*** DRAFT - NOT YET FILED ***

3737-1-09.1 **Inclusions of fund coverage.**

(A) The following costs shall be specifically reimbursable:

(1) ~~Primary contractor or primary consultant markup~~ Except where prohibited by paragraph (A)(17) of rule 3737-1-09 of the Administrative Code, markup on reimbursable subcontractor charges but only to the extent that the total amount of ~~primary contractor or primary consultant markup~~ all markups is not greater than ten ~~per cent~~percent of the ~~subcontractor's actual~~ reimbursable costs. ~~However, no markup shall be paid for any of the following:~~

~~(a) Costs of disposal, disposal facilities, and/or treatment facilities;~~

~~(b) Markup charged by the subcontractor(s);~~

~~(c) Primary contractor or primary consultant internal expenses including labor, supplies, per diem travel expenses, and intra-company billings;~~

~~(d) Charges for supplies;~~

~~(e) Charges for materials; or~~

~~(f) Charges for equipment.~~

(2) Per diem for travel costs directly related to corrective action at a release site, up to a maximum amount, as established by the director, to reimburse the costs of mileage, food, and lodging incurred by a primary consultant or primary contractor when the release site is at a distance from the primary consultant's or primary contractor's nearest office of business which, under state of Ohio travel reimbursement policy, would allow for reimbursement. The costs of travel by common carrier (i.e. plane, boat and bus) shall not be reimbursable.

(B) Nothing in any part of this rule shall be interpreted to preclude coverage for corrective action costs or third-party bodily injury or third-party property damage which are generally or specifically included in coverage under Chapter 3737. of the Revised Code or Chapter 3737 of the Administrative Code.