

TESTIMONY for House Bill 2193-Solid and hazardous waste and the risk management program act
Senate Standing Committee on Natural Resources
Charles Brewer, President, GSI Engineering
March 11, 2015

Chair Powell and Committee Members:

Good morning, name is Charles Brewer. I am president and principal 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 consulting services to private industry and governmental agencies since 1973. Our professional geologists, engineers and environmental technicians have worked on hundreds of investigations and remediation projects involving groundwater and soils for many, varied clients. Our clients range from single-site operator-owners to large international integrated companies. In addition, I actively participated as a member of the KDHE Bureau of Environmental Remediation stakeholder group that was given the opportunity to thoroughly discuss the creation of the risk management program.

Thank you for this opportunity today to offer testimony in support of the creation of the risk management program.

House Bill 2193 creates the risk management program and fund. The program will assist existing state programs to address environmental contamination that poses a low risk to human health and the environment. The program is voluntary and funded entirely by its participants. Participants pay a one-time initial fee that is based on the size, risk amount of contamination to the groundwater, toxicity and mobility of the contaminants, frequency of long-term care activities and oversight costs. The minimum fee to participate would be \$2,500. The one-time initial fee gives participants regulatory certainty. The adjusted fee schedule fairly recognizes participants having small sites with little impact should pay a lesser amount than an owner with a large complex site involving multiple medias that will take more effort to monitor and/or remediate.

Individual site owners participate in the program by executing a contract and submitting a plan that is approved by KDHE. The risk management plan may be transferred to another person. The contract may be modified if the site's risk level increases, or terminated if the plan is no longer necessary to protect human health or the environment. The act also provides the secretary penalty and enforcement powers to ensure the plan is being properly executed.

The benefits of the risk management program and associated fund includes: a higher level of voluntary participation in contamination site resolution, funding to address immediate or emergency threats to human health or the environment related to sites in the program and implementation of the risk management plan if the participant fails to perform their agreed upon activities. It has the potential to save participants approximated \$5,000 annually. The fair, equitable one-time fee structure joined with a transferrable plan provides regulatory certainty for owner/operators.



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In conclusion, I support HB 2193 which creates the risk management program, because it actively promotes a higher level of voluntary participation in the remediation of low risk sites by increasing regulatory certainty for owner/operators through a fair fee structure and contractual agreement.

I will gladly answer questions the Committee might have.