

7152.0400 INELIGIBLE COSTS.

Subpart 1. **Generally.** Costs associated with actions conducted under Minnesota Statutes, section 115B.50, subdivision 2, are not eligible for reimbursement from the account when the costs are:

- A. not incurred by the applicant; or
- B. not reasonable according to Minnesota Statutes, section 115B.50.

Subp. 2. **Specific items.** The following specific items are not eligible for reimbursement:

- A. loss of income;
- B. the applicant's attorney fees or other fees charged by an attorney or by another person for providing legal or quasi-legal advice, filing appeals, or providing legal testimony;
- C. costs for permanent relocation of residents;
- D. decreased property values for the applicant's property;
- E. costs for the applicant's own time spent in planning, performing, or administering a response action;
- F. costs for aesthetic or site improvements not deemed reasonable and necessary by the commissioner to protect the public health or welfare or the environment under the standards required in Minnesota Statutes, sections 115B.01 to 115B.20;
- G. costs for work performed that is not in compliance with applicable codes;
- H. per diem charges for sites less than 60 miles from an office of the person providing consultant services or contractor services;
- I. costs for repair or restoration of structures, surfaces, or land damaged by equipment used in the response action, unless the damage was unavoidable to implement the response action;
- J. administrative costs incurred by the applicant, such as:
 - (1) costs for preparing applications;
 - (2) costs for responding to inquiries from agency staff regarding applications; and
 - (3) other administrative costs;
- K. costs for priority turnaround of laboratory analysis, unless requested by the commissioner in writing;
- L. late payment fees;
- M. fees charged by property owners for access to private property;
- N. interest costs;

- O. costs for work done solely to facilitate a property transfer or refinance;
- P. purchasing price of property being acquired;
- Q. administrative costs associated with acquiring business, preparing or responding to a request for proposal, or preparing invoices for services provided or performed;
- R. costs for reports not submitted to the commissioner or not required by the commissioner;
- S. costs for work that must be redone due to workmanship that fails to meet industry standards;
- T. consultant markup charges;
- U. costs reimbursed by insurance;
- V. costs for repair, replacement, or upgrade of a facility or equipment;
- W. investigation or response actions related to contamination not associated with a dry cleaning operation;
- X. costs resulting from illegal actions as provided in Minnesota Statutes, section 115B.51;
- Y. costs for third-party review or oversight of another party's environmental work; and
- Z. the first \$10,000 of aggregate response-action costs, according to Minnesota Statutes, section 115B.50, subdivision 2, paragraph (a).

Statutory Authority: *MS s 14.389; 115B.50; L 2016 c 123 s 5*

History: *42 SR 1444*

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