

2023 Kansas Statutes

65-34,180. Same; requirements by the department. (a) In addition to the findings required for a determination of eligibility by the department pursuant to K.S.A. 65-34,179, and amendments thereto, the department shall only grant a CELR upon the following conditions:

- (1) The department determines that the purchaser has not caused or exacerbated and will not exacerbate the contamination on the property;
- (2) the purchaser agrees to disclose the CELR to subsequent purchasers until the property can be used for unrestricted use;
- (3) the purchaser agrees to reasonable access for future environmental investigation and remediation by the department or other party performing investigation and remediation under the oversight of the department; and
- (4) the purchaser agrees to provide the department notification within 30 days of any transfer or sale of property that is subject to a CELR.

(b) Property shall not be eligible for a CELR if:

- (1) The contamination on the property is subject to regulation under the nuclear energy development and radiation control act, K.S.A. 48-1601 et seq., and amendments thereto;
- (2) the property is the source of the contamination and it is eligible for cleanup under the Kansas storage tank act, K.S.A. 65-34,100 et seq., or the Kansas drycleaner environmental response act, K.S.A. 65-34,141 et seq., and amendments thereto, unless the site has been enrolled into the appropriate cleanup program under such acts as applicable;
- (3) the property is the source of the contamination and it is listed or proposed for listing on the national priorities list of superfund sites established under the comprehensive environmental response, compensation and liability act (CERCLA) (42 U.S.C.A. § 9601 et seq.);
- (4) the purchaser has entered into or is the subject of one or more contracts, agreements or orders with the intended purpose of performing investigation or remediation of contamination at the property; or
- (5) the purchaser has provided indemnification or release of environmental liability to any other party regarding contamination at the property.

(c) A CELR does not relieve the holder of requirements or duties of an applicable environmental use control agreement or risk management plan.

History: L. 2016, ch. 70, § 4; July 1.