

TESTIMONY for Senate Bill No. 365-contaminated property redevelopment act

Senate Standing Committee on Commerce

Charles Brewer, President, GSI Engineering

February 10, 2016

Chair Lynn and Committee Members:

Good morning, my name is Charles Brewer. I am president and principle geologist of GSI Engineering, LLC. GSI Engineering is a Wichita based firm that specializes in geotechnical engineering, environmental consulting, and material testing in Kansas and surrounding states. We have provided our consulting services to private industry and governmental agencies since 1973. Over the years our professional geologists, engineers and environmental technicians have worked on environmental site assessment for many clients. Our clients range from single-site owners to large, international integrated companies. In addition, I actively participated as a member of the KDHE bureau of remediation's stakeholder group that was given the opportunity to thoroughly discuss the creation of the contaminated property redevelopment act.

Thank you for this opportunity today to offer testimony in support of the changes proposed in SB 365 to K.S.A. 65-159, 65-161 through 65-171z, 65-3401 et seq. and 65-3452a et seq.

GSI Engineering over the years has performed hundreds of Phase I's and Phase II's environment site assessments for large and small companies, individuals, municipalities and state agencies. The common reason for these clients to use these environmental assessments is they are seeking to identify on-site or offsite contamination. Most of these inquiries are associated with the buying and selling of real-estate. Frequently, the sale or redevelopment of real estate is cancelled due to the discovery of a contamination and a party not wanting to becoming involved as a potential responsible party for the clean-up of contamination they had no part of causing.

By clearly identifying non-responsible parties this bill would allow purchase and development of property that might otherwise be thought of by the business community and municipalities as having too much liability. This bill provides a straightforward, formal mechanism of removing a purchaser's liability by issuance of a Certificate of environmental liability release "CELR" by the Kansas department of health and environment.



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In recent discussions about this bill with real estate developers and business leaders it was pointed out that a CELR given to a real estate purchaser would:

- Promote the sale and development of property in areas of known and unknown contamination.
- Increase market value of property in areas of known and unknown contamination.
- Alleviate regulatory uncertain of clean-up responsibilities for purchasers by them receiving a CELR.
- Help cities develop areas which might have been viewed as too risky for private investment.
- Increase the discovery of contamination and further delineating known contamination using private funds, instead of agencies or local funds, as part of real estate transactions to determine the source of contamination.

Thank you for this opportunity to appear before you and would gladly answer any questions you, or committee members might have.