



Nonpublic Household Water Well Recommendation #6:

Revise the Kansas Dry Cleaner Environmental Response Act

Proposed Action

Revise the Dry Cleaner Environmental Response Act to:

1. indicate that KDHE is no longer discouraged from partnering with federal or local environmental health agencies or other partners to address short-term responses to, and long-term remediation of, dry cleaner contamination,
2. charge KDHE with proactively working with communities to identify dry cleaner contamination, and
3. increase the annual fee paid by dry cleaners to provide additional funds to the drycleaner trust fund.

Potential Funding

No new funding is needed to implement this recommendation.

Background Information

The Kansas Drycleaner Environmental Response Act, K.S.A. 65-34.141 - 155, (Act) was passed in 1995. This Act created a drycleaning facility release trust fund to address contamination resulting from the releases of drycleaning solvents and directs KDHE about pursuing and addressing contamination from dry cleaner solvents and how to use funds from the trust fund. The money in this fund is generated through an annual fee paid by each owner of an operating drycleaning facility of \$100 for each operating drycleaning facility owned by the owner, a tax at a rate of 2.5% of the gross receipts from specific drycleaning and laundering services, and other fees.

The Act specifically directs KDHE about the use of this fund and indicates that KDHE:

“...should deal with contamination from drycleaning facilities utilizing moneys in the fund. The department should discourage other units of government, both federal and local, including the United States Environmental Protection Agency, from becoming involved in

contamination problems resulting from releases from drycleaning facilities.”

The Act goes further and indicates that KDHE:

“...should not seek out contaminated drycleaning facility sites because of the existence of the fund or other provisions of this act. The moneys are made available for use as sites are discovered in the normal course of the business of the agency.” (K.S.A. §65-47, 147)

Why This Action Is Needed

The provision in the Act directing KDHE to discourage federal and local units of government from being involved in contamination problems does not serve the interests of public health. Rather, KDHE should be encouraged to partner, especially with local environmental health, to identify and remediate dry cleaner contamination.

The provision in the Act directing KDHE to “not seek out contaminated drycleaning facility sites...” does not serve the long-term interests of Kansas communities affected by dry cleaner contamination. This language can lead to KDHE failing to proactively identify and remediate locations that have been exposed to dry cleaner contamination.

Historically, there have been shortfalls in funding to address dry cleaner contamination sites. The cost to connect those who have been exposed to contaminated water to public water sources is significant, let alone the cost associated with remediating contaminated areas. Accordingly, additional funds are needed.

For more information contact:

Dr. Elizabeth Ablah eablah@kumc.edu
or Jack Brown jbrown4@kumc.edu
316-293-2627

