

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2193

As Recommended by House Committee on
Energy and Environment

Brief*

HB 2193 would establish the voluntary Risk Management Program (Program) administered by the Kansas Department of Health and Environment (KDHE) for low-risk contaminated sites and would create the Risk Management Fund.

Responsible parties who chose to participate in the Program would enter into an enforceable agreement with KDHE to carry out remediation activities agreed to in a risk management plan, and would pay a one-time fee of at least \$2,500 which would be deposited in the Risk Management Fund. The Fund could be used to administer the Program and perform necessary remediation activities if one of the sites in the Program were to become orphaned (no responsible party) in the future. A risk management plan could be terminated if KDHE determined the plan was no longer necessary.

The Secretary of Health and Environment would be required to adopt rules and regulations to implement the provisions of this act.

Background

Proponents testifying on the bill in the House Committee on Energy and Environment included representatives of KDHE, the Kansas Grain and Feed Association, Boettcher Enterprises, Inc., and GSI Engineering, Inc. Written testimony

*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>.

in support of the bill was received from Shepard Engineering, Inc. There was no neutral or opposition testimony.

Proponents stated the risk management plan would be a tool for closing low-risk sites that still have contamination above cleanup standards, but pose little risk to human health or the environment. The Program provides flexibility for responsible parties who, despite reasonable efforts, are unable to reduce contamination levels to the cleanup standard.

The fiscal note prepared by the Division of the Budget stated KDHE does not anticipate expenditures to increase in either FY 2016 or FY 2017 because expenditures would be made only if a site previously in the Program subsequently became orphaned. A fee fund revenue increase of \$60,000 is estimated for FY 2016, based on the assumption 20 properties would make a one-time payment of \$3,000 to enroll in the Program.