

3745-300-03

**Voluntary action program fees.**

(A) Applicability.

Fees shall be derived from the estimated actual costs, as defined in rule 3745-300-01 of the Administrative Code, associated with performing all of the tasks, duties and services related to the relevant application or voluntary action program activity. Fees shall be primarily based upon: the estimated typical time to complete each task, duty or service; the person or persons performing each task, duty or service; the applicable hourly rate plus fringe benefits for the person or persons performing the task, duty or service; and the estimated frequency of each task, duty or service.

(B) The voluntary action program fees for the activities listed below are as follows:

- (1) Initial certification of professionals - \$2,500.00.
- (2) Annual fee for certified professionals - \$2,000.00.
- (3) Initial certification of of a fixed-base laboratory - \$5,000.00.
- (4) Annual fee for certified laboratories - \$500.00.
- (5) No further action letter submitted for a covenant not to sue with no environmental covenant - \$15,700.00.
- (6) No further action letter submitted for a covenant not to sue that includes an environmental covenant - \$18,200.00.
- (7) No further action letter submitted for a covenant not to sue after having completed the voluntary action program memorandum of agreement track - \$10,000.00.
- (8) No further action letter submitted for a covenant not to sue after having completed the voluntary action program memorandum of agreement track that includes an environmental covenant - \$12,500.00.

(C) For initial certification fees, a mobile laboratory shall pay the actual costs incurred by the agency relating to reviewing requests for certification pursuant to rule 3745-300-04 of the Administrative Code.

(D) In addition to payment of all applicable initial certification, and renewal certification

fees pursuant to paragraph (B) of this rule, a certified laboratory shall pay the following:

- (1) The actual costs incurred and invoiced by the agency that are associated with laboratory requests for modification of its certification or proposed revisions to its standard operating procedures or quality assurance program plans pursuant to rule 3745-300-04 of the Administrative Code.
  - (2) The actual costs, limited to travel costs, incurred by the agency in performing system audits pursuant to rule 3745-300-04 of the Administrative Code;
  - (3) The actual costs incurred by the agency in performing compliance audits pursuant to rule 3745-300-04 of the Administrative Code.
  - (4) The actual costs incurred by the agency that are associated with laboratory requests for additional certification for additional parameter groups, analytes or methods pursuant to rule 3745-300-04 of the Administrative Code.
- (E) For all activities not addressed by paragraph (B), (C), or (D) of this rule, the actual costs incurred by the agency shall be charged to and paid by the beneficiary or subject, as applicable, of the activity. These activities may include, but are not limited to: providing site-specific technical assistance; reviewing demonstrations of sufficient evidence of entry into the voluntary action program; reviewing urban setting designation requests; reviewing a variance request, or a case-by-case groundwater demonstration; enforcing or administering compliance schedule agreements; monitoring compliance with operation and maintenance agreements, risk mitigation plans, or institutional controls; reviewing and approving remedy changes; and any other activities necessary for the enforcement or administration of this chapter and Chapter 3746. of the Revised Code.
- (F) In addition to any applicable existing permit fees, any person requesting a consolidated standards permit shall pay the actual direct and indirect costs related to obtaining and administering the consolidated standards permit.
- (G) Full payment of fees shall accompany any application or form, and shall be made by a form prescribed by the agency. Payment by check or money order shall be made payable to "Treasurer, State of Ohio" and indicate in the memo field the applicable fees being paid. Payment by use of an agency prescribed electronic system shall be completed in compliance with terms for system use. Fees are not refundable, unless specifically provided for in this chapter.
- (H) Any certification, permit, covenant, renewal or other action by the director under this

chapter or Chapter 3746. of the Revised Code which requires payment of a fee or cost shall not be made effective until full payment of all applicable fees or costs.