

Topics

Application.....	2
ELTF Application Forms	2
Submitting an ELTF Application	2
Registering/updating vendor information with the Auditor of State	2
Claim Organization	2
Assignment of Rights (AOR)	3
Power of Attorney (POA)	3
Preparing Resubmittals	4
Phase Approach Application	4
Submitting Costs.....	4
Submitting Personnel Time on State Form 47139	4
CAP Development Costs	5
CAPI Costs on the Phase Approach Application	5
Bids and Cost Ranges	5
Three Bid Requirement	5
Reimbursement when contractors rates are lower than allowable rates in 328 IAC	5
Requesting reimbursement when a rate is not provided	5
Mileage Rate	5
Back-up Documentation	6
Per Diem	6
Claim Prep Labor	6
Senior Project Manager Credentials	6

Application

ELTF Application Forms

Forms for the ELTF program are available on the [IDEM Forms](#) page:

Excess Liability Trust Fund Application – State Form 47139

Excess Liability Trust Fund Application (Phase Approach) – State Form 56424

Note: State Form 56424 is REQUIRED for all costs incurred on/after January 1, 2018.

Submitting an ELTF Application

Send one single-sided paper copy (including a printout of this application and all back up information) and one CD or DVD with a PDF file (exact match of paper copy) and Excel file (.XLSB) with the application information to the following address:

Indiana Department of Environmental Management
Excess Liability Trust Fund
100 North Senate Avenue
Indianapolis, IN 46204-2251

Registering/updating vendor information with the Auditor of State

A direct deposit form (State Form 47551) and an IRS W-9 form (if not on file or current) must be sent to Lisa Love in IDEM's Finance Division. Her email address is llove@idem.IN.gov.

ELTF claims will no longer verify or accept this information. All further questions regarding vendor information should be directed to Lisa Love.

Any claim application received with incorrect vendor information will be identified and held in the Finance Division until the deficiency is corrected.

Claim Organization

Application (Pages 1 & 2 – with original signatures)

Affidavit (with original signatures and properly notarized)

Power of Attorney and/or Assignment of Rights (if applicable)

Invoice Summary

Bright colored sheet of paper (separator page)

Resubmittal costs

- (1) Resubmittal Pay Request.
- (2) IDEM cost review summary specific to the denied costs being resubmitted.
- (3) Attachments referenced on the resubmittal Pay Request (if applicable).

(4) Appropriate backup documentation to substantiate costs, as requested in the reason for denial.

(5) Bright colored sheet of paper (separator page between each pay request)

Subsequent Submittal

(1) Pay Request in the same order as listed on the Invoice Summary for subsequent costs.

(2) Invoice and appropriate backup to substantiate costs.

(3) Bright colored sheet of paper (separator page).

NOTE: The most recent version of the ELTF Application Packet must be used for all forms.

Assignment of Rights (AOR)

A current AOR is required if an individual/entity other than a person under corrective action demand order (ISC, FSI, CAP) are to receive ELTF payments directly.

An AOR:

- Must be in writing
- Must clearly state the intent of the assignor to assign his/her right to ELTF reimbursement to the assignee
- Must be signed by the person who is assigning the rights (the person or entity who is eligible under the ELTF; if it is a corporation it must be signed by a person who is duly authorized to sign on behalf of the entity)
- Must be effective immediately (not an agreement to assign in the future)

An AOR does not give an individual/company an automatic Power of Attorney to sign documents, including ELTF applications, on behalf of the UST owner, UST operator, or property owner.

Power of Attorney (POA)

A POA is required if an individual/entity is to sign documents, including applications, “for” or “on behalf” of a person under corrective action demand order (ISC, FSI, CAP).

A POA:

- Must be in writing
- Must name an attorney in fact to whom signature power is granted
- Must clearly give the attorney in fact the power to perform a specific act or acts on behalf of the principal
(The “principal” is the UST owner, UST operator, or appropriate property owner)
- Must be signed by the principal or at the principal's direction in the presence of a notary public

(If the principal is a corporation, the document must be signed by someone who is duly authorized in writing by an officer of the corporation to sign on behalf of the corporation).

- In the case of a power of attorney signed at the direction of the principal, the notary must state that the individual who signed the power of attorney on behalf of the principal did so at the principal's direction.

Preparing Resubmittals

A copy of the original claim and previously reviewed pay requests can be found in the virtual file cabinet (VFC). Each ELTF claim submitted will have two files on the VFC. One file is the scanned copy of the entire ELTF Claim as submitted to IDEM. The other file contains the IDEM ELTF claim review letter and all documentation that relates to the costs denied. This file would include the “marked up” reviewed pay requests. Virtual File Cabinet: <http://www.in.gov/idem/6551.htm>

Refer to **Claim Organization (Page 2)** for a list of required documents when resubmitting costs.

Phase Approach Application

Instructions are posted on the Excess Liability Trust Fund Announcements page. <http://www.in.gov/idem/tanks/2349.htm>

The ELTF Application (Phase Approach) State Form 56424 is required for all costs incurred on/after January 1, 2018. If you have less than \$5,000 in subsequent costs dated 2015 or before and no other costs until 2018, then use the old form, ELTF Application (State Form 47139), and select “Final Claim”. You can handwrite “for this application time period” next to this option.

Costs incurred on or after January 1, 2016 may be submitted on the new Phase Approach application. Costs incurred prior to January 1, 2016 should be submitted on the previous ELTF Application (State Form 47139).

Submitting Costs

Submitting Personnel Time on State Form 47139

Combining like personnel time as one line item on the pay request (i.e. the total number clerical hours, project manager hours, etc.) is acceptable. On a cautionary note, if personnel time and tasks are lumped together, and one of the task categories describes a lower personnel classification, the entire line item will be denied to the lower personnel rate. Additionally, if one of the tasks is related to a report which has not been submitted, the entire line item will be denied.

CAP Development Costs

Corrective Action Plan (CAP) development costs become eligible for reimbursement when the CAP is approved.

CAPI Costs on the Phase Approach Application

Whenever possible, costs should be entered in one of the five CAP Implementation categories (Excavation, Enhanced Bioremediation, Vac Event, Remediation System, and Remediation System Rebuild).

If the work approved in the CAP falls outside the provided categories, best judgement should be used to enter costs under the most appropriate phase, determined by the task(s) performed.

Bids and Cost Ranges

Three Bid Requirement

Work done for corrective action must follow a three bid process, unless it is excavation. For excavation activities, you may choose the three bid process or follow the rates in 328 IAC 1. The administrator can approve costs based on less than three bids if **a demonstration is provided to the administrator that lower costs for the specified work is not possible or practical.**

Reimbursement when contractors rates are lower than allowable rates in 328 IAC

ELTF reimburses actual costs incurred up to the maximum rate listed in 328 IAC 1-3-5.

Requesting reimbursement when a rate is not provided

Back up documentation must be provided for those items that do not have individual reimbursement rates. The documentation should include a receipt for the actual cost and an explanation for its purpose. However, this does not guarantee costs are reimbursable or “necessary” as required by 328 IAC 1.

Mileage Rate

The mileage rate is determined January 1 of each year. Mileage is calculated at the Federal rate for a privately owned vehicle under 41 CFR 301-10.303. The ELTF claims webpage will be updated annually if the rate changes and an announcement will be issued.

Back-up Documentation

Per Diem

IDEM does not require meal receipts for per diem, but lodging receipt(s) and a demonstrated need for overnight travel are required. The maximum per diem amount allowed is \$26.00/day (or current IDOA's state travel policy per diem rate). If receipts are submitted and they total less than the allowable amount listed above, IDEM will reimburse per the receipts.

Claim Prep Labor

Documentation should be provided to substantiate the costs incurred for claims preparation. This is often seen in the form of a task on the invoice, accompanied by timesheets.

Senior Project Manager Credentials

Provide a copy of any licenses or certifications for licensed professional geologist or hydrogeologist (LPG), registered professional engineer (PE), certified hazardous materials manager (CHMM) or professional soil scientist. If submitting credentials based on at least five (5) years of professional remediation experience, submit a reverse chronology of work experience which includes specific work, tasks performed, list of licenses/certifications, and education.

Once an individual has provided sufficient credentials to ELTF staff for review, the individual will no longer need to provide credentials with claims submitted, unless a license/certification has expired. A list of individuals with credentials on file is posted on the IDEM Forms page.

A list of individuals with credentials on file is posted on the IDEM Forms page.