

## **Environmental Remediation; HB 2193**

**HB 2193** establishes the Voluntary Risk Management Program and amends law regarding the Voluntary Cleanup and Property Redevelopment Act.

### ***Voluntary Risk Management Program***

The bill establishes the Voluntary Risk Management Program (Program), which will be administered by the Kansas Department of Health and Environment (KDHE) for low-risk contaminated sites. The bill also creates the Risk Management Fund (Fund).

A responsible party who chooses to participate in the Program enters into an enforceable agreement with KDHE to carry out remediation activities agreed to in a risk management plan and pays a one-time fee of at least \$2,500, which will be deposited in the Fund. The Fund can be used to administer the Program and perform necessary remediation activities if one of the sites in the Program becomes orphaned (no responsible party) in the future. A risk management plan can be terminated if KDHE determines the plan is no longer necessary.

The Secretary of Health and Environment is required to adopt rules and regulations to implement the provisions of the Program.

### ***Voluntary Cleanup and Property Redevelopment Act***

The bill also amends the Voluntary Cleanup and Property Redevelopment Act (Act), which is administered by the KDHE Bureau of Environmental Remediation. The bill makes the following changes:

- Allows KDHE to issue a determination that no further remedial action is needed at a site based on the results of a risk analysis that evaluates the property and surrounding properties as a whole. Under prior law, sites could not be closed if contamination exceeded state standards, regardless of the risk to human health or the environment;
- Adds a requirement that the voluntary cleanup plans and associated documents be available for public review upon request from a member of the public. The plans and documents also must be indexed and posted on the KDHE website, upon determination by KDHE that a voluntary cleanup plan is acceptable, and for at least five years after the determination that no further remedial action is needed at the site;
- Allows KDHE to issue a nearby, non-responsible property owner who had contamination migrate to that property a determination that no further remedial action is needed even if the party responsible for the contamination is not in the State Cleanup Program; and

- Eliminates the requirement for KDHE to determine which environmental consulting companies are qualified to prepare environmental assessments for the Voluntary Cleanup Program.