

3745-300-03 Voluntary Action Program Fees

(A) As used in this rule:

- (1) "Actual costs" means the actual, substantiated direct, indirect and other costs associated with a specific voluntary action program activity.
- (2) "Direct costs" means all costs directly tracked or accounted for which may be attributed to a specific voluntary action program activity.
- (3) "Indirect costs" means all costs other than direct costs which may be attributed to a fee source including, but not limited to, administrative overhead, training of personnel, reporting to the legislature, program marketing, database management, word processing, printing, copying and tele-faxing. Indirect costs will be determined by multiplying direct costs by the indirect rate.
- (4) "Indirect rate" means the rate or percentage by which direct costs are multiplied to determine the indirect costs for a given fee or activity.
- (5) "Phase i no further action letter" means a no further action letter submitted to the director for a covenant not to sue which:
 - (a) Did not involve additional investigation beyond a phase i property assessment;
 - (b) Does not require restrictions on the access to or use of the property to achieve applicable standards; and
 - (c) Does not require the use of either engineering or institutional controls to achieve applicable standards.

(B) Voluntary Action Program fees.

- (1) Fees shall be derived from the estimated direct and indirect 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 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.
- (2) Fifty per cent of the direct and indirect costs of performing audits under this Chapter and Chapter 3746. of the Revised Code shall be incorporated into the fee for a no further action letter submitted for a covenant not to sue. Twenty-five per cent of the direct and indirect costs of performing audits under this Chapter and Chapter 3746. of the Revised Code shall be incorporated into the initial and annual fees for certified professionals. Twenty-five per cent of the direct and indirect costs of

performing audits under this Chapter and Chapter 3746. of the Revised Code shall be incorporated into the initial and annual fees for certified laboratories.

(C) The fees to be administered by the voluntary action program and the amount of those fees are as follows:

- (1) Initial certification of professionals - \$2,500.00;
- (2) Annual renewal of certified professionals - \$2,000.00;
- (3) Initial certification of laboratories - \$5,000.00;
- (4) Annual fee for renewal of certified laboratories - \$3,000.00;
- (5) Certified laboratories: certification for additional parameter groups, analytes or methods - \$500.00;
- (6) Phase i no further action letter submitted for a covenant not to sue- \$950.00;
- (7) No further action letter submitted for covenant not to sue- \$4,950.00;
- (8) Operation and maintenance agreement - \$2,950.00;
- (9) Variance from applicable standards - \$18,500.00;

(D) In addition to all applicable initial certification, annual renewal and additional certification fees paid, a certified laboratory shall pay the actual costs incurred by the director, his designee or his contractor associated with administering the necessary performance evaluations, as required in rule 3745-300-04 of the Administrative Code, including the costs associated with providing performance evaluation samples and scoring and evaluating results. A certified laboratory shall also pay the actual travel costs incurred by the director or his designee in performing any system audits or compliance audits pursuant to rule 3745-300-04 of the Administrative Code.

(E) For all activities not addressed by paragraphs (C) and (D) of this rule, the actual direct and indirect costs incurred by the agency shall be charged to the beneficiary or subject, as applicable, of the activity. These activities may include, but are not limited to: providing site-specific technical assistance; enforcing and administering compliance schedule agreements; monitoring compliance with operation and maintenance agreements or institutional controls; and any other activities necessary for the enforcement and 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) The voluntary action program fees may be revised based upon existing and additional time and cost estimates as well as actual time and cost data related to voluntary action program activities. These revisions may occur periodically as necessary.

(H) Full payment of fees shall accompany all application(s) or form(s), and shall be in the form of either a certified check or money order which indicates in the memo field the applicable fee or fees being paid. Fees are not refundable, unless specifically provided for in this chapter, and shall be made payable to "Treasurer, State of Ohio".

(I) 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.

EFFECTIVE: _____

CERTIFICATION: _____

DATE: _____

PROMULGATED UNDER: RC CHAPTER 119.

RULE AMPLIFIED: RC CHAPTER 3746.

RULE AUTHORIZED BY: RC CHAPTER 3746.

PRIOR EFFECTIVE DATES: NONE