colorado is the improper venue for the case.

The brief filed says all the events leading up to the project and the actual project were all in Kansas and are not in Colorado. It says the only connection is the firm is located in Colorado, and because of the "Sherman County is not subject to personal jurisdiction in Colorado, and this case should be dismissed. Additionally, for many of the same reasons Sherman County is not subject to personal jurisdiction in Colorado, the choice of a Colorado venue is improper and requires dismissal of this case."

The next step is up to the United States District Court.

Recall issued for cantaloupes

Rocky Ford cantaloupes, suspected to have listeriosis bacteria, were distributed in Kansas and several other states, and people who have cantaloupes in their home can check the label or check with the grocery store to determine if the fruit came from the Rock Ford, Colo., region.

The Kansas Department of Health and Environment agrees with recommendations of the U.S. Food and Drug Administration and the Centers for Disease Control and Prevention to warn persons at high risk for listeriosis, including older adults, persons with weakened immune systems, and pregnant women, not to eat cantaloupes marketed as coming from the Rocky Ford region because of potential contamination with *Listeria monocytogenes*, a bacterium that can cause severe illness.

The cantaloupes were grown in the Rocky Ford region and may carry a Rocky Ford label. One farm, Jensen Farms of Holly, Colo., issued a voluntary recall of Rocky Ford Cantaloupe on Sept. 14.

The Kanas health department is working with the Center for Disease Control, the Food and Drug Administration, the Kansas Department of Agriculture and health officials in other states to investigate a multi-state outbreak of listeriosis associated with consumption of Rocky Ford cantaloupes.

Kansas has had six cases of listeriosis reported since Aug. 26. None of these cases has been definitively linked to the multi-state outbreak, but investigations are underway and additional laboratory testing is pending. Typically, Kansas reports fewer than six cases of listeriosis per year; to date, there have been seven cases in the year, including the six cases currently under investigation.

Listeriosis primarily occurs among older adults, persons with weakened immune systems, pregnant women and newborns. Symptoms include fever, muscle aches, diarrhea and vomiting. People with these symptoms should consult a physician. Symptoms typically occur three to 70 days after exposure.

Health officials recommend people at high risk for listeriosis, including older adults, persons with weakened immune systems, and pregnant women, do not eat Rocky Ford cantaloupes.

Cantaloupes marketed as coming from the Rocky Ford region should be disposed of in a closed plastic bag placed in a sealed trash can. This will prevent people or animals from eating them. Even if some of the cantaloupe has been eaten without becoming ill, dispose of the rest of the cantaloupe immediately. If the whole cantaloupe is unlabeled, please contact your retail store to determine the source of the fruit. *Listeria* bacteria can grow in the cantaloupe at room and refrigerator temperatures.

People should wash their hands before and after handling melon. The surface of melons should be washed and dried with a clean cloth or paper towel before cutting. Cut melon should be promptly refrigerated at less than 41°F. Cut melons left at room temperature for more than 4 hours should be discarded.

For additional information regarding this outbreak, visit the Center for Disease Control multi-state food borne illness outbreak page at <http://www.cdc.gov/outbreaknet/outbreaks.html> and the Food and Drug Administration recall media release at <http://www.fda.gov/Safety/Recalls/ucm271879.htm>.

Scarecrows



From a distance the Colorado University band section appeared to be populated by a row of scarecrows, but on closer examination the arrangement of music racks with hats and other equipment created the appearance. The game Saturday was the Rocky Mountain Showdown at Sports Authority at Mile High with the Colorado Buffaloes defeating the Colorado State Rams 28-14.

Photo by Tom Betz/The Goodland Star-News

Representative on committee

House Speaker Mike O'Neal (R-Hutchinson) named freshman Representative Rick Billinger (R-Goodland) to the newly created KAN-ED broadband Study Committee.

The KAN-ED program was created by the Kansas Legislature to provide low-cost Internet and broadband services to schools, libraries and hospitals.

This 10-member committee was charged – by the legislature – with studying the efficiency and effectiveness of the KAN-ED program in providing broadband Internet access to schools, libraries and hospitals.

This Committee is composed of members of the Education, Information Technology, Public Health and Welfare, Health and Human

Services, Utilities and Budget Committees to ensure every perspective of KAN-ED is adequately represented.

Rep. Billinger represents the 121st District which includes Graham, Sheridan, Sherman and Thomas Counties.

"With his background and service on the Education Committee Rep. Billinger is uniquely suited to review the KAN-ED program and its educational objectives," said Speaker O'Neal. "I am confident his knowledge will be an asset to this team."

The KAN-ED Study Committee meets during the summer before presenting its recommendations to the Kansas Legislature during the 2012 session.

corrections

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