

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Expedited Rule on Reimbursement Rates for Dry Cleaner Environmental Response

AGENCY: Pollution Control Agency

REVISOR ID: R-4959

MINNESOTA RULES: Chapter 7152

The attached rules are approved for publication in the State Register

Cindy K. Maxwell

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Assistant Deputy Revisor

1.1 **Pollution Control Agency**1.2 **Proposed Expedited Rule on Reimbursement Rates for Dry Cleaner Environmental
1.3 Response**1.4 **7152.0500 MAXIMUM HOURLY RATES.**

1.5 A. After the applicant accepts a consultant's or contractor's written proposal for
1.6 services at the response-action site, hourly rate charges for subsequent services performed
1.7 at the site by that consultant or contractor that exceed the hourly rates listed in the written
1.8 proposal for services at the response-action site are *prima facie* unreasonable.

1.9 B. Notwithstanding item A, hourly rate charges that exceed by a maximum of
1.10 five percent per year the hourly rates listed in the written proposal for services at the
1.11 response-action site are not *prima facie* unreasonable when at least one year has passed
1.12 since the applicant approved the proposal in writing.

1.13 C. Notwithstanding items A and B, hourly rate charges for consultant services in
1.14 excess of the following are *prima facie* unreasonable:

- 1.15 (1) senior-level professional at \$190 \$209 per hour;
- 1.16 (2) midlevel professional at \$141 \$155 per hour;
- 1.17 (3) entry-level professional at \$103 \$113 per hour;
- 1.18 (4) field technician at \$96 \$106 per hour;
- 1.19 (5) draftsperson at \$81 \$89 per hour; and
- 1.20 (6) word processor at \$58 \$64 per hour.

1.21 D. An hourly rate for consultant services is *prima facie* unreasonable when the
1.22 rate for the consultant services is higher than the level of consultant services required to
1.23 perform the task.

2.1 **7152.0600 MAXIMUM TRAVEL AND PER DIEM CHARGES.**

2.2 The cost for travel time, vehicle mileage for consultant services, or per diem is prima
2.3 facie unreasonable when the cost exceeds the amount specified in the proposal for consultant
2.4 services or contractor services or the maximum cost specified in items A to C, whichever
2.5 is less:

2.6 A. travel time has a maximum cost of the maximum hourly rate charge specified
2.7 for the traveler's level of professional expertise required for the required task to be performed;

2.8 B. for consultant services, vehicle mileage has a maximum cost of the standard
2.9 mileage rate for business established by the Internal Revenue Service; and

2.10 C. per diem has a maximum cost of \$198 \$218 per day.