

KANSAS AGRICULTURAL REMEDIATION BOARD REIMBURSEMENT PROGRAM

Background

The Kansas Agricultural Remediation Act was passed by the Kansas Legislature in 2000 and became law on July 1, 2000. This act created the Kansas Agricultural Remediation Program for the purpose of reimbursing responsible, eligible parties for corrective action costs incurred after July 1, 1997. Corrective action costs must be submitted to the Kansas Agricultural Remediation Board (KARB) within two years after incurring the costs for consideration. Eligible participants must have complied with corrective action requests or orders issued by the Kansas Department of Health and Environment (KDHE) or had such corrective actions approved by KDHE. The KARB is responsible for determining the direct reimbursement amount to eligible participants. The board consists of seven members who are appointed by Governor.

The Remediation Reimbursement Fund has total annual revenue of approximately \$1,000,000 which is generated by assessing an annual fee on pesticide products, pesticide dealers, grain storage, fertilizer products, and custom blenders. The fund is administered and managed by the KARB.

The Board meets quarterly and reviews all completed applications that are received 14 days prior to the meeting date. A completed application may be eligible for reimbursement for up to 12 months after the receipt of the application by the Board administrator.



Incidental product spillage and poor materials handling practices that cause environmental contamination may have costly consequences for agribusiness facilities.



Some costs for investigation and cleanup activities conducted under KDHE oversight that address environmental impacts resulting from agribusiness may be reimbursable through the Kansas Agricultural Remediation Board (KARB).



Reimbursement Determination

The legislature set a maximum reimbursement amount at the following levels: If an eligible person is assessed a fee, then that person can receive 90% of the total costs greater than \$1,000 and less than \$90,000 plus 80% of the total eligible corrective action costs greater than \$100,000 and less than \$200,000. If a person does not pay an assessment or is a pesticide dealer who has paid a \$5 assessment, then the person is eligible to receive 100% of their costs which are greater than \$1,000 and less than or equal to \$10,000.

Kansas Administrative Regulations (K.A.R.) 125-1-1 through K.A.R. 125-1-9 govern the program.

The regulations define the application process, eligible sites and eligible and ineligible costs. Examples of eligible costs include consultant fees, sampling and analyzing soil and ground water, and removing contaminated soil or ground water. Examples of ineligible costs include attorney's fees, loss of income, and replacement costs of spilled agricultural chemicals.



A primary emphasis for cleanup of agricultural facilities is source removal.

How to Apply

An application form and a set of regulations can be obtained by contacting the Kansas Agricultural Remediation Board Administrator or by accessing the form on the internet at www.karb.org.

KARB Administrator
816 SW Tyler, Topeka, KS 66612
785-440-0356 (phone)
785-234-2930 (fax)



Where feasible, KDHE encourages beneficial reuse of fertilizer-contaminated soil through land application for agronomic benefit.



SECTION 20

KANSAS VOLUNTARY CLEANUP AND PROPERTY REDEVELOPMENT PROGRAM

KARB Program Statistics

Statistics for 2004

Total reimbursements - \$1,606,065.92

Average reimbursement - \$23,276.32

Statistics for 2003

Total reimbursements - \$1,373,492.78

Average reimbursement – \$18,560.71

Statistics for 2002

Total reimbursements - \$ 939,108.97

Average reimbursement – \$46,955.45



Restoration, such as grading and resurfacing following contaminated soil removal, can be reimbursed through KARB.



KDHE and KARB strive to assist the agricultural community in addressing environmental legacies while still supporting their vital economic role in the State.