
State Water Resources Control Board

UNDERGROUND STORAGE TANK CLEANUP FUND REVISED GUIDANCE FOR COSTS ASSOCIATED WITH RTAC AND ETAC (Updated July 11, 2023)

The Underground Storage Tank Cleanup Fund (Fund) is revising the previous guidance related to reasonable and necessary regulatory technical assistance costs (RTAC) and electronic technical assistance costs (ETAC). Effective July 1, 2023, RTAC and ETAC labor rates are increasing 21.8% to align with the 2023 Cost Guidelines Consumer Price Index (CPI) adjustment. Effective July 1, 2023, the number of minutes per line that typically are considered as reasonable and necessary is also decreasing from 6 minutes to 4 minutes for ETAC charges. The decrease is reflective of claimants' and consultants' increasing efficiencies with the uploading process and system due to significant gains in knowledge, understanding, and ease of use.

Below is additional specific guidance on which costs associated with preparing reimbursement requests (RRs) are classified as ETAC, and therefore are not subject to the reimbursement limitation for RTAC. This notice also provides guidance on the eligibility of typical costs that are classified as ETAC.

Classification of RTAC and ETAC

Health and Safety Code section 25299.57, subdivision (j)(1) provides:¹

The board shall pay a claim of not more than five thousand dollars (\$5,000) per occurrence for regulatory technical assistance to an owner or operator who is otherwise eligible for reimbursement under this chapter, *except that reasonable and necessary regulatory technical assistance costs associated with the electronic submission of documents to the fund using an electronic data system approved by the board shall not be subject to this limit.*

The purpose of ETAC is to assist with those additional costs incurred resulting from submitting a Fund application, RR, and supporting documentation to the Fund electronically through GeoTracker, instead of submitting those documents to the Fund in hard copy. The costs for completing the following actions associated with an RR submission are properly classified as ETAC:

¹ Emphasis added. Please see Health and Safety Code section 25299.57, subdivision (j)(2) and California Code of Regulations, section 2804, definition of "Regulatory Technical Assistance" for limitations on the costs that are eligible for reimbursement as RTAC that are not relevant to the discussion herein.

- 1) Entering data into the CUF invoicing summary electronic spreadsheet;
- 2) Error checking and correcting data on the GeoTracker CUF Invoicing Portal;
- 3) Converting documents related to an RR into an acceptable electronic format;
and
- 4) Uploading documents related to an RR into GeoTracker.

Please note that the Fund uses the RTAC classification to mean all RTAC that is not ETAC. All costs associated with preparing an RR other than the four (4) items listed above are necessary to prepare a hard copy or electronic RR, which must be classified as RTAC.

Examples of typical RTAC costs include:

- Preparing Fund documents;
- Obtaining signatures;
- Compiling invoices;
- Obtaining or preparing supporting documents;
- Corresponding with Fund staff about RRs;
- Reviewing invoices for errors; and
- Obtaining or preparing proof of payment.

Note: Uploading regulatory documents and data to GeoTracker to comply with regulatory requirements after 2005 is not RTAC or ETAC and must be billed under the applicable budget category for that corrective action task. These documents and data are necessary for RR review. The Fund will reimburse costs to electronically upload documents and data submitted in hard copy prior to 2005.

Fund Guidance for Reimbursing Costs Associated with RTAC and ETAC

To improve consistency with the reimbursement of reasonable and necessary costs for RTAC and ETAC, the Fund recommends the following:

- 1) Total time spent for ETAC for a RR generally should not exceed a cumulative total of 4 minutes per line item entered into the electronic invoicing spreadsheet. If additional time is necessary, written justification should be provided with the costs.

Example: An RR consisting of 10-line items in the CUF invoicing summary could be reimbursed up to a maximum of 40 minutes for ETAC, regardless of whether the time is used for entering data, checking for errors, converting documents into electronic format, or uploading documents.

Note: Multiple line items for a single task that reasonably could be submitted as a single line item will be viewed as a single line item for purposes of calculating time spent on ETAC.

- 2) Reasonable and necessary costs claimed for RTAC and ETAC must contain sufficient detail on the invoices and CUF invoicing summary to allow the Fund to determine which tasks were performed. Costs billed as RTAC or ETAC lacking sufficient detail may be considered ineligible. Sufficient detail includes at a minimum:
 - i. The name of the person performing the task, the date the task was performed, and amount of time necessary to complete the task;
 - ii. The task performed (*Example 1*: ETAC – Entering data into the CUF invoicing summary for RR #2; *Example 2*: ETAC – Uploading supporting documents and ESI to GeoTracker for RR #3); and
 - iii. The RR number or GeoTracker Confirmation number(s) to which the task is related.

Additionally, please note that RTAC and ETAC tasks cannot be combined into a single line item. RTAC and ETAC must have separate line items.

- 3) Costs for RTAC and ETAC typically will be reimbursed by one of the following methods:
 - i. A “Reimbursement Specialist” classification may be billed at a rate up to \$85.00 per hour for all costs associated with RTAC and ETAC if there are no supervisory costs for reviewing the RR; or
 - ii. A “Clerical” classification may be billed at a rate of up to \$79.00 per hour for costs associated with RTAC and ETAC if there also are supervisory costs being billed for reviewing the RR. (Supervisory costs must be reasonable and necessary for reimbursement).

If you have questions or concerns regarding this notice, please contact the Fund at (800) 813- FUND (3863) or USTCleanupFund@waterboards.ca.gov. Additional Fund related information can be found on the website at:

http://www.waterboards.ca.gov/water_issues/programs/ustcf/.