

**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.

**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.

**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).

#### **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**

- a) Beginning January 1, 1996 and each year thereafter, each laboratory shall pay an annual administrative assessment of \$350 at the time the laboratory submits its request for certification, or on the renewal date of certification and on the anniversary date of the initial certification in accordance with the certification assessment of subsection (b).
- b) Beginning January 1, 1996 and each year thereafter, each laboratory that requests certification shall pay the assessment for each certification at the time the laboratory submits an application and on the anniversary date of the initial certification based upon the following schedule:
  - 1) For certification to conduct public water supply analyses:
    - A) \$350 per year for inorganic parameters; and
    - B) \$350 per year for organic parameters.
  - 2) For certification to conduct water pollution analyses:
    - A) \$700 per year for inorganic parameters; and
    - B) \$700 per year for organic parameters.
  - 3) For certification to conduct analyses of solid or liquid samples for hazardous or other waste parameters:
    - A) \$900 per year for inorganic parameters; and
    - B) \$900 per year for organic parameters.

#### **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.