

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2177

As Amended by House Committee on Local
Government

Brief*

HB 2177 would amend the Voluntary Cleanup and Property Redevelopment Act, administered by the Bureau of Environmental Remediation, Department of Health and Environment (KDHE). The bill would make the following changes:

- Allow 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 existing law sites cannot be closed if contamination exceeds state standards, regardless of the risk to human health or the environment;
- Replace the public notice requirement for voluntary cleanup plans with a requirement that the plans and associated documents be available for public review upon request, as well as indexed and posted on the KDHE website for at least five years after the determination that no further remedial action is needed at the site;
- Allow KDHE to issue a nearby, non-responsible property owner who had contamination migrate to their 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

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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

Background

KSA 65-34,161, *et seq.*, the Voluntary Cleanup and Redevelopment Act applies to property where environmental cleanup may be needed. Properties eligible for the Voluntary Cleanup Program generally do not represent an immediate danger to human health or the environment.

The bill was introduced by the House Committee on Energy and Environment. At the hearing in the House Committee on Local Government, testimony in support of the bill was provided by representatives of KDHE, the Kansas Grain and Feed Association, Boettcher Enterprises, Inc., and Kennedy/Jenks Consultants. Written testimony in support of the bill was provided by GSI Engineering, Shepard Engineering, Inc., Allied Environmental Consultants, Inc., and the American Council of Engineering Companies of Kansas.

Proponents said the changes were necessary to provide KDHE flexibility to issue a determination that no further action is needed for sites that pose little risk to human health or the environment. KDHE stated there has been little interest in the public notices in the last 14 years. A stakeholder group convened by KDHE to review the enabling act noted KDHE does not need to qualify the environmental professionals who perform environmental assessments for the Program, because those professionals are licensed by the Board of Technical Professions.

There was no neutral or opponent testimony on the bill.

The House Local Government Committee amended the bill to require the plans and associated documents be indexed and posted on the KDHE website for at least five

years after the determination that no further remedial action is needed at the site.

The fiscal note prepared by the Division of the Budget on the introduced version of the bill indicated passage of the bill would have no fiscal effect on KDHE.