

**BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
POLICY**

**STANDARDS FOR PROPERTY IDENTIFICATION FOR
ISSUANCE OF NO FURTHER ACTION DETERMINATIONS**

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REMEDIAL SECTION POLICY - VCP -003

Voluntary Cleanup and Property Redevelopment Program (VCPRP)
Standards for Property Identification for Issuance of No Further Action Determinations

CONSIDERATIONS

- 1) Property identification by an accurate and legally defensible method is critical in the Voluntary Cleanup and Property Redevelopment Program (VCPRP) to ensure that contaminated properties, which have been partially or completely addressed, are properly identified to the public and future owners, operators and/or developers.
- 2) Kansas Statutes Annotated 65-34, 161 through 174, the Act enabling the program, contains no specific requirements for property identification.
- 3) Kansas Administrative Regulations adopted to implement the VCPRP (K.A.R. 28-71-1 through 28-71-12) require that environmental assessments for properties in the VCPRP have specific legal descriptions of the accepted property and maps showing boundaries, location, and size of the property.
- 4) The Scope of Work for Voluntary Cleanup Investigations as outlined in the VCPRP Manual contain the requirement that Voluntary Cleanup Investigation reports be accompanied by a map of the property showing boundaries, features, structures, and source areas.
- 5) K.A.R. 28-71-10 sets forth the requirements for the Kansas Department of Health and Environment (KDHE) to issue no further action (NFA) determinations but contains no requirement for property identification to accompany the determination.
- 6) KDHE has required that a legal survey of the property for which an NFA determination was issued accompany the documents to be filed with the county register of deeds. This requirement is necessary so that the NFA determination may be filed on the appropriate property deed or deeds covered by the NFA determination. In the case where only a portion of a larger property has been addressed and met the criteria for an NFA determination, it is necessary to define the area covered by the NFA determination so that any contamination remaining on the larger property, whether identified or not, may be properly addressed by KDHE.

POLICY

A legal survey prepared by a Kansas Licensed Land Surveyor is the preferred method to identify the specific property or portion of a property for which an NFA determination is issued. However, KDHE recognizes that legal surveys may not always be necessary for a property for which KDHE is issuing an NFA determination. The purpose of this policy is to provide alternatives for identification of property receiving an NFA determination that may be acceptable under specified circumstances. Voluntary Parties must notify the KDHE Project Manager that they wish to use one of the alternative methods outlined below and obtain approval of the particular alternative before submitting documents or maps to KDHE.

ALTERNATIVES

- 1) Where an entire parcel of property is receiving an NFA determination, the county tax-parcel ID number accompanied by a copy of the county assessor's tax map showing the boundaries of the parcel will be acceptable. Such tax parcels typically include all contiguous property owned by a single entity.
- 2) Where property has been subdivided and platted into lots, as in incorporated or urban areas, and one or more entire lot(s) is(are) receiving the NFA determination, the property may be identified by lot number(s) and accompanied by a copy of the appropriate plat map.
- 3) In rural areas where the voluntary party may not be the property owner, for instance, as in the case of a leaking pipeline, the boundaries of the contaminated area for which an NFA determination is being issued may be identified by a survey conducted by a Kansas Licensed Land Surveyor or Engineer utilizing corrected differential GPS (global positioning system) data and an accompanying map showing the identified boundaries of the contaminated property.