



**Testimony on House Bill 2177**  
presented to  
**Senate Natural Resources Committee**  
by  
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The Kansas Department of Health and Environment (KDHE) appreciates 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 protecting human health and environment from releases of hazardous substances, petroleum and other pollutants. The bureau conducts a number of remediation programs with the goal of seeing that contamination is properly addressed so that the impacted property can return to productive use.

The Voluntary Cleanup Program (VCP) is one of the tools the bureau offers and the program has been successful since becoming law on July 1, 1997. Since then, there have been 655 sites accepted into the VCP and 273 (41.7%) of the sites have been fully addressed and have received 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 currently 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 additional 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 and as a result, KDHE is proposing the following revisions to the VCP statutes:

1. Language is proposed to be added in 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.
2. KDHE is proposing to revise 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. KDHE would continue to notice these plans on its web site but would no longer publish notices in newspapers unless circumstances warrant.
3. KDHE 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.

4. KDHE is proposing deletion of 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.

Overall, the revisions proposed through this bill would allow KDHE 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.