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MEMORANDUM

Max Shepard
FROM: Max Shepard – Shepard Engineering, Inc.

DATE: March 9, 2015

SUBJECT: Testimony in Support of House Bill No. 2193 – Creating the Risk Management Program Act – Kansas House of Representatives, Energy and Environment Committee

This memo will document my support of the provisions set forth in HB 2193. I am President of Shepard Engineering, Inc., Bennington, Kansas. I am a licensed professional engineer in Kansas, as well as, in four (4) other states and have been providing environmental consulting engineering services to industries for approximately 25 years – primarily in the areas of soil and groundwater investigation and remediation.

I have worked and continue to work with the KDHE on sites, which are under the Cooperative Program, as well as, the Voluntary Cleanup Program. A challenging aspect with respect to nearly all contaminated sites is achieving levels, which meet the specified standards that are needed to obtain a “No Further Action” classification from the KDHE. It is my opinion that the language contained in HB 2193 would create a framework, which would allow responsible parties to manage the sites in a technically and economically feasible manner – on a long-term basis. A specific example that I have encountered at several ag-chemical sites, relates to nitrogen contamination. It is not uncommon for groundwater nitrate concentrations to exceed the 10 mg/L cleanup standard for long periods of time (i.e., decades) due to the fact that groundwater cleanup of nitrate is typically infeasible from a technical and economic perspective. Moreover, it is not uncommon for background nitrate concentrations (in agricultural areas) to exceed the 10 mg/L standard. It is this confluence of circumstances, which calls for statutes and regulations that provide for a risk-based approach and flexibility with respect to long-term monitoring. It is my belief that HB 2193 will provide such a framework, for accomplishing such objectives.