

# **Kansas Administrative Regulations**

## **Department of Health and Environment**

### **Article 74.—Risk Management Program**

#### **28-74-3. Risk management plan.**

(a) Each risk management plan shall include the following:

(1) Demonstration that all of the following conditions have been met:

(A) The extent of the environmental contamination has been determined;

(B) the source reduction has been completed, if necessary;

(C) the contaminant concentration trends are not dependent on the continued operation and maintenance of active remediation systems;

(D) the associated groundwater contaminant plume is stable or shrinking, if applicable;

(E) imminent future exposure is not likely; and

(F) all current complete exposure pathways have been addressed;

(2) any site-specific requirements for monitoring, inspection, or maintenance;

(3) a process for completing routine verification of and notices to property owners and occupants;

(4) a description of the specific terms and conditions that shall be in effect for the duration of the risk management plan; and

(5) a process for redefining the area within the site to which the risk management plan applies.

(b) Upon review of each draft risk management plan, a notification shall be issued to the applicant, either approving the draft risk management plan or noting deficiencies in the draft risk management plan and describing the modifications necessary to address the deficiencies. The applicant may then submit a revised draft risk management plan for the secretary's approval.

(c) If the secretary and the applicant are unable to agree on an appropriate risk management plan, notification that the application is void shall be provided by the department to the applicant. An invoice for the costs incurred by the department to

process the application package and review the draft risk management plan shall be included in the notification.

(d) Each risk management plan shall be implemented upon the effective date of the risk management plan agreement.

(Authorized by and implementing K.S.A. 2015 Supp. 65-34,176; effective May 13, 2016.)

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