

Voluntary action program fees.

(A) **Applicability.** Fees shall be derived from the estimated actual costs 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 following:

- (1) The estimated typical time to complete each task, duty, or service.
- (2) The person or persons performing each task, duty, or service.
- (3) The applicable hourly rate plus fringe benefits for the person or persons performing the task, duty, or service.
- (4) 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: two thousand five hundred dollars.
 - (2) Annual fee for certified professionals: two thousand dollars.
 - (3) Initial certification of a fixed-base laboratory: five thousand dollars.
 - (4) Annual fee for certified laboratories: five hundred dollars.
 - (5) No further action letter submitted for a covenant not to sue with no environmental covenant: fifteen thousand seven hundred dollars.
 - (6) No further action letter submitted for a covenant not to sue that includes an environmental covenant: eighteen thousand two hundred dollars.
 - (7) No further action letter submitted for a covenant not to sue after having completed the voluntary action program memorandum of agreement track: ten thousand dollars.
 - (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: twelve thousand five hundred dollars.
-

- (C) For initial certification, a mobile laboratory shall pay the actual costs incurred by Ohio EPA relating to reviewing the application package and performing an audit 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 by Ohio EPA that are associated with laboratory requests for reinstatement or modification of the laboratory's certification pursuant to rule 3745-300-04 of the Administrative Code.
 - (2) The actual costs incurred by Ohio EPA for all travel time and costs in performing audits of fixed-base laboratories pursuant to rule 3745-300-04 of the Administrative Code.
 - (3) The actual costs incurred by Ohio EPA for all time and travel costs in performing compliance audits of certified laboratories pursuant to rule 3745-300-04 of the Administrative Code.
 - (4) The actual costs incurred by Ohio EPA for all time and travel costs for reviewing application packages for additional certification and performing audits 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 Ohio EPA 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, the following:
- (1) Providing site-specific technical assistance.
 - (2) Reviewing demonstrations of sufficient evidence of entry into the voluntary action program.
 - (3) Reviewing urban setting designation requests.
 - (4) Reviewing a variance request or a case-by-case ground water demonstration.
 - (5) Enforcing or administering compliance schedule agreements.

- (6) Monitoring compliance with operation and maintenance agreements, risk mitigation plans, or institutional controls.
 - (7) Reviewing remedy changes.
 - (8) 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 using a form prescribed by Ohio EPA. Payment by check or money order shall be made payable to "Treasurer, State of Ohio" and shall indicate in the memo field the applicable fees being paid. Payment by use of an Ohio EPA-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 is received by Ohio EPA.

Effective: 10/17/2019

Five Year Review (FYR) Dates: 7/31/2019 and 10/17/2024

CERTIFIED ELECTRONICALLY

Certification

10/07/2019

Date

Promulgated Under: 119.03
Statutory Authority: 3746.04
Rule Amplifies: 3746.04
Prior Effective Dates: 12/29/1995, 07/01/2006, 03/01/2009, 04/23/2012,
08/01/2014, 05/26/2016