

SUBTITLE F

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 691
TESTING FEES FOR ANALYTICAL SERVICES

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(Repealed)

AUTHORITY: Implementing and authorized by Section 17.7 of the Environmental Protection Act [415 ILCS 5/17.7].

SOURCE: Adopted at 14 Ill. Reg. 2045, effective January 18, 1990; amended at 19 Ill. Reg. 12648, effective August 24, 1995; amended at 33 Ill. Reg. 7072, effective May 13, 2009; amended at 38 Ill. Reg. 13881, effective June 20, 2014.

SUBPART A: GENERAL

Section 691.101 Purpose and Applicability

- a) The purpose of this Part is to establish procedures for participation by community water supplies in the Agency's drinking water analysis program and for the determination and collection of fees for participation in the Program.
- b) This Part applies to community water supplies. Each community water supply in the State must declare its intention to participate or not participate in the Agency's drinking water analysis program, as authorized by Section 691.105(a)(2) and (b)(1).

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.102 Definitions

- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.
- b) 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.

"Board" means the Illinois Pollution Control Board.

"Certified laboratory" means any laboratory approved by the Agency pursuant to 35 Ill. Adm. Code 183, or other department or agency of State government, if such authority is delegated for the specific parameters to be examined, pursuant to Section 4(n) or (o) of the Act.

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"Community water supply" or "supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. (Section 3.145 of the Act)

"Council" means the Community Water Supply Testing Council established by Section 17.7(f) of the Act.

"Drinking water analysis program" or "Program" means the laboratory analysis of community water supplies by the Agency for any community water supply that declares its intention to participate or not participate, as authorized by Section 691.105(a)(2) and (b)(1) and pays the fees established pursuant to Subpart B of this Part.

"Laboratory testing" means the analysis of drinking water by the Agency required under 35 Ill. Adm. Code Subtitle F and federal regulations established under the Safe Drinking Water Act (42 USC 300f).

"Program participation fee" or "fee" means the amount due from the community water supply for analytical services under the Program.

"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". (Section 3.365 of the Act)

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.103 Payment of Annual Testing Fee Required Prior to Laboratory Testing by the Agency (Repealed)

(Source: Repealed at 19 Ill. Reg. 12648, effective August 24, 1995)

Section 691.104 Period of Program Participation

Except as provided by Section 691.105(b), each community water supply shall participate in the Program annually during each State fiscal year.

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.105 Participation in the Program

- a) Notification and Participation
 - 1) Prior to May 31 of each year, the Agency will notify each community water supply of the supply's options for participation in the Program during the State's next fiscal year. This notification will inform the community water supply of the fee for Program participation that has been determined as provided in Subpart B of this Part.
 - 2) Within 45 days after issuance of notice under subsection (a)(1), each community water supply must indicate its intention to participate in the Program during the State's next fiscal year by notifying the Agency, using the election form provided by the Agency.
 - 3) Community water supplies that do not submit an election form under subsection (a)(2) or (b)(1) must have their drinking water analyses performed by a certified laboratory operated by an entity other than the Agency.
- b) Notification and Nonparticipation
 - 1) Any community water supply electing to not participate in the Program during the State's next fiscal year must notify the Agency, using the election form provided by the Agency, within 45 days after issuance of the notice under subsection (a)(1).
 - 2) Community water supplies that do not submit an election form under subsection (a)(2) or (b)(1) must have their drinking water analyses performed by a certified laboratory operated by an entity other than the Agency.
- c) No Program participation fee shall be due from any community water supply that duly notifies the Agency of its nonparticipation as required by subsection (b)(1).
- d) If the community water supply declares its nonparticipation in the Program, fails to pay the required fees, or does not submit an election form under subsection (a)(2) or (b)(1), the Agency shall not perform any laboratory testing for the supply during the Program participation period unless the services are otherwise paid for.
- e) *Community water supplies that choose not to participate in the laboratory fee program, do not pay the fees, or do not return the election form, shall have the*

duty to analyze all drinking water samples as required by State or federal safe drinking water regulations established after enactment of the federal Safe Drinking Water Act Amendments of 1986. (Section 17.7 of the Act).

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.106 Relation to Other Fee Systems (Repealed)

(Source: Repealed at 19 Ill. Reg. 12648, effective August 24, 1995)

Section 691.107 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: PROGRAM PARTICIPATION FEES

Section 691.200 Fee Payment

- a) Community water supplies must pay all annual fees due under this Part prior to the initiation of any laboratory testing by the Agency.
- b) Payment of fees under this Part does not entitle a community water supply to any analytical services other than those provided by the Program.

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.201 Calculation of Fee

The Agency shall determine the fee for participating in the laboratory fee program for analytical services. The Agency shall base its annual fee determination upon the actual and anticipated costs for testing under State and federal drinking water regulations and the associated administrative costs of the Agency and the Council. (Section 17.7(b) of the Act)

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.202 Annual Testing Fee After Calendar Year 1990 (Repealed)

(Source: Repealed at 19 Ill. Reg. 12648, effective August 24, 1995)

Section 691.203 Determining the Number of Service Connections (Repealed)

(Source: Repealed at 38 Ill. Reg. 13881, effective June 20, 2014)

**SUBPART C: PROCEDURES FOR BILLING AND
COLLECTING PROGRAM PARTICIPATION FEES**

Section 691.301 Fee Statements

The Agency shall send a fee statement to each community water supply with the notice for Program participation provided pursuant to Section 691.105(a)(1).

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.302 Payment

Program participation fees shall be paid within 45 days after issuance of the fee statement to the community water supply. Fee payments must accompany the election form submitted pursuant to Section 691.105(a)(2).

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.303 Form of Payment

- a) Payment of Program participation fees must be by check or money order payable to "Illinois EPA" and shall be accompanied by the name of the community water supply and the facility identification number assigned by the Agency's Division of Public Water Supplies.
- b) Payment and all supporting documentation must be mailed together in a single package to:

Illinois Environmental Protection Agency
Fiscal #2
Attn: Fee Coordinator
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
- c) Payment shall not include any fees due to the Agency for any purpose other than participation in the Program.
- d) Any fee remitted to the Agency shall not be refunded at any time or for any reason, either in whole or in part.

(Source: Amended at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.304 Prohibition Against Refund (Repealed)

(Source: Repealed at 19 Ill. Reg. 12648, effective August 24, 1995)

Section 691.305 Overpayment or Underpayment of Program Participation Fee

- a) If the amount remitted is more than the amount due under this Part, the community water supply's account shall be credited by the amount of the overpayment.
- b) If the amount remitted is less than the amount due under this Part, the community water supply will be billed for the balance due.

(Source: Amended at 19 Ill. Reg. 12648, effective August 24, 1995)

Section 691.306 Audit and Access to Records (Repealed)

(Source: Repealed at 38 Ill. Reg. 13881, effective June 20, 2014)

SUBPART D: DISPUTE RESOLUTION PROCEDURES**Section 691.401 Council's Non-Concurrence With the Agency Fee Determination (Repealed)**

(Source: Repealed at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.403 Dispute Resolution (Repealed)

(Source: Repealed at 38 Ill. Reg. 13881, effective June 20, 2014)

Section 691.APPENDIX A Agreement for Reduced Participation in Sample Analysis (Repealed)

(Source: Repealed at 19 Ill. Reg. 12648, effective August 24, 1995)