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March 31, 2024

Sent Via E-Mail

Peggy Dorsey
Assistant Commissioner
Office of Land Quality
IDEM
100 No. Senate Avenue, Room 1101
Indianapolis, IN 46204
Attention: Chris Bowman
cmbowman@idem.IN.gov

Re: IDEM Non-Rule Policy Document: ELTF Cost Guidance

Dear Commissioner Dorsey and Ms. Bowman,

The Indiana Food and Fuel Association (IFFA) appreciates the opportunity to offer comments to the Office of Land Quality Petroleum Branch's Non-Rule Policy Document titled "Excess Liability Trust Fund Cost Guidance", Waste-0078-NPD-R1, dated February 14, 2024 ("NPD Cost Guidance") and for the Indiana Department of Environmental Management (IDEM) taking these comments into consideration when finalizing this Guidance.

The IFFA is the state trade association representing independent small businesses operating in Indiana's petroleum, convenience, and food retail industry. Our members consist of convenience and food retail store owners and marketers who own, operate and/or supply retail fueling and convenience facilities throughout Indiana. In addition, we include associate members, such as refiners and suppliers, who provide products and services to the industry.

As it has been many years since the unit rates and costs associated with environmental investigations and remediations have been updated by IDEM and the Excess Liability Trust Fund ("ELTF"), the IFFA greatly appreciates the efforts by IDEM to update to current market rates the time and expenses associated with such investigations and remediations. As will be explained below, given the considerable passage of time since such rates were updated, the below market rates used by the ELTF for the past many years are imbedded in IDEM's historical data. To ensure that current market rates and realistic allocations of time to complete tasks are considered with IDEM's NPD Cost Guidance, the IFFA broadened the scope of input for these comments beyond IFFA members who are UST/AST owners and operators to also include the experience and input of leading environmental consultants in Indiana who have worked closely with the IFFA and its



members for many years to undertake the necessary environmental investigation and remediation of impacted sites to bring them into compliance with IDEM's requirements to obtain No Further Action closures. These consultants collectively have been in business for 120 years, have submitted hundreds of millions of dollars in reimbursement claims, and have achieved closure on over 1,000 sites within Indiana.

For ease of reference and review we have set forth IDEM's topic or task followed by our comments and task-specific recommendations that we respectfully ask that IDEM take into consideration as they move forward with the NPD Cost Guidance.

General NPD Comments

- The IFFA requests clarification regarding the level of claim review that IDEM will impose on work performed by contractors and the subsequent documentation that is submitted for reimbursement. The 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 contractor is able to efficiently complete the scope of work in less time than expected per the NPD Cost Guidance, will IDEM reimburse the applicant and/or contractor the full amount allotted by IDEM for the given task? Will the ELTF approve for payment a fixed-fee invoice from a consultant for its labor that is consistent with the NPD Cost Guidance for a given task without providing additional back-up personnel records and timesheets?

- Similarly, the NPD cover letter also states under "2.0 Scope"-

However, if the requested reimbursement exceeds the total reimbursable cost set by the cost guidance for the given task, complete time and personnel records will be required and a justification or demonstration of the additional effort needed must be submitted along with the claim.

Certainly IDEM understands that not all projects are uniform and that certain extenuating circumstances can, and often do, arise at sites. To ensure flexibility, the IFFA proposes adding language to this section of the NPD Cost Guidance that reflects IDEM's



acknowledgement of the likelihood of time and costs exceeding IDEM's basic assumptions contained in the NPD Cost Guidance document when extenuating circumstances arise.

- 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. It is the IFFA's position that a more realistic breakdown of hours for such tasks 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 Cost Guidance do not contain any time for billing at the Senior Project Manager rate. However, IDEM requires either a CHMM, LPG, PE or CPSS to sign off on all technical reports submitted to IDEM to ensure the integrity of the work performed. Therefore, it is important that the NPD Cost Guidance recognizes that 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. 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 proper 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 NPD Cost Guidance recognize the important role that the Principal plays in developing the necessary information to discuss this information with the project team and provide appropriate supervision and guidance to staff in planning for and completing project work.



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- Generally, the NPD Cost Guidance document does not take into account ancillary time and expenses that are necessary to complete the tasks listed. These ancillary factors would include travel time to and from a project site, vehicle and equipment expenses necessary to complete the tasks, and other similar items. We suggest that the NPD Cost Guidance include language confirming IDEM's recognition and reimbursement for these additional costs incurred.
- We would suggest that the NPD Cost Guidance document contain an annual CPI indexing provision to allow for the cost reimbursement rates to increase consistent with the CPI increase in labor and material costs.
- We would suggest that IDEM reduce the bid requirement for projects from three bidders to two, as it is often difficult to find three potential contractors on many projects, especially ELTF funded projects. We also suggest revising allowable costs for subcontractors' use for construction-type work. In addition, trying to obtain three bids from subcontractors is time-consuming as many subcontractors will not work on ELTF projects due to below market rates and delays in payments. Trying to obtain a third bid 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 IDEM's recent increase in approved 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 due to the allowable cost in 328 IAC.

Task Specific Comments

- **Regarding 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. Updated and/or revised 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?
- **Regarding 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	27

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

- **Regarding 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:
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

We propose a task-based reimbursement cost as of June 1, 2023 to be \$1,898.

- **Regarding 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.

- Regarding 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 adding 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. We need clarification that “recovered” means every two-feet of soil samples recovered for measuring and recording hardness, recording lithologic descriptions, and screening for impacts, etc. as opposed to only soil samples submitted for laboratory analysis.

The NPD Cost Guidance states that activities included in total cost/foot includes “collection of soil and/or groundwater samples for analyses” but 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”. We need IDEM to 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.

- **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. We need clarification that “recovered” means every two-feet of soil samples recovered for measuring and recording hardness, recording lithologic descriptions, and screening for impacts, etc. as opposed to 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” but 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”. We need 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.

- **Regarding 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.

- 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 to be \$1,763.38.

- Regarding 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.



Planning and Preparation

Personnel	Activities	Total Hrs: First or Only Well	Total Hrs: Subsequent Day(s) of field activities
Principal	Technical Expert	1	
Sr PM	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.

- **Regarding 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 for an ERC may take one year or more to complete, depending on circumstances with an owner or a neighboring property owner which are beyond the control of the contractor. It is therefore not appropriate to withhold reimbursement of the contractor’s time and expense under these conditions. To obtain approval for an ERC there is considerable time spent discussing and educating property owners (including off-site property owners) about ERCs and the potential impact the ERC may have on obtaining IDEM’s closure of the site and the value and marketability of the property. Some property owners decide that they will not allow recordation of the ERC on their property. In these cases, time spent by the contractor in determining the feasibility of an ERC should be reimbursed by the ELTF regardless of whether the ERC is approved by the landowner and recorded with IDEM and the county recorder. Additionally, IDEM typically requests a draft ERC be prepared and submitted in the early stages of investigation, which can take a year or more to finalize with IDEM the appropriate language for an ERC and any related restrictions. 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. Under the current language of the NPD Cost Guidance, time incurred by the consultant would be billed but remain unreimbursed by the ELTF for several months up to several years until an ERC is recorded. Furthermore, ELTF's reimbursement of the consultant's time for this task should not be contingent on the decision by a property owner or off-site property owner to accept an ERC.

Clarification is also needed on whether the budget for this task is \$1,559 per ERC or per incident. For example, a petroleum release that migrates off-site may result in the need to secure more than one ERC to achieve NFA closure on a site.

In addition, the proposed 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 to be \$2,158.00.

- Regarding 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	24
Staff	Data compilation	10



Drafting	Prepare drawing, figures, plans	8
Clerical	Word processing, clerical support	3
	Total Hours for Task	51

We propose a task-based reimbursement cost as of June 1, 2023 to be \$5,595.

- Regarding 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
Senior PM	Final review of CAP	8
PM	Coordination, project management, permitting, CAP preparation	32
Staff	Data compilation	16
Drafting	Prepare drawing, figures, plans	8
Clerical	Word processing, clerical support	4
	Total Hours for Task	70

We propose a task-based reimbursement cost as of June 1, 2023 to be \$7,875.50.

- Regarding 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:
Senior PM	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 \$4,924.



- **Regarding 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:
PM	Coordination, project management	3
Staff	Injection event preparation; solution procurement and mixing; prepare for field activities, mobilize to site	6
	Total Hours for Task	9

We propose a task-based reimbursement cost as of June 1, 2023 to be \$1,005.

- **Regarding 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:
Senior PM	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

We propose a task-based reimbursement cost as of June 1, 2023 to be \$2,926.

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

- **Regarding 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 to be \$6,688.25.

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

- Regarding TASK C.1.b: Quarterly Monitoring/Remediation Status Report Preparation:**
 The NPD Cost Guidance document assumes a site has up to 12 monitoring wells. Many sites have more than 12 wells. We need confirmation that IDEM will allow for reimbursement of quarterly monitoring expenses for those sites that have more than 12 wells. In addition, we need clarification from IDEM on how it will reimburse for the time allowance and cost reimbursement 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 more 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
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

We propose the task-based reimbursement cost as of June 1, 2023 to be \$2,429.25.

- Regarding 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.

- Regarding 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.

- Regarding 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.

- **Regarding 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.

- **Regarding 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
- 24 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	Complete indoor air checklist, collect temperature, weather, cannister, and sampling	4	2



Technician	information, begin collection of sample(s)		
	Total Hours for Task	5	3

We propose the task-based reimbursement cost as of June 1, 2023 to be \$413 for first or only sample port and \$341 for each additional sample port.

- **Regarding 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”.

- **Regarding 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 to be \$1,618.25.

- **Regarding 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:
 - Right-of-way permits
 - Traffic control



- Hotel and per diem for sites with large numbers of wells and/or that require more than one day on-site
- **Regarding Task E.1.a: UST Decommissioning & Removal – Planning/Preparation:** 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
PM	Project Management, Preparation of notification form, coordinate field activities, submit and evaluate bids (if necessary)	12
Staff	Prepare for field activities	2
	Total Hours for Task	15

We propose a task-based reimbursement cost as of June 1, 2023 to be \$1,873.75.

Activities included in total hours for above task:

- Preparation and submittal of the 30-Day Notification of Intent to Close
- Evaluate bids for UST removal contractors (if necessary) and soil boring advancement used for landfill approval and the collection of a groundwater sample (if necessary)
- Coordinate and prepare for field activities
- Coordinate with regulatory agencies
- Coordinate for waste disposal
- Revisions needed to submittal if it is determined to be deficient by IDEM staff
- **Regarding 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.

- Regarding Task E.2: Tank Installation – Planning/preparation:** When installing a new UST, soil needs to be removed and properly disposed of at a landfill. The collection and laboratory analysis of one to two soil samples is customary to secure landfill approval. The project manager needs to be allocated time to solicit bids from three landfills, coordinate with the chosen landfill, prepare a waste profile, and obtain wet ink signatures from the waste generator (tank owner/operator). Having this process completed before on-site work commences greatly expedites field work time and is the most efficient and cost-effective way to handle soil disposal.

The field work time for landfill sample collection should follow Task A.2.a: Soil Borings.

Under “Potential activities or items that may be added to above table, as necessary”, we recommend adding landfill invoices and laboratory analytical costs.

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), technical guidance	2
PM	Plan and Coordinate field activities, submit & evaluate bids, (if necessary), preparation of notification form, coordinate landfill borings and laboratory analytical, prepare waste profile, obtain manifest signatures	15
Staff	Assist with bid submission and review, utility clearance	2
	Total Hours for Task	19

We propose a task-based reimbursement cost as of June 1, 2023 to be \$2,412.50.

- Regarding 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 detailed or itemized justification of hours is needed. Our experience is that very little clarity is given by IDEM on ELTF denials on exactly what information or documentation 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.
- Regarding Task G.4: Access Agreements:** Clarification is needed on whether 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.



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- **Regarding Appendix C:** We request the addition of steel drums at a cost of \$100.00 each and plastic 55-gallon drums at a cost of \$75.00 each.
- **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 (\leq 4 hours on-site)	\$1,100
Includes locating underground utilities, structure and anomalies ($>$ 4 hours on-site)	\$2,100

If you have any questions regarding any of the IFFA's suggested changes or would like to discuss any items addressed herein do not hesitate to contact the IFFA's General Counsel Chris Braun or the IFFA's Public Policy Counsel Matt Norris. Otherwise, on behalf of the IFFA we greatly appreciate your consideration of these comments and suggested changes.

Very truly yours,

/s/ Matt Norris

IFFA Public Policy Counsel

/s/ Christopher J. Braun

IFFA General Counsel

cc: Cathy Melton, IFFA Executive Director