

1 required, the department shall notify the applicant of the deficiencies in the
2 information submitted.

3 (d) The approval of a voluntary cleanup plan by the department
4 applies only to those contaminants and conditions identified on the
5 property based upon the statutes and rules and regulations that exist when
6 the application is submitted.

7 (e) ~~Upon determination by the department that a voluntary cleanup~~
8 ~~plan is acceptable, the department shall publish a notice of the~~
9 ~~determination in a local newspaper of general circulation in the area~~
10 ~~affected and make the voluntary cleanup plan available to the public. The~~
11 ~~public shall have 15 days from the date of publication during which any~~
12 ~~person may submit to the department written comments regarding the~~
13 ~~voluntary cleanup plan. After 15 days have elapsed, the department may~~
14 ~~hold a public information meeting if, in the department's judgment, the~~
15 ~~comments submitted warrant such a meeting or if the applicant requests~~
16 ~~such a meeting. Upon completion of the public notification and~~
17 ~~participation process, the department shall make a determination to~~
18 ~~approve the plan in accordance with this section. The voluntary cleanup~~
19 ~~plan and associated documents shall be available for public review upon~~
20 ~~request from a member of the public. Such cleanup plan and any~~
21 ~~associated documents shall be indexed and posted on the website of~~
22 ~~the Kansas department of health and environment for at least five~~
23 ~~years following the no further action determination. The department~~
24 ~~may choose based on public interest to initiate and participate in public~~
25 ~~meetings to discuss the voluntary cleanup plan.~~

26 (f) Departmental approval of a voluntary cleanup plan shall be void
27 upon:

28 (1) Failure of an applicant to comply with the approved voluntary
29 cleanup plan;

30 (2) willful submission of false, inaccurate or misleading information
31 by the applicant in the context of the voluntary cleanup plan; or

32 (3) Failure to initiate the plan within 6 months after approval by the
33 department, or failure to complete the plan within 24 months after
34 approval by the department, unless the department grants an extension of
35 time.

36 (g) An applicant desiring to implement a voluntary clean up plan after
37 the time limits prescribed by subsection (f)(3) have expired shall submit a
38 written petition for reapplication accompanied by written assurances from
39 the applicant that the conditions on the subject property are substantially
40 similar to those existing at the time of the original approval.
41 Reapplications shall be reviewed by the department. Any reapplication that
42 involves property upon which the condition has substantially changed
43 since approval of the original voluntary cleanup plan shall be treated as a

upon determination by the department that a
voluntary cleanup plan is acceptable and