

Claim Filing Requirements and FAQs

UST Form Appendix 4

- All fields should be properly filled out.
- Signed and dated by the Claimant (Owner Authorization/Direct Pay Certification when claimant is not current UST owner)
- Accompanied with Appendix 4a spreadsheet
- Proof of Payment-Invoices
- Other supporting documentation

Appendix 4a Spreadsheet

- Properly completed with invoice number, invoice date, date paid, task codes (one summation per task code per invoice), quantity claimed for the task code claimed, and amount claimed per task code.
- As of 12/23/2010, an electronic version of the Appendix 4A spreadsheet must be submitted electronically to dorust@dor.state.ma.us.

Proof of Payment

- Both sides of a cancelled check, signed payment affidavit on contractor payee letterhead with date paid [and amount paid](#) for invoices. Bank account information should be redacted prior to submittal.

Invoices

- Containing breakdown of charges, no unsupported unit costs, no unsupported lump sums, and properly line item task coded with line item dates of service to correspond to the Appendix 4a spreadsheet.
- All subcontractor invoices/receipts.
- Invoice backup information which includes but is not limited to: DEP transmittal forms, sufficient evidence of field events and/or purchased items, permits, bills of lading/manifest to support contaminated soils/water disposal, off site access letters, bioremediation calculations, site maps, results, etc.

Other Supporting documentation

- Well logs to support boring/drilling events.
- Chain of Custody to support lab invoices.
- Reports with DEP transmittal forms to support report charges claimed (or an explanation that the report is in progress with an estimated completion date).
- If a BID item is being claimed, provide the Appendix 5 BID form with supporting documentation for Bid's.

Frequently Asked Questions

- [What are the requirements for use of an Owner Authorization?](#)
 - [What will be the affect of a Department of Environmental Protection's issuance of a Notice of Non-Compliance \(NON\) on my reimbursement?](#)
 - [What is the policy for filing Proof of Payment where payment was issued via a Retainer Check?](#)
 - [What happens if my Certificate of Compliance is Revoked?](#)
 - [What are the reasons that a COC may be revoked for?](#)
 - [What are the requirements for filing a Request for Reconsideration?](#)
 - [When do I use Task Code 9.8 versus 9.9?](#)
 - [When do I use Task Code 9.7.1 versus Task Code 9.7.2?](#)
 - [Do we need to supply the breakdown of drilling rigs used on a well by well basis under Task Codes 9.0 and 19.0?](#)
 - [Is Administration or Coordination time eligible for reimbursement?](#)
 - [Are signature stamps acceptable for Proof of Payment Verifications, Owner Authorizations, and Applications for Reimbursement etc.?](#)
 - [When costs are being claimed for gauging/sampling events, what is the need for additional items such as groundwater contour maps where back up for the event already includes field notes and/or work order; Liquid Level Data Sheet w/gauging information; and a sales & rental that includes bailers and vehicle charges?](#)
 - [Why are site maps that include the recent installation of monitoring wells or completion of borings needed where back up for the event includes field notes and/or work order, boring/drill logs, and subcontractor invoice charges?](#)
 - [There are cases where a site is classified one way, which results in the start of a specific type of report and then circumstances such as new data cause the consultant to change the site direction.](#)
 - [When there are unusual circumstances at a site that would create a situation where charges exceed the 21J-fee schedule, is there a mechanism for payment of the overage? Would these situations be handled case by case via pre-approval or regardless of the situation is the contractor/consultant expected to remain below the task maximum?](#)
 - [Will charges incurred in trying to obtain an access agreement be allowed where the access was denied or delayed?](#)
 - [If a Catox system at a site breaks down and the cost of repair is \\$9,500, but to purchase a new one is \\$24,000 can I get the cost of the new system?](#)
-

1. What are the requirements for use of an Owner Authorization?

- Must be submitted whenever Claimant or Applicant is **not** the Owner of the UST System.
- Must be submitted for **each** Application and be original signatures.
- Date of Authorization (Not date of signature) must match the date the Application was signed. Date of signature must be after the date of the latest invoice.

[Return to Index](#)

1. What will be the affect of a Department of Environmental Protection's issuance of a Notice of Non-Compliance (NON) on my reimbursement?

Will result in charges being deemed ineligible if:

- Work performed is determined to be not cost effective, reasonable, or necessary;
- or
- Work causes Fund to incur costs that it would not have incurred but for the issuance of the NON.
- Mere issuance of an NON does not automatically equate to costs being deemed ineligible.

[Return to Index](#)

2. What is the policy for filing Proof of Payment where payment was issued via a Retainer Check?

- Costs covered by retainer checks shall be considered timely from the work completion date (Dates of service for work being claimed) not by the check's cash date or the invoice date.
- To be eligible, costs associated with a retainer check must be submitted within 365 days of work being performed as documented through invoices, timesheets etc.,

[Return to Index](#)

3. What happens if my Certificate of Compliance is Revoked?

- If a COC has been revoked, costs associated with the Release during the period of revocation will be deemed ineligible.

[Return to Index](#)

4. What are the reasons that a COC may be revoked for?

- Failure to Pay Fees
- Failure to Renew
- Failure to Maintain Compliance
- Failure to repay monies owed to Fund

[Return to Index](#)

Formatted: Indent: Left: 0.25"

Formatted: Bullets and Numbering

5. **What are the requirements for filing a Request for Reconsideration?**

- A Request for Reconsideration shall be filed with the Board by submitting a clear and concise written statement of the matter as to which the Claimant seeks the Board to reconsider its final determination or other final action, and the reason the Board should make a favorable determination on such Request for Reconsideration. Such statement **shall set forth either new evidence that was not reasonably available at the time of initial consideration or the reason or reasons why the Board's initial decision was inconsistent with 503 CMR 2.00.**

[Return to Index](#)

[Return to Index](#)

6.

[Return to Index](#)

[Return to Index](#)

7. **When do I use Task Code 9.8 versus 9.9?**

- Task 9.8 is a Professional Utility Survey and must include:
 - Above and underground utilities
 - Inverts
 - Reference to NGVD and Drafting.
 - A Professional Land Surveyor (PLS) stamped drawing is required as supporting documentation for this task code.
- Task 9.9 is a Ground Penetrating Radar Survey and is utilized to locate underground utilities, tanks or other anomalies underground. Proper backup required are time sheets, field notes and/or subcontractor invoices.

Formatted: Bulleted + Level: 1 + Aligned at: 0.7" + Tab after: 0.7" + Indent at: 0.85"

Formatted: Bullets and Numbering

[Return to Index](#)

7.8. **When do I use Task Code 9.7.1 versus Task Code 9.7.2?**

- If the document (usually a drawing or figure) is stamped by a Professional Land Surveyor (PLS), then all charges associated with that document shall be coded to the 9.7.2 series of codes.
- If the document produced is not stamped by a PLS, the charges should be coded to the 9.7.1 series of codes.
- Please note that a Professional Engineer stamp is not equivalent to a Professional Land Surveyor stamp.

[Return to Index](#)

[Return to Index](#)

8.9. Do we need to supply the breakdown of drilling rigs used on a well by well basis under Task Codes 9.0 and 19.0?

- Yes, especially in cases where there may be multiple drilling methods used. Providing as detailed information, as possible will allow for greater efficiency in the claims processing.

[Return to Index](#)

[Return to Index](#)

[Return to Index](#)

9.10. Is Administration or Coordination time eligible for reimbursement?

- Administration or Coordination time may be eligible if it is Task Coded to the event it is associated with, however, it is not in addition to the event's Task Code maximum allowable amount. See workbook for specific guidance.
- If there is no event, it will be deemed ineligible.

[Return to Index](#)

10.11. Are signature stamps acceptable for ~~Proof of Payment Verifications,~~ Owner Authorizations, and Applications for Reimbursement etc.?

- No, all documents must be original signature.
- Faxed copies should be followed up with original documentation [where necessary](#).

[Return to Index](#)

[Return to Index](#)

11.12. When costs are being claimed for gauging/sampling events, what is the need for additional items such as groundwater contour maps where back up for the event already includes field notes and/or work order; Liquid Level Data Sheet w/gauging information; and a sales & rental that includes bailers and vehicle charges?

- This information is not required in all field events. It is requested on a case by case basis where the adjuster may have information that indicates the presence of ineligible UST's (or other ineligibles) and further information is needed to determine eligibility of charges.

[Return to Index](#)

~~12~~.13. Why are site maps that include the recent installation of monitoring wells or completion of borings needed where back up for the event includes field notes and/or work order, boring/drill logs, and subcontractor invoice charges?

- These items are requested generally based on information that is provided either via reporting (i.e. Phase II Report) or past site history that indicates possible ineligibles.
- Drilling/Boring logs do not always indicate where monitoring wells are being installed or whether installation occurred on or off site or in the vicinity of ineligible areas.
- Drilling Logs are not always filled out properly (i.e. correct drilling method/drilling dates).

[Return to Index](#)

~~13~~.14. There are cases where a site is classified one way, which results in the start of a specific type of report and then circumstances such as new data cause the consultant to change the site direction.

- The Fund should allow costs to be reimbursed on a case-by-case basis where effort on one report can be incorporated into a second report.
- If the report was never completed, all costs are denied. If one report was started, but never completed because an RAO was submitted, costs may be coded towards the RAO. There are no partial Task Code Maximums for unfinished reports.
- Costs will be denied for unfinished reports if the consultant does not indicate that the work was performed toward completing an RAO or where the consultant merely indicates that the report was never completed.

[Return to Index](#)

~~14~~.15. When there are unusual circumstances at a site that would create a situation where charges exceed the 21J-fee schedule, is there a mechanism for payment of the overage? Would these situations be handled case by case via pre-approval or regardless of the situation is the contractor/consultant expected to remain below the task maximum?

- Pursuant to 503 CMR 2.00 Reasonable and appropriate Reimbursements shall be determined by the Appendix 3 Reimbursement Fee Schedule or for activities not covered by the Reimbursement Fee Schedule, the Claimant shall obtain bids.

[Return to Index](#)

~~15~~.16. Will charges incurred in trying to obtain an access agreement be allowed where the access was denied or delayed?

- Charges will be allowed, however, a copy of the letter will be required as well as proof of mailing and receipt.

[Return to Index](#)

| ~~16.17.~~ **_____ If a Catox system at a site breaks down and the cost of repair is \$9,500, but to purchase a new one is \$24,000 can I get the cost of the new system?**

- If the original Catox was purchased, you would only be able to claim \$8,000 as this represents the annual maximum allowance for system repair under Task Code 23.3.
- If a second purchase for reimbursement were submitted, it would be denied.

[Return to Index](#)