

CHAPTER 306. STATE ENVIRONMENTAL LABORATORY SERVICES

252:306-1-1. Purpose, basis, authority, and applicability

The rules in this Chapter implement Title 27A Oklahoma Statutes Chapter 2, Article IV, Laboratory Services and Certifications [27A O.S. 2-4-101 through 2-4-306] and include the fees and laboratory services provided by the State Environmental Laboratory Services Division. These rules were promulgated and adopted pursuant to the Administrative Procedures Act (APA) at the recommendation of the Water Quality Management Advisory Council [27A O.S. § 2-2-201] and under the authority of the Environmental Quality Board [27A O.S. § 2-2-101], as required by 27A O.S. § 2-3-402(A)(3).

252:306-1-2. Terms

Terms used in this Chapter shall have the meanings given to them in Section 3 of this Subchapter and the Oklahoma Environmental Quality Code under 27A O.S. Sections 2-1-102 and 2-4-101. Any technical term not defined thereby shall be defined by

- (1) its generally accepted scientific meaning, or
- (2) its standard dictionary meaning.

252:306-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"APA" means the Oklahoma Administrative Procedures Act under 75 O.S. Sections 250 through 323.

"Base Fees" are fees for services provided by SELSD, which were promulgated and adopted pursuant to the APA at the recommendation of the Water Quality Management Advisory Council [27A O.S. § 2-2-201] and under the authority of the Environmental Quality Board [27A O.S. § 2-2-101], as required by 27A O.S. § 2-3-402(A)(3).

"CPI" means the Consumer Price Index for all urban consumers (CPI-U), series Id CUUR0000SA0, all items in U.S. city average, not seasonally adjusted, base period 1982-84=100, as published by the United States Department of Labor, U.S. Bureau of Labor Statistics and is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. The CPI for a calendar year is the figure denoted by the Department of Labor as the "Annual" index figure for that calendar year.

"DEQ" means the Oklahoma Department of Environmental Quality.

"Director" means the Executive Director of the Oklahoma Department of Environmental Quality.

"OAC" means the Oklahoma Administrative Code.

"QAM" means the SELSD's Quality Assurance Manual.

"SELSD" means State Environmental Laboratory Services Division under the jurisdiction of, and operated by, DEQ.

252:306-1-4. Services

(a) **Types.** The types of services provided by SELSD include

- (1) laboratory analyses relating to gas chromatography/mass spectrometry, wet chemistry, metals chemistry, microbiology, radiochemistry;
- (2) field services including field surveys, sample collection, and transport; and
- (3) accreditation of privately and publicly owned laboratories for performance of environmental analysis according to the rules and fees in Chapters 301, 302, and 307 of this Title.

(b) For DEQ.

(1) SELSD shall provide such services and perform laboratory analyses as is necessary to implement and enforce the programs and functions under the jurisdiction of DEQ. Analytical services available to support DEQ include, but are not limited to, the analysis of samples for the purpose of

- (a) performing public water supply sampling and compliance testing;
- (b) assisting with studies and investigations of pollution or suspected pollution;
- (c) performing monitoring and analytical support for surface water and ground water projects;
- (d) providing factual data to support any civil or criminal investigation, consent or compliance order, permit, function, or program of DEQ;
- (e) providing accurate information of water quality for public and private water supply systems, surface water monitoring, and public and private wastewater systems;
- (f) evaluating compliance data from treatment systems, disposal systems, discharges, and other facilities, sites, and activities;
- (g) performing elemental and chemical compound monitoring of fish tissue and evaluating health risks associated with ingestion of fish tissue; and
- (h) performing field sample collection and analytical support for public and environmental health emergencies, natural disasters, and environmental contamination and water pollution events.

(2) As the Principal State Laboratory in a primacy state, SELSD must comply with 40 C.F.R. § 142.10, which requires SELSD to maintain a program for accrediting laboratories, conducting analytical measurements of drinking water contaminants, and assuring that certified laboratories operate in compliance of state primary drinking water regulations found in Chapter 631 of this Title.

(c) **For others.** In addition to supporting the work of DEQ, SELSD may provide services upon request from individuals, cities, towns, counties, state institutions, small businesses, industrial facilities, and other state, federal, and Tribal agencies [27A O.S. § 2-4-201].

252:306-1-5. Quality system

SELSD shall implement and maintain a Quality System documented through the DEQ Quality Management Plan, and SELSD's Quality Assurance Manual (QAM). The QAM establishes SELSD's quality policy and outlines procedures, data quality objectives, and technical and operational policies necessary to ensure the generation of valid, legally defensible, and high-quality data. The QAM complies with EPA regulatory standards and ensures laboratory operations follow best practices, maintaining the highest levels of accuracy, precision, and reliability.

252:306-1-6. Fee and service adjustments

(a) **Fees.** SELSD's services and base fees are listed in Appendix A. Base fee updates may be adopted annually. For the most current information on services and fees currently available,

including base fees that have been automatically adjusted under (f) of this Section, refer to the Lab Services Fee Schedule link on DEQ's website's homepage, and DEQ's Rules and Regulations webpage.

(b) **Discount.** SELSD may discount certain work for customers who provide a large volume of prescheduled samples. Any discount shall be approved at the discretion of the Director or his/her designee.

(c) **Other analysis and services.** SELSD will consider performing other types of services upon special request. Fees for special analytical tests will be based upon 27A O.S. § 2-3-402(A)(2) and method development costs, analytical costs, and may include a per project administrative charge for processing of invoices and payments. SELSD may provide specialized sample collection and transport services. The associated fees will be determined based upon estimated personnel costs, equipment costs, travel expenses, and any other materials required.

(d) **Supply and consumables charges.** Unless otherwise specified, the analytical fees reflected in these rules include sample containers, sample digestion/extraction as required by the method, and any other routine consumables necessary to perform the requested analytical work. Separate fees may be charged to accommodate special sample preparation, sample handling, or disposal as a hazardous waste.

(e) **Other charges.**

(1) SELSD will consider accommodating extraordinary requests with respect to data handling, quality assurance reporting, sample handling, specialized project design, or data reporting deliverables. The fees for these extraordinary requests will be based upon administrative costs, actual personnel costs, and any associated laboratory costs or laboratory information management system development costs.

(2) Additional costs may be incurred for atypical requests including, but not limited to, expedited analytical and reporting times, analytical support outside normal laboratory operating hours, unusual or challenging sample matrices, or customized reporting or deliverables.

(f) **Annual fee adjustment.** Base fees set out in this Section and Appendix A may be automatically adjusted on July 1st every year to correspond to the percentage, if any, by which the CPI for the most recent calendar year exceeds the CPI for the previous calendar year. DEQ may round the adjusted fees up to the nearest dollar. SELSD may waive implementation of a CPI adjustment for any service if it determines other revenues, including appropriated state general revenue funds, have increased sufficiently to make the funds generated by an automatic adjustment unnecessary. A waiver does not affect future automatic adjustments.

(g) **New services.** New tests and services that have been developed due to changing state or federal programs, or other needs expressed by the public or private sectors, may be implemented at the discretion of the Director or his/her designee. Fees associated with a new test or service shall be based on the same or similar factors expressed in (c) and (e) of this Section.

(h) **Decommissioned services.** Services not needed by public or private sectors, no longer required by state or federal programs, or determined to be too expensive to maintain, may be decommissioned at the discretion of the Director or his/her designee.