

3737-1-12

**Application for reimbursement.**

- (A) Except where a responsible person has certified in a previous claim that a program task has been wholly completed and reimbursement or payment for the completed program task has been made, a responsible person may submit an application for reimbursement of costs actually incurred in conducting program tasks completed on or before July 1, 1999, but shall do so on or before July 1, 2000. For corrective action costs for program tasks completed after July 1, 1999, an application for reimbursement of costs actually incurred in conducting such tasks shall be made by the responsible person within one year of their completion. No payment shall be made from the fund for costs not timely submitted for reimbursement under this rule.
- (B) For purposes of submitting an application for reimbursement for corrective actions performed under rule 1301:7-9-13 of the Administrative Code in effect prior to March 31, 1999, the following are completion dates from which the one-year filing periods begin to run for related program tasks:
- (1) The immediate corrective action program task completion date shall be the date the release was required to be reported to the fire marshal. The immediate corrective action program task is comprised of those actions set forth in paragraphs (F) and (H) of rule 1301:7-9-13 of the Administrative Code;
  - (2) The free product removal program task completion date shall be the date the last monthly free product removal report is submitted to the fire marshal or, if no free product removal reports are required, the completion date shall be the date the release was required to be reported to the fire marshal. The free product removal program task is comprised of those actions set forth in paragraph (G) of rule 1301:7-9-13 of the Administrative Code;
  - (3) The site assessment program task completion date shall be the date the fire marshal determines site assessment to be complete. The site assessment program task is comprised of those actions set forth in paragraph (I) of rule 1301:7-9-13 of the Administrative Code;
  - (4) The remedial action plan program task completion date shall be the date the fire marshal approves the plan. The remedial action plan program task is comprised of those actions set forth in paragraph (J) and paragraph (K) of rule 1301:7-9-13 of the Administrative Code;
  - (5) The completion date for the remedial action plan implementation program task and the on-going system operation and maintenance program task shall be the date the fire marshal issues a no further action determination. The remedial action plan implementation program task and the on-going system operation

and maintenance program task are comprised of those actions set forth in paragraph (L) and paragraph (M) of rule 1301:7-9-13 of the Administrative Code.

(C) For purposes of submitting an application for reimbursement for corrective actions performed under rule 1301:7-9-13 of the Administrative Code in effect on or after March 31, 1999, the following are completion dates from which the one-year filing periods begin to run for related program tasks:

- (1) The immediate response action program task completion date shall be the date the release was required to be reported to the fire marshal. The immediate response action program task is comprised of those actions set forth in paragraphs (G)(1), (G)(3), and (G)(4) of rule 1301:7-9-13 of the Administrative Code;
- (2) The free product removal program task completion date shall be the date the last monthly free product removal report is submitted to the fire marshal or, if no free product removal reports are required, the completion date shall be the date the release was required to be reported to the fire marshal. The free product removal program task is comprised of those actions set forth in paragraph (G)(2) of rule 1301:7-9-13 of the Administrative Code;
- (3) The tier 1 evaluation program task completion date shall be the date the tier 1 evaluation notification, or the tier evaluation report if appropriate, is required to be submitted to the fire marshal. The tier 1 evaluation program task is comprised of those actions set forth in paragraphs (H), (I), (J) and (K) of rule 1301:7-9-13 of the Administrative Code;
- (4) The tier 2 evaluation program task completion date shall be the date the tier 2 evaluation report is required to be submitted to the fire marshal. The tier 2 evaluation program task is comprised of those actions set forth in paragraphs (M) and (N) of rule 1301:7-9-13 of the Administrative Code;
- (5) The tier 3 evaluation program task completion date shall be the date the tier 3 evaluation report is required to be submitted to the fire marshal. The tier 3 evaluation program task is comprised of those actions set forth in paragraph (O) of rule 1301:7-9-13 of the Administrative Code;
- (6) The completion date for the remedial action plan implementation program task and the monitoring plan program task shall be the date the fire marshal issues a no further action determination. The remedial action plan implementation program task is comprised of those actions set forth in paragraphs (S) and (T) of rule 1301:7-9-13 of the Administrative Code. The monitoring plan

program task is comprised of those actions set forth in paragraph (R) of rule 1301:7-9-13 of the Administrative Code.

(D) Where a responsible person has been conducting corrective action and has incurred costs on a site under rule 1301:7-9-13 of the Administrative Code in effect prior to March 31, 1999, and elects to continue corrective action under rule 1301:7-9-13 of the Administrative Code in effect on or after March 31, 1999, the responsible person shall:

- (1) Notify the board in writing within thirty days of such election;
- (2) For program tasks that are incomplete at the time of such election, submit all costs incurred within one year from the date the notification is required to be submitted to the board;
- (3) For all program tasks that are complete at the time of such election, submit all costs in accordance with paragraph (B) of this rule.

(E) The application for reimbursement shall include documentation of all notifications and reports required under applicable versions of rule 1301:7-9-13 of the Administrative Code:

- (1) Immediate corrective action reports;
- (2) Free product removal reports;
- (3) Site assessment reports;
- (4) Remedial action plans;
- (5) Tier 1 evaluation notification;
- (6) Interim response action notifications;
- (7) Tier evaluation reports;
- (8) Tier 3 evaluation plan;
- (9) Monitoring plans;

- (10) Completion report;
  - (11) Extension requests to and approval or disapproval responses from the fire marshal;
  - (12) Alternative technology requests to and approvals by the fire marshal; and
  - (13) Any other information requested by the director.
- (F) The application for reimbursement shall include the following documentation:
- (1) A certification by the responsible person and the primary consultant or primary contractor that the information contained in and submitted with the application is true and correct and represents actual costs incurred;
  - (2) Invoices, payment records and any other records documenting actual costs incurred and paid related to corrective action; and
  - (3) Any other records, site-specific information or other relevant information necessary to demonstrate compliance with cleanup standards and tank rules, or any applicable order, as required by the director.
- (G) A responsible person may apply for reimbursement for partial completion of a program task provided that the total amount sought in the application for reimbursement is not less than fifty per cent of the applicable deductible of the responsible person. For those costs required to be submitted according to paragraph (D)(2) of this rule, the responsible person shall apply for reimbursement as required by that paragraph regardless of the total amount sought. For the operation and maintenance and/or the monitoring program tasks, the director may grant permission to the responsible person to submit applications for reimbursement in which the total amount being sought is less than fifty per cent of the applicable deductible of the responsible person.
- (H) Copies of any records submitted will be accepted provided the original records are maintained for a period of at least three years from the date of receipt of the application and provided these records are made available upon request.

Effective:

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

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Certification

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Date

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