



Testimony on House Bill 2193
presented to
Senate Natural Resources Committee
by
Leo G. Henning, Director
Bureau of Environmental Remediation

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The Kansas Department of Health and Environment (KDHE) appreciates this opportunity to provide testimony in support of House Bill 2193 related to establishment of a new program and fund for the Bureau of Environmental Remediation (BER). BER is responsible for protecting human health and the 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 but the program needs an additional tool for closing low-risk sites that have contamination above cleanup standards. The sites that may take advantage of the Risk Management Program pose little risk to human health or the environment but can't be resolved because the contamination remains above the respective numeric standard.

To remedy this problem KDHE is proposing to establish a Risk Management Program to deal with low-risk sites. To create this program, KDHE solicited input from Kansas businesses, legal firms, municipalities and environmental consulting companies. The Risk Management Program proposal was developed with input from this group. The Risk Management Program is a voluntary program that was developed for the VCP but could be used by other remedial programs within BER.

The purpose of the Risk Management Program is to establish long-term care activities at low risk sites. These activities include the operation and maintenance of a remedial action, monitoring, and inspections of land usage including a receptor survey, on some agreed upon timeframe. KDHE is proposing that the responsible party for the cleanup would submit an application requesting acceptance to the program. Once accepted in the program, the long-term care activities and the timeframes would be documented in the Risk Management Plan (RMP). The responsible party would be required to enter into an enforceable agreement with KDHE to perform the activities in the RMP. As long as the activities in the RMP are performed and site conditions do not change, the site would be considered closed by KDHE. If site conditions change and a new risk is identified, the responsible party would be required to remediate the newly identified risk.

KDHE is also proposing a one-time payment from the responsible party to enter the site into the Risk Management Program. This payment would be deposited in the Risk Management Fund which is a new fee fund that would be used for sites in the Risk Management Program. The purpose of the fund is to provide KDHE a funding mechanism to administer the program and to perform the approved activities if one or more of them becomes orphaned in the future. Historically, the state has become responsible for

contaminated sites when the responsible party is no longer viable. This fund would help the state divert some of the costs if a site in the Risk Management Program becomes orphaned in the future.

KDHE sees this legislation as a common sense way of resolving many low-risk contaminated sites. Sites allowed into the Risk Management Program would have less regulatory oversight which should reduce costs for the responsible party. Kansas industry requested KDHE provide a mechanism to deal with these low-risk sites and we believe this is the best solution. It is a voluntary program and is protective of human health and the environment.

KDHE is not requesting any additional staff to implement the work associated with the Risk Management Program; existing staff will absorb the work. KDHE wants to assure all who may be concerned that the protection of human health and environment is paramount to the agency. KDHE would never request a program that would jeopardize that responsibility.

Thank you for allowing me to explain the benefits of this bill. KDHE supports this bill and we encourage you to approve this legislation. I will be happy to stand for any questions.