

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 301. [AMENDED]

Subchapter 1. General Provisions

252:301-1-2. [AMENDED]

252:301-1-3. [AMENDED]

252:301-1-4. [REVOKED]

252:301-1-5. [AMENDED]

252:301-1-7. [AMENDED]

252:301-1-8. [REVOKED]

252:301-1-9. [AMENDED]

252:301-1-10. [NEW]

Subchapter 3. Laboratory Accreditation Process

Part 1. Application

252:301-3-1. [AMENDED]

252:301-3-2. [AMENDED]

252:301-3-3. [AMENDED]

252:301-3-4. [AMENDED]

Part 3. Conditions of Accreditation

252:301-3-31. [AMENDED]

252:301-3-32. [AMENDED]

252:301-3-33. [AMENDED]

Part 5. Grounds to Revoke

252:301-3-51. [AMENDED]

252:301-3-52. [AMENDED]

Subchapter 5. General Operations

252:301-5-3. [AMENDED]

252:301-5-4. [AMENDED]

252:301-5-5. [AMENDED]

Subchapter 7. Proficiency Testing

252:301-7-2. [AMENDED]

252:301-7-3. [AMENDED]

252:301-7-4. [AMENDED]

252:301-7-5. [AMENDED]

252:301-7-6. [AMENDED]

252:301-7-7. [AMENDED]

252:301-7-8. [AMENDED]

252:301-7-12. [AMENDED]

252:301-7-13. [REVOKED]

252:301-7-14. [AMENDED]

252:301-7-15. [AMENDED]

252:301-7-16. [AMENDED]

252:301-7-17. [AMENDED]

252:301-7-18. [AMENDED]

Subchapter 9. Quality Assurance/Quality Control
Part 3. Standard Operating Procedures and Methods Manual
252:301-9-37. [AMENDED]
252:301-9-38. [AMENDED]

SUMMARY:

This Chapter contains rules about the accreditation of privately-owned and publicly-owned laboratories by the Department. The proposed rule changes intend to clarify program definitions, correct incorrect references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run from January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow LAP to offer accreditation for these methods.

The Department is proposing to modify the title of Chapter 301 to be more descriptive of the accreditation program and to improve clarity and understanding of differences among the three accreditation program chapters.

Specifically, the Department is proposing to create a new section 252:301-1-10, to establish a new accreditation period that runs from January through December. This change to a calendar year will allow program labs to better manage their finances and renewal applications. This change will also allow for more fluid and timely processing of applications and invoices by LAP staff. The Department is proposing to amend 252:301-1-9, "Fees," to accommodate the new section above. This amendment will simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. There are no new fee increases or new fees. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules.

The Department is proposing the clarification and specification of certain requirements in 252:301-1-5, 252:301-3-3, 252:301-5-4, and 252:301-7 for laboratories applying and maintaining accreditation regarding accreditation type, performance of proficiency tests (PTs), and assessments.

Further, the Department is proposing to amend 252:301-3-4, "Renewals," to establish a new September 15 deadline for submitting renewal documentation and PT provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. Additional information has been added to better define the renewal process and make it more consistent with other LAP rules.

AUTHORITY:

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

Water Quality Advisory Management Council; 27A O.S. §§ 2-2-201 and 2-4-302. Laboratory Certification Services; 27A O.S. §§ 2-4-301 through 2-4-306.

COMMENT PERIOD:

Written comments may be submitted to the contact person from March 15, 2024, through April 15, 2024. Oral comments may be made at the April 30, 2024, Water Quality Management

Advisory Council meeting and at the June 11, 2024, Environmental Quality Board meeting.

PUBLIC HEARING:

Oral comments will be heard before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, April 30, 2024, at DEQ Headquarters, 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, further oral comments will be heard by the Environmental Quality Board at its meeting scheduled for June 11, 2024, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

The contact person is Taryn Hurley, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-7102. Email comments may be directed to taryn.hurley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Taryn Hurley.

PERSONS WITH DISABILITIES:

Person with disabilities who desire to attend the public hearing and need accommodation, should notify the contact person three (3) working days in advance at (405) 702-1000. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.