

Kansas Administrative Regulations

Department of Health and Environment

Article 71.—Voluntary Cleanup and Property redevelopment Program

28-71-9. Voluntary cleanup work plans and reports.

(a) Upon signature of the voluntary agreement by the voluntary party and the secretary, the voluntary party shall submit each environmental site assessment, investigation report, or both, for review by the department to determine whether the following objectives have been met:

- (1) The sources for contaminants have been adequately identified and investigated.
- (2) The vertical and horizontal extent of contaminants has been determined.
- (3) The human health and environmental receptors have been identified.
- (4) The potential risks and impacts to receptors have been evaluated.
- (5) Quality assurance and quality control have been maintained.
- (6) The work has been performed in accordance with standard industry practices.

(b) If the secretary determines that further investigation is necessary to meet the objectives specified in subsection (a), the voluntary party shall submit a work plan to the department for review and approval. After approval of the work plan by the secretary, the following actions shall occur:

- (1) The voluntary party shall implement the approved work plan for investigation.
- (2) The voluntary party shall document and submit the results of the investigation in a report, which shall be submitted to the department for review.

(c) If the secretary determines that remediation is necessary to mitigate the risks posed by the property subject to the voluntary agreement, the voluntary party shall submit a proposal for remediation to the department for review and approval. The proposal for remediation shall meet the following requirements:

- (1) Be protective of human health and the environment for documented present and proposed future land uses;
- (2) meet applicable state standards or acceptable contaminant concentrations as determined by a risk analysis that evaluates the property subject to the voluntary

agreement and surrounding properties as a whole and that is approved by the secretary;

(3) evaluate remedial alternatives that are proven reliable and are economically and technically feasible by completing the following activities:

(A) Comparing at least two alternatives, not including the "no action" alternative; and

(B) documenting the ability of each remedial alternative to attain a degree of cleanup and control of contaminants established by the department; and

(4) provide a description and evaluation of the voluntary party's proposed remedial alternative.

(d) If the secretary approves the proposal for remediation, the applicant shall submit a cleanup plan. The cleanup plan shall include the following:

(1) A description of all tasks necessary to implement the preferred remedial alternative;

(2) preliminary or final design plans and specifications of the preferred remedial alternative;

(3) a description of all necessary easements and permits required for implementation of the cleanup;

(4) an implementation schedule;

(5) a plan to monitor the effectiveness of the cleanup during implementation; and

(6) a verification plan to document that cleanup objectives have been achieved, which shall include sampling to be performed by the voluntary party, department, or both, as determined by the secretary.

(Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,166, K.S.A. 2016 Supp. 65-34,167, and K.S.A. 2016 Supp. 65-34,168; effective June 26, 1998; amended Sept. 29, 2017.)

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