



Testimony on House Bill 2177
presented to
House Local Government Committee
by
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The Kansas Department of Health and Environment (KDHE) appreciate this opportunity to provide testimony in support of House Bill 2177 related to revisions of the Voluntary Cleanup Program (VCP) for the Bureau of Environmental Remediation (BER). BER is responsible for the protection of human health and environment from releases of hazardous substances, petroleum and other pollutants.

BER manages the Voluntary Cleanup Program (VCP) and the program has been successful. The Voluntary Cleanup and Redevelopment Act became law on July 1, 1997. There has been 655 sites accepted into the VCP and 273 (41.7%) of the sites have been closed by receiving a “No Further Action” (NFA) determination. But the statutes for the program need some revisions and updates to help provide BER some additional flexibility for closing sites. There are many sites in this program that pose little risk to human health or the environment but can’t be resolved because of contamination that is above cleanup standards. Providing BER with the flexibility to issue NFA determinations for these low-risk sites will help BER and Kansas industries resolve many sites in the VCP.

To help with the modifications to the current statutes, BER created a VCP stakeholder group comprised of Kansas businesses, legal firms, municipalities and environmental consulting companies. The revisions to the VCP statutes have been developed with input from the VCP stakeholder group. BER is proposing the following revisions to the VCP statutes.

BER added language to 65-34,167(b) that allows KDHE to close VCP sites that pose little risk to human health and the environment based on a risk analysis that considers the property and surrounding property as a whole. Currently sites can’t be closed if the contamination is above the standard, regardless of risk to human health or the environment.

BER revised 65-34,168(e) by striking out the requirement that all voluntary cleanup plans must be put out on public notice. The new language allows KDHE to determine if a public notice is needed based on public interest.

BER is proposing a revision to 65-34,169(b)(1) to allow an innocent property owner to receive a NFA determination even though the responsible party is not in a state cleanup program.

BER deleted 65-34,170 which required KDHE to determine which environmental consulting companies are qualified to work for private industry for the VCP. Private industry stakeholders believe that they can make those determinations without KDHE’s involvement.

The revisions contained in this bill will allow BER to modify the regulations for the VCP to create a program to efficiently move sites through the VCP cleanup process.

Thank you for allowing me to explain the benefits of HB 2177. I will be happy to stand for any questions.