

ALABAMA DRYCLEANING ENVIRONMENTAL RESPONSE
TRUST ADVISORY BOARD RATE SCHEDULE AND
GUIDANCE ON PREPARATION OF COST PROPOSALS AND PAYMENT REQUESTS

Effective October 1, 2022

The Alabama Drycleaning Environmental Response Trust Advisory Board (Board) Rate Schedule has been prepared to provide owners or operators and Approved Drycleaner Environmental Consultants (ADEC) with the maximum allowable fees and rates for certain common items used for environmental investigation and remediation. The enclosed list includes typical items for which the Board has established maximum allowable rates. Costs for the scope of work required by the Alabama Department of Environmental Management (ADEM) will be evaluated through the Cost Proposal and Payment Request process and approval and reimbursement will be based on the maximum rates shown in the attached table. The rates listed in the attached table are effective October 1, 2022. All Cost Proposals submitted after October 1, 2022 are eligible for funding using the new rates. If a Cost Proposal was pre-approved at the prior rates, the Payment Request should be submitted with the rates that were approved at the time the Cost Proposal was authorized.

ADEM developed a comprehensive guidance document “Alabama Underground and Aboveground Storage Tank Trust Fund-Reimbursement and Reasonable Rate Guidance, March 2013 (updated July 2022) and ” Revised Maximum Allowable Labor Rates & Equipment Rates, Effective July 1, 2022 for the Alabama Underground and Aboveground Storage Tank Trust Fund”, which will be the basis of decisions regarding eligible costs and hours allocated, unless otherwise specified in guidance provided by the Alabama Drycleaning Environmental Response Trust Fund program. The Board has adopted the maximum allowable rates established in the guidance that are applicable to drycleaner investigations and remediation. In addition to establishing individual maximum rates for specific items, ADEM also developed Unit Rates for specific tasks. The Drycleaning Environmental Trust Fund Advisory Board did not specifically adopt the specific Unit Rate scenarios because investigations and remediation for Drycleaner sites can be very different than for underground storage tanks sites, and many of the Unit Rates aren’t applicable to drycleaning sites. Some of the tasks (i.e. such as preparing a Preliminary Investigation Report, cost proposals and payment requests, and groundwater monitoring activities), should be very similar and therefore the Board will use the ADEM guidance as a basis for the number of hours authorized. The scenarios shall be used as a guide for preparation of Cost Proposals for similar tasks. The ADEC shall submit written justification in the Cost Proposal for additional costs based on changed site conditions and site-specific circumstances.

For the Drycleaning Trust Fund, the new labor rates are effective October 1, 2022 for any new work authorized after that date. Work performed under a Cost Proposal authorized before October 1, 2022 are subject to the rate that was approved in the Cost Proposal.

For some activities, the ADEC may be able to charge lower rates than those listed on the attached table. In this situation, the ADEC should only charge the actual cost of conducting that activity.

Drycleaning Environmental Response Trust Fund activities should not be charged at a higher rate than would be typically charged at a non-Fund site. The Board will only reimburse actual expenses and proper documentation must be submitted with the payment request in order to receive reimbursement.

Please note the brief description of the following Alabama Drycleaning Environmental Response Trust Advisory Board policies and procedures:

Eligibility of Releases

The Alabama Drycleaning Environmental Response Trust Fund only covers drycleaning agents associated with a drycleaning facility or wholesale distribution facility that has been determined to be eligible for participation in the Trust Fund. No payment shall be made from the Fund for costs incurred prior to May 24, 2000.

Cost Proposals

A cost proposal must be submitted with the cost for performing site activities required and approved by ADEM. In order to receive reimbursement for site costs, the cost proposals shall be pre-approved by the Board based on the ADEM approved workplan for investigation, assessment, or remediation of the site. The Board will review the proposed costs and will issue a letter of approval to the owner or operator. In order for a Cost Proposal to be considered at a Board meeting, the signed Cost Proposal must be received at the Board office before the deadline posted on the Board's website. Electronic submittals are acceptable as long as submitted to randy@alstateboard.com before the posted deadline. **Submittal of Cost Proposals to other email addresses will not be considered received before the deadline.**

Authorization of costs under a Cost Proposal is not a project budget. Each section of approved cost is approved based on unit rates, time and materials to complete the Scope of Work required by ADEM. If the entire Scope of Work is not performed or if out-of-scope activities (not required by ADEM) are performed, the Board expects that the final costs submitted for payment represent the actual required work that was performed, which is less than authorized.

The amount of an authorized Cost Proposal is the maximum reimbursable amount, unless an addendum is requested and approved. If pricing from a vendor varies from the amount authorized, the ADEC must submit an addendum to be reimbursed for any amount over the original authorized amount.

Cost Proposal Addendum

Where the owner/operator requests an increase in the scope of work and wishes to have those costs covered under the Trust Fund, a cost proposal addendum may be requested to cover additional work tasks or unforeseen site circumstances. The ADEC should notify the appropriate ADEM Project Manager immediately and request an addendum to modify the workplan and submit a cost proposal addendum to the Board. The Board will review the increase in proposed costs associated with the ADEM approved revised workplan and issue a letter of approval to the owner or operator. Any Cost Proposal addendum must be received at the Board office before the deadline posted on the Board's website.

Payment Requests

Payment Requests must be submitted on or before the quarterly Board deadline for the quarter in which the Cost Proposal will be one year old. (For example, if a Cost Proposal is approved in February 2022, the Payment Request must be received by the Board Deadline in January 2023 for consideration at the February 2023 Board meeting). If the Payment Request cannot be submitted, the owner or the retained Alabama Drycleaning Environmental Consultant (ADEC) must submit a written request for extension to the Board Engineer. An extension will be granted until the following quarter (approximately 3 months). No more than two extensions will be granted, at which point the

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work covered under the approved Cost Proposal will not be eligible for reimbursement. All requests for extension must be in writing to the Board Engineer with rationale for the extension. Failure to obtain an extension will result in denial of Payment Requests that are greater than one year old. Electronic submittals are acceptable as long as submitted to randy@alstateboard.com before the posted deadline. **Submittal of Payment Requests to other email addresses will not be considered received before the deadline.**

Timesheets or other adequate detailed labor documentation must be submitted with the payment request. Often, Cost Proposals are approved with a budget for items that do not have published reasonable rates (for example, office supplies, shipping, well sampling materials, etc.). In order to be reimbursed for any item that does not have a Board approved Reasonable Rate, the Payment Request must include a copy of the actual invoices or receipts for the items. If an invoice or receipt is not included, the item cannot be reimbursed, even though a budget was authorized for the items.

The Board needs an updated Form W-9 each year before the Responsible party can receive a payment from the fund. A copy of the form is available on the Board website.

Pass Through

Consistent with the ADEM Underground Storage Tank Trust Fund, the Alabama Drycleaner Board will reimburse a maximum 10% on pass through items, with the exception of corrective action system purchase and installation, and construction associated with remediation (i.e. excavation and soil disposal)

Mileage Costs

Please include the current Federal Mileage Rate in the Cost Proposals and Payment Requests.

Drilling Costs

If drilling cannot be performed for the rates pre-approved by the Board, the ADEC must obtain three quotes for alternate pricing. Alternate pricing for drilling must be approved in the Cost Proposal, and not adjusted for the Payment Request.

Revised Cost Proposal and Payment Request Forms

The Board has developed revised Cost Proposal (CP) and Payment Request (PR) forms that are available on the Board website www.drycleaningtrustfund.alabama.gov.

Two original signed forms are required to be submitted to the Board office at the following address:

Alabama Drycleaning Environmental Response Trust Advisory Board
Attention: Board Engineer
2777 Zelda Road
Montgomery, Alabama 36106

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One electronic copy of the CP and PR forms shall be submitted to the Board Engineer at acousins@acessllc.com. Submission of the electronic copies is allowed but must be submitted to randy@alstateboard.com. **Submission to other email addresses will not be considered received by the Board office.** Please note that Cost Proposal and Payment Request forms shall not be altered or modified. Please contact the Board Engineer at acousins@acessllc.com should there be an issue with the forms that won't allow the ADEC to accurately represent the costs to be considered.