

TESTIMONY for House Bill 2177-Voluntary Cleanup and Property Redevelopment Act
House Standing Committee on Local Government
Charles Brewer, President GSI Engineering
February 10, 2015

Chair Huebert and Committee Members:

My name is Charles Brewer. I am president of GSI Engineering, LLC and a licensed geologist in the State of Kansas. 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. Our professional geologists, engineers and environmental technicians have provided services for many clients that have been and are currently enrolled in the KDHE Voluntary Cleanup Program (VCP). These clients represent a wide range of industries that include: retail fuel sales, agriculture and transportation. In addition, I was a member of the VCP stakeholder group that was given the opportunity to thoroughly discuss changes to the program.

Thank you for this opportunity today to offer testimony in support of the changes proposed in HB 2177 to K.S.A. 65-34,167, 65-34,168, 65-34,169. I also support the repeal of K.S.A 65-170.

65-34,167(b) - The proposed changes to this subsection would allow KDHE to apply performance-based standards when closing sites instead of rigid standards that do not allow for site-specific conditions. By adding, in part, "a risk analysis that evaluates the property and surrounding properties as a whole" the statute appropriately allows for scientific evaluations which consider current and future use and unique geologic conditions.

65-34,168(e) - The proposed statutory change eliminates the requirement for a newspaper notice, but instead makes a voluntary cleanup plan available to the public. Considering newspaper circulation continues to decline, the change will make the plan available to the public and eliminate the cost of publication.

65-34,169(b) (1) - By replacing "adjacent" with "another" the change allows a broader consideration of a contamination release instead of restricting it by geographic location. The change to the subsection would also allow KDHE to grant a "No-Further Action" determination to a nearby non-responsible property owner who had contamination migrate to their property.

65-34,170- By repealing this statute KDHE may no longer qualify which environmental professional the private industry chooses to use to prepare environmental assessments. The focus would then shift to the standard of work and adherence to KDHE rules and regulations for the submission and approval of assessments, then the decision of which consultants the private industry uses. Engineers, geologists and land surveyors are licensed by the Kansas Board of Technical Professions. The board rightfully ensures these professionals perform services at a high standard that is protective of human health and safety. For KDHE to retain the ability to deny a professional the ability to work on an environmental assessment for which they maintain a license to perform services is fundamentally flawed.



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Con't page 2 of 2

In conclusion, the changes to 65-34,167(b), 65-34,168(e), 65-34,169(b) (1), and repeal of 65-34,170 will improve the VCP for private industry, technical professionals who provide services and KDHE's ability to effectively and efficiently manage the program without sacrificing the health, safety and environment of the State.

I will gladly answer questions the Committee might have.