**Section 808.302 Data Base and Bioassay Procedures**

a) This Section governs the data base and bioassay procedures which may be employed to assess the physical, chemical and toxicological properties of waste constituents.

b) The data base, and any bioassay procedure utilized pursuant to Section 808.245(a), shall consist of and use data and procedures which the Agency determines are a reliable basis for decision. Reliability of a source of data and procedures shall be assessed by reference to such factors as, but not limited to, scientific validity; consistency with directly observable data, including monitoring data; and the consistency of results of repeated applications of the data, procedures and formulae. Sources of data may include, but are not limited to, the following:

1) Standard reference sources;

2) Material published or incorporated by reference by a federal regulation or by a regulation adopted by an agency of the State of Illinois;

3) The application under consideration and written communications between the applicant and the Agency or their representatives with respect to the application;

4) Data and procedures previously used by the Agency in other wastestream categorization determinations; or

5) Agency inspection, permitting and enforcement files relating to the generator or the wastestream, excluding complaint forms (except where the complainant will be available voluntarily for deposition and examination under oath at any hearing on appeal pursuant to Subpart G).

c) The Agency shall make available for inspection and copying by the public a list of the sources of data and bioassay procedures which it has previously utilized for purposes of this Section, excluding any data described in subsection (b)(3) of this Section that is protected from public disclosure pursuant to Sections 7 or 7.1 of the Act or pursuant to 35 Ill. Adm. Code 101 or 120.