

Kansas Administrative Regulations

Department of Health and Environment

Article 68.—Kansas Drycleaner Environmental Response Act

28-68-7. Reimbursement of corrective action costs.

(a) Reimbursement. Any applicant may request reimbursement from the fund for the applicant's corrective action costs, minus the deductible set forth in K.S.A. 1995 Supp. 65-34,148, subsection (i), for work performed at a contaminated dry-cleaning site which is determined to be eligible for the fund.

(1) Reimbursable costs shall be limited to costs for corrective action approved by the department, including direct costs incurred by the applicant. Each applicant shall substantiate reimbursable costs with contractor and subcontractor invoices or other reasonably reliable documentation.

(2) For each contaminated dry-cleaning site, reimbursement for corrective action costs incurred prior to July 1, 1995, shall be limited to \$100,000.00, minus the applicable deductible.

(3) Reimbursement for corrective action costs incurred on or after July 1, 1995, for any contaminated dry-cleaning site shall be limited, in any year, to 10 percent of the fund's income for the previous fiscal year. The applicable deductible shall be subtracted from the first-year reimbursement.

(4) Each eligible site shall receive priority for reimbursement according to the ranking of the contaminated dry-cleaning sites set forth in K.A.R. 28-68-8, subsection (b).

(b) Application for reimbursement.

(1) If an application for ranking has not been submitted previously to the department, the applicant shall follow the application procedure set forth in K.A.R. 28-68-5.

(2) Each applicant shall submit a signed request for reimbursement to the department on a form prepared by the department.

(3) If the applicant is not the real property owner, the applicant shall provide proof that the real property owner has been notified of the request for reimbursement.

(4) If the property is leased, and the applicant is not the lessee, the applicant shall provide proof that the lessee has been notified of the request for reimbursement.

(5) Each request for reimbursement shall contain:

(A) a copy of the notice of eligibility from the department;

(B) the name and address of the entity or entities to receive the reimbursement;

(C) a copy of all work plans generated to perform the corrective action for which reimbursement is sought;

(D) a copy of all reports generated during the corrective action;

(E) a copy of the department approval documents for corrective action at the contaminated dry-cleaning site; and

(F) a copy of contractor and subcontractor invoices or other reasonably reliable documentation for work performed prior to July 1, 1995, and approved by the department.

(i) Each applicant shall provide invoices or other reasonable reliable documentation with sufficient detail and supporting information to document that the costs were incurred to perform work discussed in the work plans, corrective action plan, or other work approved by the department.

(ii) Each applicant shall be required to submit to the department copies of cancelled checks, if available, showing payment for the work.

(iii) If cancelled checks are not available, each applicant shall be required to submit to the department an affidavit of expenditures and supporting documentation showing that the costs were incurred and paid to perform work approved by the department. The form for the affidavit of expenditures shall be provided by the department.

(Authorized by K.S.A. 1995 Supp. 65-34,143; implementing K.S.A. 1995 Supp. 65-34,148; effective Jan. 3, 1997.)

***** Authenticated Kansas Administrative Regulation *****