

**1512.0900 APPLICATION PROCESS.**

Subpart 1. **Request for reimbursement.** A person who wishes to apply for reimbursement from the account shall complete, sign, and submit to the board a written application. The application must be on a form prescribed by the board and must contain the following:

- A. name of person making the application;
- B. description of the site of the incident;
- C. summary of the corrective action design and the commissioner of agriculture's approval of the design, or a description of emergency corrective action taken and evidence of the commissioner of agriculture's subsequent approval of that action;
- D. itemized list of all corrective actions taken; the eligible costs associated with those actions; and the name of the person, contractor, consultant, or engineer who performed the action; and
- E. proof of payment.

Subp. 2. **Request for payment.** A person who wishes to apply for payment from the account shall complete, sign, and submit to the board a written application. The application must be on a form prescribed by the board and must contain the following:

- A. name of person making the application;
- B. description of the site of the incident;
- C. completed and signed affidavit summarizing the financial condition of eligible persons, and demonstrating an inability to pay the corrective action cost;
- D. copies of federal and state income tax returns for the last two years (corporate, partnership, or individual);
- E. monthly, quarterly, and annual financial statements for the last two years, prepared according to generally accepted accounting principles, relating to the financial condition of the applicant applying for payment, including financial statements for any businesses owned or operated by the applicant;
- F. a summary of the corrective actions taken, as approved by the commissioner, or a description of emergency corrective action taken and evidence of the commissioner of agriculture's subsequent approval of that action;
- G. itemized list of all corrective actions taken; the eligible costs associated with those actions; and the name of the person, contractor, consultant, or engineer who performed the action;

H. information detailing why corrective actions have not been completed or initiated; and

I. evidence sufficient to prove applicant's payment of \$1,000 for corrective action costs already incurred.

The board may waive the requirement for submission of all or a portion of the above described financial information, if reasonable and appropriate, upon written request of the applicant.

Only complete applications may be accepted by the board and incomplete applications must be returned to the applicant.

Subp. 3. **Time of application.** The board shall hear initial requests for reimbursement and payment applications by eligible persons at every regular meeting.

The board shall establish a priority system for hearing requests for payment or reimbursement. The priority system must be based primarily on department incident response site priorities, taking into account the health and welfare of the public, the effects on the environment, and the commissioner of agriculture's incident response case load and staff resources.

Subp. 4. **Subsequent application.**

A. An eligible person who has already obtained partial reimbursement or payment from the board and who has incurred additional or continuing costs due to the same incident may reapply if:

(1) the amount of the person's original reimbursement or payment was less than the maximum allowed under Minnesota Statutes, section 18E.04;

(2) the eligible person offers adequate evidence that all payments have been properly applied towards costs of corrective action approved by the commissioner of agriculture;

(3) the eligible costs submitted on a subsequent application are not related to any new incidents at the site; and

(4) the total reimbursement and payments to all eligible persons for an incident must not exceed the maximum allowed under Minnesota Statutes, section 18E.04.

B. Requests for reimbursement may be considered by the board no more than once every 12 months if the additional costs incurred are \$5,000 or less.

Subp. 5. **Signatures.** An application must be signed as follows:

A. for a corporation, by a principal executive officer of at least the level of vice-president or the duly authorized representative or agent of the executive officer if the representative or agent is responsible for the overall operation of the facility or site that is

the subject of the application or a person whom the board of directors designates by means of a corporate resolution; or

B. for a partnership, sole proprietorship, or individual by a general partner, the proprietor, or individual, respectively.

**Subp. 6. Certification.**

A. A person who signs an application for reimbursement or payment shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. I certify that the commissioner of agriculture has approved the corrective actions taken, as described in the approved corrective action design, or as otherwise approved by the commissioner. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I further certify that I have the authority to submit this application on behalf of ....."

B. A person who signs an application for payment shall also make the following certification:

"I certify that if I have submitted invoices for costs that remain unpaid that I will pay those invoices within 30 days of receipt of payment from the board. I understand that if I fail to do so, the board may demand return of all or any portion of money paid to me."

C. A person who signs an application for subsequent payment or reimbursement shall also make the following certification:

"I certify that I have complied with the commissioner of agriculture approved corrective action design provisions and the corrective actions were taken as described in that design."

**Subp. 7. Report of commissioner of agriculture.** Upon notification by the board's staff that a complete application has been received, the commissioner shall, in a timely manner, provide the board with a written report on the applicant's compliance or noncompliance with Minnesota Statutes, section 18E.04.

In addition, the board may request additional information from the commissioner or may request participation of agency staff at a board meeting. All responses to requests for information must be delivered in a timely manner. The board may delegate these powers to its staff.

**Statutory Authority:** *MS s 18E.05*

**History:** *15 SR 1876; 29 SR 271*

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