

Pesticide Remediation Relief to Certain Property in Johnson County; HB 2169

HB 2169 amends law to provide relief from certain pesticide remediation to certain property located in Johnson County.

The bill prohibits a state agency or subdivision from issuing cleanup orders; seeking recovery of money; promulgating regulations or guidance; failing to timely grant approvals for any permit under any state program, including issuance of a no-further-action approval or Resource Conservation and Recovery Act permit modification; or otherwise requiring any person owning or possessing any interest in property previously owned by the U.S. Army that is located in Johnson County to be responsible for any non-residential property restrictions on use of such land or the costs of investigation, removal, or remediation of soil, groundwater, or surface water where legally registered pesticidal commercial chemical products were applied at or near structures on land to control pests by the U.S. Army at the property prior to 2005.

The bill is only applicable to any such person if the property owned by the person is non-residential. Any person owning the non-residential property is responsible for the costs of investigation, removal or remediation of soil, groundwater, or surface water of contamination as provided by law, including, but not limited to, contamination by legally registered pesticidal commercial chemical products, if the person converts the property to residential property or the property is constructed as a day care facility.

The bill requires owners of the non-residential property to provide notice of the potential presence of legally registered pesticidal commercial chemical products on the property that may need to be remediated, as determined by the Kansas Department of Health and Environment, if the property is ever used for residential purposes. Such notice runs with the land and remains permanently on all future deeds until the pesticidal products are at levels provided by continuing law, or the property has been remediated.

[Note: The property, Astra Enterprise Park, will contain the Panasonic battery production facility and other industrial and commercial sites related to the project.]

The bill allows the provisions of the prohibition to be applied retroactively.

The bill amends law to exempt such property owners responsible for the discharge, abandonment, or disposal of hazardous substances from responsibility for paying the costs of the investigation to determine whether remedial action is necessary at the site.