

1. By (date that is 180 days after the operative date of these new rules), the laboratory shall submit an administratively complete application to the Department pursuant to N.J.A.C. 7:18-2.5. When the Department determines that the application is administratively complete, it will provide the laboratory with temporary approval to analyze regulatory samples. The laboratory may continue analyzing regulatory samples while the temporary approval is in effect. The approval shall remain in effect until one of the following occurs:

- i. The Department issues a certification and Annual Certified Parameter List pursuant to (b) above;
- ii. The laboratory fails to satisfy the requirements for certification within the time specified in (c)2 below; or
- iii. The Department denies the certification.

2. Within one year after submitting the application under (c)1 above, the environmental laboratory shall satisfy all other requirements for certification under (a) above. If the environmental laboratory satisfies all of these requirements except the requirement for an on-site audit, and the on-site audit requirement has not been satisfied because the Department has not scheduled the audit, the temporary approval shall remain in effect until an event listed in (c)1i or 1iii occurs.

3. If a laboratory fails to submit an administratively complete application within the time allotted under (c)1 above, or if the temporary approval expires under (c)1i or 1iii above, the phase-in period is forfeited. The laboratory shall discontinue all regulatory sampling and analysis for categories SHW01 through SHW12 and CLP01 through CLP07. Thereafter the laboratory shall follow the regular procedure for obtaining certification in accordance with N.J.A.C. 7:18-2.5.

Amended by R.2001 d.224, effective July 2, 2001.

See: 33 N.J.R. 1063(a), 33 N.J.R. 2284(c).

In (c), amended categories in the introductory paragraph and in 3.

#### **7:18-2.7 Procedures for renewal of certification status for a certified environmental laboratory**

(a) Each certified environmental laboratory and each laboratory holding temporary approval shall follow the following procedure to renew its certification every certification year:

1. The laboratory shall obtain a renewal application form from the Department.
2. The laboratory shall review the information provided by the Department on the renewal application form. On the form, the laboratory shall correct any inaccurate or incomplete information, advise the Department of any changes in personnel or equipment, and indicate any desired modifications.

3. The laboratory shall submit the renewal application to the Department at the address listed in N.J.A.C. 7:18-1.6(a). When submitting the renewal application, the laboratory shall include the renewal application form provided by the Department, the fees required under N.J.A.C. 7:18-2.9, and the certification required under N.J.A.C. 7:18-1.9.

4. The laboratory shall submit the renewal application with the required fees by March 31 of each year. However, if the Department has not made the renewal application forms available by March 1, the deadline for submitting the renewal application shall be extended by one day for each day beyond March 1 that the forms are unavailable. For example, if the Department does not make the forms available until March 15, the deadline for submitting the renewal application shall be April 14.

5. A laboratory may submit a late renewal application after the deadline established under (a)4 above. However, if a late renewal application is submitted, the renewal may not be completed before the June 30 expiration date of the certification or temporary approval.

(b) If a laboratory's certification or temporary approval is not renewed before its expiration date, the certification or temporary approval and the Annual Certified Parameter List (if any) shall expire. If a laboratory's certification, temporary approval or ACPL expires, any analysis performed by that laboratory does not establish compliance with any regulatory program.

(c) A laboratory shall not submit a renewal application after the June 30 expiration date. If a laboratory fails to submit a renewal application before the expiration date, the laboratory's certification, temporary approval and ACPL (if any) shall expire. Any environmental laboratory allowing its certification to expire shall apply for a new certification by filing an initial application in accordance with N.J.A.C. 7:18-2.5.

Administrative change.

See: 28 N.J.R. 4098(a).

#### **7:18-2.8 Procedure for modification of certification status by the addition or deletion of parameters, categories and/or combined categories**

(a) A certified environmental laboratory seeking to modify its certification, or a laboratory seeking to modify its application for certification under N.J.A.C. 7:18-2.5, shall submit an application to the Department at the address specified in N.J.A.C. 7:18-2.5(a). In the application, the laboratory shall include the following:

1. Any changes that the laboratory seeks to make in the areas for which it is certified or has applied to be certified, including all information required under N.J.A.C. 7:18-2.5(b)4;
2. Information required under N.J.A.C. 7:18-2.5(b)6 and 7, with respect to any additional personnel needed for

additional areas of certification pursuant to N.J.A.C. 7:18-2.10;

3. Information required under N.J.A.C. 7:18-2.5(b)8, if applicable to the modification;

4. The certification required under N.J.A.C. 7:18-1.9(a), signed by the person required under N.J.A.C. 7:18-1.9(b); and

5. The fees required under N.J.A.C. 7:18-2.9, in the form of a check payable to "Treasurer, State of New Jersey." However, if the modification is part of a renewal application under N.J.A.C. 7:18-2.7(b), then the laboratory need not pay the fee for "Administrative Activities—Request for modification in certified, applied or interim approval status."

(b) Before approving the modification, the Department may require proficiency testing pursuant to N.J.A.C. 7:18-2.13 and/or an on-site audit pursuant to N.J.A.C. 7:18-2.14. The Department shall base its decision to require proficiency testing and/or an on-site audit upon the degree of competence and compliance with this chapter that the environmental laboratory has demonstrated through previous proficiency testing and on-site audits.

(c) The Department shall approve the modification only if the laboratory satisfies all of the requirements under N.J.A.C. 7:18-2.6(a) that are applicable to the modification.

(d) Subsections (a) through (c) above do not apply to a modification to delete one or more parameters or categories from a laboratory's certification. No payment of a fee or Department approval is required to delete a parameter or category. To delete one or more parameters or categories, the laboratory shall send written notification to the Department at the address specified in N.J.A.C. 7:18-1.6(a), by certified mail or other means that provides a receipt for delivery; provided however, that the laboratory may instead provide this written notification as part of a renewal application under N.J.A.C. 7:18-2.7. The deletion shall be effective upon the Department's receipt of the notice.

#### 7:18-2.9 Fees

(a) A laboratory applying for an initial or renewal certification or for modification of a certification shall include with the application the fees required under this section. Fees are not refundable.

(b) The fee schedule is set forth below. To calculate the fee for a given service, add the fee for the administrative activity and the fee for each category affected by the application. For example, if a laboratory seeks an initial certification in category SDW01, the fee would be the sum of \$825.00 (the administrative activity fee) and \$206.00 (the category fee), for a total of \$1,031.

#### Environmental Laboratory Application

Change-of-Status and Certification Categories		Fees
I.	Administrative Activities	
II.	Drinking Water Program Categories (SDW01-SDW08)	
	SDW01 Microbiological Parameters	\$206
	SDW02 Inorganic Parameters including Sodium and Calcium	\$236
	SDW03 Analyze-Immediately Inorganic Parameters	\$118
	SDW04 Inorganic Parameters, Metals	\$118
	SDW05 Organic Parameters, Chromatography	\$206
	SDW06 Organic Parameters, Chromatography/Mass Spectrometry	\$265
	SDW07 Radiochemistry: Radioactivity and Radionuclide Parameters	\$354
	SDW08 Radon in Drinking Water	\$177
III.	Water Pollution Program Categories (WPP01-WPP10)	
	WPP01 Microbiological Parameters	\$206
	WPP02 Inorganic Parameters, Nutrients and Demand	\$236
	WPP03 Analyze-Immediately Inorganic Parameters (Including Continuous Monitoring)	\$118
	WPP04 Inorganic Parameters, Metals	\$118
	WPP05 Organic Parameters, Chromatography	\$147
	WPP06 Organic Parameters, Chromatography/Mass Spectrometry	\$265
	WPP07 Organic Parameters, Individual Pesticides (GC, GC/MS, TLC)	\$177
	WPP08 Toxicity Testing Parameters	\$2,240
	WPP09 Radiochemistry: Radioactivity and Radionuclide Parameters	\$354
	WPP10 Radon in Wastewater	\$177
IV.	Radon/Radon Progeny-in-Air Program Category (RAP01)	
	RAP01 Radon/Radon Progeny-in-Air	\$236
V.	Solid/Hazardous Waste Categories (SHW01-SHW12)	
	SHW01 Microbiological Parameters (SW/HW)	\$206
	SHW02 Characteristics of Hazardous Waste (SW/HW)	\$177
	SHW03 Analyze-Immediately Parameters (SW/HW)	\$118
	SHW04 Inorganic Parameters (SW/HW)	\$147
	SHW05 Organic Parameters, Preparation and Screening (SW/HW)	\$118
	SHW06 Organic Parameters, Chromatography (SW/HW)	\$236
	SHW07 Organic Parameters, Chromatography/Mass Spectrometry (SW/HW)	\$206
	SHW08 Polychlorinated Dibenzo-p-dioxins and Polychlorinated Dibenzofurans (SW/HW)	\$236
	SHW09 Miscellaneous Parameters (SW/HW)	\$177
	SHW10 Facility-Specific Parameters (SW/HW)	\$1,061
	SHW11 Incinerator Emissions (SW/HW)	\$236
	SHW12 Immunoassay	\$118
VI.	CERCLA-CLP Categories (CLP01-CLP07)	
	CLP01 Multi-Media, Multi-Concentration Inorganics (CERCLA-CLP)	\$147
	CLP02 Multi-Media, Multi-Concentration Organics (CERCLA-CLP)	\$383
	CLP03 Polychlorinated Dibenzo-p-dioxins and Polychlorinated Dibenzofurans (CERCLA-CLP)	\$236
	CLP04 Multi-Media, High-Concentration Inorganics (CERCLA-CLP)	\$177
	CLP05 Multi-Media, High-Concentration Organics (CERCLA-CLP)	\$118
	CLP06 Low-Concentration Water for Inorganics (CERCLA-CLP)	\$177
	CLP07 Low-Concentration Water for Organics (CERCLA-CLP)	\$236

(c) If a laboratory seeks to modify its certification as part of a renewal application under N.J.A.C. 7:18-2.7(b), the laboratory need not pay the fee for "Administrative Activities—Request for modification in certified, applied or interim approval status." The fee shall be the sum of the following:

1. The fee for "Administrative Activities—Renewal Application Fee for Certification"; and

2. The fee for each category for which the laboratory seeks to renew certification, or seeks to add certification. If the laboratory seeks to delete a category from its certification, the fee for that category shall not be included in the total fee.

(d) If a laboratory's application for certification is pending as of July 1 in a given year and it has not completed all of the requirements for certification by that date, the laboratory shall pay the Administrative Activities—Renewal Application Fee described in (b) above by July 1, but is not required to pay the fee for the category or categories in which certification is pending. If the laboratory becomes certified in such a category after July 1, it shall pay the fee for the category, prorated for the number of months (including any part of a month) remaining until the following July 1. The laboratory shall pay this fee within 30 days after the laboratory becomes certified. For example, if a laboratory applies for certification in Category SDW01 on October 1, 1996, but does not become certified in that category until September 15, 1997, it shall pay fees as follows:

1. On October 1, 1996, \$825.00 for the initial application fee and \$206.00 for the category;
2. On July 1, 1997, \$295.00 for the renewal application fee; and
3. Within 30 days after September 15, 1997, \$172.00 representing the \$206.00 category fee pro-rated for 10 months.

(e) Environmental laboratories applying for or renewing certification in the following combined categories are eligible for a reduced fee:

1. Microbiological parameters, Categories SDW01, WPP01, and/or SHW01: \$295.00.
2. Inorganic parameters, Analyze—Immediately Categories SDW03, WPP03, and/or SHW03: \$118.00.
3. Inorganic parameters, Metal Categories SDW04, WPP04, and/or SHW04: \$147.00.
4. Radon in Water, Categories SDW08 and WPP10: \$177.00.

(f) If the Department conducts an on-site audit of an out-of-State environmental laboratory, the Department shall provide the laboratory with an invoice specifying the costs of overnight travel, room and board, miscellaneous expenses of the Department certification inspectors, and (for environmental laboratories located outside the United States) expenses resulting from foreign currency exchanges. Within 60 calendar days after the date of the invoice, the laboratory shall remit to the Department the fee specified on the invoice.

(g) If the Department purchases PE samples to send to a laboratory for use in the proficiency testing program, the Department shall provide the laboratory with an invoice stating the actual cost paid to purchase the samples. Within 60 calendar days after the date of the invoice, the laboratory shall remit to the Department the amount specified on the invoice.

Amended by R.2001 d.224, effective July 2, 2001.

See: 33 N.J.R. 1063(a), 33 N.J.R. 2284(c).

In (b), (d) and (e), amended categories.

Amended by R.2001 d.345, effective September 17, 2001.

See: 33 N.J.R. 1284(a), 33 N.J.R. 3351(a).

In (b)III WP08, substituted reference to Toxicity Testing Parameters for Acute Toxicity Parameters.

#### 7:18-2.10 Environmental laboratory personnel requirements

(a) A certified environmental laboratory shall employ qualified personnel who possess the education, training, and experience required under this section. The laboratory shall maintain current employee records that include a resume and college transcript documenting each employee's training, experience, duties, and dates of relevant employment. The laboratory shall include at least the following personnel:

1. An environmental laboratory manager, who shall be the individual in responsible charge of the laboratory;
2. One or more supervisors, who shall be qualified in accordance with the applicable provisions of (b) below to perform the tests and analyses within the Category or Categories for which the environmental laboratory is certified, or seeks certification. The environmental laboratory manager may also serve as a supervisor provided that the manager meets the qualifications for supervisor;
3. A Quality Assurance (QA) Officer. For a laboratory that is certified or seeks to be certified in any of Categories CLP01 through 7, the QA officer shall meet the applicable requirements of (b)9 below. For any other laboratory, the QA Officer shall meet the applicable requirements of (b) below for a supervisor in any Category, provided however, that an individual who meets only the requirements for a supervisor in the Categories listed in (b)2 below may serve as the QA Officer only in those Categories; and
4. If required under (b) below, technical support staff, who shall be qualified in accordance with the applicable provisions of (b) below for the tests and analyses within the Category or Categories for which the environmental laboratory is certified, or seeks certification.

(b) No environmental laboratory shall be certified to perform analyses in a Category unless the supervisor and operating personnel (where so indicated) meet the following requirements:

1. For microbiological testing in Categories SDW01, WPP01 and SHW01, the supervisor shall meet the re-

quirements of at least one of the qualification levels listed below:

Qualification Level	Degree	Years of Experience	
		Microbiology Credits	Microbiological Analysis
A	≥BA/BS <sup>1</sup>	4 <sup>2</sup>	1
B	AA <sup>1</sup>	4 <sup>2</sup>	3
C	None	0 <sup>2</sup>	5

<sup>1</sup> Degree in a chemical physical, biological, or environmental science from an accredited institution.

<sup>2</sup> Course from accredited college, or equivalent course from a training institute if supervisor has less than four semester hours credit in bacteriology.

2. For chemical testing in analyze-immediately Categories SDW03, WPP03 and SHW03 for residual chlorine, chlorine dioxide, residual ozone, dissolved oxygen with probe, sulfite, temperature, pH, and Categories SDW02 and WPP02 for turbidity and residue-settleable, the supervisor shall have had at least three months of experience in performing these tests;

3. For chemical testing in Categories: DW2. Inorganic Parameters including Sodium and Calcium; WPP02. Inorganic Parameters, Nutrients & Demand (except those listed in (b)2 above), the supervisor shall meet the requirements of at least one of the qualification levels listed below:

Qualification Level	Degree	Years of Chemical Experience
		Chemical Analysis and/or Training
A	≥BA/BS <sup>1</sup>	1 <sup>2</sup>
B	AA <sup>1</sup>	3 <sup>2</sup>
C	None	5 <sup>2</sup>

<sup>1</sup> Degree in a chemical physical biological, or environmental science from an accredited institution.

<sup>2</sup> Have at least one year of laboratory experience in the chemical analysis of drinking water, water pollution, or solid/hazardous waste samples.

4. For chemical testing in Categories: SDW04. Inorganic Parameters, Metals; WPP04. Inorganic Parameters, Metals; SHW04. Inorganic Parameters, Metals; SHW09. Miscellaneous Parameters, and SHW10. Facility Specific Methods, the supervisor shall meet the requirements of at least one of the qualification levels listed below:

Qualification Level	Degree	Years of Chemical Experience
		Chemical Analysis and/or Training
A	≥BA/BS <sup>1</sup>	1 <sup>2</sup>
B	AA <sup>1</sup>	3 <sup>2</sup>
C	None	5 <sup>3</sup>

<sup>1</sup> Degree in a chemical physical, biological, or environmental science from an accredited institution.

<sup>2</sup> Have at least one year of laboratory experience in the analysis of drinking water, water pollution, or solid/hazardous waste samples; and have six months experience in one or more instrumental techniques for the determination of metals, minerals (asbestos), metal ions, or anions, or have completed a formal training course in the operation of one or more of those instruments.

<sup>3</sup> Same as footnote 2 above except that three years of laboratory experience in the analysis of drinking water, water pollution, or solid/hazardous waste samples is required.

5. Operators of ICP/MS instruments shall meet the requirements of (b)4 above, but in addition, are required to have both six months operating experience and a formal training course in ICP/MS;

6. Operators of transmission electron microscopes (TEMs) shall meet one of the qualification levels of (b)4 above, but the number of years of experience required at all levels must include one year in determining asbestos in air or water using a TEM and energy dispersive x-ray analyzer. Operators shall have completed a formal training course in transmission electron microscopy;

7. For chemical testing in Categories: SDW05, Organic Parameters, Chromatography; SDW06, Organic Parameters, Chromatography/Mass Spectrometry; WPP05, Organic Parameters, Chromatography; WPP06, Organic Parameters, Chromatography/Mass Spectrometry; WPP07, Individual Pesticides (GC, GC/MS, TLC); SHW05, Organic Parameters, Preparation & Screening; SHW06, Organic Parameters, Chromatography; SDW07, Organic Parameters, Chromatography/Mass Spectrometry; SHW08, Polychlorinated Dibenzo-p-dioxins and Polychlorinated Dibenzofurans; SHW09, Miscellaneous Parameters; SHW10, Facility Specific Parameters; SHW11, Incinerator Emissions; and SHW12, Immunoassay, the supervisor shall meet the requirements of at least one of the qualification levels listed below:

Qualification Level	Degree	Years of Chemical Experience
		Chemical Analysis and/or Training
A	≥BA/BS <sup>1</sup>	1 <sup>2</sup>
B	AA <sup>1</sup>	3 <sup>2</sup>
C	None	5 <sup>3</sup>

<sup>1</sup> Degree in a chemical physical, biological, or environmental science from an accredited institution.

<sup>2</sup> At least one year of laboratory experience in chemical testing of drinking water, water pollution, or solid/hazardous waste samples; and have six months experience in one or more instrumental technique (GC, LC, GC/MS, or LC/MS) being practiced for the analysis of drinking water, water pollution or solid/hazardous waste samples. A formal training course in the instrumental technique for which certification is sought may be substituted for the experience requirements.

<sup>3</sup> Same as footnote 2 above except that three years of laboratory experience in chemical testing of drinking water, water pollution, or solid/hazardous waste samples is required.

8. Operators of GC/MS, and LC/MS instruments shall meet the requirements of (b)7 above, but in addition, are required to have both six months operating experience and a formal training course in the technique being practiced;

9. For chemical testing in Categories: CLP01, Multi-Media/Multi-Concentration Inorganic Parameters; CLP02, Multi-Media/Multi-Concentration Organic Parameters; CLP03, Polychlorinated Dibenzo-p-dioxins & Polychlorinated Dibenzofurans; CLP04, Multi-Media/High Concentration Inorganic Parameters; CLP05, Multi-Media High Concentration Organic Parameters; CLP06, Low Concentration Water for Inorganic Parameters; and CLP07, Low Concentration Water for Organic Parameters, the laboratory shall have qualified personnel to perform the analyses under the CLP categories of analysis.

10. For Radiochemical Testing in Categories: SDW07, Radiochemistry: Radioactivity & Radionuclide Parameters; SDW08, Radon in Drinking Water; WPP09, Radiochemistry: Radioactivity & Radionuclide Parameters; and WPP10, Radon in Wastewater, the supervisor shall meet the requirements of at least one of the qualification levels listed below: