

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

(A) The following costs shall be specifically reimbursable:

(1) Except where prohibited by paragraph (A)(17) of rule 3737-1-09 of the Administrative Code, markup on reimbursable subcontractor charges, including but not limited to the following, but only to the extent that the total amount of all markups is not greater than ten per cent of the reimbursable costs:

- (a) Drilling services;
- (b) Soil excavation services;
- (c) Utility locating services; and
- (d) Vacuum truck services.

(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.

(3) Notwithstanding paragraph (A)(3) of rule 3737-1-09 of the Administrative Code, usual, customary, and reasonable legal costs incurred by the responsible person for the preparation, review or recording of an environmental covenant pursuant to rule 1301:7-9-13 of the Administrative Code.

(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.

Five Year Review (FYR) Dates:

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Certification

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Date

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| Promulgated Under:     | 119.03  |
| Statutory Authority:   | 3737.90   |
| Rule Amplifies:        | 3737.92   |
| Prior Effective Dates: | 07/01/1994 (Emer.), 09/30/1994, 01/01/2015,<br>07/01/2020 |