

# Risk Management Program



**OUR MISSION: TO PROTECT AND IMPROVE THE HEALTH AND ENVIRONMENT OF ALL KANSANS.**

# Risk Management Program

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## Risk Management Program Act

*K.S.A. 2015 Supp. 65-34,176*

Mechanism for the long-term care & management of low-risk, low-priority sites unable to meet requirements for unrestricted site closure or no further action.

- Another tool in long-term stewardship toolbox
- “Post-closure” monitoring
- Allow sites to reach a “resolved” status w/conditions

# Eligibility

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- Low Risk - risks under current conditions and reasonable future scenarios are minimal such that *active* remediation is not required, and are not likely to increase hazards or danger posed to nearby receptors.
- Extent of contamination has been defined & source reduction complete; if necessary.
- Concentration trends are stable to declining & not dependent on continued operation of an active system.
- Imminent future exposure to contaminated media is not likely.
- All current complete exposure pathways have been addressed.



# Risk Management Plan (RMP)

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- RMP Boundary - The area within a site to which the RMP applies. This may be inclusive of the entire site or portions of the site to which the RMP is applicable.
- Summary of site conditions, remedial actions taken, and current and reasonably anticipated future uses
- Maps – potentiometric & groundwater isoconcentration
- Monitoring, inspection, or maintenance activities and frequency

# RMP Cont.

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- Routine owner/occupant verification and providing notice to current owners/occupants
- Process for evaluating the effectiveness of the RMP
  - redefine the RMP boundary as necessary
  - establish conditions under which RMP activities may cease
- Other relevant plans or documents
  - soil management, standard operating procedures, etc.

# Risk Management Plan Agreement

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- Enforceable
  - assess administrative penalty of \$500 per day for non-compliance with RMP
- May be transferred or amended
  - Transfer obligations to another party
  - Amend to take on additional actions
- Terminated
  - Demonstrated RMP no longer necessary

# Risk Management Program Funding

	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	
Class V	> 20	> 0.75	X	X	X	X	X	X	X		X	X	X

## Minimum Amounts

Class I - \$2,500

Class II - \$6,000

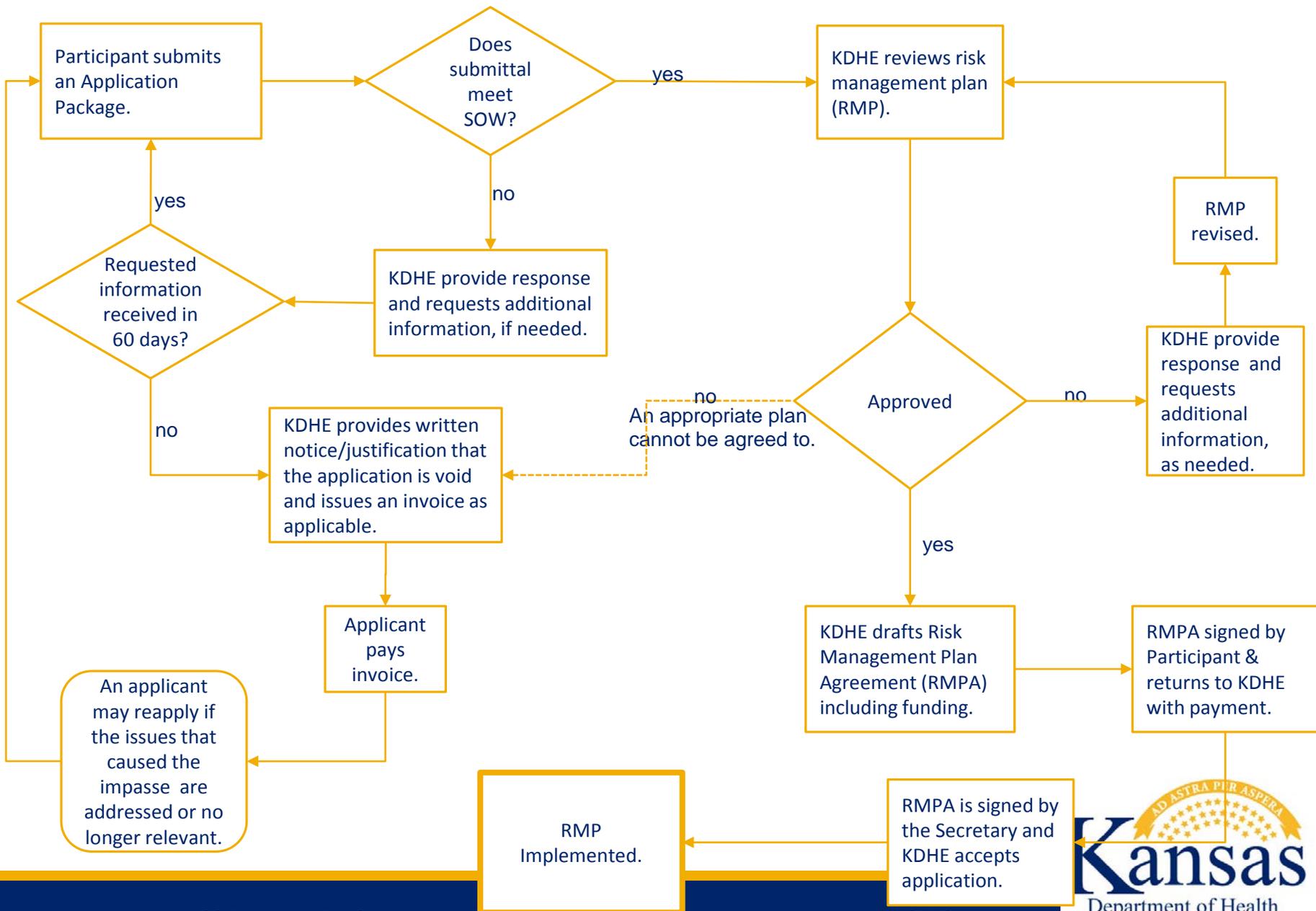
Class III - \$12,000

Class IV - \$18,000

Class V – site-specific



# Risk Management Program Process



# Comparison RMP vs EUC

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## EUC

- property owner authorization
- owner responsibilities
  - noncompliance enforcement on owner
- owner or KDHE inspections
- recorded @ register of deeds
  - transfer w/property transaction
- no monetary penalties
- Category III - LTCA

## RMP

- owner/occupant notice
- participant responsible
  - enforcement on participant
- participant inspection
- on file w/KDHE
  - must amend RMPA to transfer
- \$500 per day
- RMPA

# Comparison RMP vs EUC

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## Other Considerations

- Evaluate as part of overall remedial strategy for the Site
- Overall Risk Evaluation
- End Goal
- Combination Make Sense

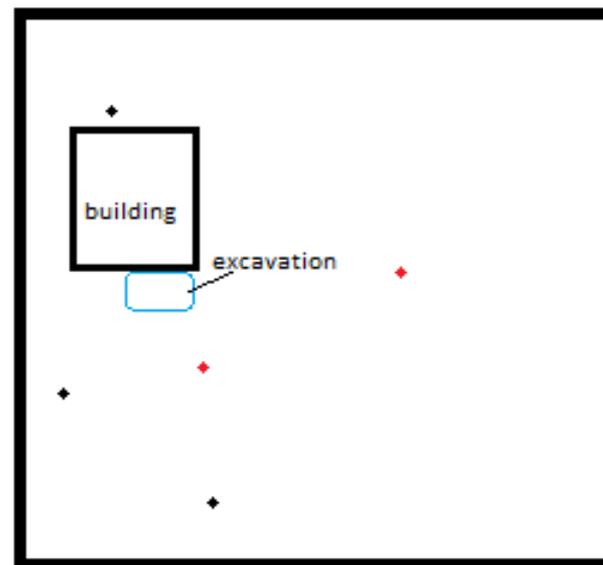
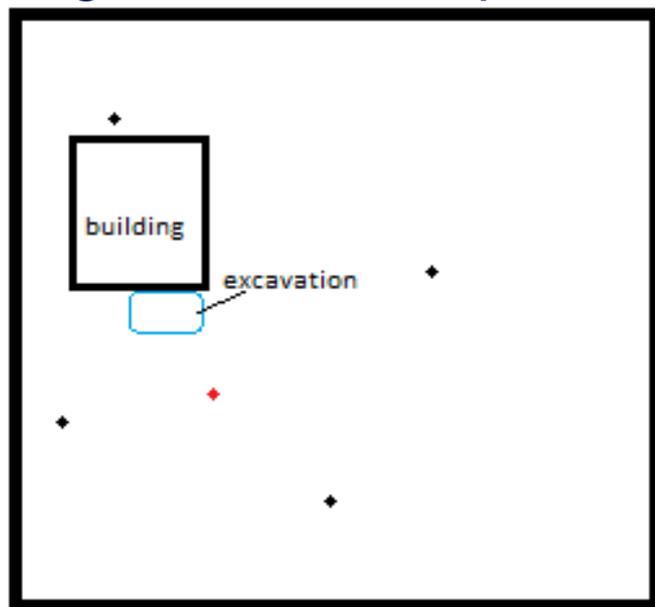
# Scenarios

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- Two adjoining properties; source area on property owned by party responsible; GW impacts both; Source area has been remediated; monitoring data following source removal indicates stable trends & plume is defined.
- Single property with isolated groundwater impacts; do not extend off-site; fluctuating concentrations just above MCL but relatively stable.

# Scenarios

- Soil removal, residual @ depth and beneath building; groundwater impacts exist but defined and localized.



# Questions

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