

Kansas Administrative Regulations

Department of Health and Environment

Article 71.—Voluntary Cleanup and Property redevelopment Program

28-71-3. Eligibility determination.

(a) The property described in the application shall contain an actual, threatened, or suspected release of a contaminant or be impacted or threatened by contaminants from an off-property source.

(b) Properties that may be eligible for application to VCPRP shall include the following:

(1) Properties that have been assessed by the United States environmental protection agency, its contractors and agents, and the department, if the property meets the additional criteria required by K.S.A. 65-34,161 et seq., and amendments thereto, and this article of the department's regulations;

(2) contaminated properties that are currently under an existing department order or agreement, upon completion of the actions required by the department order or agreement, if the property meets the additional criteria required by K.S.A. 65-34,161 et seq., and amendments thereto. The determination of completion of the actions required by the order or agreement shall be made by the secretary;

(3) portions of a larger property that have or require a resource conservation and recovery act (RCRA) permit, but these portions do not require a permit in accordance with RCRA, which contains a corrective action component, as determined by the secretary, if the property meets the additional criteria required by K.S.A. 65-34,161 et seq., and amendments thereto;

(4) portions of a larger property that includes oil and gas activities regulated by the state corporation commission, but the specific portion is not regulated by the state corporation commission, if the property meets the additional criteria required by K.S.A. 65-34,161 et seq., and amendments thereto; and

(5) contaminated properties that are not statutorily excluded.

(Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,164; effective June 26, 1998; amended Sept. 29, 2017.)

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