

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 302. FIELD LABORATORY ACCREDITATION**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 302. Title [AMENDED]

Subchapter 1. General Provisions

252:302-1-1. [AMENDED]

252:302-1-2. [REVOKED]

252:302-1-3. [REVOKED]

252:302-1-4. [AMENDED]

252:302-1-5. [AMENDED]

252:302-1-6. [NEW]

Subchapter 3. Field Laboratory Accreditation Process

Part 1. Application

252:302-3-1. [AMENDED]

252:302-3-2. [AMENDED]

252:302-3-3. [AMENDED]

252:302-3-4. [AMENDED]

252:302-3-5. [AMENDED]

252:302-3-6. [AMENDED]

Part 3. Conditions of Accreditation

252:302-3-21. [AMENDED]

252:302-3-22. [AMENDED]

252:302-3-23. [AMENDED]

Part 5. Grounds to Suspend or Revoke

252:302-3-31. [AMENDED]

252:302-3-32. [AMENDED]

Subchapter 5. General Operations

252:302-5-1. [AMENDED]

252:302-5-2. [AMENDED]

252:302-5-3. [AMENDED]

252:302-5-6. [AMENDED]

252:302-5-7. [AMENDED]

Subchapter 7. Proficiency Testing

252:302-7-1. [AMENDED]

252:302-7-2. [AMENDED]

252:302-7-3. [AMENDED]

252:302-7-4. [AMENDED]

252:302-7-5. [AMENDED]

252:302-7-7. [AMENDED]

252:302-7-8. [AMENDED]

252:302-7-9. [AMENDED]

252:302-7-10. [AMENDED]

Subchapter 9. Quality Assurance/Quality Control

Part 1. Quality Assurance/Quality Control General Criteria

252:302-9-4. [AMENDED]

252:302-9-5. [AMENDED]

Part 3. Standard Operating Procedures and Methods Manual

252:302-9-24. [AMENDED]

252:302-9-25. [AMENDED]

Part 5. QA/QC Program Requirements

252:302-9-31. [AMENDED]

252:302-9-32. [AMENDED]

SUMMARY:

This Chapter contains rules about the accreditation of privately-owned and publicly-owned laboratories by the agency. 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 national program for 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 302 to be more descriptive of the accreditation program to improve clarity and understanding of differences among the three accreditation program chapters.

Specifically, the Department is proposing to amend 252:302-1-5, "Fees," to simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. 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. There are no fee increases or new fees.

Further, The Department is proposing to amend 252:302-3-6, "Renewals," to establish a new September 15 deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. The proposed changes include additional information intended 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.