

591—11.1 (455G) Reserving and payment of claims pursuant to Iowa Code sections 455G.9 and 455G.21.

11.1(1) All claims shall be investigated and overall fund liability estimated. Claims shall be reserved for their estimated exposure to the fund on the specific site. The reserve shall reflect the estimated exposure less copayment or deductible obligations.

11.1(2) Reserves shall reflect estimated total cost to the program, regardless of actual funding provided.

11.1(3) Prioritization pursuant to Iowa Code section 455G.12 shall be accomplished with rules if required and as determined by the board.

11.1(4) An estimated reserve for incurred but not reported claims shall be developed.

11.1(5) Reserves may be changed to reflect changing knowledge on eligible claims.

11.1(6) Owner or operator compliance with regulatory and program requirements shall be evaluated as part of the investigation. Failure to meet regulatory and program requirements which exist at the time of payment may result in cost recovery claims as provided under Iowa Code section 455G.13.

11.1(7) Cause of loss and determination of responsible parties shall be ascertained as a part of the investigation process. Independent environmental consultants may be retained to assist in the determination of the cause of the release and for the application of coverage.