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March 26, 2024

Nonrule Policy Document Waste-0078-NPD-R1
Ms. Peggy Dorsey, Assistant Commissioner
Office of Land Quality
Attention: Chris Bowman
Indiana Department of Environmental Management
100 North Senate Avenue, Room 1101
Indianapolis, Indiana 46204
cbowman@idem.in.gov

RE: Excess Liability Trust Fund Cost Guidance Comments and Request
for Clarification
Nonrule Policy Document # Waste-0078-NP-R1

Dear Ms. Dorsey and Mr. Bowman,

Creek Run L.L.C. Environmental Engineering (Creek Run) has completed a review of the pending Excess Liability Trust Fund Cost Guidance nonrule policy (Policy Number: Waste-0078-NPD-R1) provided by IDEM for public comment. We appreciate the opportunity to comment on the NPD as Creek Run has submitted over \$60 million in claims to the Excess Liability Trust Fund (ELTF) and other state reimbursement programs in Ohio, Michigan, and Kentucky and has obtained closure on 285 sites since our inception in 1993. The majority of our clients are petroleum underground storage tank owners who have accessed the ELTF for reimbursement of our work.

We have provided comments and recommendations for changes as well as notes where IDEM may consider providing additional information or clarity within the document. Some comments include questions. While answers to our questions are appreciated, Creek Run is recommending IDEM consider modifying the language and/or providing additional language in the final version of the document to address such questions within the document and alleviate confusion. General comments are provided below followed by task-specific comments.

General NPD Comments

1. What level of scrutiny will IDEM impose on work performed by contractors and the subsequent report that is submitted for reimbursement. The Agency Nonrule Policy Document (NPD) cover letter states the following under "2.0 Scope"-

The total reimbursable cost listed for a given task in the cost guidance was reached using typical personnel and time necessary to satisfactorily perform the task. As long as a submitted claim requests at or below the total reimbursable cost specified by the cost guidance for that task, consultants may have utilized any combination of personnel and time to perform the given activity.

Given that statement, if a consultant is able to complete the scope of work in less time as outlined in the Cost Guidance document, can the consultant seek reimbursement for the full amount allotted under the given task? Can the consultant submit a fixed-fee invoice for its labor without providing back-up personnel records and timesheets?

2. Most of the labor hour breakdowns for the fixed fees have tasks assigned to levels of staff that would not be responsible for those tasks. For instance, under *Task A.2.a: Soil Borings*, the planning and preparation budget contains only 2 hours for a project manager to perform all tasks necessary for this phase even though the project manager is responsible for most of the preparation and planning on all projects. The bulk of hours are allotted at the staff project person level. A realistic breakdown of hours would be the following:

- Principal – 1 hour – technical expert to assist staff
- SPM – 2 hours – provide technical guidance
- PM – 6 hours – correspondence, coordination, scope of work development, prepare and solicit bids, discuss scope of work/provide instructions to field staff
- SPP – 1 hour – prepare for field work, review scope of work with/receive instructions from the project manager
- Clerical – 1 hours – general clerical duties

Most of the fixed fee budgets outlined in the NPD do not contain any time for billing at the senior project manager rate. IDEM requires either a CHMM, LPG, PE or CPSS to sign off on all technical reports submitted to ensure the integrity of the work performed. Therefore, SPM time is needed to assist in and supervise planning and preparation and evaluate scopes of work and field work in order to be able to sign off that work was appropriately completed. For example, by signing/stamping a report, an LPG certifies that he or she performed the work and/or supervised the work.

Most of the fixed fee budgets outlined in the NPD do not contain any time for billing at the principal rate. Principals of environmental consulting companies are not just business owners, but science practitioners with environmental-related degrees and industry knowledge. In addition to knowledge of scientific practices, understanding the goals and wishes of the responsible party, as well as potential future plans for the facility are vital to developing closure objectives and appropriate remedies for a site. This information is most often relayed by officers



of the responsible party to the principal of a consulting firm (as opposed to the responsible party staff that project managers typically communicate with). It is important that the principal discusses this information with the project team and provide limited supervision and guidance to staff in planning for and completing project work.

3. Creek Run suggests that the Cost Guidance document contain an annual indexing provision to allow for the cost reimbursement rates to increase consistent with the increase in labor and material costs.
4. Creek Run suggests that IDEM reduce the bid requirement for projects from three bidders to two, as it can be difficult to find three potential contractors on many projects. We also suggest revising allowable costs subcontractors use for construction-type work. Obtaining three bids from subcontractors is time-consuming as many subcontractors will not work on ELTF projects. This can significantly increase the amount of time required by the project manager in the planning and preparation phase of a project (soliciting subcontractor bids). While we appreciate the recent increase in drilling costs, there have not been any proposed updates to costs allowed by heavy equipment subcontractors outlined in 328 IAC (see pages 17 through 20). The bidding process is supposed to allow subcontractors to use alternative costs. However, line-item costs are often short-reimbursed by ELTF to the allowable cost in 328 IAC.

Task Specific Comments

5. Task A.1: Investigation Work Plans: Will formal work plans need to be prepared and submitted to IDEM to be considered for reimbursement? Currently, once a work plan is developed, it is customary for consultants to submit an informal description of the work plan as an email to IDEM staff. Work plans may be needed multiple times throughout the Further Site Investigation (FSI) work phase. Will work plan fixed fee budgets be able to be used multiple times during the FSI phase?
6. Task A.1.a: Work Plan for Site Investigations: The allocation of hours for preparation of a Work Plan for Investigations does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.



Personnel	Activities	Total Hours
Principal	Technical expert to assist staff	1
SPM	Review and evaluate data, develop/modify conceptual site model, develop work plan. Provide technical guidance, final review and signature	6
PM	Work plan report preparation	10
Drafting	Prepare drawings, figures	4
Clerical	General clerical duties	1
	Total Hours for Task	22

We propose a task-based reimbursement cost as of June 1, 2023 of \$2,609.25.

7. Task A.1.b: Work Plan for Vapor Investigations: The allocation of hours for preparation of a Work Plan for Vapor Investigations does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Principal	Technical expert to assist staff	0.5
Senior PM	Final review and Signature	1
PM	Project Management, Work Plan Preparation	8
Staff	Work Plan Preparation	4
Drafting	Prepare figures	4
Clerical	Word processing, clerical support	2
	Total Hours for Task	19.5

We propose a task-based reimbursement cost as of June 1, 2023 to be \$1,979.88.

8. Task A.1.c: Work Plan for High Resolution Site Characterizations: The allocation of hours for HRSC work plan development does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Principal	Technical Expert	1
Senior PM	Final review and Signature	2
PM	Project Management, Work Plan Preparation	22
Staff	Work Plan Preparation	2
Drafting	Prepare figures	6
Clerical	Word processing, clerical support	2
	Total Hours for Task	35



We propose a task-based reimbursement cost as of June 1, 2023 to be \$3,874.25.

9. Task A.2.a: Soil Boring Advancement & Monitoring Well Installation: During soil boring advancement, temporary wells are often installed to facilitate groundwater sample collection. We recommend allowing one-half hour for every groundwater sample collected in addition to the one-half hour for every soil sample recovered.

Clarification is needed on the allowance of one-half hour of consultant labor for every soil sample recovered from each borehole. Does “recovered” indicate every two-feet of soil samples recovered for measuring and recording hardness, recording lithologic descriptions, and screening for impacts, etc. or only soil samples submitted for laboratory analysis?

The NPD states that activities included in total cost/foot includes “collection of soil and/or groundwater samples for analyses” and also states that a “consultant labor charge of up to one-half hour for every soil sample recovered from each borehole may be proposed for reimbursement”. Please provide clarification on these conflicting statements.

The allocation of hours for preparation and planning does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hours: First or only day of field activities	Total hours: subsequent day(s) of field activities
Principal	Technical expert to assist staff	1	0.25
SPM	Review and evaluate data, develop/modify conceptual site model, develop work plan, provide technical guidance	2	0.5
PM	Coordination, correspondence, bid spec development, solicit bids	6	2
SPP	Review scope of work with project team	1	0.5
Clerical	General clerical duties	1	0.5
	Total Hours for Task	11	3.75

We propose a one-day, task-based reimbursement cost as of June 1, 2023 of \$1,365.25 and \$440.69 for each subsequent day.



10. Task A.2.b: Groundwater Monitoring Well Installation: Clarification is needed on the allowance of one-half hour of consultant labor for every soil sample recovered from each borehole. Does “recovered” indicate every two-feet of soil samples recovered for measuring and recording hardness, recording lithologic descriptions, and screening for impacts, etc. or only soil samples submitted for laboratory analysis?

The NPD states that activities included in total cost/foot includes “collection of soil and/or groundwater samples for analyses” and also states that a “consultant labor charge of up to one-half hour for every soil sample recovered from each borehole may be proposed for reimbursement”. Please provide clarification on these conflicting statements.

The allocation of hours for preparation and planning does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hours: First or only day of field activities	Total hours: subsequent day(s) of field activities
Principal	Technical expert to assist staff	1	0.25
SPM	Review and evaluate data, develop/modify conceptual site model, develop work plan, provide technical guidance	2	0.5
PM	Coordination, correspondence, bid spec development, solicit bids	8	2
SPP	Review scope of work with project team	1.5	0.5
Clerical	General clerical duties	1	0.5
	Total Hours for Task	13.5	3.75

We propose a one-day, task-based reimbursement cost June 1, 2023 of \$1,667.75 and \$440.69 for each subsequent day.



11. Task A.2.c: Groundwater Monitoring Well Development: The allocation of hours for well development and associated waste characterization /disposal does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs: First or Only Well	Total Hrs: Each Subsequent Well
PM	Prepare work scope, Coordinate waste disposal	5	
Tech	Prepare equipment & develop wells (s), prepare field notes, waste characterization sample collection & preparation	4	1
	Total Hours for Task	9	1

We propose a task-based reimbursement cost as of June 1, 2023 to be \$913 and \$72 for each subsequent well.

12. Task A.2.e: Installation of Vapor Points/Probes Comments: The allocation of hours for preparation and planning does not reflect realistic labor hours needed and or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities utilizing direct push technology	Total hours
Principal	Technical expert to assist staff	0.5
SPM	Review and evaluate data, develop/modify conceptual site model, develop work plan, provide technical guidance	2
PM	Coordination, correspondence, scope of work development, solicit bids, on-site meeting to discuss locations with property owner	9
SPP	Review scope of work with project team, obtain supplies	2
Clerical	General clerical duties	1
	Total Hours for Task	14.5

We propose the task-based reimbursement cost as of June 1, 2023 be \$1,763.38.



13. Task A.2.f: High Resolution Site Characterization (HRSC): The allocation of hours for HRSC planning does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs: First or Only Well	Total Hrs: Subsequent Day(s) of field activities
Principal	Technical Expert	1	
SPM	Coordination with high resolution tool provider	4	
PM	Project management & coordination with high resolution tool provider, preparation of bids, coordinate waste disposal (does not include access agreements)	14	1
Staff	Solicit bids, prepare for field activities	4	
	Total Hours for Task	23	1

We propose a task-based reimbursement cost as of June 1, 2023 to be \$2,941.75 and \$125 for each subsequent day.

14. Task A.4 Environmental Restrictive Covenant (ERC): We request that the following line be struck from the Cost Guidance document:

ERC preparation and recording costs will not be reimbursed until the ERC is recorded on the property deed.

The recording process may take up to one year to complete, depending on circumstances beyond the control of the contractor. It is therefore not appropriate to withhold reimbursement under these conditions. There are instances in which time is spent discussing and educating property owners (including off-site property owners) about ERCs and the property owners conclude that they will not allow recordation of the ERC on their property. In these cases, labor spent toward determining the feasibility of an ERC should be reimbursed regardless of if the ERC is recorded. Additionally, IDEM typically requests a draft ERC be prepared and submitted in the early stages of investigation, which can take up to a year. Following completion of investigations, a minimum of four to eight quarters of groundwater monitoring is typically required prior to determining appropriate remedies or closure eligibility. Time would then be billed and remain unreimbursed for several months up to several years until it's the appropriate time to record the ERC.

Clarification is needed on if the budget is \$1,559 per ERC or per incident.



The allocation of hours for this activity does not reflect realistic labor hours needed or hours at the appropriate pay rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hours:
Principal	Coordinate legal matters with attorneys	1
SPM	Provide technical guidance, review draft ERC	3
PM	Coordination, correspondence, complete draft ERC	8
SPP	Obtain and record deed	3
Drafting	Drafting of property map	3
Clerical	General clerical duties	1
	Total Hours for Task	19

We propose the task-based reimbursement cost as of June 1, 2023 be \$2,158.00.

15.Task A.5.a: Corrective Action Plan Preparation for a Non-Engineered Remedy: The allocation of hours for CAP preparation does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Principal	Technical Expert	2
Senior PM	Final review of CAP	4
PM	Coordination, project management, permitting, CAP preparation	30
Staff	Data compilation	10
Drafting	Prepare drawing, figures, plans	8
Clerical	Word processing, clerical support	3
	Total Hours for Task	57

We propose a task-based reimbursement cost as of June 1, 2023 to be \$6,345.

16.Task A.5.b: Corrective Action Plan Preparation for an Engineered Remedy: The allocation of hours for CAP preparation does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.



Personnel	Activities	Total Hrs:
Principal	Technical Expert	2
SPM	Final review of CAP	8
PM	Coordination, project management, permitting, CAP preparation	50
Drafting	Prepare drawing, figures, plans	10
Clerical	Word processing, clerical support	4
	Total Hours for Task	74

We propose a task-based reimbursement cost as of June 1, 2023 to be \$8,566.

17. Task B.1.a: Contaminated Soil Excavation: The allocation of hours for coordination and oversight of soil excavation does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Principal	Technical Expert	1
SPM	Review bid documents	3
PM	Coordination, project management, bid documentation prep, coordinate waste disposal	20
Staff	Review project scope, prepare for field	4
Staff	Oversee field activities (1 day)	12
Tech	Prepare field notes, loading of equipment, sample preparation	4
	Total Hours for Task	43

We propose a task-based reimbursement cost as of June 1, 2023 to be \$5,087.75.

18. Task B.1.b: Injection of In-Situ Chemical Oxidation Solutions: The allocation of hours for injection of in-situ solutions does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Principal	Technical Expert	0.5
SPM	Review bid documents	2
PM	Coordination, project management, bid documentation prep	10
Staff	Injection event preparation; solution procurement and mixing; prepare for field activities	4
Staff	Oversee field activities (1 day)	12
Tech	Prepare field notes, loading/unloading of equipment	4
	Total Hours for Task	32.5



We propose a task-based reimbursement cost as of June 1, 2023 to be \$3,603.88.

19. Task B.1.c: Vacuum Truck Event: The allocation of hours for vacuum truck events does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Principal	Technical Expert	0.5
SPM	Review bid documents	3
PM	Coordination, project management, bid document prep, coordinate waste disposal	8
Staff	Review project scope, prepare for field	2
Staff	Oversee field activities (1 day)	12
	Total Hours for Task	25.5

We propose a task-based reimbursement cost as of June 1, 2023 to be \$3,007.88.

20. Task B.2.a: CAPI Report Preparation for a non-engineered remedy: The allocation of hours does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total hours
Principal	Technical expert to assist staff	1
SPM	Provide technical guidance, final review of report	2
PM	Data evaluation, preparation of report	20
Drafting	Prepare drawings, figures and plans	6
Clerical	General clerical duties	2
	Total Hours for Task	31

We propose the task-based reimbursement cost as of June 1, 2023 be \$3,414.25.

21. Task B.2.b: CAPI Report Preparation for remediation system (as-built and start-up): The allocation of hours does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.



Personnel	Activities	Total hours
Principal	Technical expert to assist staff	2
SPM	Provide technical guidance, final review of report	6
PM	Data evaluation, preparation of report	35
Drafting	Prepare drawings, figures and plans	15
Clerical	General clerical duties	4
	Total Hours for Task	62

We propose the task-based reimbursement cost as of June 1, 2023 be \$6,688.25.

22.Task C.1.a: Groundwater Sampling Planning/Preparation & Field Work: The allocation of hours for preparation and planning does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total hours
Principal	Technical expert to assist staff	0.5
SPM	Review and evaluate data and contaminant trends, develop/modify conceptual site model, develop work plan, provide technical guidance	2
PM	Coordination, correspondence, discuss work plan with project team, drum disposal coordination	5
FT	Prepare field notes, loading of equipment, sampling preparation,	4
Clerical	General clerical duties	1
	Total Hours for Task	12.5

We propose the task-based reimbursement cost as of June 1, 2023 be \$1,341.38.

23.Task C.1.b: Quarterly Monitoring/Remediation Status Report Preparation: The Cost Guidance document assumes a site has up to 12 monitoring wells. Many sites have more than 12 wells. Will IDEM allow for reimbursement beyond 12 well sites? If so, how will the time allowance and cost reimbursement be calculated for those additional wells?

Clarification is needed of the statement “This task-based reimbursement cost for QMR writing assumes a site has up to 12 monitoring wells”. Please provide clarification if this statement means 12 *total* monitoring wells, 12 monitoring wells *sampled*, or 12 monitoring wells *gauged*? Assuming IDEM means 12 *total* wells, will IDEM provide what metrics/framework it will use to determine cost effectiveness for sites with greater than 12 wells?



The allocation of hours for report preparation does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total hours
Principal	Technical expert	0.5
SPM	Project oversight, final review	3
PM	Report preparation	14
Drafting	Prepare/update drawings, figures, maps	3
Clerical	Word processing, clerical support	1
	Total Hours for Task	21.5

We propose the task-based reimbursement cost as of June 1, 2023 be \$2,511.13.

24. Task C.2.a: Remediation System Operation and Maintenance: The allocation of hours for routine operation and maintenance does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
PM	Project management, waste disposal coordination	3
Staff	Monitor system operations, evaluate system, make adjustments to system; prepare for field	5
Tech	Monitor system operations, record operating parameters, inspect system, collect influent/effluent water samples and vapor samples; prepare field notes, loading equipment, sample preparation	12
	Total Hours for Task	20

We propose a task-based reimbursement cost as of June 1, 2023 to be \$1,764.

25. Task C.2.b: Non-Scheduled Remediation System Maintenance: The allocation of hours for non-scheduled system maintenance does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Senior PM	Project oversight, review scope	2
PM	Project management, scope planning	3
Staff	Perform onsite remediation system maintenance/repairs, coordinate with repair vendor (if necessary)	10
Tech	Assist with system maintenance (if necessary)	10
	Total Hours for Task	25



We propose a task-based reimbursement cost as of June 1, 2023 to be \$2,449.

26. Task C.2.c: Review of telemetry reports: The allocation of hours for telemetry report review does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
SPM	Project oversight, final review	3
Staff	Perform onsite remediation system maintenance/repairs, coordinate with repair vendor (if necessary)	10
Tech	Assist with system maintenance (if necessary)	10
	Total Hours for Task	23

We propose a task-based reimbursement cost as of June 1, 2023 to be \$2,226.

27. Task C.2.d: Remediation system permit report preparation: The allocation of hours for system permit report preparation does not reflect realistic labor hours needed hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
SPM	Project oversight, review and certification of report	2
PM	Prepare remediation system permit-related reports and documentation	4
Clerical	Proofreading, editing, clerical support	1
	Total Hours for Task	7

We propose a task-based reimbursement cost as of June 1, 2023 to be \$846.50.

28. Task C.3: Vapor Sampling Planning/Preparation and Field Work: We suggest removing the sentence “This task should be combined with other field tasks such as additional site investigations and/or groundwater sampling”. This task is often completed as a stand-alone task and cannot always be coupled with additional investigation tasks.

We suggest adding the following items under the section “Potential activities or items that may be added to above table as necessary”:

- Tubing and connectors for summa canisters
- Samples needed for residential VI that require a second trip

The allocation of hours does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.



Personnel	Activities	Total hours for First or Only Vapor Sampling type	Total hrs. for each additional sample point
Project Manager	Project set-up, supervision, coordinate waste disposal	1	1
Field Technician	Complete indoor air checklist, collect temperature, weather, cannister, and sampling information, begin collection of sample(s)	4	2
	Total Hours for Task	5	3

We propose the task-based reimbursement cost as of June 1, 2023 be \$413 for first or only sample port and \$269 for each additional sample port.

29.Task D.1.c: NFA Request Report with Environmental Restrictive Covenant: We recommend adding the following clarifying sentence to this section:

Labor billed for preparation of a draft ERC is eligible for reimbursement upon IDEM’s approval of the draft ERC for recordation.

We also recommend adding “Recording Fee” under the list of "potential activities or items that may be added to above table, as necessary”.

30.Task D.2.a: Remediation System Decommissioning & Site Restoration Planning/Preparation: The allocation of hours does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total hours
Principal	Technical expert to assist staff	1
SPM	Prepare bids and select contractors	6
PM	Coordination and correspondence	4
Clerical	General clerical duties	1
	Total Hours for Task	12

We propose the task-based reimbursement cost as of June 1, 2023 be \$1,618.25.

31.Task D.2.b: Permanent Well Closure Planning/Preparation and Field Oversight: Under “Potential activities or items that may be added to the above table, as necessary” we suggest adding the following items:



- a. Right-of-way permits
- b. Traffic control
- c. Hotel and per diem for sites with large numbers of wells and/or that require more than one day on-site

32.Task E.1.a: UST Decommissioning & Removal – Planning/Preparation: We recommend the following item under “activities included in total hours for above task”:

- Evaluate bids for soil boring advancement used for landfill approval and the collection of a groundwater sample (if necessary).

The allocation of hours for UST decommissioning planning does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours. In addition, time was added to submit and evaluate bids to advance one soil boring used to collect a soil sample to obtain landfill approval and/or collect a groundwater sample.

Personnel	Activities	Total Hrs:
Principal	Technical Expert	1
SPM	Provide technical guidance, review bids and select contractor	4
PM	Project Management, Preparation of notification form, coordinate field activities, submit and evaluate bids (if necessary)	12
Staff	Prepare for field activities, coordinate utility locates	2
Clerical	General clerical duties	1
	Total Hours for Task	20

We propose a task-based reimbursement cost as of June 1, 2023 to be \$2,524.25

33.TASK E.1.b: UST Closure Report Preparation: The allocation of hours for UST Closure Report preparation does not reflect realistic labor hours needed to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Senior PM	Final review of CAP	3
PM	Coordination, project management, permitting, CAP preparation	20
Staff	Data compilation	3
Drafting	Prepare drawing, figures, plans	8
Clerical	Word processing, clerical support	2
	Total Hours for Task	36

We propose a task-based reimbursement cost as of June 1, 2023 to be \$3,838.00.



34. Task E.2: Tank Installation – Planning/preparation: The allocation of hours for planning and preparation of tank installation activities does not reflect realistic labor hours needed or hours at the appropriate billing rate to perform the work required. The table below reflects a more realistic breakdown of hours.

Personnel	Activities	Total Hrs:
Senior PM	Review bid documents (if necessary)	1
PM	Plan and Coordinate field activities, submit & evaluate bids, (if necessary), preparation of notification form	10
Staff	Assist with bid submission and review	2
	Total Hours for Task	13

We propose a task-based reimbursement cost as of June 1, 2023 to be \$1,612.00.

35. Task F: ELTF Claim Preparation: The fixed-fee budget of 7.5 hours provided for preparation of an ELTF claim with three pay requests is reasonable. However, 7.5 hours is unrealistic if the claim contains resubmittals. Preparation of resubmittals can be complex if justification of hours is needed. Very little clarity is given by IDEM on ELTF denials on exactly what information is needed to justify costs. A more realistic budget is 7.5 hours for one claim with 3 pay requests with the addition of 3 hours per additional pay request beyond 3.

36. Task G.4: Access Agreements: Clarification is needed on if the fixed-fee budget is allowed per off-site property or per incident. We recommend that this budget be allowed per off-site property associated with an incident.

37. Regarding Appendix F: Utility Locate: The allocation of cost for utility locate does not reflect current contractor costs.

Utility Locate Cost	\$/event
Includes locating underground utilities, structure and anomalies (≤ 4 hours on-site)	\$1,100
Includes locating underground utilities, structure and anomalies (> 4 hours on-site)	\$2,100

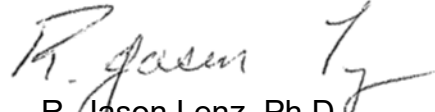


We thank you for allowing us to provide the above comments. If you have any questions or need clarification on any of the comments, please do not hesitate to contact us.

Sincerely,



Lisa Hendershot, CHMM
Chief Operating Officer



R. Jason Lenz, Ph.D.
Chief Executive Officer

Cc: Mr. Brian Rockensuess, IDEM Commissioner
Mr. Nivas Vijay, Financial Assurance Board Chairman
Ms. Nancy King, IDEM General Counsel
Mr. Tom Navarre, Financial Assurance Board Member
Mr. Mark Matson, SCS Environmental Contracting, founding member of
Environmental Professionals of Indiana Commission (EPIC)

