

Kansas Administrative Regulations

Department of Health and Environment

Article 68.—Kansas Drycleaner Environmental Response Act

28-68-8. Prioritization of fund expenditure.

Each work item approved by the department for contaminated dry-cleaning sites shall be prioritized to ensure that money from the fund is available for essential corrective action tasks.

(a) Priority shall be given to contaminated dry-cleaning sites requiring emergency action. Emergency status may be established by the department under any of the following conditions:

(1) when a public water supply well or one or more domestic wells, are contaminated, or are threatened with contamination levels above state or federal drinking water limits, and no alternative water source is readily available;

(2) when surface drinking water or a water supply intake is contaminated above acceptable limits, as defined by the department, or contamination is imminent, and no alternative water source is readily available; or

(3) when a high probability exists for direct human exposure to or contact with highly contaminated waste, soil, air, or water.

(b) Each contaminated dry-cleaning site not requiring emergency action shall be ranked by the department according to the risk to human health and the environment presented by the contaminants at the contaminated dry-cleaning site. Contaminated dry-cleaning sites for which an application is submitted for reimbursement of corrective action costs incurred prior to July 1, 1995 shall be ranked separately from other contaminated dry-cleaning sites.

(c) The appropriateness of corrective action alternatives for each contaminated dry-cleaning site shall be evaluated by the department according to the following criteria.

(1) Preference shall be given to the corrective action alternative which is most cost effective, considering both short-term and long-term costs, while adequately protecting human health and the environment.

(2) The incremental cost of the chosen corrective action shall be justified and reasonably related to the incremental risk reduction benefits of the corrective action.
(Authorized by and implementing K.S.A. 1995 Supp. 65-34,143; effective Jan. 3, 1997.)

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