

# RISK MANAGEMENT PROGRAM

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The Risk Management Program Act, K.S.A. 2015 Supp. 65-34,176, was established in House Bill 2193, passed by the Kansas Legislature, became effective July 1, 2015.

The Risk Management Program provides a mechanism for the long-term care and management of low risk, low priority sites that are not able to meet requirements for unrestricted site closure or no further action (NFA). This program provides another option in the remediation tool box allowing for conditional closure of a site where the risks are managed or controlled under an established Risk Management Plan (RMP).

An RMP may be established site-wide or, with department approval, applied to only a portion of a site ("RMP Boundary"). For example, the identified source area has been remediated to applicable cleanup standards, yet impacts in groundwater persist beneath multiple properties. The properties adversely affected by the groundwater plume could be addressed through an RMP (e.g., continued groundwater monitoring on a less frequent basis, every three years versus semi-annual or annual). Risk management plans may also be used in conjunction with Environmental Use Controls (EUCs) to address residual contamination at a Site.

## ELIGIBILITY

In order to participate in the Risk Management Program, the area within the RMP boundary must meet the following criteria:

- Subject to an agreement or order under the authority of KDHE/BER;
- poses a low risk to human health and the environment;
- the extent of environmental contamination has been clearly defined;
- source reduction has been completed, if necessary;
- contaminant concentration trends are not dependent on continued operation and maintenance of active remediation systems;
- the associated groundwater contaminant plume is stable or shrinking, if applicable,
- imminent future exposure to contaminated media is not likely; and
- all current complete exposure pathways have been addressed

## APPLICATION

A copy of the application can be found on our website, [www.kdheks.gov/remedial/euc/index.html](http://www.kdheks.gov/remedial/euc/index.html)

All applications must include a Site Location Map, a Parcel and Owner Identification Map, Proof of Notification and Acknowledgment for property owners, an RMP, and a completed signature page.

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## RISK MANAGEMENT PLAN

An RMP, drafted by the applicant, must appropriately manage site-specific risks and long-term care. An RMP may include but is not limited to:

- a brief summary of the site history;
- soil and groundwater isoconcentration maps;
- a description of planned monitoring, inspection, or maintenance activities;
- plans for routine owner/occupant verification and notification;
- plan for updating receptor surveys;
- a process for evaluating the effectiveness of the RMP;
- standard operating procedures for routine activities completed under the RMP; and
- a reporting format and frequency.

## RISK MANAGEMENT PLAN AGREEMENT

Upon KDHE approval of the RMP, KDHE shall draft a Risk Management Plan Agreement (RMPA). The RMPA clearly defines the requirements and responsibilities that apply to KDHE and the participant, and will establish the funding obligations. A participant's obligations set forth in the RMPA may be transferred to another person upon approval by KDHE.

Please contact the Long-Term Stewardship and Information Management Unit at 785-296-1673 for more information.

Visit our website at <http://www.kdheks.gov/remedial/euc/index.html>

## RMP FUNDING AND CLASSES

KDHE will evaluate each site based on its setting (urban vs rural) and area within the RMP boundary, contaminant(s) of concern, affected or threatened media, and monitoring/inspection frequency of long-term care activities, then assign the site to a program classification.

|           | Site Setting and Affected Area |              | Affected or Threatened Media |    |           |             |    | Contaminants of Concern |               | Monitoring Frequency (years) |   |   |   |
|-----------|--------------------------------|--------------|------------------------------|----|-----------|-------------|----|-------------------------|---------------|------------------------------|---|---|---|
|           | Urban (acres)                  | Rural (mile) | Soil                         | GW | Soil & GW | SW &/or SED | IA | Single COC              | Multiple COCs | 5                            | 3 | 2 | 1 |
| Class I   | NA                             | NA           | X                            |    |           |             |    | X                       | X             | X                            |   |   |   |
| Class II  | ≤ 10                           | ≤ 0.25       | X                            | X  | X         |             |    | X                       |               | X                            |   |   |   |
| Class III | ≤ 20                           | ≤ 0.5        | X                            | X  | X         |             |    | X                       | X             | X                            | X |   |   |
| Class IV  | ≤ 20                           | ≤ 0.75       | X                            | X  | X         | X           | X  | X                       | X             | X                            | X | X |   |
| Class V   | > 20                           | > 0.75       | X                            | X  | X         | X           | X  | X                       | X             | X                            | X | X | X |

The funding requirement for an RMP will be based on the designated class and will be submitted as a one-time payment to compensate KDHE for costs incurred to review and process the application package and draft RMP, oversight of the RMP implementation for the duration of the RMPA, and tracking the RMP requirements.

Class I – Minimum of \$2,500

Class II – Minimum of \$6,000

Class III – Minimum of \$12,000

Class IV – Minimum of \$18,000

Class V – Determined on a site-specific basis