**Section 369.1010 Determination of Allowable Costs**

The loan recipient shall be paid, upon request, in accordance with Section 369.1030 (Disbursement of Loan Funds) of this Subpart, for all costs that are within the scope of the approved project, not to exceed the total amount of the loan, and that are determined to be allowable in accordance with the following criteria:

a) Allowable Project Costs

All reasonable and necessary costs directly attributable to the design and construction of an eligible, loan assisted wastewater treatment works project that are not excluded from loan funding by law or non-waivable regulations. Categories of necessary costs include, but are not limited to, the following:

1) The direct purchase of materials, equipment and personal services specifically necessary for the completion of a loan funded project;

2) Professional and consultant services contracts necessary for design, bidding and construction of a loan funded project, except as elsewhere limited by this Part;

3) Costs under approved construction contracts; and

4) Costs for premiums for required flood insurance during the project construction period.

b) Ineligible Costs

Categories of costs that are ineligible for loan assistance, and are not subject to the "reasonable and necessary" test of allowability include, but are not limited to, the following:

1) Costs for preparing a facilities planning document;

2) Costs for basin or areawide planning;

3) Costs outside the scope of the approved facilities plan;

4) Site acquisition, including easement compensation, except in those instances where the land itself shall serve as the medium for treatment (e.g., land for spray irrigation of wastewater); and

5) Construction of any facilities that do not comply with the definition of a "treatment works" as contained in section 212 of the Clean Water Act.

c) Disputes Concerning Allowable Costs

The loan recipient shall seek to resolve any questions relating to cost allowability or allocation at the earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.