


INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT	STATUS: Effective	POLICY NUMBER: WASTE-0068-NPD	
AGENCY NONRULE POLICY DOCUMENT	AUTHORIZED: <i>Carol S. Comer, Commissioner</i>		
	SUPERSEDES: <i>New</i>	ISSUING OFFICE(S): Office of Land Quality, UST Branch, ELTF Claims Section	
	ORIGINALLY EFFECTIVE: September 15, 2016	RENEWED/REVISED:	

Disclaimer: This Nonrule Policy Document (NPD) is being established by the Indiana Department of Environmental Management (IDEM) consistent with its authority under IC 13-14-1-11.5. It is intended solely to provide guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and if it conflicts with these rules or laws, the rules or laws shall control. Pursuant to IC 13-14-1-11.5, this policy will be available for public inspection for at least 45 days prior to presentation to the Underground Storage Tank Financial Assurance Board, and may be put into effect by IDEM 30 days afterward. IDEM also will submit the policy to the Indiana Register for publication.

1.0 PURPOSE

The Excess Liability Trust Fund (ELTF) was established, among other things, to assist owners and operators of underground petroleum storage tanks in establishing evidence of required financial responsibility and to provide a source of money to satisfy liabilities related to corrective action, pursuant to Ind. Code § 13-23-7-1. Per Ind. Code § 13-23-9-2(b)(2), the ELTF Administrator is only authorized to approve requests for payment from the ELTF for work that is reasonable and cost effective. Per 328 IAC 1-3-8.3, “reasonable” means that “site characterization and corrective action are appropriate and performed only as necessary to meet the cleanup objectives of the site.” Applicable rules governing the ELTF allow reimbursement of corrective action costs related to petroleum contamination and establish rates for many of these costs, including labor or personnel costs, as specified in 328 IAC 1-3-5(e) (at subheading “Personnel”). When submitting a claim for reimbursement, this rule requires the applicant to specify which personnel classification is being claimed, the task being performed, and the name of the individual performing the task. **Rates are to be paid based on the task performed by the employee rather than the qualifications of the employee, per 328 IAC 1-3-5(e).**

328 IAC 1-3-5(f) provides the personnel classifications and sets out activity categories; however, these activity categories are general in nature and do not specify the tasks that might fall into each category. To promote consistent claim submissions along with more timely review of personnel related costs, this policy describes the type of detailed information necessary to allow the ELTF claims reviewers to determine if the personnel costs claimed are reasonable and cost effective. If an applicant provides the information set forth in this guidance, along with any necessary and appropriate backup documentation, the ELTF Claims Section staff will accept these task descriptions as falling within the specified personnel classification.

2.0 SCOPE

This policy applies to all ELTF claims that include personnel or labor costs.

This policy applies to those costs accrued for work performed after the effective date of this policy. Guidance presented is not retroactive.

3.0 SUMMARY

ELTF claims applicants shall provide necessary information, including an adequate description of the task being performed as specified by this policy in order to substantiate personnel related costs. ELTF claims reviewers will accept these task descriptions, if complete with supporting information as specified and will not deny such costs for lack of specificity.

4.0 DEFINITIONS

- 4.1 **Activity category** – The category of activity described by the itemized lists under each individual personnel classification found in 328 IAC 1-3-5(f)(1) through (7). For example, “project planning/oversight” is the first activity category listed under the “senior project manager” personnel classification found in 328 IAC 1-3-5(f)(2).
- 4.2 **Applicant** – The person submitting an ELTF claim for cost reimbursement.
- 4.3 **Claim reviewer** – An IDEM staff member responsible for reviewing ELTF claims for purposes of verifying that costs requested are reasonable and cost effective.
- 4.4 **Personnel classification** – For purposes of this policy, the personnel classification specified by 328 IAC 1-3-5(f)(1) through (7) consisting of one of the following: principal, senior project manager, project manager, staff project person, field technician, drafting person, or word processor/clerical.
- 4.5 **Supporting information** – The necessary information that must be provided to establish reasonableness and cost effectiveness as outlined in *italics* below for an activity category or task description.
- 4.6 **Task description** – As established by this policy, the description of a specific task within a given activity category for which reimbursement is being requested. For example, “work scope development or project path forward planning” is the first task description listed under the “project planning/oversight” activity category for the personnel classification of “senior project manager” below.

5.0 ROLES

5.1 Applicant

Applicants must submit ELTF claims in accordance with applicable rules and guidance and should provide task descriptions, complete with necessary supporting information, as specified in this policy, for personnel and labor related costs. This information can be included on any of the backup documentation, but would preferably be included on timesheets, invoices, invoice details and/or the pay request form. Applicants are not precluded from using specific task descriptions other than those specified in this policy, but must provide not only the personnel classification and activity category as specified in 328 IAC 1-3-5(f), but also a full and complete description of the task, including any applicable time frame, identification of any document at issue, other supporting information as necessary to identify the task with particularity, and any necessary and appropriate backup documentation.

5.2 IDEM ELTF claim reviewer

The ELTF claim reviewer will review claims in accordance with 328 IAC 1 and approve costs for reimbursement, as appropriate. When an applicant utilizes a task description (or activity category if no specific task description provided) along with necessary supporting information as specified in this policy, the claim reviewer will not deny personnel related costs on the basis that the task description (or activity

category if no specific task description provided) lacks specificity. This does not preclude the claim reviewer from denying a personnel related cost on the basis of some other appropriate reason.

6.0 POLICY

Each personnel classification and activity category listed in 328 IAC 1-3-5(f)(1)-(7) is provided below along with examples of specific task descriptions and/or supporting information in parentheses necessary to describe the task with particularity. *[Please note: The nature of activity categories specified in 328 IAC 1-3-5(f) for each personnel classification indicates that the majority of on-site work and supervision is to be performed by a staff project person and/or field tech. On-site visits by other personnel are limited to specific instances identified below.]*

6.1 Personnel classification: Principal [328 IAC 1-3-5(f)(1)]

- (A) **Activity category: Serve as technical expert on sites** (*specify nature of expertise, how this expertise was utilized, and what elevated this issue to the Principal level*)
- (B) **Activity category: Limited site visit** (*state purpose of visit and why necessary*)
- (C) **Activity category: Coordinate legal matters with attorneys** (*specify phone call/email/meeting and concisely specify topic such as offsite access negotiations*)

6.2 Personnel classification: Senior Project Manager [328 IAC 1-3-5(f)(2)] [Note: Limited to licensed professional geologist or hydrogeologist (LPG), registered professional engineer (PE) certified hazardous materials manager (CHMM), professional soil scientist, or someone with at least five years of professional remediation experience.]

(A) Activity category: Project planning / oversight

- Task description: Work scope development or project path forward planning (*specify project work/tasks being planned and the specific associated report if applicable (e.g. – Third Quarter Corrective Action Progress Report (3Q CAPR), first quarter sampling, Further Site Investigation (FSI), Corrective Action Plan (CAP), No Further Action (NFA), etc.)*)
- Task description: Project site meetings (*specify the purpose/topic of the meeting(s)*)
- Task description: Discussion planning with staff, project planning discussions with staff, or communication/instructions with staff (*describe the purpose/topic*)
- Task description: Provide technical guidance (*specify to whom and project work/tasks*)
- Task description: Review of technical requirements (*specify project work/tasks*)
- Task description: Community response/relations (*describe the issues involved, and the actions performed*)
- Task description: Project status update, project status review or project status follow-up (*with whom and for what purpose*)
- Task description: Review and evaluate operation and maintenance (O&M) activities and data, and plan system needs accordingly (*specify time frame*)

- Task description: Review and evaluate treatment system contaminant removal calculations (*specify time frame*)

(B) Activity category: Final review of project documents

- Task description: Final document review and subsequent follow-up review of revision (*specify document*)

(C) Activity category: Acquisition of and negotiation with subcontractors

- Task description: Prepare bid specs for request for proposal (RFP)
- Task description: Final review of RFP
- Task description: Review submitted RFP bids, select subcontractor, establish contract if needed
- Task description: Negotiate with subcontractors (*provide synopsis of task(s) negotiated*)

(D) Activity category: Hydrogeologic and contaminant modeling

- Task description: Data evaluation, analysis, and review for site modeling
- Task description: Prepare and/or update conceptual site model (for investigation data, progress in treatment, changes in on- or off-site use; determine risks that still need to be addressed)
- Task description: Assimilative capacity evaluation and modeling
- Task description: Slug test data review

(E) Activity category: Remediation system design

- Task description: Remediation technology assessment and/or comparison
- Task description: Pilot study design (*specify the pilot study at issue*)
- Task description: Pilot study data evaluation (*specify the pilot study at issue and dates thereof*)
- Task description: Site visit for Corrective Action Plan design (*specify the purpose and element(s) of the design evaluated*)
- Task description: Actual system design
- Task description: Initial specification of O&M requirements

(F) Activity category - RISC Evaluation (*Data evaluation, analysis, and review for investigation, pathway migration, or risk based closure evaluation using the Risk Integrated System of Closure Technical Resource Guidance Document, Remediation Closure Guide or other applicable nonrule policy document*)

6.3 Personnel classification: Project Manager [328 IAC 1-3-5(f)(3)]

(A) Activity category: Remediation work plan and technical document preparation (CAP, ISC, FSI, pilot study) (*specify document, which may also include an ERC*)

(B) Activity category: Site work preparation and planning

- Task description: Project coordination and correspondence with field staff or senior project manager (*specify with whom, nature and the purpose*)
- Task description: IDEM file review (*specify the purpose and nature of review*)

- Task description: Evaluate potentially susceptible areas
- Task description: Evaluate exposure pathways
- Task description: Determine locations of soil borings and monitoring wells

(C) Activity category: Supervision of investigation and remediation activities

- Task description: Site visit to diagnose remediation issues (including issues that require engineer/geologist expertise) (*provide summary of issue*)
- Task description: All client communication other than attorney conversations (*specify topic and purpose*)
- Task description: Planning and coordination of remediation activities (*specify activities and timeframe*)
- Task description: Instructions to staff project person and technician (e.g. - quarterly sampling work request, changes to routine quarterly work, etc.) (*specify with whom, nature, and purpose*)
- Task description: Review data and/or trends and plan project (where more investigation is needed, how concentrations are changing, when should we make remediation changes in degree or location, when can we stop remediating, how much longer will we remediate or monitor, etc.) (*specify the data, plans and phase of the project*)
- Task description: Analyze field data for project planning
- Task description: Onsite oversight of placement and installation of remediation system or building (*may include placement and installation of pilot study system*)

(D) Activity category: Oversight of waste characterization, transportation, and disposal

- Task description: Plan and coordinate sample locations, collection, sample delivery to the lab, and supplying results to landfill
- Task description: Schedule drum pick-up/disposal, poly tank removal
- Task description: Coordination and negotiation with landfills
- Task description: Coordination and negotiation with disposal contractors for profile requirements and rates
- Task description: Preparation of waste profile and waste profile documentation
- Task description: Coordinate waste transportation, manifests, and contractor/generator signatures
- Task description: Review lab results for waste characterization

(E) Activity category: RISC statistics and equations (*specify report/phase of the project and type of analysis pursuant to the Risk Integrated System of Closure Technical Resource Guidance Document, Remediation Closure Guide, or other applicable nonrule policy document*)

(F) Activity category: Coordination of subcontractor work (drillers, plumbers, and electricians) (*specify the subcontractor, the work performed, and purpose of the work*)

- Task description: Preparation of RFPs for site work

- Task description: Contractor scheduling (*specify the subcontractor, the work performed, and purpose of the work*)
- Task description: Laboratory coordination and container ordering (*specify report/sampling event*)

(G) Activity category: Coordination of heavy equipment mobilization (*provide type and purpose of heavy equipment, including cranes, vacuum trucks, remediation system transport*)

- Task description: Set up excavation schedule to ensure excavator is onsite when needed
- Task description: Site visits for assessing site limitations of heavy equipment

(H) Activity category: Coordination with the department and client (*includes local, state or federal agencies regarding site (include topic and with whom)*)

(I) Activity category: Site access/permitting

- Task description: Obtain or coordinate site access (*describe purpose of the access agreement (e.g. – site access, wells installation, sample collection, etc.) and with whom the access is being sought*)
- Task description: Review local/state/federal codes regarding permitting requirements
- Task description: Obtain necessary permits and associated documents (local, state, and/or federal) (*include type of permit such as system discharge permits, right-of-way permits, building permits, etc., and include permit number and sampling requirements, if applicable*)
- Task description: Coordinating with permit administrators and subcontractors (*specify permit*)
- Task description: Revising and renewing permits
- Task description: Preparation of documentation required by permit including reports, recordkeeping, and notifications

6.4 Personnel classification: Staff Project Person [328 IAC 1-3-5(f)(4)]

(A) Activity category: Implement remediation system installation, operation, and maintenance

- Task description: System startup activities, including initial maintenance and troubleshooting, and initial implementation of long term O&M schedule (*describe work performed and provide field notes/O&M sheets*)
- Task description: System optimization, which includes monitoring and evaluation of the system to detect and respond to changes in system performance, and other non-routine O&M activities (Including cleaning air stripper, carbon change-out, etc.) (*describe work performed and provide field notes/O&M sheets*)
- Task description: Equipment installation or repair activities (*specify what was installed or repaired and include field notes*)
- Task description: System decommissioning (*specify what was decommissioned and include field notes*)

- Task description: Well decommissioning (*specify wells decommissioned; include IDEM project manager approval and well decommissioning logs; and describe the method used to abandon the well(s)*)

(B) Activity category: Conduct site mapping (*describe what was mapped and why*)

- Task description: Survey site with survey grade equipment and/or GPS device and processing information obtained
- Task description: Record site features and surrounding properties
- Task description: Record site boundaries of ERC with sub-meter GPS equipment
- Task description: Acquiring site and regional geodatabases for integration with geographic information system

(C) Activity category: Oversee installation of soil boring and monitoring wells

- Task description: Field placement of soil boring and/or monitoring well locations
- Task description: Field logging of soil borings (*provide boring logs*)
- Task description: Field logging of well installation and construction (*provide well logs*)

(D) Activity category: Provide onsite supervision or perform site characterization and remediation activities, or both (*specify who was being supervised, and/or the site characterization or remediation activities performed*)

(E) Activity category: Oversee well water record searches

(F) Activity category: Define how site utilities are marked

- Task description: Request public utility locate
- Task description: Onsite supervision of private utility locates

(G) Activity category: Survey wells (*if resurveying, explain why and identify well(s)*)

(H) Activity category: Oversee free product removal (*provide dates, estimated amounts removed, and the field notes*)

- Task description: Perform free product removal (*provide dates, estimated amounts removed and field notes*)

(I) Activity category: Oversee quarterly sampling (*specify who was being supervised and CAPR must be submitted to IDEM before costs can be evaluated*)

6.5 Personnel classification: Field Technician [328 IAC 1-3-5(f)(5)]

(A) Activity category: Well purging and development (*identify the well(s) purged or developed*)

- Task description: Purge wells, perform slug test and drawdown test

(B) Activity category: Sample collection, preparation, and delivery (*specify type of sample (soil, groundwater, influent, effluent, air, etc.) and include chain of custody and lab invoice*)

- Task description: Supply/equipment preparation and/or acquisition for field work (*specify work*)

- (C) **Activity category: Decontamination/site cleanup tasks** (*specify equipment being decontaminated and / or describe tasks*)
- (D) **Activity category: Assist with waste characterization, transportation, and disposal, including drum labeling/disposal** (*specify work performed*)
- (E) **Activity category: Activities associated with the operation and maintenance of remediation systems**
 - Task description: Perform routine O&M activities (after initial implementation by staff project person) (*describe O&M tasks completed or provide field notes*)
 - Task Description: Assist with non-routine O&M (including cleaning air stripper, carbon change-out, etc.)
 - Task description: Perform system sampling (*specify purpose*)
 - Task description: Supply/equipment preparation and/or acquisition for O&M (*specify what supplies/equipment*)
 - Task description: Well repairs (*identify wells and include field notes*)

6.6 Personal classification: Drafting Person [328 IAC 1-3-5(f)(6)]

- (A) **Activity category: Provide CADD work** (*explain purpose or specify for what document*)
- (B) **Activity category: Generate the following: (i) Drawings; (ii) Maps and plans; (iii) Boring logs; (iv) Monitoring well installation logs** (*report must be identified and have been received by IDEM, and boring logs must meet the requirements of 312 IAC 13 and NPD WASTE-0053-NPD*)
- (C) **Activity category: Revise drawings and maps and plans** (*specify for what document and for what reason*)

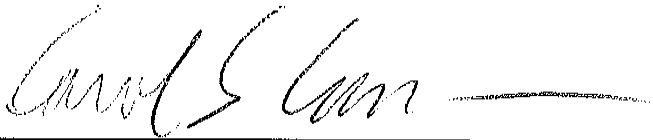
6.7 Personal classification: Word Processor / Clerical [328 IAC 1-3-5(f)(7)]

- (A) **Activity category: Word processing/data input** (*Identify report and/or data and database*)
- (B) **Activity category: General clerical duties** (*describe activity*)
- (C) **Activity category: Documentation reproduction, report binding, and filing** (*specify documentation*)
- (D) **Activity category: Proofreading/editing** (*specify documentation*)

7.0 REFERENCES

- 7.1. I.C. § 13-23-7 through I.C. § 13-23-9
- 7.2. A. [312 IAC 13, Water Well Drillers and Water Well Pump Installers](#)
- B. [328 IAC 1, Corrective Action and Third Party Liability Claims from the Excess Liability Trust Fund](#)
- 7.3. A. [Risk Integrated System of Closure Technical Resource Guidance Document, WASTE-0046-NPD](#)
- B. [Remediation Closure Guide, WASTE-0046-R1-NPD](#)
- C. [Drilling Procedures and Monitoring Wells Construction Guidelines NPD, WASTE-0053-NPD](#)

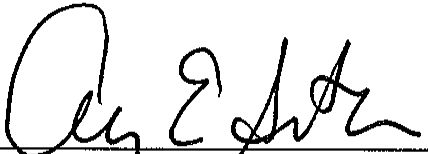
8.0 SIGNATURE



Carol S. Comer, Commissioner
Indiana Department of Environmental Management

10/15/2016

Date



Amy E. Smith, Deputy Assistant Commissioner
Office of Land Quality

10/7/16

Date



Donald M. Snemis, Assistant Commissioner
Office of Legal Counsel

10-7-2016

Date

This policy is consistent with agency requirements.



Quality Assurance Staff
Office of Program Support

10-11-2016

Date