

2890.4400 APPLICATION PROCESS.

Subpart 1. **Applications.** An applicant must complete, sign, and submit to the board a written application. The application must be made on a form prescribed by the board and must contain at least the following:

- A. the legal name of the person making the application;
- B. a description of the site of the release;
- C. a copy of all competitive bids and competitive proposals obtained by the applicant as required by parts 2890.2000 and 2890.4000;
- D. a copy of the proposals for each step of services as required by parts 2890.1000 to 2890.2000;
- E. a copy of all change orders, if any, as required by parts 2890.2100 and 2890.4100;
- F. a copy of all cost summaries and invoices as required by parts 2890.1000 and 2890.4300; and
- G. a copy of a site map that identifies the locations of any soil borings advanced and any monitoring wells installed as part of corrective action at the leak site.

Subp. 2. **Time of application; costs payable under an insurance policy.** The applicant must make reasonable efforts to collect payment from an insurer for any costs that are payable under an applicable insurance policy before applying for reimbursement for those costs.

Subp. 3. **Supplemental applications.** An applicant who has already submitted to the board an application for reimbursement and who has incurred additional or continuing eligible costs may apply for reimbursement of those costs by filing a supplemental application. An applicant may file a supplemental application only if the applicant has not submitted the costs on a previous application and the costs are not related to a new release at the site.

Subp. 4. **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, by the duly authorized representative or agent of the executive officer if the representative or agent is responsible for the overall operation of the facility that is the subject of the application, or by a person whom the board of directors designates by a corporate resolution;
- B. for a partnership, sole proprietorship or individual, by a general partner, the proprietor, or individual respectively; or

C. for a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official, or by the duly authorized representative or agent of the principal executive officer if the representative or agent is responsible for the overall operation of the facility that is the subject of the application.

Subp. 5. **Certification.** A person who signs an application for reimbursement must 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. 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 and belief, true, accurate, and complete.

I certify that if I have submitted invoices for costs that I have incurred but that remain unpaid, I will pay those invoices within 30 days of receipt of reimbursement from the board. I understand that if I fail to do so, the board may demand return of all or a part of reimbursement paid to me and that if I fail to comply with the board's demand, that the board may recover the reimbursement, plus administrative and legal expenses in a civil action in district court. I understand that I may also be subject to a civil penalty."

Additionally, if the applicant is not an individual, the person authorized under subpart 4 must make the following certification: "I further certify that I am authorized to sign and submit this application on behalf of (entity)."

Subp. 6. **Report of commissioner.** No later than 15 days after receiving notification from the board's staff that a complete application has been received, the commissioner must provide the board with a written report on:

A. whether the corrective action was appropriate in terms of protecting public health, welfare, and the environment; and

B. the applicant's compliance or noncompliance with the requirements listed in Minnesota Statutes, section 115C.09, subdivision 3, paragraph (i). The report must include documentation supporting the commissioner's findings, if necessary.

In addition, the board may, as it considers necessary, ask for additional information from the commissioner or ask for participation of agency staff at a board meeting. 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 115C.07*

History: *12 SR 2142; 14 SR 1928; 15 SR 2266; 16 SR 2684; 18 SR 1471; 20 SR 227; 28 SR 383; 30 SR 1003*

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