

1512.0700 ELIGIBLE COSTS.

Subpart 1. **Reimbursable or payable corrective actions.** Costs associated with the following corrective actions may be eligible for reimbursement or payment:

- A. emergency responses to incidents including, but not limited to, costs incurred that are necessary to abate acute risks to human health, safety, and the environment;
- B. incident site hazard control measures including, but not limited to, containment and stabilization of the incident and removal of released material;
- C. investigation and source identification including, but not limited to, collecting and analyzing soil samples, testing the groundwater, testing site and adjacent drinking water supplies, structural testing, and engineering and consultant services;
- D. development of corrective action design according to requirements of the commissioner of agriculture; and
- E. cleanup of incidents including, but not limited to, removal, treatment, or disposal of surface or subsurface contamination.

Cleanup must be performed according to a corrective action design, approved by the commissioner of agriculture, except in circumstances where an eligible person takes all reasonable emergency corrective action necessary to minimize and abate an incident and the action is subsequently approved by the commissioner of agriculture.

Subp. 2. **Documentation of reasonableness.** The applicant shall prove the reasonableness of all incurred eligible costs. Upon request of the board or the board's staff, the applicant shall document the reasonableness of any costs included on the reimbursement application, or on any request for payment, by providing one or more of the following:

- A. evidence that the work was performed by a person or persons whose services were solicited through a competitive selection procedure that considers qualifications and cost;
- B. evidence that the cost is substantially equivalent to that charged by a comparable person or persons in the same geographical area for similar work performed;
- C. evidence that only one party was reasonably available to perform the necessary work; or
- D. evidence that only one party was reasonably qualified to perform the necessary work.

The board shall reimburse or pay only those costs it determines to be reasonable.

Statutory Authority: *MS s 18E.05*

History: *15 SR 1876*

Published Electronically: *September 10, 2007*