

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 307. TNI LABORATORY ACCREDITATION**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Introduction

252:307-1-3. Definitions [AMENDED]

252:307-1-4. Incorporation by reference [AMENDED]

252:307-1-5. Accreditation classes and fields of accreditation [AMENDED]

252:307-1-7. Annual fees [AMENDED]

Subchapter 7. Onsite Assessment Requirements

252:307-7-1. Reasons for an onsite assessment [AMENDED]

Subchapter 9. Management and Technical Requirements

Part 1. Proficiency Testing

252:307-9-8. Failure to Perform [AMENDED]

**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 252:307-1-3, Definitions, to correct typographical errors, and by inclusion of new definitions. The definition for Basic Environmental Laboratory adds the analyte Escherichia coli. New definitions are added for “critical nonconformity” and “nonconformity.”

The Department is proposing to amend 252:307-1-4, Incorporation 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 the 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 252:307-1-5, Accreditation classes and fields of accreditation with the deletion of fields of accreditation in the heading.

The Department is proposing to amend 252:307-1-7, Annual fees, adding a new fee to recover the actual cost for assessors’ time and effort in performing onsite 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 to amend 252:307-9-8, Failure to perform, clarity to the suspension policy for proficiency testing failure. This language is added to meet TNI requirements.

**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 2-4-302.

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](mailto: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.