



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

ARLEEN O'DONNELL
Commissioner

Proposed amendments to:
310 CMR 42.00
Certification and Operation of Environmental Analysis Laboratories

And Related Amendments to:
310 CMR 4.00
Timely Action Schedule and Fee Provisions

March 14, 2007

FOR AGENCY REVIEW AND PUBLIC HEARING

TABLE OF CONTENTS

| | | |
|------|--|----|
| I. | Summary of Amendments..... | 3 |
| II. | Schedule For Promulgating Regulations..... | 6 |
| III. | Notice of Public Hearing..... | 7 |
| IV. | Index and Highlight/Strike-out Text Amendments to 310 CMR 42.00..... | 9 |
| V. | Index and Highlight/Strike-out Text Amendments to 310 CMR 4.00..... | 52 |

I. SUMMARY OF PROPOSED AMENDMENTS

The Department proposes to revise its regulations for the Certification and Operation of Environmental Analysis Laboratories. Other than limited additions to the scope of certification, this is the first major revision of the regulations since they were first promulgated on September 13, 1991.

Amendments to the Timely Action Schedule and Fees Regulations are also being proposed for consistency with the amended Lab Certification Regulations. The fee regulations are re-organized into groups of potable and non-potable water certifications. No fees are increased for any certification currently offered. Fifteen new certifications are added with eight fees that offset part of the cost of service. A new permit modification category for microbiology is added.

Background: MassDEP certifies laboratories that are deemed capable of consistently producing valid data when performing chemical and microbiological testing of environmental samples, including drinking water.

MassDEP currently certifies environmental analysis laboratories for the chemical analysis of potable and non-potable water and the microbiological analysis of potable water. The specific analytes for which certification is offered include those regulated under the EPA's Clean Water Act and those regulated by MassDEP's Drinking Water Program, which exercises primary enforcement responsibility under EPA's Safe Drinking Water Act. EPA requires that testing for compliance with the Safe Drinking Water Act be conducted by certified laboratories. MassDEP-certified laboratories are located both inside and outside Massachusetts and include municipal, county, state, and federal government laboratories as well as private laboratories. MassDEP-certified laboratories conduct analytical measurements for purposes of determining compliance with Department standards where required. Certified laboratories also perform other testing for local boards of health and for private citizens who wish to be assured of obtaining valid data.

310 CMR 42.00 sets criteria for personnel, facilities, equipment, proficiency tests, on-site inspections, methodology employed, and quality assurance/quality control procedures that must be met by laboratories that are certified or that are seeking certification. Procedures for obtaining and maintaining certification and for the downgrading and revocation of certification are also specified.

Summary of Proposed Revision: The proposed revision updates the criteria listed above and expands the scope of certification. The major elements of the revision are highlighted below.

Purpose: Because MassDEP-certified laboratories often provide testing services for purposes other than compliance monitoring that is reported to MassDEP, the proposed revision states explicitly that the requirements of 310 CMR 42.00 apply to a MassDEP-certified laboratory whenever it reports using its laboratory certification identification number on a report of analytical measurements. It also clarifies requirements for a laboratory's representation and reporting of its certification status.

Reporting of Analyses: The proposed revision establishes a requirement for all certified laboratories to clearly distinguish between those analyses for which it holds Department certification, and those for which it does not, on laboratory reports on which its certification identification number appears. For the reported analyses for which the laboratory is certified, the laboratory is further required to distinguish between those analyses that it conducted in accordance with Department certification standards (i.e., fully meeting regulatory and method requirements) and those analytical measurements that it conducted in a manner not in accordance with MassDEP certification standards.

Representation of Certification Status: The proposed revision prohibits misrepresentation of certification status on any document issued by a laboratory, including reports and advertising materials.

Reports of Drinking Water Analyses: The proposed revision establishes a requirement for all laboratories certified for potable water analysis to include the applicable Maximum Contaminant Level (MCL) and Maximum Residual Disinfectant Level (MRDL) on reports of drinking water analyses.

Provisional Certification: The proposed revision limits the amount of time a laboratory may hold provisional certification. If a laboratory fails to correct the deficiencies that led to provisional certification within 6 months, its certification for the affected analyte(s) will be revoked.

Proficiency Test Records: The proposed revision establishes a requirement for a certified laboratory to maintain records of proficiency tests and supporting documentation for a period of five years in order to assure the availability of such records during an on-site inspection.

Notifications to the Department: The proposed revision establishes a requirement for a certified laboratory or a laboratory seeking certification to notify the Department in writing of a violation affecting an associated laboratory for which it has been cited by a government agency. It also establishes a requirement for a certified laboratory or laboratory seeking certification to notify the Department in writing of civil or criminal violations involving the laboratory owner, director, or supervisor.

Clarifications and Technical Fixes: The proposed revision makes clarifications and technical fixes throughout the regulations, especially for those sections pertaining to microbiological analyses, that will codify requirements the MassDEP Laboratory Certification Office has been enforcing. A few deletions have been made to clarify what MassDEP certifies for (e.g., benzo-a-pyrene, a PAH).

Expansion of Scope of Certification: The proposed revision expands the scope of certification to the analysis of:

1. Perchlorate in drinking water and wastewater and establishes the criteria for obtaining certification for the analysis of perchlorate in drinking water;
2. Total coliform, *E. coli*, and enterococci in drinking water source water;

3. Fecal coliform, *E. coli*, and enterococci in ambient waters, including recreational waters, to meet the needs of MassDEP and the Massachusetts Department of Public Health;
4. Fecal coliform, *E. coli*, and enterococci in wastewater and fecal coliform and *Salmonella* spp. in biosolids to meet the needs of MassDEP, other Massachusetts state and local agencies, and EPA;
5. Additional metals, pesticides, and semi-volatile organic compounds as listed in the Division of Water Pollution Control Toxic Pollutants list.

The proposed amendments will also add new fee categories under the Department's Timely Action Schedule and Fee Provisions at 310 CMR 4.00 to cover the costs associated with the expansion of the Laboratory Certification Program's scope of certification, add a new permit modification category, and delete some certification sub-categories.

II. SCHEDULE FOR PROMULGATING REGULATIONS

| | |
|--|----------------------------------|
| Proposed regulations approved for public hearing. | March 8, 2007 |
| Notification of hearings and proposed amendments mailed to all appropriate agencies, groups and registered interested parties as required. | March 16 2007 |
| Hearing notice published in newspapers and posted with amendment text on DEP website. | March 30, 2007 |
| Hearing Notice published in MA Register. | April 6, 2007 |
| Public Hearings. | April 20, 2007 April 24, 2007 |
| End of public comment period | May 4, 2007 |
| Public comment document and proposed final regulation amendment text submitted to EOEA and A&F for review and approval. | May 11, 2007 |
| Filing Form submitted to Secretary of the Commonwealth. | June 1, 2007 |
| Final amendment text published in the MA Register. | June 15, 2007 |

III. NOTICE OF PUBLIC HEARING

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
NOTICE

Notice is hereby given that the Department of Environmental Protection (MassDEP), acting in accordance with the provisions of M.G.L. c.21, §27, c.21A, §2(28), c.111, § 160, c.21A, §18 and in conformance with M.G.L. c.30A, will hold public hearings on proposed amendments to MassDEP regulations including:

Certification and Operation of Environmental Analysis Laboratories, 310 CMR 42.00 et seq.

The proposed revision of 310 CMR 42.00 is the first major revision of the regulations since they were first promulgated on September 13, 1991 and includes changes to 310 CMR 42.00. The revision updates the technical criteria for certification, especially those related to microbiology; clarifies requirements for a laboratory's representation and reporting of its certification status; limits the time a laboratory may hold provisional certification status; requires laboratories analyzing drinking water to include maximum contaminant levels and maximum residual disinfection level information on drinking water reports; requires laboratories to notify the Department in writing of any violations affecting public health, safety, or welfare for which it has been cited by a government agency; requires laboratories to notify the Department in writing of any civil or criminal violation that it or its owner, director, or supervisor has been convicted of or settled allegations regarding; and expands the scope of laboratory certification offered to the public to include additional chemical parameters in potable water and non-potable water and microbiological parameters in potable water, ambient water, wastewater, and biosolids.

Timely Action Schedule and Fee Provisions, 310 CMR 4.00 et seq.

MassDEP is proposing, to reduce timely action schedules for most of its permit categories by 20%, reducing the overall transaction time allowed for rendering permit decisions. These changes are proposed in response to the expansion of the Department's web-based permitting and permit streamlining initiatives introduced in recent years, no longer requiring long review schedules. They are intended to foster a greater innovative and competitive economic climate while maintaining strong environmental oversight.

The proposed amendments will also add new fee categories to cover the costs associated with the expansion of the Laboratory Certification Program's scope of certification, add a new permit modification category, and delete some certification sub-categories.

Public Hearings will be conducted under the provisions of Chapter 30A of the Massachusetts General Laws on:

April 20, 2007 -- Boston -- 10:00 a.m.

Department of Environmental Protection, One Winter Street

April 24, 2007 -- Worcester - 10:00 a.m.

Department of Environmental Protection, Central Regional Office, 627 Main Street

April 24, 2007 -- Springfield - 2:00 p.m.
Department of Environmental Protection, Western Regional Office, 436 Dwight Street

Testimony may be presented orally or in writing at the public hearings. In addition, written comments will be accepted at the addresses below until 5:00 p.m. on May 4, 2007. Please submit three copies of any written testimony.

Written testimony concerning **Certification and Operation of Environmental Analysis Laboratories, 310 CMR 42.00 et seq** must be submitted to: Ann Marie Allen, Massachusetts Department of Environmental Protection, Senator William X. Wall Experiment Station, 37 Shattuck St., Lawrence, MA 01843.

Written testimony concerning **Timely Action Schedule and Fee Regulations, 310 CMR 4.00 et seq.** must be submitted to Jay Eberle, 3rd Floor, Department of Environmental Protection, One Winter Street, Boston, MA 02108.

Copies of the regulations and background documents will be available at the DEP website: www.state.ma.us/dep and during normal business hours at DEP Boston Info Center and the following regional office Service Centers:

DEP Northeast Region, 205B Lowell St., Wilmington, MA (978) 694-3200
DEP Southeast Region, 20 Riverside Drive, Lakeville, MA (508) 946-2714
DEP Western Region, 436 Dwight Street, Suite 402, Springfield, MA (413) 784-1100 x2214
DEP Central Region, 627 Main Street, Worcester, MA (508) 792-7683

This information is available in alternate format upon request to: ADA Coordinator, BAS/HR, 4th Floor, One Winter Street, Boston, MA 02108 at (617) 574-6872.

For special accommodations for this event, call (617) 292-5810/ One Winter Street, 3rd floor, Boston, MA 02108. The DEP Boston Info Center may be reached at 1-800-462-0444.

By Order of the Department
Arleen O'Donnell, Commissioner

IV. PROPOSED AMENDMENTS TO 310 CMR 42.00

Index of Proposed Revisions to 310 CMR 42.00 Certification and Operation of Environmental Analysis Laboratories

| Page | Section | Proposed Revision |
|------------|---|---|
| 2113 | 42.01: Purpose | Revision explicitly states that the requirements of 310 CMR 42.00 apply to a Massachusetts-certified laboratory whenever it reports using its laboratory certification identification number on a report of analytical measurements. |
| 2113 | 42.02: Authority | Correct typographical errors and make technical corrections. |
| 2113-2117 | 42.03: Definitions | Add definitions to provide clarity: ambient water, discipline, holding time, matrix, maximum contaminant level, maximum residual disinfectant level, minimum reporting level, signature, source water, valid data. Revise definitions to provide clarity: analytical batch, instrumentation analyst, proficiency test. Delete definition no longer needed: MMO-MUG. Correct grammatical errors. |
| 2117 | 42.04: Application Procedure | Delete reserved section following 42.04(3) |
| 2118 | 42.05(1): Certification Matrices, Disciplines and Categories | Clarify that certification for analysis of potable water matrix is not limited to compliance with 310 CMR 22.00. |
| 2118, 2119 | 42.05(1)(a) | Expand the scope of microbiology certification to include total coliform, <i>E.coli</i> and enterococci in source water. Clarify that certification is by analyte and matrix. |
| 2119-2121 | 42.05(1)(b) | Expand the scope of chemistry certification to include perchlorate. Make technical corrections to listing of analytes. |
| 2121 | 42.05(2) | Clarify the definition of non-potable water matrix. |
| 2121 | 42.05(2)(a) | Expand the scope of microbiology certification to the non-potable water matrix that includes ambient water, wastewater, and sewage sludge (biosolids). |
| 2122, 2123 | 42.05(2)(b) | Expand the scope of chemistry certification for non-potable water to include additional metals, pesticides, perchlorate, and semi-volatile organic compounds as listed in the Division of Water Pollution Control Toxic Pollutants list. |
| 2124 | 42.05 | Delete the reserved section following 42.05. |
| 2124 | 42.06: Laboratory Rating Scheme | Delete unnecessary text. |
| 2125 | 42.07: Criteria for Certification | Clarify that criteria for certification apply to laboratories seeking or maintaining certification |
| 2126 | 42.08: Minimum Standards for Certification 42.08(1): Personnel | Clarify requirements for radiochemistry laboratory personnel. Streamline experience requirements for personnel. Eliminate use of Department microbiologists as consultants. |
| 2127 | 42.08(2): Facilities | Clarify use and testing of facilities to avoid |

| | | |
|-----------|--|---|
| | | contamination of samples and standards. |
| 2127-2129 | 42.08(3): Equipment | Clarify criteria for laboratory equipment. Delete instrument requirements already included in approved analytical methods. |
| 2129 | 42.08(4): Laboratory Safety Measures Affecting Laboratory Analysis Capability | Clarify that laboratory safety applies to those areas affecting a laboratory's analytical capability and data reliability and accuracy. |
| 2130-2135 | 42.08(5): Quality Assurance/Quality Control 42.08(5)(a): General Requirements | Clarify and update requirements for quality assurance plans, standard operating procedures, and general laboratory procedures. |
| 2135-2137 | 42.08(5)(b): Additional Requirements for Chemical and Radiochemical Laboratories | Clarify and update requirements for quality control procedures, including determination of method detection limits, for chemistry and radiochemistry laboratories. |
| 2137-2142 | 42.08(5)(c): Additional Requirements for Microbiology Laboratories | Clarify and update requirements for quality control procedures for microbiological analyses. |
| 2142 | 42.09: Issuance of Certificate | Clarify that the certificate includes the list of analytes and methods for which a laboratory is certified, and that term of a valid certificate is one year unless downgraded, revoked, or surrendered earlier. |
| 2143 | 42.10: Requirements for Maintaining Certification Status | Add requirement for certified laboratories to accurately represent its certification status on all documents including reports of analysis and advertising materials. |
| 2143 | 42.11: Renewal of Certificate | Clarify requirement for timely filing of application for renewal of certification. |
| 2143-2144 | 42.12: Downgrading and Revocation of Certificate | Clarify procedures for the downgrading and revocation of certification status and for regaining certification status. Establish a limit of six months that a laboratory may hold provisional certification status. |
| 2144 | 42.13: Reporting Requirements 42.13(1) | Add requirement for all certified laboratories to clearly distinguish between those analyses for which it holds Department certification, and those for which it does not, on laboratory reports on which its certification identification number appears. For the reported analyses for which the laboratory is certified, the laboratory is further required to distinguish between those analyses that it conducted in accordance with Department certification standards (i.e., fully meeting regulatory and method requirements) and those analytical measurements that it conducted in a manner not in accordance with MassDEP certification standards. |
| 2144-2145 | 42.13(2) | Clarify requirements for reporting analytical results. |
| 2145 | 42.13(3) | Add requirement for all laboratories certified for potable water analysis to include the applicable Maximum Contaminant Level and Maximum Residual Disinfectant Level on laboratory |

| | | |
|-----------|--|---|
| | | reports of drinking water analyses. |
| 2145 | 42.13 (4), (5), (6) | Correct grammatical errors and make technical fixes. |
| 2146 | 42.13(10)(a) | Add requirement for a certified laboratory to notify the Department in writing of any violation affecting public health, safety or welfare, or the environment for which it has been cited by any local, state, or federal government agency. |
| 2146 | 42.13(10)(b) | Add requirement for a certified laboratory or laboratory seeking certification to notify the Department in writing of civil or criminal violations involving the laboratory owner, director, or supervisor. |
| 2146 | 42.14: Maintenance of Records | Clarify what constitutes laboratory records and add requirement for avoiding loss or change of data. Update requirement for maintaining records of proficiency tests from two years to five years. Make technical correction. |
| 2146 | 42.15: Inspections | No changes are being made to this section. |
| 2146-2147 | 42.16: Reciprocity | Correct grammatical error. |
| 2147 | 42.17: Hearings | No changes are being made to this section. |
| 2148 | 42.18: List of Certified Laboratories | Make technical corrections. |
| 2148-2149 | 42.19: Potable Water | Make technical corrections. |
| 2150 | 42.19((6) | Add requirements for obtaining certification for the analysis of perchlorate in potable water. |
| 2150 | 42.20: Non-Potable Water | No changes are being made to this section. |
| 2150 | 42.21: Hazardous Wastes and Materials and Solid Wastes | Delete reserved section. |
| 2150 | 42.22: Air | Delete reserved section. |
| 2151 | 42.23: Severability | Re-number as 42.21. |

310 CMR 42.00: CERTIFICATION AND OPERATION OF ENVIRONMENTAL ANALYSIS LABORATORIES

Section

- 42.01: Purpose
- 42.02: Authority
- 42.03: Definitions
- 42.04: Application Procedure
- 42.05: Certification Matrices, Disciplines, and Categories
- 42.06: Laboratory Ranking Scheme
- 42.07: Criteria for Certification
- 42.08: Minimum Standards for Certification
- 42.09: Issuance of Certificate
- 42.10: Requirements for Maintaining Certification Status
- 42.11: Renewal of Certificate
- 42.12: Downgrading and Revocation of Certificate
- 42.13: Reporting Requirements
- 42.14: Maintenance of Records
- 42.15: Inspections
- 42.16: Reciprocity
- 42.17: Hearings
- 42.18: List of Certified Laboratories
- 42.19: Potable Water
- 42.20: Non-Potable Water (Reserved)
- ~~42.21: Hazardous Wastes and Materials and Solid Wastes (Reserved)~~
- ~~42.22: Air (Reserved)~~
- 42.23¹: Severability

42.01: Purpose

310 CMR 42.00 establishes a program for Department certification of laboratories to conduct analytical measurements for purposes of determining chemical, radiochemical, and microbiological parameters in environmental samples. ~~compliance with Department standards where the Department requires that such measurements be conducted by a certified laboratory. Nothing in 310 CMR 42.00 shall prevent laboratories not certified by the Department from conducting analytical measurements for other purposes.~~

A laboratory performing any analyses as a Department-certified laboratory, as indicated by the use of its Massachusetts laboratory certification identification number on or included with any issued report, is subject to the requirements of 310 CMR 42.00 for those analyses for which it holds Department certification and that it identifies in the report as having been conducted in accordance with the Department's certification standards.

42.02: Authority

310 CMR 42.00 is promulgated by the Commissioner of the Department of Environmental Protection pursuant to authority conferred by M.G.L. c. 21, ~~§§ 276 through 53~~, M.G.L. c. 21A, ~~§ 2(28)~~, M.G.L. c. 21C, ~~§ 4~~, M.G.L. c. 21E, ~~§ 3~~, M.G.L. c. 111, ~~§§ 142A through 142E~~, 150A and 160.

42.03: Definitions

As used in 310 CMR 42.00, the following terms shall have the meanings stated:

Ambient Water refers to any fresh, marine, or estuarine surface water used for recreation, propagation of fish, shellfish, or wildlife, agriculture, industry, or navigation.

Analyst means a chemist, microbiologist or technician who actually performs a test.

Analytical Batch means a group of up to 20 samples to be analyzed for chemical or radiochemical parameters or a group of up to 10 samples to be analyzed for microbiological parameters ~~which~~that behave similarly with respect to the testing procedures being employed and ~~which~~that are processed as a unit. For quality control purposes, if the number of samples in a group to be analyzed for chemical or radiochemical parameters is greater than 20, then each group of 20 or fewer samples ~~or less~~ will all be handled as a separate batch. If the number of samples in a group to be analyzed for microbiology parameters is greater than 10, then each group of 10 or fewer samples will all be handled as a separate batch.

Category means an analyte or group of analytes for which certification is offered.

42.03: continued

Certified Thermometer means a thermometer ~~which~~that has documentation showing that it has been compared against a National Institute of Standards and Technology thermometer for the temperature range in which it is to be used.

Certification Officer means the person or persons designated by the Department to inspect and evaluate environmental laboratories for compliance ~~in meeting with~~ the criteria set forth in 310 CMR 42.00.

Check Standard means a solution of one or more analytes ~~which~~that is used to check laboratory performance. It is prepared from a source of reagents different from those used to prepare the stock standards and primary dilution standard solutions.

Department means the Department of Environmental Protection of the Commonwealth of Massachusetts.

Discipline means a scientific area of expertise for testing (e.g., microbiology, chemistry, radiochemistry).

EPA means the United States Environmental Protection Agency.

Field Reagent Blank means reagent water or analyte-free solvent placed in a sample container in the laboratory, taken to the sampling site and returned to the laboratory unopened. It is treated as a sample in all respects, including exposure to sampling site conditions, storage, preservation and all analytical procedures.

Holding time means the maximum amount of time a sample may be held from collection to analysis or, where applicable, from collection to extraction (sample holding time) or the maximum amount of time a sample extract may be held from extraction to analysis (sample extract holding time).

Instrumentation Analyst means an analyst who operates an instrument ~~such as~~including, but not limited to, an atomic absorption spectrophotometer, ion chromatograph (IC), gas chromatograph, liquid chromatograph (LC), gas chromatograph/mass spectrometer (GC/MS), ~~or~~ inductively coupled plasma-atomic emission spectrometer (ICP), ICP/MS, or LC/MS.

Laboratory Fortified Blank means an aliquot of reagent water to which known quantities of the method analytes are added in the laboratory. The laboratory fortified blank is analyzed exactly as a sample. Its purpose is to determine whether the methodology is in control, and whether the laboratory is capable of making accurate measurements at the required method detection limit.

Laboratory Fortified Sample Matrix means an aliquot of an environmental sample to which known quantities of the method analytes are added in the laboratory. The

laboratory fortified sample matrix is analyzed exactly as a sample. Its purpose is to determine whether the sample matrix contributes bias to the analytical results. The background concentrations of the analytes in the sample matrix must be determined in a separate aliquot and the measured values in the laboratory fortified sample matrix corrected by background concentrations.

Laboratory Reagent Blank means an aliquot of reagent water that is treated exactly as a sample including exposure to all glassware, equipment, solvents, reagents, internal standards, and surrogates that are used with other samples. The laboratory reagent blank is used to determine if method analytes or other interferences are present in the laboratory environment, the reagents, or the apparatus.

Matrix means the substrate of a test sample (e.g., potable water, non-potable water).

Maximum Contaminant Level means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

Maximum Residual Disinfectant Level means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects pursuant to the Department's Division of Water Supply..

Method Detection Limit means the minimum concentration of substance that can be identified, measured, and reported with 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte. The method detection limit refers to samples ~~which~~that have been processed through all the steps of an established analytical procedure.

Minimum Reporting Level means the minimum concentration that can be reported as a quantitated value for a target analyte in a sample following analysis.

~~MMO MUG Test means the Minimal Medium ONPG MUG test for the rapid and simultaneous detection of total coliform and *Escherichia coli*.~~

42.03: continued

~~Performance Evaluation Samples mean samples which contain known amounts of analytes and are obtained from the Department or from a third party acceptable to the Department. The composition of the sample is unknown to the laboratory performing the analysis. The performance evaluation sample is used to evaluate the ability of the laboratory and of the individual analyst to produce accurate and precise results.~~

Person means an individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district or other subdivision or body politic of the Commonwealth, and any department, agency or instrumentality of the United States.

Primary Dilution Standard Solution means a solution of several analytes prepared in the laboratory from stock standard solutions and diluted as needed to prepare calibration solutions and other needed analyte solutions.

~~Proficiency Test (PT) Samples mean samples that contain known amounts of analytes and are obtained from the Department or from a third party acceptable to the Department. The composition of the sample is unknown to the laboratory performing the analysis. The PT sample is used to evaluate the ability of the laboratory and of the individual analyst to produce accurate and precise results within specified acceptance criteria. PT samples may be single blind (i.e., the laboratory/analyst knows that the sample is a PT sample), or double blind (i.e., the PT sample appears to be a routine sample so the laboratory/analyst is unaware that the sample is a PT sample).~~

Proficiency Testing means a program in which ~~performance evaluation~~proficiency test samples are used to evaluate the analytical performance of a laboratory.

~~Signature means any mark, such as initials, printed or handwritten name, made by a person to signify his or her responsibility for the performance of an action such as a measurement or the authentication of documentation produced internal to the laboratory analytical process. The signature must represent a unique person who can be identified with a specific action in the laboratory.~~

~~Source Water means untreated water from streams, rivers, lakes, or underground aquifers that is used to supply private wells and public drinking water.~~

Stock Standard Solution means a concentrated solution containing a single certified standard that is a method analyte, or a concentrated solution of a single analyte prepared in the laboratory with an assayed reference compound.

Surrogate Analyte means a pure analyte(s), which is extremely unlikely to be found in any sample, and which is added to a sample aliquot in known amount(s) before

extraction and is measured with the same procedures used to measure other sample components.

Valid Data means analytical data that are (1) technically sound (i.e., generated in accordance with good laboratory practices and meeting the quality control criteria of approved analytical methods) and (2) legally defensible (i.e., the laboratory's compliance with quality control criteria designed to assure the accuracy of the analysis is completely and accurately documented).

42.04: Application Procedure

(1) Filing. An initial application for certification in one or more matrices, disciplines or categories shall be submitted on forms provided by the Department. ~~The application form must be fully completed before filing with the Department. Incomplete applications will not be accepted.~~

(2) On-Site Inspection. The applicant must submit to an on-site inspection of the laboratory to enable the Department to determine whether the laboratory satisfies the Department's standards for certification.

(3) Proficiency Testing. The applicant must satisfactorily analyze samples from a proficiency—testing program approved by the Department for the matrices, disciplines and categories for which certification is sought.

~~(Application and Certification Fees. Reserved)~~

42.05: Certification Matrices, Disciplines and Categories

The Department shall certify qualified applicants in one or more of the following matrices, disciplines and categories:

(1) Potable Water. Certification in this matrix applies to analyses of drinking water supplies for purposes of, but not limited to, determining compliance with 310 CMR 22.00: *Drinking Water Regulations*. Certification in this matrix may be obtained in any or all of the following disciplines and categories:

(a) Microbiology. Certification in this discipline may be obtained in any or all of the following categories:

1. Total Coliform ~~(Water Treatment and Distribution) by the Membrane Filter Method;~~
2. ~~Total Coliform by the Fermentation Tube Method;~~
3. ~~Total Coliform by the Presence/Absence Test;~~
4. ~~Total Coliform by the MMO-MUG Test;~~

42.05: continued

~~52. -Fecal Coliform (Water Treatment and Distribution) by the Membrane Filter Method;~~

~~6. -Fecal Coliform by the 10 tube Fermentation Tube Method; and~~

~~3. *Escherichia coli* (Water Treatment and Distribution);~~

~~74. Heterotrophic Plate Count;~~

~~5. Total Coliform in Source Water;~~

~~6. Fecal Coliform in Source Water;~~

~~7. *Escherichia coli* in Source Water;~~

~~8. Enterococci in Source Water.~~

(b) Chemistry. Certification in this discipline may be obtained in any or all of the following categories:

1. Metals:

a. Antimony;

b. Arsenic;

c. Barium;

d. Beryllium;

e. Cadmium;

f. Chromium;

g. Copper;

h. Lead;

i. Mercury;

j. Nickel;

k. Selenium;

l. Silver;

m. Thallium;

2. Nitrate-N;

3. Nitrite-N;

4. Fluoride;

5. Sodium;

6. Sulfate;

7. Cyanide;

8. Turbidity;

9. Residual Free Chlorine;

~~10. -Corrosivity Series (Calcium;~~

~~11. -Total Alkalinity;~~

~~12. -Total Dissolved Solids;~~

~~13. -pH, temperature, Langlier Index);~~

~~14. Polychlorinated biphenyls;~~

~~15. Herbicides:~~

~~a. 2,4-D;~~

~~b. 2,4,5-TP;~~

~~c. Dalapon;~~

~~d. Dinoseb;~~

~~e. Pentachlorophenol;~~

- f. Picloram;
- 136. Pesticides:
 - a. Alachlor;
 - b. Atrazine;
 - c. Chlordane;
 - d. Endrin;
 - e. Heptachlor;
 - f. Heptachlor Epoxide;
 - g. Hexachlorobenzene;
 - h. Hexachlorocyclopentadiene;
 - i. Lindane;
 - j. Methoxychlor;
 - k. Simazine;
 - l. Toxaphene;
- 147. Carbamates:
 - a. Aldicarb;
 - b. Aldicarb sulfone;
 - c. Aldicarb sulfoxide;
 - d. Carbofuran;
 - e. Vydate;

42.05: continued

- ~~158. Polynuclear Aromatic Hydrocarbons~~Benzo-a-pyrene;
- ~~169.~~ Adipates/Phthalates;
- ~~1720.~~ Trihalomethanes;
- ~~1821.~~ Volatile Organics Compounds (including vinyl chloride);
- ~~1922.~~ 1,2-Dibromo-3-chloropropane (DBCP) and 1,2-Dibromoethane (EDB);
- ~~203.~~ Asbestos;
- ~~214.~~ Diquat;
- ~~225.~~ Endothall;
- ~~236.~~ Glyphosate;
- ~~24,27.~~ Haloacetic Acids;
- ~~25-28.~~ Bromate;
- ~~26,29.~~ Chlorite;
- ~~30.~~ Perchlorate.

(c) Radiochemistry. Certification in this discipline may be obtained in any or all of the following categories:

1. Gross Alpha;
2. Gross Beta;
3. Strontium-89;
4. Strontium-90;
5. Radium-226;
6. Radium-228;
7. Tritium;
8. Uranium;
9. Iodine-131;
10. Cesium-134;
11. Cesium-137;
12. Cobalt-60;
13. Ruthenium-106.

(2) Non-Potable Water. Certification in this matrix applies to analyses of water conducted ~~for purposes other than for purposes of determining compliance in accordance~~ with ~~310 CMR 22.00: Drinking Water Regulations~~ 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act. Certification in this matrix may be obtained in any or all of the following disciplines and categories:

(a) Microbiology. Certification in this discipline may be obtained in any or all of the following categories:

- ~~1. Ambient w~~Water Total Coliform by the Membrane Filter Method;
- ~~2. Total Coliform by the Fermentation Tube Method;~~
- ~~3. a. Fecal Coliform by the Membrane Filter Method;~~
- ~~4. Fecal Coliform by the Fermentation Tube Method; and~~
- ~~5. Heterotrophic Plate Count.~~
 - b. Escherichia coli; and
 - c. Enterococci.
2. Wastewater

- a. Fecal Coliform;
- b. *Escherichia coli*; ~~and~~
- c. Enterococci
- 3. Sewage Sludge (Biosolids)
- a. Fecal Coliform;
- b. *Salmonella*-spp.

(b) Chemistry. Certification in this discipline may be obtained in any or all of the following categories:

- 1. Metals:
 - a. Aluminum;
 - b. Antimony;
 - c. Arsenic;
 - d. Beryllium;
 - e. Cadmium;
 - f. Chromium;
 - g. Cobalt;
 - h. Copper;
 - i. Iron;
 - j. Lead;
 - k. Manganese;
 - l. Mercury;
 - m. Molybdenum;
 - n. Nickel;
 - o. ~~o.~~ Selenium;
 - p. Silver;
 - q. Strontium;
 - r. Thallium;
 - s. Titanium;
 - t. Vanadium;
 - u. Zinc;

42.05: continued

2. Minerals:
 - a. pH;
 - b. Specific Conductivity;
 - c. Total Dissolved Solids;
 - d. Total Hardness (as Calcium Carbonate);
 - e. Calcium;
 - f. Magnesium;
 - g. Sodium;
 - h. Potassium;
 - i. Total Alkalinity (as Calcium Carbonate);
 - j. Chloride;
 - k. Fluoride;
 - l. Sulfate;
3. Nutrients:
 - a. Ammonia-N;
 - b. Nitrate-N;
 - c. Kjeldahl-N;
 - d. Orthophosphate;
 - e. Total Phosphorus;
4. Demand:
 - a. Chemical Oxygen Demand;
 - b. Biochemical Oxygen Demand;
 - c. Total Organic Carbon;
5. Total Cyanide;
6. ~~Non-Filterable~~ Residue, Non-Filterable (Total Suspended Solids);
7. Total Residual Chlorine;
8. Oil and Grease;
9. Total Phenolies;
10. Volatile Organics Compounds (VOCs);
 - a. Volatile Halocarbons;
 - b. Volatile Aromatics;
11. Peasticides:
 - a. Chlordane
 - b. Aldrin;
 - c. aAlpha-BHC (alpha-Hexachlorocyclohexane);
 - d. Beta-BHC (beta-Hexachlorocyclohexane);
 - e. gGamma-BHC (gamma-Hexachlorocyclohexane);
 - f. dDelta-BHC (delta-Hexachlorocyclohexane);
 - eg. Dieldrin;
 - dh. 4,4'-DDD;
 - ei. 4,4'-DDE;
 - fj. 4,4'-DDT;
 - k. Endosulfan I;
 - l. Endosulfan II;

- m. Endosulfan sulfate;
- n. Endrin;
- o. Endrin aldehyde;
- gp. Heptachlor;
- hq. Heptachlor Epoxide;
- r. Toxaphene;
- 12. Polychlorinated Biphenyls (water);
- ~~13. 13.~~ Polychlorinated Biphenyls (oil);
- 14. Perchlorate;
- 15. Semi-Volatile Organic Compounds (SVOCs):
 - a. Acid Extractables;
 - b. Base/Neutral Extractables.

~~(Hazardous Wastes and Materials and Solid Wastes- Reserved)~~

~~(Air- Reserved)~~

42.06: Laboratory Rating Scheme

~~After the Department's on-site inspection and review of proficiency test results,~~
 ‡The Department shall classify ~~thea~~ laboratory by matrix, discipline and category according to the following rating scheme:

(1) Certified - the laboratory meets the Department's minimum requirements for certification and is deemed capable of producing valid data;

42.06: continued

(2) Provisionally certified - the Department deems the laboratory capable of producing valid data despite minor deficiencies;

(3) Not certified - the laboratory fails to meet the Department's minimum requirements for certification and is deemed incapable of consistently producing valid data.

42.07: Criteria for Certification

(1) Proficiency Testing. Satisfactory performance in the proficiency--testing program is accomplished when the analytes in a category are correctly identified and acceptably quantified. Criteria for acceptability shall be set by the Department for each analyte in each discipline and category. Continued unsatisfactory performance in the analysis of an analyte within a category may result in revocation of certification for that analyte.

(2) On-site Inspections.

- (a) The Department ~~shall~~may conduct an on-site inspection of each laboratory ~~seeking certification~~ to determine whether or not the laboratory meets the Department's standards for performing analyses in the matrices, disciplines and categories for which certification is sought or is obtained.
- (b) The Department shall consider the following factors in determining whether to certify or continue certification of a laboratory:
1. eE~~a~~ducation and experience of laboratory personnel;
 2. aA~~a~~dequacy of laboratory facilities and equipment;
 3. aA~~a~~dherence to Department approved methodology and quality assurance/quality control procedures;
 4. aA~~a~~dherence to Department approved methods of handling and reporting data;
 5. aA~~a~~dequacy of safety equipment and training; and
 6. aA~~a~~ny other factors the Department deems relevant to the determination of the ability of a laboratory to operate in a professional manner.
- (c) Following an on-site inspection, the Department shall furnish the laboratory with a written report describing any deficiencies found during the on-site inspection and any corrective actions the laboratory must take to be certified. The laboratory shall have 90 days from the date of issuance of the Department's report to take the necessary corrective actions. ~~A laboratory not taking corrective action within that period shall be required to submit a new application to receive certification.~~

42.08: Minimum Standards for Certification

(1) Personnel. Certified laboratories and laboratories seeking certification shall designate a laboratory director and laboratory supervisor(s), and employ a sufficient number of qualified analysts commensurate with the laboratory's workload. The designated laboratory director and laboratory supervisor may be the same individual if he or she possesses the minimum qualifications and fulfills the responsibilities of both positions as set in 310 CMR 42.08(1).

- (a) The laboratory director shall have the following responsibilities:
1. dD~~e~~veloping policies, programs, and standard operating procedures that will ensure accurate and objective analytical results;
 2. eE~~e~~mploying and ensuring the training of qualified laboratory personnel;
 3. rR~~r~~eporting analytical results to the Department in accordance with 310 CMR 42.13;
 4. iI~~i~~nterpreting and evaluating reports of analyses submitted by the laboratory upon request of the Department.
- (b) A laboratory supervisor shall have the following responsibilities:
1. pP~~p~~erforming analyses and/or providing personal and direct supervision and training to laboratory analysts performing analyses in the categories for which the supervisor is qualified;

42.08: continued

2. instruction and general supervision of all other laboratory operations including sample tracking, data validation, quality control, verification, and prompt reporting of results; and
3. aAcceptance and nonacceptance of samples submitted to the laboratory for analysis.

(c) Minimum Qualifications of Laboratory Director.

1. Academic Training. The laboratory director shall possess a Bachelor's degree in biology, chemistry, or a closely related field. If chemical analyses are to be performed by the laboratory, the director must have at least 24 college credits in chemistry.
2. Experience. The laboratory director shall have a minimum of three years of experience in an environmental analysis laboratory.

(d) Minimum Qualifications of Laboratory Supervisor for Laboratories Certified in the Discipline of Chemistry or Radiochemistry.-

1. Academic Training. The laboratory supervisor shall possess a Bachelor's degree in chemistry, biology, or a closely related field, and have at least 30 college credits in chemistry.

2. Experience.

a. ~~Inorganic Chemistry.~~ The laboratory supervisor shall have a minimum of two years of laboratory experience in chemical analysis including one year of experience in the specific chemical methods supervised.

~~i. Inorganic Chemistry including Atomic Absorption Spectroscopy. The laboratory supervisor shall have a minimum of two years laboratory experience in chemical analysis, including six months training or experience in the operation of an atomic absorption spectrophotometer.~~

~~ii. Inorganic Chemistry including Inductively Coupled Plasma (ICP) methods. The laboratory supervisor shall have a minimum of two years laboratory experience in chemical analysis, including one year training or experience in Inductively Coupled Plasma methods.~~

b. Radiochemistry. The laboratory supervisor shall have a minimum of two years of laboratory experience in radiochemical analyses, including one year of experience in the radiochemical methods for which the laboratory is certified.~~Organic Chemistry. The laboratory supervisor shall have a minimum of two years laboratory experience in chemical analysis.~~

~~i. Organic Chemistry including gas chromatography methods. The laboratory supervisor shall have a minimum of two years experience in chemical analysis, including six months training or experience in the operation of a gas chromatograph.~~

~~ii. Organic Chemistry including gas chromatography/mass spectroscopy (GC/MS) methods. The laboratory supervisor shall have a minimum of two years laboratory experience in chemical analysis, including six months training or experience in gas~~

~~chromatography methods and one year training or experience in the operation of a gas chromatograph/mass spectrometer.~~

(e) Minimum Qualifications of Laboratory Supervisor for Laboratories Certified in the Discipline of Microbiology.

1. Academic Training. The laboratory supervisor shall have a minimum of a Bachelor's degree in biology, chemistry, or a closely related field with at least four college credits in microbiology.

2. Experience. The laboratory supervisor shall have a minimum of one year of experience in the microbiological methods for which the laboratory is certified.

~~3. Department microbiologists may be available as consultants for those laboratories owned and/or operated by agencies or political subdivisions of the Commonwealth which are certified only for microbiological analyses, which employ no supervisor and which employ no more than two analysts.~~

(f) Minimum Qualifications of Instrumentation Analyst.

1. Academic Training. An instrumentation analyst shall possess a minimum of a high school diploma or equivalent and eight college credits in chemistry.

2. Experience. An instrumentation analyst shall have a minimum of ~~six months~~ one year of training or experience in the operation of the appropriate instrumentation ~~except for GC/MS or ICP. One year of training or experience is required for the operation of GC/MS or ICP.~~

42.08: continued

(g) Minimum Qualifications of Analyst.

1. Academic Training. An analyst shall possess a minimum of a high school diploma or equivalent.

2. Training. An analyst shall receive specialized training in the methods to be performed.

(h) The Department may exempt a laboratory holding certification status on the effective date of 310 CMR 42.00 from one or more of the requirements set forth in 310 CMR 42.08(1), if the Department finds that strict compliance with such requirements would result in an undue hardship and would not serve to further the intent of 310 CMR 42.00. An exemption, when granted, shall be effective for not more than one year unless renewed by the Department.

(2) Facilities. A certified laboratory shall have:

(a) ~~A certified laboratory shall have a~~ Adequate space in which to perform the analyses and related activities in the disciplines and categories in which it is certified~~:-~~

(b) ~~The~~ A well-lighted laboratory work bench area ~~shall be well-lighted and~~ of ample size. ~~It shall be that is~~ convenient to a sink, hot and cold running water, gas, suction and electrical outlets if necessary~~:-~~

(c) ~~e~~ Clear Aisles between benches ~~shall be clear to that~~ provide adequate room for passage of personnel and equipment~~:-~~

- (d) ~~Proper~~Appropriate ventilation including exhaust hoods ~~shall be provided~~ for the safe handling of chemicals and samples in order to limit contamination of samples, standards, and other laboratory areas with the performance of each exhaust hood and biological safety cabinet tested by a qualified person annually;
- (e) ~~Proper~~Appropriate facilities ~~shall be provided~~ for the safe storage of volatile, corrosive and flammable materials;
- (f) ~~e~~Controlled laboratory ~~T~~temperature and humidity ~~shall be controlled in the laboratory~~ at the levels required for the proper performance of the analyses and for the optimum operation of instruments that are sensitive to variations in temperature; ~~and;~~
- (g) ~~Certified laboratories shall have a~~A locked facility for storage of chain-of-custody samples.

(3) Equipment and Materials. Certified laboratories and laboratories seeking certification shall have readily available on the premises all equipment, supplies, reagents, glassware and instrumentation necessary to perform the analyses for which the laboratory is certified or seeks certification and related quality control activities. Such equipment and materials shall be maintained in good working condition, meet the performance criteria of the analytical method used, and, where appropriate, meet the criteria specified in 310 CMR 42.08(3):

- (a) Refrigerator. Aqueous reagents and samples may be stored in a standard household refrigerator. A flammable materials refrigerator shall be used for storage of organics and flammable materials. The internal temperature of a refrigerator shall be maintained at $4\text{E}^{\circ}\text{C} \pm 2\text{E}^{\circ}\text{C}$. Organics and flammable materials not requiring refrigeration shall be stored in a flammable storage cabinet.
- (b) Drying Oven. The drying oven shall have selectable temperature control with a range from room temperature to $180\text{E}^{\circ}\text{C} \pm 2\text{E}^{\circ}\text{C}$ or higher.
- (c) Source of Distilled or Deionized Water. Distilled or deionized water shall meet the minimum criteria of the methodologies employed.
- (d) Top-loader Balance. The balance pan shall be clean and free of corrosion. The balance must be capable of detecting a weight of 100 mg at a 150 ~~mg~~ load or 1 mg for a load of 10 g or less.
- (e) Hot Plate. The hot plate shall have selectable temperature controls for safe heating of laboratory reagents.
- (f) Magnetic Stirrer. The magnetic stirrer shall be of variable speed with a stirring bar coated with inert material.
- (g) Glassware. Glassware shall be made of borosilicate glass. Volumetric glassware shall be marked Class A.
- (h) Analytical Balance. The analytical balance shall ~~have a sensitivity of be readable to~~ 0.1 mg. It shall be mounted on a stable shock-proof base and protected from interference due to air currents.
- (i) Conductivity Meter. The conductivity meter shall be readable in ~~ohms or mhos~~appropriate units, and have a range from 2 ohms to 2 megohms or equivalent micromhos or Siemens, and be capable of measuring conductivity with an error not exceeding $\pm 1\%$ or $1 \mu\text{S/cm}$, whichever is greater.

(j) pH Meter. The pH meter shall be accurate to at least ± 0.05 units and have scale readability to ± 0.01 units.

42.08: continued

(k) Thermometer. The thermometer ~~shall be of good grade and mercury-filled.~~ It shall have 1°C or finer subdivisions and be calibrated ~~to 180°C or higher~~ in degrees Celsius for the temperature range in which it will be used. The ~~mercury~~-column shall have no separations. An organic solvent-filled thermometer may be used in a refrigerator. The laboratory may use electronic temperature measurement devices having the appropriate accuracy and readability for their intended use.

(l) Water Baths. Water baths may be electric or steam heated and ~~be~~ capable of controlling temperature to 100°C within 5°C .

(m) Incubators. Incubators shall have an internal temperature-monitoring device and be capable of maintaining proper temperature.

(n) Autoclave. The autoclave shall be equipped with an accurate thermometer, a separate pressure gauge and an operational safety valve. It shall maintain the sterilization temperature throughout the sterilization cycle and depressurize slowly so that no air bubbles form in inverted tubes and ~~media~~ does not boil over. When being used to sterilize carbohydrate-containing media, the autoclave must be capable of completing an entire cycle (i.e., time when materials are exposed to heat) within 45 minutes when a 12-15 minute sterilization period is used.

(o) Hot-Air Sterilization Oven. Hot-air sterilization ovens shall be capable of maintaining a stable sterilization temperature (170°C - 180°C).

(p) Muffle Furnace. Muffle furnaces shall be capable of heating glassware to 400°C for cleaning.

~~(q) Spectrophotometer. Spectrophotometers shall have a usable wavelength range of 400 to 700 nm with a maximum spectral band width of no more than 20 nm and wavelength accuracy ± 2.5 nm. Photometers must be capable of using several sizes and shapes of absorption cells providing a sample path length from approximately 1 to 5 cm.~~

~~(r) Atomic Absorption Spectrophotometer. An atomic absorption spectrophotometer shall be a single or double beam instrument having a grating monochromator, photomultiplier detector, adjustable slits, and wavelength range of at least 190 to 800 nm. A background correction system, or provision for a subsequent analysis using a non-absorbing line, is required for furnace analysis.~~

~~(s) Gas Chromatograph. Gas chromatographs shall have a column oven capable of isothermal temperature control $\pm 0.2^{\circ}\text{C}$ to at least 220°C . It shall also be temperature programmable at rates specified in the employed methodology.~~

~~(t) Mass Spectrometer. The mass spectrometer must be capable of scanning the range of masses required by the employed method and it must be capable of achieving all acceptable performance criteria specified in the method. There must be an interfaced data system to acquire, store, reduce, and output mass spectral data.~~

- ~~(u) Inductively Coupled Plasma Atomic Emission Spectrometer (ICP). The ICP instrument may perform either sequential or simultaneous analyses and must be equipped with background correction. Argon may be either liquid or dry gas.~~
- ~~(q) Reagents, Standards, Media. Consumable supplies such as, but not limited to, reagents, standards, and media must not be used beyond their expiration date.~~
- ~~(r) Stereo Microscope. Stereo microscopes must have a magnification of 10-15x and be equipped with a fluorescent light source.~~
- ~~(s) Colony Counter. When the pour plate technique is used, a dark-field colony counter must be used to count heterotrophic plate count colonies.~~

(4) Safety-Laboratory Safety Measures Affecting Laboratory Analysis Capability. Certified laboratories shall be in compliance with local, state, and federal laws to the extent that required conditions directly affect laboratory capability in providing accurate and reliable analysis and maintaining the integrity of samples and of the analytical process; or are referenced as required for environmental laboratories by the acceptable analytical method(s) employed. These conditions include, but are not limited to, safety protocols involving physical, chemical, radiochemical, and biological hazards; availability and use of fire safety equipment; protective clothing and equipment including respirators; appropriate handling of compressed gas cylinders; and appropriate storage and disposal of materials and wastes.

~~(a) Certified laboratories shall establish and maintain a health and safety program for the protection of laboratory personnel from physical, chemical, and biological hazards. Such a program shall include training of laboratory personnel in the use of fire extinguishers, safety equipment, and protective equipment and clothing.~~

~~(b) A laboratory shall have readily available sufficient fire extinguishers with the appropriate rating considering the particular nature of fire hazard in the laboratory. A tag shall be attached to each extinguisher documenting inspection and service dates.~~

~~(c) Eye protection, protective clothing, and appropriate respirators shall be readily available for use by laboratory personnel.~~

~~(d) Compressed gas cylinders must be securely fastened to prevent dislodging and tipping.~~

~~(e) Waste chemicals and solvents shall be stored in appropriate containers and disposed of in accordance with state and federal laws.~~

~~(f)(f) Appropriate occupational health and safety laws shall be posted and observed by laboratory personnel.~~

(5) Quality Assurance/Quality Control.

(a) General Requirements.

1. Quality Assurance Plan. Certified laboratories shall establish, ~~and maintain, and follow~~ a written Quality Assurance (QA) ~~policy~~Plan acceptable to the Department. Each laboratory's QA ~~policy~~plan shall be made available to all analysts employed by the laboratory. At a minimum, QA ~~policies~~plans shall include:

- a. QA organization and responsibility;
- b. QA objectives for precision and accuracy;
- c. Standard Operating Procedures (SOPs) that accurately reflect all phases of current laboratory activities;

~~d. Record Maintenance;~~

~~2. Standard Operating Procedures.~~ The standard operating procedures section of a laboratory's QA policy plan shall include the following:

- ~~ai. Sample receipt and handling procedures including~~ sample custody and storage procedures;
- ~~bii. Calibration procedures and frequencies;~~
- ~~eiii. Analytical procedures, including any modifications to published procedures;~~
- ~~div. Data reduction, validation and reporting procedures;~~
- ~~ev. Internal quality control procedures (type and frequency);~~
- ~~fvi. Provision for performance and system audits, both internal and external, and schedules;~~
- ~~gvii. Preventive maintenance procedures and schedules;~~
- ~~hvi. Specific procedures for assessing data precision and accuracy;~~
- ~~ix. Procedures for taking corrective actions;~~
- ~~jx. Quality assurance reporting procedures; and~~
- ~~kxi. Laboratory safety plans.~~

A standard operating procedure for an analytical method or other laboratory procedure may be a separate document. The QA plan must include a list of all such standard operating procedures. Only the laboratory director or supervisor may make changes in standard operating procedures. Such changes shall be effective only when put in writing.

~~3d. Record Maintenance.~~ The record maintenance procedures section of a laboratory's QA policy plan shall include the procedures for creating, controlling, and maintaining the following records:

- ~~ai. Raw data (including, but not limited to, laboratory notebooks, instrument printouts, and electronic records);~~
- ~~bii. Chain-of-custody records;~~
- ~~eiii. Calculations;~~
- ~~div. Quality control data; and~~
- ~~ev. Reports.~~

~~42. Temperature Records.~~

~~a. A daily record of~~ A laboratory shall measure and record the temperature of each drying oven and hot-air sterilizing oven shall be maintained for each day the drying oven isof used. The temperature measurement device must be immersed in sand or other suitable material and placed on one of the shelves. A laboratory may use a temperature-measuring device that can be read from outside the oven without the need to open the door provided that it has verified the accuracy of the device.

b. ~~A laboratory shall measure and record~~ the temperature of each refrigerator and incubator ~~shall be recorded~~ either continuously or ~~daily each day of use, from~~ The thermometers must be immersed in liquid and placed on one of the shelves. A laboratory may use a temperature-measuring device that can be read from outside the refrigerator or incubator without the need to open the door provided that it has verified the accuracy of the device.

53. Laboratory Chemicals and Reagents. Analytical reagent (AR) grade or American Chemical Society (ACS) grade chemicals or better are required for analyses, unless otherwise required by the analytical method. In addition, laboratory chemicals and reagents shall meet the following requirements:

a. ~~a~~ All chemicals shall be labeled with the date of receipt by the laboratory to prevent the use of outdated reagents;

b. ~~s~~ Stock and working standard solutions shall be compared with check standards and inspected prior to use for signs of decomposition, such as formation of precipitates, evaporation and/or discoloration;

c. ~~a~~ All reagents and standards shall be labeled with identification of the compound, concentration, solvent, date of preparation and the name of the analyst who prepared the solution;

d. ~~p~~ Preparation of all stock standards and primary dilution standards shall be documented, and the concentration of stock and working calibration standards shall be verified against a primary dilution standard prepared from a source of reagents different from those used to prepare the calibration standards; and

e. ~~t~~ The use of the acceptable grade of reagents and compressed gases required by the analytical procedure employed shall be documented.

~~6. Laboratory Water. Distilled and deionized water used in the laboratory shall meet the requirements for Type II water as defined by the American Society for Testing and Materials. Quality checks shall be made daily and documented. Quality may be verified through use of an on-line monitor or conductivity meter.~~

42.08: continued

74. Laboratory Glassware. The laboratory must follow cleaning procedures for glassware and other lab-ware that are specified in the analytical methods. If no specifications are given in a method, then ~~All~~ glassware and sample containers must be cleaned prior to use by washing in a warm detergent solution, followed by thorough rinsing with tap water and several additional rinses using deionized or distilled water. The laboratory must use a detergent designed for laboratory use. Commercially prepared glassware and sample containers may be used, provided the laboratory documents the source and cleaning procedures utilized. Certain analytical methods may require additional glassware preparation procedures or the maintenance of a separate dedicated set of glassware.

85. Maintenance of Laboratory Instrumentation and Equipment. Analytical instrumentation and equipment shall be maintained in accordance with the

manufacturer's instructions, analytical method requirements and good laboratory practices. A ~~bound logbook which~~secure record of documents maintenance procedures shall be maintained for each instrument and piece of equipment.

96. Instrumentation Calibration Requirements.

a. General Requirements.

i. Unless directed otherwise by the analytical method employed, all instruments shall be calibrated prior to analysis using a minimum of a blank and three calibration standards that bracket the expected concentration range.

ii. Unless directed otherwise by the analytical method employed, all instrument calibrations shall be verified through the analysis of a calibration check sample that has been prepared using a source of reagents different from that used to prepare the calibration standards. Unless directed otherwise by the analytical method employed, the calibration check sample shall be analyzed at the beginning and at the conclusion of the analysis session and after every 20 or fewer samples. If the result does not agree within 20% of the original value, corrective action shall be taken.

iii. The laboratory shall keep a secure record of instrument calibration procedures~~shall be documented in a bound logbook.~~

b. Analytical Balance. Each analytical balance shall be checked and adjusted annually by a qualified service person. The accuracy of each analytical balance shall be checked each day it is to be used using a minimum of two ASTM Class "S"1 weights, or equivalent, in ranges appropriate to the laboratory's weighing needs~~one in the gram range, one in the milligram range.~~ The laboratory shall keep a secure record of the results of accuracy checks, the date performed, and the signature of the analyst who performed the check~~shall be recorded in a logbook which is dedicated to the balance.~~ The non-reference weights used for this check must be calibrated annually using reference weights and the results recorded. The accuracy of reference weights must be certified every five years. The balance level shall be checked prior to each use and adjusted if necessary.

c. pH Meters. Each pH meter shall be calibrated daily or prior to each use with ~~two~~ pH 7.0 and pH 4.0 or 10.0 buffer standards that bracket the expected value of the sample, medium, or reagent being tested. ~~A further check of the meter shall be made after calibration by setting the meter to pH 7.00 with a buffer standard and, without further adjustment, reading buffer standards of pH 4.00 and 10.00.~~ The actual readings buffers used shall be recorded, including the date of performance calibration and the name of the analyst who performed the calibration.

i. The laboratory must use pH buffer aliquots only once.

ii. The laboratory must date commercial buffer solution containers upon receipt and when opened.

iii. The laboratory must record the pH meter slope monthly after calibration and take corrective action if the slope falls outside the range of 95% to 105%.

d. Conductivity Meters. Meters equipped with conductivity cells having platinum electrodes shall be checked over the range of interest using at least five concentrations of a standard potassium chloride solution. Conductivity cells not having platinum electrodes shall be checked against a conductivity meter equipped with platinum electrodes. These procedures shall be performed annually and the raw data, cell constant and results recorded.

i. The conductivity meter must be calibrated at least monthly using a certified and traceable low-level standard. Alternatively, the laboratory must determine the cell constant monthly.

ii. An in-line meter may be used to check reagent-grade water provided that it is calibrated annually.

e. Thermometers. The accuracy of all thermometer temperature measurement devices used to monitor temperatures shall be verified by comparing the reading of each thermometer device with that of a certified reference thermometer that is graduated in degree increments no larger than those of the device whose accuracy is being verified. The laboratory must discontinue use of a thermometer graduated in 0.5°C increments or less that differs from the certified thermometer by more than 1°C. The accuracy of glass and electronic thermometers must be verified annually; metal thermometers must be verified quarterly; infrared detection devices must be verified every six months; and the certified reference thermometer must be calibrated at least once every five years. The correction factor and date of verification of accuracy must be indicated on the thermometers. The laboratory shall maintain a secure record logbook that includes:

i. The identification number of each thermometer;

ii. The temperatures displayed on both the certified thermometer and the thermometer being verified;

iii. Any applicable correction factor;

iv. The date each check was performed; and

v. The name signature of the analyst who performed each check.

42.08: continued

f. On-line monitors and portable equipment. Continuous on-line monitors and portable equipment used in obtaining on-site measurements must be calibrated in accordance with the manufacturer's instructions. The calibration must be verified through analysis of an independent check sample or use of an independent monitoring technique. Verification shall be recorded.

g. Spectrophotometer Wavelength Verification. The wavelength setting of the spectrophotometer shall be checked annually by comparing the wavelength setting to that of colored standards or filters, such as

didymium glass. The wavelength observed, date of performance and the name of the analyst or service person that who performed the check shall be recorded.

h. Top-Loader Balance. Each top-loader balance must be checked for accuracy monthly in its range of use with ASTM Class 1 weights or equivalent.

107. Sample Collection, Preservation and Handling.

a. Acceptable procedures, as referenced or defined in current federal regulations shall be utilized for sample collection, handling and preservation.

b. The laboratory may reject the sample if it is not assured of the sample identification or of the validity of the sample collection, handling and preservation procedures. The laboratory must have a written policy listing its criteria for rejection of samples. When rejecting a specific sample, the laboratory must document the reason(s) for the rejection.

c. Samples shall be stored in such a way that cross-contamination from other samples, standards or reagents is avoided.

d. The laboratory shall adhere to the sample and extract holding times prescribed in the analytical methods. ~~The holding time is defined as the period from sample collection to sample analysis.~~

e. Chain-of-custody information must include:

i. sSample number;

ii. sSample description including any preservation (e.g., chemical, thermal, etc.) used;

iii. dDate and time of sample collection;

iv. sSpecific location of sample collection;

v. nName of sample collector and intermediate custodians, if any;

vi. dDate(s) and time(s) of custody transfer to the laboratory; and

vii. nName(s) and signature(s) of the individual(s) receiving the sample.

f. A chain-of-custody form must accompany all samples including those shipped by mail or courier.

g. The laboratory shall maintain a system of internal sample tracking that documents sample custody from the time of receipt at the laboratory to the time of disposal.

118. Analytical Methodology. The laboratory shall utilize acceptable analytical methods, ~~including those published and/or approved by EPA for the matrices and analytes of interest.~~ The acceptable methods shall be those defined or referenced in the current federal regulations for the environmental matrix being tested.

(b) Additional Requirements for Chemical and Radiochemical Laboratories.

1. Quality Control Procedures.

a. Unless directed otherwise by the analytical method or the Department standard employed, ~~the~~ laboratory shall prepare and analyze a laboratory reagent blank, sample duplicate, and laboratory fortified blank for every 20 or fewer samples processed as an analytical batch.

~~Duplicates of radiochemical samples must be prepared and analyzed for every 10 or fewer samples. An acceptable field reagent blank may replace the laboratory reagent blank.~~ In addition, a laboratory fortified sample matrix shall be run if required by the Department. Corrective action shall be taken if the results of these analyses do not meet acceptance criteria developed within the laboratory according to accepted analytical procedures. The preparation of blanks, laboratory fortified sample matrices and duplicates and the results of their analyses shall be recorded.

b. Each laboratory must establish acceptance limits for precision and accuracy and maintain and use quality control charts for each of the analytes in the matrices, disciplines and categories in which the laboratory is certified. These limits may not be less stringent than those defined in standard approved analytical methods or approved by the Department.

c. Certified laboratories shall utilize surrogate analytes as required by the analytical procedure employed. Acceptance limits for surrogate analyte recoveries shall be established by the laboratory. Quality control charts must be maintained and used for each surrogate.

42.08: continued

d. Certified laboratories shall perform and document all quality control procedures in established analytical protocols or the quality control procedures the Department requires and specifies.

2. Determination of Method Detection Limit.

a. Each laboratory shall experimentally determine the method detection limit for analysis of each analyte, except pH, infor each matrix in which the laboratory is certified.

b. The laboratory must document its procedure ~~used to for~~ determining the method detection limit ~~shall be documented and be acceptable to the certification officer.~~ The laboratory must use the procedure for determining the method detection limit that is described in the analytical method being used. If the analytical method does not include a procedure for the determination of method detection limits, then the laboratory must determine the method detection limit using the procedure described in 40 CFR Part 136, Appendix B or other Department- or EPA-approved procedure. For those analytes requiring pattern recognition for identification (e.g., chlordane, toxaphene), the method detection limit is defined as the lowest concentration at which pattern recognition is possible.

c. Calculations and supporting documentation used in determining limits must be available for inspection.

d. Detection limits shall be expressed in appropriate units.

~~e.~~ e.—The laboratory must achieve the method detection limits required by the applicable regulations.

- f. Sample preparation and analyses for the method detection limit calculation must be made over a period of at least three days.
 - g. Method detection limits must be determined as part of a laboratory's initial demonstration of capability to perform an analysis, when any change occurs in the laboratory that could affect the method detection limits, and as required by an analytical method.
 - h. Method detection limits must be determined using analysts and instruments that are representative of those used in the performance of analyses
 - i. The laboratory must verify its capability to analyze low level samples on an ongoing basis through the analysis of low level standards or through a method detection limit determination.
 - j. The laboratory shall determine the minimum reporting level for analysis of each analyte, except pH, for each matrix in which the laboratory is certified. The laboratory shall document the procedure used to determine the minimum reporting level. The laboratory shall verify the minimum reporting level on an ongoing basis.
3. Laboratory Reagent Water. The laboratory must demonstrate that its reagent water meets the specifications required by the analytical methods it uses including that it is free of analytes of interest above their method detection limits. When the method specifies the resistance or conductivity of the source of reagent water, verification of such quality shall be made and documented each day the water is used.
- (c) Additional Requirements for Microbiology Laboratories.
1. Temperature Records Autoclaves.
 - a. Autoclaves.—For each sterilization cycle, the signature of the analyst, date, sterilization time, and temperature, the materials being autoclaved and their total time in the duration of autoclaving shall be recorded, either continuously or for each sterilization cycle. A list of materials sterilized in each cycle must be maintained and signed by the analyst who performed the work
 - b. A maximum-temperature-registering thermometer, electronic temperature read-out device or continuous recording device must be used during each autoclave cycle. The temperature must be recorded.-
 - c. Automatic timing mechanisms must be checked quarterly with an accurate timepiece such as a stopwatch and the results recorded.
 - d. The laboratory must check the performance of the autoclave each week during which the autoclave is used with *Geobacillus stearothermophilus* spore strips, suspensions or capsules and record the results.
 - e. Biological waste must be autoclaved for at least 30 minutes followed by proper disposal.
 2. Hot Air Sterilizing Ovens. The laboratory must check the performance of the hot air sterilizing oven each week during which the oven is used with *Bacillus subtilis* or *Bacillus atrophaeus* spore strips and record the results.
 3. Incubators.

a. Incubators, both air-type and water bath, must maintain the temperature specified by the method. On days when the incubator is in use, the temperature of each incubator must be recorded continuously or at least twice per day, with each reading separated by at least four hours and the times of each reading recorded. ~~For air-type incubators, the~~ thermometer shall be immersed in liquid and placed on one of the shelves in use.

b. If an aluminum block incubator is used, culture dishes and tubes must fit snugly.

c. Water bath incubators must be cleaned at least monthly.

d. The laboratory must record the date and time at the beginning and at the end of sample incubation.

4. Germicidal Ultraviolet Lamps. Germicidal ultraviolet lamps shall be tested quarterly by exposing agar spread plates containing 200 to 250 microorganisms to the light for two minutes. If such irradiation does not reduce the count of control plates by 99%, the lamps shall be replaced. Alternatively, the laboratory shall use an ultraviolet light meter to ensure that the lamp emits at least 70% of its initial output. Cleaning of germicidal ultraviolet lamps shall be done at least monthly by disconnecting the unit and cleaning the lamps with a soft cloth moistened with ethanol.

5. Microscopes. The optics and stage of microscopes shall be cleaned with lens paper prior to each use.

26. Sterility of Rinse/Dilution Water and Sample Bottles.

a. Each batch or lot ~~of laboratory water used for rinsing or~~ dilution/rinse water must be checked for sterility by adding 250 mL of the water to a ~~40~~50 mL volume of a double strength non-selective broth (e.g., tryptic soy broth, trypticase soy broth or tryptose broth), which is then incubated at $35^{\circ}\text{C} \pm 0.5^{\circ}\text{C}$ ~~for 24 hours~~ and checked for turbidity signifying growth at 24 and 48 hours and the results recorded.

b. After sterilization, at least one bottle per batch of sterilized sample bottles or per lot of commercially -prepared sample containers shall be checked for sterility by adding approximately 25 mL of sterile non-selective broth medium to each bottle. The bottle shall be capped and rotated so that the broth comes in contact with all surfaces and shall be incubated at $35^{\circ}\text{C} \pm 0.5^{\circ}\text{C}$ and checked for 24 hours prior to checking for growth at 24 and 48 hours and the results recorded. Prepared sample bottles from each batch or lot shall not be used unless satisfactory results are obtained from the tested bottle.

37. Residue Testing of Glassware.

a. Inhibitory Residue Test. With the initial use of each lot of a detergent or washing product, the rinsing process using distilled or deionized water shall be demonstrated to provide glassware that is free from toxic material based on the use of the Inhibitory Residue Test, as specified in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, American Public Health Association, American

Water Works Association, Water ~~Pollution Control Environment~~ Federation, Washington D.C. The results of the test must be recorded. Alternatively, the laboratory may obtain written, traceable certification from the product manufacturer that the inhibitory residue test has been performed on the lot of detergent or washing product according to the *Standard Methods* procedure. The actual test results must be included with the certification.

b. Bromthymol Blue Test. Each batch of clean, dry glassware or plastic-ware shall be tested for residual alkaline or acid residue using bromthymol blue indicator and the results recorded. If the results of the indicator test are not within the desired color range of light green to dark blue, corrective action shall be taken by re-rinsing, air drying and re-testing.

48. Microbiological Media - Quality Control Measures.

a. ~~Media shall be used by the laboratory in the order in which it is received.~~—The laboratory shall keep records that indicate the kind, amount, date received, lot number, expiration date, and date of opening of bottles of media. ~~Bottles of mMedia shall be discarded six months after opening unless stored in a desiccator, in which case it may be used up to one year after opening. If caking or discoloration of media occurs, media shall be discarded.~~The Department recommends that media be ordered in quantities to last no longer than one year, and that media be ordered in quarter pound multiples rather than one pound bottles in order to keep the supply sealed and protected as long as possible.

42.08: continued

~~b. When media dispensing apparatus is used, the individual who prepares the media shall check the accuracy of the apparatus with a graduated cylinder at the start of each volume change and periodically throughout extended runs.~~

eb. Records shall be available for inspection on all batches of sterilized laboratory-prepared media showing lot numbers, date prepared, details of preparation, total volume prepared, sterilization time and temperatures, final pH, and the name of the individual who performed the work.

~~dc. Positive and negative cultures, or a natural water with known contaminants, shall be used on each new lot of medium to determine performance compared to a previously acceptable lot of medium.~~Prior to first use of media, the laboratory shall test each batch of medium prepared in the laboratory and each lot of pre-prepared, ready-to-use medium with at least one pure culture of a known positive reaction.

d. Prior to first use of media, the laboratory shall test each batch of medium prepared in the laboratory and each lot of pre-prepared, ready-to-use medium with one or more negative culture controls, i.e., non-target organisms, as appropriate to the method.

e. Prepared plates shall be refrigerated in sealed containers with a label containing the date of preparation or expiration and the name of the

medium. Plates may be kept no more than two weeks following preparation. Broth media in loose-capped test tubes may be kept no more than two weeks following preparation. Broth media in tightly- capped tubes may be kept three months from the date of preparation.

5. Miscellaneous Quality Control Measures.

a9. Dechlorination Sufficiency. At least one bottle per batch of sterilized sample bottles prepared with sodium thiosulfate shall be checked to ensure a sufficient amount of the dechlorinating agent by collecting potable water samples from the laboratory tap and checking for residual chlorine. If residual chlorine is present the remaining bottles in the batch shall not be used unless corrective action is taken. If chlorinated water is to be analyzed, sufficient sodium thiosulfate must be added to the sample bottle before sterilization to neutralize any residual chlorine in the water sample.

b. Autoclave Operation Check. Heat sensitive tapes, spore strips or ampules shall be used weekly along with a maximum registering thermometer to verify stabilization temperatures within autoclaves and hot air sterilizing ovens. A complete record of the results of these temperature registering entities shall be maintained.

c. Ultraviolet Sterilization Lamps. Membrane filter assemblies may be exposed to ultra violet irradiation if bacterial carry over between individual sample filtrations becomes a problem. Ultraviolet sterilization lamps shall be tested quarterly by exposing agar spread plates containing 200 to 250 microorganisms to the light for two minutes. If such irradiation does not reduce the count of control plates by 99%, the lamps shall be replaced. Cleaning of ultraviolet sterilization lamps shall be done at least monthly by disconnecting the unit and cleaning the lamps with a soft cloth moistened with ethanol.

d. Water Baths. Water baths shall be cleaned at least monthly.

e. Microscopes. The optics and stage of microscopes shall be cleaned with lens paper prior to each use.

610. Membrane Filter Procedure Quality Control Specifics.

a. Only membrane filters recommended for water analysis by the manufacturer shall be used.

b. Lot numbers of membrane filters and date of receipt shall be recorded.

c. Procedural Contamination. A start and finish membrane filtration control test of rinse water, medium and supplies shall be conducted for each filtration series. If sterile controls indicate contamination, all data on samples affected shall be rejected and a request made for immediate resampling of those waters affected.

d. Verification of Membrane Filter Colonies on m-Endo medium.

i. Total Coliform Procedure. All sheen or borderline colonies up to ten on each membrane shall be verified in accordance with the accepted standard procedure contained in the latest edition of *Standard Methods for the Examination of Water and Wastewater (Standard Methods)*.

~~ii. Fecal Coliform Procedure. Typical blue colonies shall be verified in accordance with the procedure contained in the latest edition of Standard Methods.~~

~~iii. Counts shall be adjusted based on verification percentage.~~

~~7. Multitube Fermentation Test Quality Control Specifics. When the Most Probable Number (MPN) procedure is employed to determine the bacteriological quality of drinking waters, the completed test, except for gram staining, shall be carried out on 10% of the confirmed coliform positive samples. If no confirmed coliform tubes result from the analysis of potable water samples, at least one source water that yields confirmed tubes shall be carried to completion quarterly.~~

~~811. Quality Control and Performance Evaluation Proficiency Test Samples.~~

42.08: continued

a. When quality control samples are available, each ~~approved~~ analyst shall analyze at least one quality control sample per year for the categories to be certified.

~~b. When unknown performance evaluation samples are available, each approved analyst shall analyze at least one per year for the parameters measured. When performance evaluation results indicate technical error, appropriate corrective action must be taken.~~

~~eb. If there is more than one analyst in the laboratory, at least once per month each analyst shall perform parallel analyses on at least one positive sample in order to compare performance between analysts. During the initial training of an analyst in a method requiring the identification and enumeration of colonies, the new analyst must count plates from at least 10 positive samples having varying colony counts within the ideal counting range for the method. The laboratory supervisor must count the same plates. The replicate counts between the analysts must agree within 10%.~~

~~c. For methods used for the enumeration of colonies, 10% of routine samples must be analyzed in duplicate and the range of logs determined. Corrective action shall be taken if the results of these analyses do not meet acceptance criteria developed within the laboratory according to accepted analytical procedures.~~

~~12. Laboratory Reagent Water. The laboratory shall use satisfactorily tested reagent water from a water purification system (e.g., still, deionization unit, or a reverse-osmosis unit) to prepare media, reagents, and dilution/rinse water for performing microbial analyses.~~

~~a. If the source water is chlorinated, the laboratory reagent water must be tested monthly for total chlorine residual and found to contain less than 0.1 mg/L of chlorine residual.~~

~~b. The laboratory reagent water must be analyzed annually for the presence of lead, cadmium, chromium, copper, nickel, and zinc. The concentration of each metal must be no greater than 0.05 mg/L. The concentration of the metals collectively must be no greater than 0.1 mg/L.~~

c. The conductivity of the laboratory reagent water must be monitored each day that the water is used and found to be less than 2 µS/cm at 25°C or greater than 0.5 megohms-cm resistance at 25°C.

d. A heterotrophic plate count must be performed on the laboratory reagent water monthly. The laboratory may use the reagent water only if the heterotrophic plate count is less than 500 CFU/mL.

e. The test of the bacteriological quality of the laboratory reagent water must be performed annually. The ratio of the growth rate must be between 0.8 and 3.0. The test is described in Section 9020B of the 18th and 19th editions of *Standard Methods for the Examination of Water and Wastewater*. The bacteriological quality test is not required of laboratories that document that their laboratory reagent water meets the criteria for Type II water or better, as defined in *Standard Methods* (18th and 19th editions), Section 1080C or Medium quality water or better as defined in *Standard Methods* (20th edition), Section 1080C.

42.09: Issuance of Certificate

(1) Upon satisfactory fulfillment of the criteria provided herein, the Department shall issue a certificate indicating the laboratory's certification rating for each matrix, discipline and category, including the acceptable analytical methods used by the laboratory. The certificate, which includes the list of certified analytes and methods, shall be conspicuously displayed at the location stated in the certificate.

(2) Certificates shall be valid for one year unless earlier downgraded or revoked in accordance with 310 CMR 42.12, or surrendered.

(3) Certification status shall apply only to the laboratory located at the address stated in the certificate. Each affiliated or branch laboratory must obtain a separate certificate. Certificates are not transferable or assignable.

In the case of laboratories classified as provisionally certified, the Department may allow the laboratory up to 90-dayssix months for correction of deficiencies. The Department may upgrade the status of a provisionally certified laboratory to certified if all deficiencies are corrected prior to the expiration of the provisional certificate which was issued.

42.10: Requirements for Maintaining Certification Status

(1) To maintain certification status, Aa laboratory shall satisfactorily analyze samples from a proficiency testing program administered or approved by the Department and pass on-site inspections conducted or approved by the Department~~to maintain certification status~~.

(2) A laboratory must continue to meet the Department's minimum standards for certification set forth in 310 CMR 42.08 to maintain certification status.

~~(3) A laboratory shall maintain a current certificate to conduct analytical measurements for purposes of determining compliance with Department standards where the Department requires such measurements to be conducted by a certified laboratory. A laboratory shall not misrepresent its certification status on any document. On reports of sample analysis, the laboratory must clearly distinguish between analyses for which it is certified or provisionally certified by the Department and those for which it is not certified. The laboratory's certification status indicated on a report of sample analysis must be accurate as of the date of the analysis. For all other documents, including promotional materials, catalogues, advertising, Internet sites, business solicitation proposals, quotations, or other materials on which the laboratory's certification status appears, the laboratory must correct its certification status appearing on such documents within 30 days of its receipt of a notice of revocation of certification.~~

42.11: Renewal of Certificate

~~Filing. At least 45 days prior to the expiration date noted on its certificate, A certified or provisionally certified laboratory may must file an application for renewal of certification on forms provided by the Department up to 90 days prior to the expiration of its certificate. Timely filing of the application for renewal causes the certification to continue until the Department issues a final written decision regarding the laboratory's certification status. A laboratory's failure to file an application for renewal will result in revocation of the laboratory's certification. The application for renewal of certification must be fully completed before filing with the Department. Incomplete applications will not be accepted.~~

~~(Annual Certification Fee. Reserved)~~

42.12: Downgrading and Revocation of Certificate

(1) The Department may downgrade or revoke a laboratory's certificate in total or in part for any of the following reasons:

- (a) ~~f~~Failure to pass an on-site inspection;
- (b) ~~f~~Failure to satisfactorily analyze one or more samples from a proficiency testing program approved by the Department;

42.12: continued

- (c) ~~f~~Failure to comply with any of the requirements specified in 310 CMR 42.00; and
- (d) ~~f~~alsification of data or engaging in ~~other~~ deceptive practices.

(2) A laboratory whose certification status has been downgraded to provisional or revoked may have certification reinstated through the following procedures:

- (a) The Laboratory Director shall submit a written report to the Department detailing the specific corrections that have been made, or that the Director intends to make, in regard to the deficiencies that resulted in the downgrading or

revocation of the certificate. This statement of intent shall include a projected completion date on which all deficiencies shall be corrected.

~~(b)~~ The Laboratory Director shall, at the same time, submit a written request for reinstatement review by the Department.

~~(b) The laboratory must submit its report of corrective action on or before six months after the notice of downgrading to provisional certification or notice of revocation of certification.~~

~~(c) The Department shall review the laboratory's report of corrective action and determine if the deficiencies that lead to the downgrading to provisional certification status or to the notice of revocation have been satisfactorily corrected. The Department shall notify the laboratory in writing of its decision regarding reinstatement of the laboratory's certification status.~~

~~(d) The Department may issue written notice of revocation of certification to a laboratory that has had its certification status downgraded to provisional certification status and that fails to satisfactorily correct deficiencies within six months of the notice of downgrading to provisional certification status.~~

~~(e) A laboratory that has had its certification status revoked and that fails to satisfactorily correct deficiencies within six months of the notice of revocation must comply with the permit application process, including payment of the application fee, if it wishes to secure certification.~~

~~The action taken to correct deficiencies will be observed during this on-site review:~~

~~(e) The Department shall determine whether or not deficiencies have been corrected and grant or withhold certification.~~

(3) A laboratory whose certification has been revoked because of fraudulent or deceptive practices may not apply for certification for a period of one year following revocation. No analyses by the laboratory in the disciplines or categories in which a laboratory was ~~certified~~revoked shall be ~~accepted by~~reported to the Department or to a client where the client requires the use of a Massachusetts-certified laboratory and the use of Massachusetts certification standards of analysis during any period in which the laboratory has had its certificate revoked.

42.13: Reporting Requirements

(1) No certified or provisionally certified laboratory shall report analytical results ~~to the Department as a Department-certified laboratory, as indicated by the use of its Massachusetts laboratory certification identification number on the report,~~ unless:

- (a) ~~¶~~The laboratory conducted the analytical measurements ~~were conducted~~ at the laboratory's address as stated in its current certificate;
- (b) ~~¶~~The laboratory clearly distinguishes in the report between those analyses for which it holds Department certification and those for which it does not hold Department certification; and,
- (c) ~~¶~~For those analyses for which it is certified, the laboratory clearly distinguishes in the report between those analyses that it conducted in accordance with Department certification standards and those that it did not conduct in accordance with Department certification standards.

(2) All reports of analytical measurements conducted data submitted to the Department by a Department-certified laboratory in accordance with the standards of 310 CMR 42.00 where such standards are required or otherwise specified by the laboratory's client must ~~contain a Quality Assurance/Quality Control Section which~~ includes the following information:

- (a) ~~¶~~The Massachusetts Laboratory Certification identification number, of each laboratory that performed the analytic measurements;
- (b) ~~¶~~The results of analysis of samples with the specific analytes measured by each laboratory that performed any of the analyses identified in the report;
- (c) ~~¶~~The results of analyses of reagent blanks, laboratory fortified blanks, laboratory fortified sample matrices, and duplicates, and surrogate analyte recovery data when requested by the Department;
- (d) ~~¶~~The analytical methods ~~utilized~~used to detect and quantify the analytes of interest. Sample preparation procedures, if not included in the referenced analytical procedures, must also be referenced or described; and
- (e) ~~¶~~The date of analysis.

(3) With the exception of reports submitted to the Department in a format approved by the Department, all reports of finished drinking water analyses must indicate the maximum contaminant level and/or the maximum residual disinfectant level for each analyte measured where a maximum contaminant level or maximum residual disinfectant level has been established by the EPA or by the Department. Where a maximum contaminant level or maximum residual disinfectant level has not been established, the laboratory must indicate the drinking water guideline for each analyte as published by the Department's Office of Research and Standards.

~~(34)~~ The actual format of the data submitted to the Department is left to the discretion of the laboratory unless otherwise specified. The Department encourages the use of summary tables ~~which~~ that allow the reader to easily review and compare the data.

~~(45)~~ A certified laboratory shall be required to have current knowledge of all Federal and Massachusetts standards for all categories in which it has been certified. Within 24 hours of obtaining valid data, a certified laboratory shall notify its clients of the results of all samples ~~which~~that exceed any EPA- or Department-established

maximum contaminant level, maximum residual disinfectant level or reportable concentration.

(~~56~~) A laboratory shall notify the Department in writing upon any change in ownership, laboratory name, laboratory location, personnel, equipment, or any ~~other~~ factor that could impair the analytic capability of the laboratory. Personnel changes must be reported within 30 days and shall be limited to loss or replacement of the Laboratory Director, Laboratory Supervisor, or any other personnel that results in the unavailability of trained and experienced analysts necessary to perform the analyses for which the laboratory has been certified.

42.13: continued

(~~67~~) The present owners of a certified or provisionally certified laboratory shall notify the Department of a sale or change in ownership of the laboratory within five days of the same.

(~~78~~) The owner of a certified or provisionally certified laboratory seeking to maintain its certification status while changing the laboratory location shall notify the Department in writing at least 30 days prior to any such change. The Department may issue an amended certificate for the new location indicating the laboratory's certification rating for each matrix, discipline and category if it finds that the laboratory meets the Department's criteria for certification.

(~~89~~) A laboratory that has been certified by EPA or by its resident state shall notify the Department upon receipt of notice from said EPA or state that its certification has been downgraded or revoked.

~~(9) All private, non-publicly owned laboratories shall report on the Department approved annual renewal application the total number of samples tested during the prior calendar year in each testing category as specified in 310 CMR 4.10(128).~~

~~(10) A laboratory shall notify the Department in writing and submit a copy of issued document:~~

~~(a) Within 30 days of its receipt of a judgment, order, enforcement notice or report, or inspection report that is issued by any local, state, or federal government and that cites violations of laboratory conditions, equipment, or operations;~~

~~(b) Within 6 months that the laboratory, or a laboratory owner holding greater than 5% equity, or current laboratory director, or supervisor has received a citation, settled allegations by a governmental agency or been convicted of a civil or criminal violation involving an environmental laboratory. A laboratory applying for certification shall notify the Department in writing of any such incident that occurred in the past ten years.~~

42.14: Maintenance of Records

(1) Certified laboratories shall maintain copies of all analytical reports, logs, charts and records created in accordance with 310 CMR 42.00 for a minimum of ten years or as otherwise specified by the Department. Records related to performance on proficiency tests shall be maintained for a minimum of five years. Records shall include the results and supporting documentation of analyses of samples including proficiency test samples, reagent blanks, laboratory fortified blanks, laboratory fortified sample matrices and duplicates, and surrogate analyte recovery data. ~~Records related to performance on proficiency tests shall be maintained for a minimum of two years.~~

(2) Certified laboratories shall record observations, data, and calculations at the time they are made. Handwritten records must be made in ink, not pencil. Mistakes in records shall be crossed out with a single line such that the original entry is still legible and the correct value entered. All alterations to records must be signed by the person making the correction. In the case of records stored electronically, equivalent measures must be taken to avoid loss or change of original data.

(23) Certified laboratories shall maintain current records of personnel, including a resume documenting education, training, experience, description of duties and dates of relevant employment for each employee.

(34) Certified laboratories shall maintain all records in accordance with the Department-approved QA ~~policy~~plan for the laboratory.

42.15: Inspections

All certified and provisionally certified laboratories shall be open for inspection by the Department during business hours.

42.16: Reciprocity

Certificates may be issued in a comparable classification without an on-site inspection to any laboratory ~~which~~that holds a certification from the EPA or from its resident state, if in the opinion of the Department the standards for certification under which such laboratory's certificate was issued are at least as stringent as those set forth in 310 CMR 42.00.

42.17: Hearings

(1) Any person who has been denied certification, or whose certification has been downgraded or revoked, who objects to such action may request a hearing before the Department by filing a written application within ten days of receipt of notice of such action.

(2) Upon receipt of written application, the Department shall establish a time and place for such hearing and inform the petitioner thereof in writing.

(3) At the hearing the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn.

(4) After the hearing, the Department shall sustain, modify, or withdraw the notice and shall inform the petitioner in writing of the decision.

42.18: List of Certified Laboratories

The Department shall publish or cause to be published at least annually a list of certified laboratories. This list shall include the name and location of the laboratory, the name of the director, and categories of analysis in which the laboratory has been granted certification. ~~Deletions from and additions to the list shall be available at the designated offices of the Department on a quarter year basis.~~

42.19: Potable Water

(1) To receive certification to conduct analyses for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium the laboratory must:

(a) Analyze ~~Performance Evaluation~~Proficiency Test samples ~~which include those substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples provided by the Department provided by EPA, the Department, or by a Department-approved third party;~~

(b) Achieve quantitative results on the analyses that are within the following acceptance limits:

| <u>Contaminant</u> | <u>Acceptance Limit</u> |
|--------------------|---|
| Antimony | $\pm 30\%$ at ≥ 0.006 mg/l |
| Asbestos | 2 standard deviations based on study statistics |
| Barium | $\pm 15\%$ at ≥ 0.15 mg/l |
| Beryllium | $\pm 15\%$ at ≥ 0.001 mg/l |
| Cadmium | $\pm 20\%$ at ≥ 0.002 mg/l |
| Chromium | $\pm 15\%$ at ≥ 0.01 mg/l |
| Cyanide | $\pm 25\%$ at ≥ 0.1 mg/l |
| Fluoride | $\pm 10\%$ at 1 to 10 mg/l |
| Mercury | $\pm 30\%$ at ≥ 0.0005 mg/l |
| Nickel | $\pm 15\%$ at ≥ 0.01 mg/l |
| Nitrate | $\pm 10\%$ at ≥ 0.4 mg/l |
| Nitrite | $\pm 15\%$ at ≥ 0.4 mg/l |
| Selenium | $\pm 20\%$ at ≥ 0.01 mg/l |
| Thallium | $\pm 30\%$ at ≥ 0.002 mg/l |

(2) To receive certification to conduct analyses for the contaminants in 310 CMR 42.19(2)(b) the laboratory must:

(a) Analyze Performance Evaluation Proficiency Test samples ~~which include those substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples~~ provided by the EPA, the Department, or by a third party with the approval of the Department.

(b) Achieve quantitative results on the analyses that are within the following acceptance limits:

| <u>Contaminant</u> | <u>Acceptance Limit (percent)</u> |
|---|-----------------------------------|
| <u>1,2-Dibromo-3-chloropropane (DBCP)</u> | ± 40 |
| <u>1,2-Dibromoethane (EDB)</u> | ± 40 |
| Alachlor | ± 45 |
| Atrazine | ± 45 |
| Benzo[a]pyrene | 2 standard deviations |
| Carbofuran | ± 45 |
| Chlordane | ± 45 |
| Dalapon | 2 standard deviations |
| Di(2-ethylhexyl)adipate | 2 standard deviations |
| Di(2-ethylhexyl)phthalate | 2 standard deviations |
| Dinoseb | 2 standard deviations |
| DDi quat | 2 standard deviations |
| Endothall | 2 standard deviations |
| Endrin | ± 30 |
| Glyphosate | 2 standard deviations |
| Heptachlor | ± 45 |

42.19: continued

| | |
|---|----------------------------------|
| Heptachlor E epoxide | ± 45 |
| Hexachlorobenzene | 2 standard deviations |
| Hexachlorocyclopentadiene | 2 standard deviations |
| Lindane | ± 45 |
| Methoxychlor | ± 45 |
| Oxamyl(V eydate) | 2 standard deviations |
| <u>Polychlorinated Bbiphenyls PCBs</u> | |
| -(as decachlorobiphenyl) | 0-200 |
| Picloram | 2 standard deviations |
| Simazine | 2 standard deviations |
| Toxaphene | ± 45 |
| Aldicarb | 2 standard deviations |
| Aldicarb sulfoxide | 2 standard deviations |
| Aldicarb sulfone | 2 standard deviations |
| Pentachlorophenol | ± 50 |
| 2,3,7,8-TCDD (Dioxin) | 2 standard deviations |
| <u>2,4-Dichlorophenoxyacetic acid (2,4-D)</u> | ± 50 |
| <u>2-(2,4,5-Trichlorophenoxy)propionic acid (2,4,5-TP) (Silvex)</u> | ± 50 |

(3) To receive certification to conduct analyses for benzene, carbon tetrachloride, 1,2-dichloroethane, 1,1-dichloroethylene, p-dichlorobenzene, 1,1,1-trichloroethane, trichloroethylene, o-dichlorobenzene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, 1,2-dichloropropane, ethylbenzene, monochlorobenzene, styrene, tetrachloroethylene, toluene and xylenes (total) the laboratory must:

(a) Analyze ~~Performance Evaluation~~Proficiency Test (PT) samples ~~which include these substances provided by EPA Environmental Monitoring Systems Laboratory or equivalent samples~~ provided by ~~the EPA, the Department, or by a Department-approved third party.~~

(b) Achieve the quantitative acceptance limits on the analyses performed under 310 CMR 42.19(3)(a) for at least 80% of the regulated organic chemicals listed at 310 CMR 42.19(3).

(c) Achieve quantitative results on the analyses performed under 310 CMR 42.19(3)(a) that are within $\pm 20\%$ of the actual amount of the substances in the ~~Performance Evaluation~~PT sample when the actual amount is greater than or equal to 0.010 mg/l.

(d) Achieve quantitative results on the analyses performed under 310 CMR 42.19(3)(a) that are within $\pm 40\%$ of the actual amount of the substances in the ~~Performance Evaluation~~PT sample when the actual amount is less than 0.010 mg/l.

(e) Achieve a method detection limit of 0.0005 mg/l according to the procedures in Appendix B of 40 CFR Part 136.

(4) To receive certification for vinyl chloride, the laboratory must:

(a) Analyze ~~Performance Evaluation~~Proficiency Test samples provided by ~~EPA, the Department, or by a Department-approved third party. Environmental Monitoring Systems Laboratory or equivalent samples provided by the Department.~~

(b) Achieve quantitative results on the analyses performed under 310 CMR 42.19(4)(a) that are within $\pm 40\%$ of the actual amount of vinyl chloride in the ~~Performance Evaluation~~PT sample.

(c) Achieve a method detection limit of 0.0005 mg/l according to procedures in Appendix B of 40 CFR Part 136.

(d) Obtain certification for the contaminants listed in 310 CMR 42.19(3).

(5) To receive certification for total trihalomethanes, haloacetic acids, bromate, and chlorite the laboratory must:

(a) Analyze ~~Performance Evaluation (PE)~~Proficiency Test (PT) samples approved by ~~EPA or~~ the Department.

(b) Achieve quantitative results within the acceptable limit for each analyte included in each ~~PTE~~ sample and, for haloacetic acids, on a minimum of 80% of the analytes included in each ~~PTE~~ sample. The acceptance limit is defined as the 95% confidence interval calculated around the mean of the ~~PTE~~ study data between a maximum acceptance limit of ~~$\pm 50\%$~~ and minimum acceptance limit of ~~$\pm 15\%$~~ of the study mean.

(6) To receive certification to conduct analyses for perchlorate, the laboratory must:

- ~~(a) Analyze PT samples approved by the Department.~~
- ~~(b) Achieve quantitative results within the acceptable limit for this analyte in each PT sample. The acceptance limit is defined as the 95% confidence interval calculated around the mean of the PT study data.~~
- ~~(c) Use analytical methods acceptable to the Department.~~
- ~~(d) Comply with specific Department policies regarding quality assurance/quality control and data reporting procedures for this analyte.~~

(42.20: Non-Potable Water. Reserved)

~~(42.21: Hazardous Wastes and Materials and Solid Wastes. Reserved)~~

~~(42.22: Air. Reserved)~~

42.231: Severability

If any provision of 310 CMR 42.00, or its application to any person, is held invalid, such invalidity shall not affect other provisions or applications of 310 CMR 42.00 which can be given effect without the invalid provision or application, and to this end the provisions of 310 CMR 42.00 are declared to be severable.

REGULATORY AUTHORITY

310 CMR 42.00: M.G.L. c. 21, ~~§§ 276 through 53~~; ~~c. 21A, § 2(28)~~; c. 21C, ~~§ 4~~; c. 21E, ~~§ 3~~; c. 111, ~~§§ 142A through 142E, 150A and 160~~.

V. PROPOSED AMENDMENTS TO 310 CMR 4.00

page section category description of change

Annual Compliance Assurance Fees effective June 15, 2007

| | | | |
|----|---------------|-----|--|
| 77 | 4.03(2) Table | WES | <u>Certified Microbiology Laboratory</u> – add 12 new certification categories under 6 fees; multiple sub-categories allows payment of a single fee for certifications using the same method as per revised Microbiology Certification permit LES01EA |
| 77 | 4.03(2) Table | WES | <u>Certified Chemistry Laboratory</u> - add 3 new certification categories and 2 fees: perchlorate \$90, semi-volatile organic compound acid extractables and base/neutral extractables \$115; re-organize into 3 groups to allow potable and non-potable certifications to continue to pay one fee, metal and pesticide groups expanded without raising the fee, as per revised Chemistry Certification permit LES02EA |

Permit Application Fees effective June 15, 2007

| | | | |
|-------|------------|---------------------------|---|
| 144.5 | 4.10(9)(a) | LES01EA | <u>Certified Microbiology Laboratory</u> – Reduce DEP review periods 20%; add 12 new certification categories with 6 fees: (1) Total Coliform in Source Water \$40; (2) Fecal Coliform in one or more certifications for source water, ambient water and or wastewater \$40; (3) <i>Escherichia coli</i> in one or more certifications for source water, ambient water and or wastewater \$40; (4) Enterococci in one or more certifications for source water, ambient water and or wastewater \$40; (5) Fecal Coliform in sewage sludge/biosolids \$80; and (6) <i>Salmonella</i> -spp. in sewage sludge/biosolids \$80; multiple sub-categories allow payment of a single fee for certifications using the same method; codify that future added certifications using the same method require no added fee or modification fee |
| 145 | 4.10(9)(b) | LES02EA | <u>Certified Chemistry Laboratory</u> - reduce DEP review periods 20%; add 3 new certification categories: Perchlorate in potable or non-potable water \$90, Non-Potable Water semi-volatile organic compound acid extractables and base/neutral extractables \$115; Restrict certification in PAH to Benzo-a-pyrene; Re-organize into 3 groups to allow potable and non-potable certifications to continue to pay one fee where using one method; Metal and Pesticide groups expanded without raising the fee; Pesticide, herbicide, and carbamate groups listed; names clarified; codify that future added certifications using the same method require no added fee or modification fee |
| 146 | 4.10(9)(c) | LES03EA | <u>Modification of Chemistry Certification</u> - reduce DEP review periods 20%; add specific citation 42.05(1)(b) and (2)(b) |
| 146 | 4.10(9)(d) | LES04EA allowing lower | <u>Modification of Microbiology Certification</u> - add a permit category cost modification when adding certifications, \$180 |

Regulation page 77
4.03(2) Table

LABORATORY CERTIFICATION

| | |
|-------|--|
| \$215 | Certified Microbiology Laboratory, plus the fee for each testing category as certified on July 1 of each year in the amount as set forth in 310 CMR 4.10(9)(a) (LES01EA), effective June 15, 2007 June 27, 2003 |
| \$930 | Certified Chemical Laboratory, effective June 27, 2003 plus the fee for each testing category as certified May 1, 1992 for fiscal year 1992 and thereafter on July 1 of each year in the amount as set forth in 310 CMR 4.10(9)(b) (LES02EA), effective June 15, 2007 |

Regulation page 144.5
4.10(9)

(9) Bureau of Strategic Policy and Planning Technology - Wall Experiment Station - Division of Environmental Analysis.

Laboratory Certification

- (a) (LES01EA) Permits for laboratory certification
1. Category: Initial certification for microbiology laboratory.
 2. Description: Initial certification of laboratory for microbiology analyses pursuant to 310 CMR 42.05(1)(a) and (2) (a).
 3. Schedule for timely action for applications filed after June 15, 2007 ~~June 27, 2003~~,
 - a. Within ~~36~~ 45 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within ~~48~~ 60 days of making a determination of administrative completeness, the Department shall complete the technical review required prior to on-site inspection.
 - c. The permit applicant may remedy identified deficiencies during technical review within 60 days of the Department's statement identifying deficiencies, if any. The Department shall complete review of supplemental material within ~~48~~ 60 days.
 - d. Within ~~80~~ 100 days of completing a technical review, the Department shall complete on-site inspection and post-inspection review.
 - e. The permit applicant may remedy deficiencies identified during inspection review within 90 days of the Department's statement identifying deficiencies, if any.
 - f. Within ~~80~~ 100 days of receipt of supplemental materials from the applicant in response to the Department's statement identifying deficiencies during the inspection review period, the Department shall complete the supplemental technical review.
 4. ~~Initial certification~~ Permit application fee: ~~The initial certification fee shall be \$230~~ includes an application for one or more certifications to test potable water treatment and

distribution samples for total coliform, fecal coliform, *Escherichia coli*, and or heterotrophic plate count; plus an amount for each testing category applied for as follows:

- a. Total Coliform in Source Water: \$40
- b. One or more certifications to test for Fecal Coliform in Source Water, Ambient water, and or Wastewater: \$40
- c. One or more certifications to test for *Escherichia coli* in Source water, Ambient water, and or Wastewater: \$ 40
- d. One or more certifications to test for *Enterococci* in Source Water, Ambient Water, and or Wastewater: \$ 40
- e. Fecal Coliform in Sewage Sludge/Biosolids: \$ 80
- f. *Salmonella*-spp. in Sewage Sludge/Biosolids: \$ 80

Single fee includes later added certification using the same or similar method, and no modification fee is required.

g. When an out-of-state inspection of a laboratory is necessary, applicants shall be charged for on-site inspection where costs are reasonably expected to exceed \$100 including necessary costs of travel, meals, and lodging, at the rate established for state employees, as determined by the Department. The Department shall promptly notify the applicant of all such costs and may require payment prior to inspection.

Regulation page 144.5

(b) (LES02EA) Permits for laboratory certification.

- 1. Category: Initial certification for chemical laboratory.
- 2. Description: Initial certification of laboratory for chemical analyses pursuant to 310 CMR 42.05(1)(b)-(c) and (2)(b).
- 3. Schedule for timely action for applications filed after June 15, 2007 ~~June 27, 2003~~,
 - a. Within ~~36~~ 45 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within ~~48~~ 60 days of making a determination of administrative completeness, the Department shall complete the technical review required prior to on-site inspection.
 - c. The permit applicant may remedy identified deficiencies during technical review within 60 days of the Department's statement identifying deficiencies, if any, and the Department shall complete review of supplemental material within ~~48~~ 60 days.
 - d. Within ~~80~~ 100 days of completing a technical review, the Department shall complete on-site inspection and post-inspection review.
 - e. The permit applicant may remedy deficiencies identified during inspection review within 90 days of the Department's statement identifying deficiencies, if any.
 - f. Within ~~80~~ 100 days of receipt of supplemental materials from the applicant in response to the Department's statement identifying deficiencies during the inspection review period, the Department shall complete the supplemental technical review.
- 4. ~~Initial Certification~~ Permit application fee: ~~The initial certification fee shall include~~ \$860 plus an amount for each certification category as follows:
 - a. Single Fee for one or both of potable water or non-potable water chemistry certifications. Single fee includes later added certifications using the same or similar method and no modification fee.

| | |
|--------------------|------|
| Alkalinity , Total | \$35 |
| Calcium | \$55 |

| | |
|--|-------|
| Chlorine, Residual | \$30 |
| Cyanide | \$75 |
| Fluoride | \$55 |
| Metals: one or more of aluminum, antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, selenium, silver, strontium, thallium, titanium, vanadium, zinc. | \$190 |
| Nitrate-N | \$55 |
| Perchlorate | \$90 |
| pH | \$15 |
| Sodium | \$55 |
| Sulfate | \$45 |
| Total Dissolved Solids, total dissolved | \$35 |
| Volatile Organic Compounds, including vinyl chloride, Organics: | \$115 |
| b. Chemistry Certification for Potable Water Only | |
| Adipate/Phthalates | \$75 |
| Asbestos | \$75 |
| Bromate | \$55 |
| Carbamates: aldicarb, aldicarb sulfone, aldicarb sulfoxide, carbofuran, And Vydate. Single fee includes later added certifications using the same or similar method and no modification fee. | \$75 |
| Chlorite | \$55 |
| Diquat | \$60 |
| EDB (1,2-Dibromoethane) and DBCP (1,2-Dibromo-3-chloropropane) | \$60 |
| Endothall | \$60 |
| Glyphosate | \$50 |
| Haloacetic Acids | \$90 |
| Herbicides: 2,4-D; 2,4,5-TP; dalapon, dinoseb, pentachlorophenol, and picloram. Single fee includes later added certifications using the same or similar method and no modification fee. | \$90 |
| Nitrite-N | \$45 |
| Polychlorinated biphenyls PCBs (potable water) | \$90 |
| Polynuclear Aromatic Hydrocarbons PAH, benzo-a-pyrene only | \$90 |
| Pesticides: alachlor, atrazine, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, simazine, and toxaphene. Single fee includes later added certifications using the same or similar method and no modification fee. (potable water) | \$90 |
| Radiochemistry | |
| Gross alpha and gross beta | \$40 |
| Strontium-89 and Strontium-90 | \$60 |

| | |
|--|--------------|
| Radium-226 and Radium-228 | \$50 |
| Tritium | \$50 |
| Uranium | \$50 |
| Iodine-131 | \$50 |
| Cesium-134 and Cesium-137 | \$50 |
| Cobalt-60 | \$60 |
| Ruthenium-106 | \$50 |
| Trihalomethanes | \$60 |
| Turbidity | \$30 |
| c. Chemistry Certification for Non-Potable Water Only | |
| Ammonia-N | \$60 |
| Biochemical Oxygen Demand | \$45 |
| Chemical Oxygen Demand | \$30 |
| Chloride | \$30 |
| Hardness, total | \$30 |
| Kjeldahl-N | \$60 |
| Magnesium | \$45 |
| Oil and Grease | \$45 |
| Orthophosphate | \$60 |
| Polychlorinated biphenyls (water) PCBs (non-potable water) | \$90 |
| Polychlorinated biphenyls PCB (oil) | \$90 |
| Pesticides: aldrin, alpha-BHC, beta-BHC, delta-BHC, gamma-BHC, chlordane, 4,4'-DDD, 4,4'-DDE, 4,4'-DDT, dieldrin, endosulfan I, endosulfan II, endosulfan sulfate, endrin, endrin aldehyde, heptachlor, and heptachlor epoxide, toxaphene. Single fee includes later added certifications using the same or similar method, and no modification fee. | \$90 |
| Phenolics Phenols, total | \$45 |
| Total Phosphorus, total | \$60 |
| Potassium | \$45 |
| Residue, Non-filterable | \$30 |
| Semi-Volatile Organic Compounds: Acid Extractables and Base/Neutral Extractables. Single fee includes later added certifications using the same or similar method, and no modification fee. | \$115 |
| Specific Conductivity | \$30 |
| Total Organic Carbon | \$30 |

~~b.~~ **d.** When an out-of-state inspection of a laboratory is necessary, applicants shall be charged for on-site inspection where costs are reasonably expected to exceed \$100 including necessary costs of travel, meals, and lodging, at the rate established for state employees, as determined by the Department. The Department shall promptly notify the applicant of all such costs and may require payment prior to inspection.

(c) (LES03EA) Permits for laboratory certification.

1. Category: Modification of certification for chemical laboratory.

2. Description: Application to certify additional testing categories pursuant to 310 CMR 42.05(1)(b)-(c) and (2)(b).
3. Schedule for timely action for applications filed and fees received after June 15, 2007
June 27, 2003,
 - a. Within 36 45 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within 48 60 days of making a determination of administrative completeness, the Department shall complete the technical review required prior to on-site inspection.
 - c. The permit applicant may remedy identified deficiencies during technical review within 60 days of the Department's statement identifying deficiencies and the Department shall complete review of supplemental material within 48 60 -days.
 - d. Within 80 100 days of completing a technical review, the Department shall complete on-site inspection and post-inspection review.
 - e. The permit applicant may remedy deficiencies identified during the inspection review period within 90 days of the Department's statement identifying deficiencies, if any.
 - f. Within 80 100 days of receipt of supplemental materials from the applicant in response to the Department's statement identifying deficiencies during the inspection review period, the Department shall complete the supplemental technical review.
4. ~~Certificate modification~~ Permit application fee:
 - a. ~~The certificate modification permit fee shall include~~ \$315 plus an amount for each testing category included in the application in the amounts as set forth in 310 CMR 4.10(9)(b).
 - b. When an out-of-state inspection of a laboratory is necessary, applicants shall be charged for on-site inspection where costs are reasonably expected to exceed \$100 including necessary costs of travel, meals, and lodging, at the rate established for state employees, as determined by the Department. The Department shall promptly notify the applicant of all such costs and may require payment prior to inspection.

Regulation Page 146

- (d) (LES04EA) Permits for laboratory certification (~~reserved~~)
 1. Category: Modification of certification for microbiological laboratory.
 2. Description: Application to certify additional testing categories pursuant to 310 CMR 42.05(1)(a) and (2)(a).
 3. Schedule for timely action for applications filed and fees received after June 15, 2007,
 - a. Within 36 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.
 - b. Within 48 days of making a determination of administrative completeness, the Department shall complete the technical review required prior to on-site inspection.
 - c. The permit applicant may remedy identified deficiencies during technical review within 60 days of the Department's statement identifying deficiencies and the Department shall complete review of supplemental material within 48 days.
 - d. Within 80 days of completing a technical review, the Department shall complete on-site inspection and post-inspection review.
 - e. The permit applicant may remedy deficiencies identified during the inspection review period within 90 days of the Department's statement identifying deficiencies, if any.

f. Within 80 days of receipt of supplemental materials from the applicant in response to the Department's statement identifying deficiencies during the inspection review period, the Department shall complete the supplemental technical review.

4. Permit application fee:

a. \$180 plus an amount for each testing category included in the application in the amounts as set forth in 310 CMR 4.10(9)(a).

b. When an out-of-state inspection of a laboratory is necessary, applicants shall be charged for on-site inspection where costs are reasonably expected to exceed \$100 including necessary costs of travel, meals, and lodging, at the rate established for state employees, as determined by the Department. The Department shall promptly notify the applicant of all such costs and may require payment prior to inspection.