

7514.1700 COST RECOVERY.

Subpart 1. **Submitting claim for team response costs.** Regional teams shall submit to the commissioner claims for reimbursement of reasonable and necessary costs incurred as a result of a response in the manner and form identified in part 7514.0900, subpart 7.

Subp. 2. **Team response costs; payment and recovery.** The state shall reimburse regional teams for reasonable and necessary costs of a response after receipt of a properly filed claim. The state shall recover the team's costs, and the state's legal and additional court costs, from the responsible person.

Subp. 3. **Team response costs eligible for recovery.** Reasonable and necessary team response costs associated with an actual response by a team may be recovered by the team from the state and by the state from the responsible person. Costs eligible for recovery include:

- A. team personnel costs;
- B. additional wage costs for local callback personnel;
- C. vehicle operating costs;
- D. cost of consumable supplies used;
- E. repair or replacement of damaged or destroyed capital equipment;
- F. communications costs, including long distance and cellular telephone charges;
- G. administrative costs;
- H. cost incurred in the use of specialized equipment as provided in part 7514.1200;
- I. cost incurred in the use of special technical assistance as provided in part 7514.1200;
- J. costs associated with providing support to clean-up operations when requested in accordance with part 7514.0900, subpart 5;
- K. costs associated with providing standby technical assistance when requested in accordance with part 7514.1600, subpart 4; and
- L. other direct costs incurred by the team as a result of the response.

Subp. 4. **Billing responsible person for costs.** The commissioner shall bill the responsible person for eligible response costs after receipt of a properly filed claim. If the responsible person fails to pay the bill in full within 30 days of its issuance, the commissioner shall issue subsequent billings. Billings must include interest, at the

judgment rate currently charged by the state, per month on the unpaid balance. If payment in full is not made within 60 days of the issuance of the first bill, the commissioner:

- A. shall contact the responsible person in an attempt to resolve the claim; and
- B. may bring legal action to recover any unpaid balance.

Subp. 5. **Right to appeal costs billed.** A responsible person that disagrees with a billing for response costs may file a written appeal with the commissioner. The appeal must be filed within 30 days of the billing. The written appeal must clearly state what portions of the billing are being appealed and the basis of the appeal. The commissioner shall review each appeal and issue a written determination within a reasonable time affirming, amending, or rescinding the disputed costs. A responsible person may withhold the amount of the billing in dispute while an appeal is pending. The responsible person must not be assessed interest on the disputed amount while the appeal is in process, unless the commissioner determines that the appeal is solely for the purpose of delay. Any person aggrieved by a decision made by the commissioner under this subpart may proceed before the commissioner as with a contested case in accordance with the Administrative Procedure Act.

Subp. 6. **Costs not eligible for payment or recovery by commissioner.** The commissioner shall not pay or recover from the responsible person response costs incurred by the local jurisdiction that requested the response of a regional team.

Statutory Authority: *MS s 299A.50*

History: *19 SR 450*

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