

**TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY**

**PART 185
ENVIRONMENTAL LABORATORY CERTIFICATION FEE RULES**

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AUTHORITY: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8] (see P.A. 89-0368, effective January 1, 1996).

SOURCE: Adopted at 20 Ill. Reg. 13359, effective September 24, 1996; amended at 36 Ill. Reg. 9776, effective July 1, 2012; amended at 48 Ill. Reg. 5264, effective March 19, 2024.

SUBPART A: GENERAL

Section 185.101 Purpose

The purpose of this Part is to establish procedures for the determination and the collection of the annual administrative assessment and the annual laboratory certification assessments from environmental laboratories for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters.

Section 185.102 Applicability

- a) Except as provided otherwise in Subsection (b), this part applies to each environmental laboratory that submits an application for certification or for the renewal of certification for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters.
- b) No assessment for the certification of environmental laboratories shall be due under this Part from any department, agency, or unit of State government or municipal government that conducts analyses of samples from public water supplies.

Section 185.103 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in the Act. For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Anniversary date of the initial certification" means the date of the laboratory's last certification with the Agency pursuant to the laboratory certification program.

"Applicant" means an environmental laboratory that applies for certification and determination of assessments for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters pursuant to Section 17.8 of the Act.

"Assessment" or "Fee" means the assessment prescribed by Section 17.8 of the Act.

"Certificate of Accreditation" means a formal document or set of documents, issued by the Agency pursuant to 35 Ill. Adm. Code 186, stating that accreditation has been granted for the defined scope.

"Inorganic Parameters" means all parameters not included in organic parameters.

"Organic Parameters" means all parameters analyzed by all forms of gas chromatography and high pressure liquid chromatography (excluding ion chromatography).

"Renewal Period" means the 12 months after the renewal application is processed by Agency's Laboratory Accreditation Unit and the updated Certificate of Accreditation is generated for the laboratory.

(Source: Amended at 48 Ill. Reg. 5264, effective March 19, 2024)

Section 185.104 Relation to Other Fee Systems and Out-of-State Certification and Reciprocity Agreements

- a) The assessments collected pursuant to this Part, and the assessment collection procedures set forth in this Part, are separate from, and in addition to, all other fees and fee systems established by law.
- b) No assessments will be waived due to out-of-state certification or reciprocity agreements.

Section 185.105 Severability

If any provision of this part or the application thereof to any person or in any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF ASSESSMENTS

Section 185.201 Amount of the Assessments

The Agency, with the concurrence of the Environmental Laboratory Certification Committee, has established the following administrative assessment and certification assessment schedules in accordance with the procedures of Section 17.8(c) and (d-5) of the Act. This schedule shall remain in effect until an alternative schedule is established in accordance with those subsections.

- a) **Administrative Assessment Schedule.** Each laboratory requesting any of the certifications in subsection (b) shall pay an annual administrative assessment of \$2,400 per year, provided that the administrative assessment shall be \$3,900 if the laboratory was not certified at any time during the six months immediately preceding its application for certification.
- b) **Annual Certification Assessment.** In addition to the annual administrative assessment in subsection (a), each laboratory that requests certification shall pay the annual certification assessment for each certification requested based upon the following schedule:
 - 1) For certification to conduct public water supply analyses:
 - A) \$1,000 per year for inorganic parameters; and
 - B) \$1,000 per year for organic parameters.

- 2) For certification to conduct water pollution analyses:
 - A) \$1,000 per year for inorganic parameters; and
 - B) \$1,000 per year for organic parameters.
 - 3) For certification to conduct analyses of solid or liquid samples for hazardous or other waste parameters:
 - A) \$1,000 per year for inorganic parameters; and
 - B) \$1,000 per year for organic parameters.
 - 4) For each laboratory request to change a Certificate of Accreditation outside the renewal period, \$500. There shall be no limit to the number of changes that can be submitted per request. Laboratories exempted from assessments by Section 185.102(b) do not need to pay a change request fee.
- c) The annual administrative assessment and the annual certification assessments shall be paid at the time the laboratory submits its application for certification or for renewal of certification.

(Source: Amended at 48 Ill. Reg. 5264, effective March 19, 2024)

Section 185.202 Manner of Payment

Payment of the assessment must be made by check or money order payable to: "Treasurer, State of Illinois" and shall be submitted with the certification application to:

Illinois Environmental Protection Agency
Division of Laboratories
2200 Churchhill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Section 185.203 Prohibition Against Refund

Any assessment remitted to the Agency under this Part shall not be refunded at any time for any reason, either in whole or in part.

Section 185.204 Audit and Access to Records

- a) Each applicant for which an assessment is due under this Part shall preserve and maintain all records relating to this assessment for at least 5 years after the date

that the application is received by the Agency.

- b) The records described in subsection (a) shall be available to the Agency or its authorized representative (e.g., auditor, contractor) for examination during normal business hours.

SUBPART C: PROCEDURES FOR PROCESSING APPLICATIONS

Section 185.301 Applications Containing the Entire Assessment

Applications received by the Agency will be logged in and assigned a receipt date and number if the following conditions are met:

- a) The application is complete in accordance with Section 17.8 of the Act and this Part; and
- b) The entire assessment due under Section 185.201 of this Part is included with the application.

Section 185.302 Applications Not Containing the Entire Assessment

Applications not containing the entire assessment shall be considered incomplete and the Agency shall take the following actions in response to such application:

- a) The Agency shall deposit any assessments submitted along with the application, and shall notify the applicant by certified mail of the assessment deficiency. Within 30 days the applicant must submit the balance of the assessment that is due.
- b) If the entire assessment due is received by the Agency within 30 days after issuance of the notice under subsection (a), the Agency shall log in the receipt of the application and review it in accordance with Section 185.301 of this Part.