ADOPTED REGULATION OF

THE STATE ENVIRONMENTAL COMMISSION

LCB File No. R028-97

Effective October 29, 1997

EXPLANATION--Matter in italics is new; matter in brackets [ ] is material to be omitted.

AUTHORITY: §§1-4, NRS 445A.425 and 445A.428.

Section 1. NAC 445A.057 is hereby amended to read as follows:

445A.057 The division will accept data relating to the analysis of contaminants regulated pursuant to NRS 445A.300 to 445A.730, inclusive, that are submitted from a laboratory located outside of this state if:

1. The laboratory has otherwise complied with the requirements set forth in NAC 445A.055 to 445A.067, inclusive;

2. The laboratory is certified by:

(a) The state in which it is located or, if the state in which the laboratory is located does not have a program for certifying laboratories for the analysis of water, by any other state which provides such certifications; or

(b) The United States Environmental Protection Agency;

3. The laboratory certification officer determines that the state providing the certification has adopted a certification program that is equivalent to the certification program adopted by this state and that state accepts the results of evaluations conducted pursuant to that program; and

4. The laboratory files with the laboratory certification officer a copy of an acceptable report relating to the latest evaluation conducted at the site of the laboratory by:

(a) The state in which the laboratory is certified;

(b) An independent certification organization which has been approved by the laboratory certification officer; or

(c) The United States Environmental Protection Agency.

The evaluation to which the report relates must have been conducted within **[**2 years**]** *the 12 months* immediately preceding the date of the laboratory's application for certification.

Sec. 2. NAC 445A.060 is hereby amended to read as follows:

445A.060 1. Except as otherwise provided in subsection 3, to be certified and to maintain certification to analyze:

(a) A contaminant, a laboratory must *satisfactorily* analyze the samples of the contaminant in each sample set.

(b) Trace metals, minerals, nutrients, demands, total cyanide, nonfilterable residue, oil and grease, total phenolics or total residual chlorine, a laboratory must *satisfactorily* determine all levels of concentration of the contaminant pursuant to the **[**warning**]** *acceptance* limits established by the United States Environmental Protection Agency in each sample set.

(c) Polychlorinated biphenols in water or in oil, pesticides, volatile halocarbons or volatile aromatics, a laboratory must *satisfactorily* analyze a minimum of 80 percent of the compounds provided in the category pursuant to the **[**warning**]** *acceptance* limits established by the United States Environmental Protection Agency in each sample set.

(d) Radiochemical contaminants, a laboratory must **[**properly**]** *satisfactorily* analyze two intercomparison samples and one blind sample pursuant to the criteria for acceptance established by the United States Environmental Protection Agency.

(e) Microbiological contaminants, a laboratory must satisfactorily analyze 80 percent of at least one set of samples in each category.

2. Except as otherwise provided in subsection 3, to be certified and to maintain certification to perform toxicity bioassays, a laboratory must satisfactorily analyze the samples for performance evaluation pursuant to criteria established by the United States Environmental Protection Agency.

3. A laboratory that has not been certified may use a sample set for its evaluation that is provided by a supplier which is approved by the laboratory certification officer. The laboratory certification officer may issue provisional certification to a laboratory that receives a satisfactory performance evaluation from such a supplier.

Sec. 3. NAC 445A.061 is hereby amended to read as follows:

445A.061 1. If a laboratory that is certified to analyze for a contaminant, trace metals, minerals, nutrients, demands, total cyanide, nonfilterable residue, oil and grease, total phenolics, total residual chlorine or other category of contaminant fails to determine *satisfactorily* one or more levels of concentration of a contaminant pursuant to the **[**warning**]** *acceptance* limits established by the United States Environmental Protection Agency, the certification of the laboratory must be changed to provisional certification for that contaminant. If, in the next available sample set provided by the United States Environmental Protection Agency, the laboratory fails to determine *satisfactorily* one or more levels of concentration for that

contaminant pursuant to the required criteria, the certification of the laboratory for that contaminant must be revoked.

2. If a laboratory that is certified to analyze for polychlorinated biphenols in water or in oil, pesticides, volatile halocarbons or volatile aromatics fails to analyze *satisfactorily* a minimum of 80 percent of the compounds provided pursuant to the **[**warning**]** *acceptance* limits established by the United States Environmental Protection Agency, the certification of the laboratory must be changed to provisional certification for that category of contaminants. If, in the next available sample set provided by the United States Environmental Protection Agency, the laboratory fails to analyze *satisfactorily* at least 80 percent of the compounds provided in the category pursuant to the required criteria, the certification of the laboratory for that category of contaminants must be revoked.

3. If a laboratory that is certified to analyze a radiochemical contaminant fails to analyze *satisfactorily* that contaminant pursuant to the criteria for acceptance established by the United States Environmental Protection Agency, the certification of the laboratory for that contaminant must be changed to a provisional certification. If, in the next available sample set provided by the United States Environmental Protection Agency, the laboratory fails to analyze *satisfactorily* the sample set pursuant to the requirements of this subsection, the certification of the laboratory for that contaminant must be revoked.

4. If a laboratory that is certified to analyze a microbiological contaminant fails to analyze satisfactorily 80 percent of at least one sample set in each category, the certification of the laboratory must be changed to a provisional certification for that contaminant. If, in the next sample set provided by the United States Environmental Protection Agency, the laboratory fails

to analyze satisfactorily a minimum of 80 percent of one set of samples in each category, the certification of the laboratory for that contaminant must be revoked.

5. If a laboratory that is certified to perform toxicity bioassays fails to analyze *satisfactorily* the samples for performance evaluation pursuant to the criteria for acceptance established by the United States Environmental Protection Agency, the certification of the laboratory must be changed to a provisional certification for that category. If, in the next sample set provided by the United States Environmental Protection Agency, the laboratory fails to analyze satisfactorily for toxicity, the certification of the laboratory for that category must be revoked.

Sec. 4. NAC 445A.062 is hereby amended to read as follows:

445A.062 1. Except as otherwise provided in subsection 2, the laboratory certification officer shall conduct an evaluation at the site of each laboratory in this state that applies for certification pursuant to NAC 445A.055 to 445A.067, inclusive. The evaluation must be conducted after the laboratory certification officer receives acceptable data from the United States Environmental Protection Agency or other supplier concerning the analysis of samples by the laboratory pursuant to NAC 445A.060 and 445A.061. Within 60 days **[**of**]** *after* receiving the data, the laboratory certification officer shall conduct an evaluation at the site of the laboratory unless another mutually acceptable date is established in writing.

2. In lieu of conducting an evaluation of a laboratory pursuant to subsection 1, the laboratory certification officer may accept an evaluation of the laboratory conducted by:

(a) Another state;

(b) An independent certification organization approved by the officer; or

(c) The United States Environmental Protection Agency.

3. The laboratory certification officer shall:

(a) Determine whether the laboratory is using approved methods of analysis in an acceptable manner, including appropriate procedures for controlling quality.

(b) Evaluate the facilities, equipment, personnel and protocols of the laboratory by using the criteria established by the United States Environmental Protection Agency in chapters IV (chemistry), V (microbiology) and VI (radiochemistry) of its "Manual for the Certification of Laboratories Analyzing Drinking Water," which is hereby adopted by reference in the form most recently published by the agency, unless the state environmental commission gives notice that the most recent publication is not suitable for this state pursuant to NAC 445A.067. A copy of these chapters may be obtained from the laboratory certification officer free of charge.

4. The laboratory certification officer shall make a determination concerning the certification of a laboratory and refuse certification or issue a letter of certification within 30 days after **[**his**]** *the* evaluation.

5. If data relating to performance evaluation samples are not available pursuant to NAC 445A.060, provisional certification to analyze a contaminant specified in the certification may be granted to a laboratory based on the laboratory's *satisfactory* analysis of a full-volume performance evaluation sample acquired by the laboratory certification officer at the laboratory's expense.