

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 301. LABORATORY ACCREDITATION**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:301-1-3. Definitions [AMENDED]

252:301-1-4. Terms [AMENDED]

252:301-1-7. General water quality laboratory [AMENDED]

252:301-1-9. Fees [AMENDED]

Subchapter 3. Laboratory Accreditation Process

Part 1. Application

252:301-3-3. Operational information [AMENDED]

Part 5. Grounds to Revoke

252:301-3-51. Grounds to take enforcement action [AMENDED]

Subchapter 5. General Operations

252:301-5-4. On-site inspections [AMENDED]

Subchapter 7. Proficiency Testing

252:301-7-2. Participation required [AMENDED]

Subchapter 9. Quality Assurance/Quality Control

Part 3. Standard Operating Procedures And Methods Manual

252:301-9-37. Methodology incorporated by reference[AMENDED]

Part 5. QA/QC Program Requirements

252:301-9-51. QA/QC program required [AMENDED]

252:301-9-54. Inorganic/classic chemistry [AMENDED]

252:301-9-57. Support equipment [NEW]

SUMMARY:

The gist of these rules and the underlying reason for this rulemaking is to make the Laboratory Accreditation Rules internally consistent, to update accreditation requirements to reflect current EPA standards for analysis, and to make program fees more closely approximate program costs for accreditation.

The Department is proposing to amend 252:301-1-3, Definitions, to correct typographical errors, and by inclusion of new definitions for the terms “finding” and “critical finding.” Additionally, the Department is proposing to amend 252:301-1-7(b) to include escherichia coli among the basic environmental laboratory analytes for general water quality laboratories.

The Department is proposing to amend 252:301-1-9, Fees, adding a new fee to recover the actual cost for assessors’ time and effort in performing on-site evaluations. The gist of this rule is to more accurately reflect the Department’s full cost for performing laboratory accreditation and reduce reliance on State appropriated funds.

The Department is proposing, in 252:301-3-3 and thereafter throughout Chapter 301, to delete the word “inspection” and substitute the term “evaluation.” Additionally, the Department is proposing to amend 252:301-5-4, On-site inspections, to clarify the circumstances and frequency for conducting on-site evaluations.

The Department is proposing to amend 252:301-7-2, Participation required, by deleting an unneeded reference to the National Environmental Laboratory Accreditation Conference.

The Department is proposing to amend 252:301-9-37, Methodology incorporated by reference, to incorporate the latest changes to EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. A significant result of the update to EPA Test Procedures for the Analysis of Pollutants is amendment of the procedure for the determination of the Method Detection Limit (MDL), which will apply to all permittees and accredited laboratories.

The Department is proposing to amend 252:301-9-51, QA/QC program required, to increase from three years to five years, the time that records of analyte accredited analyses be retained. This change is for consistency with all other DEQ, Laboratory Accreditation records retention requirements. Additionally, the Department is proposing to amend 252:301-9-54, Inorganic/classic Chemistry, deleting the unneeded reference to Inorganic Chemistry as “classic” chemistry, and to delete the option to test spike duplicates once per month.

The Department is proposing to add a new section, 252:301-9-57, Support equipment, to require that laboratory support equipment be calibrated at least annually using traceable references when available and bracketing the range of use. This change is consistent with EPA required test procedures.

AUTHORITY:

Environmental Quality Board; 27A O.S., Sections 2-2-101, 2-2-201, and 2-4-302.

Water Quality Advisory Management Council; 27A O.S., Sections 2-2-201 and 2-5-107.

Laboratory Certification Services; 27A O.S., Sections 2-5-301 through -306.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 3, 2018 through January 2, 2019. Oral comments may be made at the January 8, 2019 Water Quality Management Advisory Council meeting and at the February 15, 2019 Environmental Quality Board meeting.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, January 8, 2019 at the DEQ Building 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Tuesday, February 15, 2019, 707 N Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/WQDnew/wqmac/index.html>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or reviewed online at <http://www.deq.state.ok.us/WQDnew/wqmac/index.html>.

CONTACT PERSON:

The contact person is David Caldwell, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-1001. Email comments may be directed to david.caldwell@deq.ok.gov. Mail should be addressed to Department of Environmental Quality,

State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: David Caldwell.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the contact person three (3) working days in advance at (405) 702-1000. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.