

3737-1-12.1 **Mandatory and voluntary pre-approval of corrective action costs.**

(A) For corrective actions to be performed in accordance with all versions of rule 1301:7-9-13 of the Administrative Code, the responsible person shall submit to the director an application for initial pre-approval of pending corrective action costs, as follows:

(1) Simultaneously with the submission of an interim response action notification, where prior approval of the fire marshal must be obtained, the responsible person shall submit an estimated cost and completion schedule for the corrective actions as set forth in the interim response action notification;

(2) Simultaneously with the submission of a remedial action plan to the fire marshal, the responsible person shall:

(a) Submit a copy of the remedial action plan with a brief description of the remedial action alternatives considered, including a discussion of the reliability, effectiveness, cost, and time needed for completion, and the rationale for the selected remedial alternative; and

(b) Submit an estimated cost and completion schedule for the remedial actions as set forth in the remedial action plan;

(3) Simultaneously with the submission of a tier 3 evaluation plan to the fire marshal, the responsible person shall submit a copy of the tier 3 evaluation plan with a description of the tier 3 objective; the activities to be conducted; a discussion of the effectiveness, cost and rationale for selecting the tier 3 evaluation; and an implementation schedule and projected completion date;

(4) Simultaneously with the submission to the fire marshal of a monitoring plan in conjunction with a tier evaluation report or a tier 3 evaluation report, the responsible person shall submit an estimated cost and completion schedule for the corrective actions as set forth in the monitoring plan.

~~(B) Where pre-approval is not required by paragraph (A) of this rule but is desired by the responsible person, the responsible person may submit to the director a description of the corrective actions to be performed and an estimated cost and completion schedule for them.~~

(B) Where estimated costs and completion schedules have been pre-approved in accordance with paragraph (A)(2), and (A)(4) of this rule, the responsible person shall submit pre-approval applications annually to the director, unless otherwise determined by the director, in a manner prescribed by the director

- (C) Upon receipt of a pre-approval application submitted pursuant to paragraphs (A) and (B) of this rule, the director shall evaluate the ~~amount of costs sought to be reimbursed~~ estimated costs and completion schedule. In determining the estimated costs and completion schedule to be pre-approved, the director shall consider ~~the~~ what is usual, customary and reasonable ~~costs~~ for similar corrective action activities and under similar circumstances as determined from the fund's experience. At the director's discretion, other options including, but not limited to, pay-for-performance or risk sharing by the consultant and the responsible person may be considered for the corrective actions for which pre-approval is sought. ~~and~~ The director shall notify the responsible person of the pre-approved costs and completion schedule. If the estimated costs or the completion schedule submitted for pre-approval pursuant to paragraphs (A) and (B) of this rule are later revised by the responsible person, or if during the implementation of the corrective actions for which ~~cost~~ pre-approval has been granted the pre-approved costs pre-approved and/or completion schedule will be exceeded, the responsible person shall immediately notify the director ~~of the estimated additional costs~~ and shall submit a revised cost estimate and a revised completion schedule for pre-approval.
- (D) Corrective action costs and completion schedules not submitted for pre-approval in accordance with paragraphs (A), (B), and (C) of this rule shall be evaluated for reimbursement in accordance with rule 3737-1-09 of the Administrative Code.
- (E) Where pre-approval is not required by paragraph (A) of this rule but is desired by the responsible person, the responsible person may submit to the director a description of the corrective actions to be performed and an estimated cost and completion schedule for them.
- ~~(D)~~(F) The pre-approval shall not accelerate fund payment for a release. Payment for pre-approved costs shall be contingent upon the proper submission of an application for reimbursement in accordance with rule 3737-1-12 of the Administrative Code, and a determination that a responsible person is eligible to receive reimbursement from the fund.

Effective:

R.C. 119.032 review dates: 09/18/2004

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3737.90  
Rule Amplifies: 3737.92  
Prior Effective Dates: 7/1/94, 9/18/99