Chapter 44 -- Hazardous Waste Testing Laboratory Certification

67440.1. Certification of Laboratories.

(a) An applicant for certification as a hazardous waste testing laboratory shall:

(1) Submit an application, together with payment of an application fee, if required, pursuant to Health and Safety Code Section 25198.7, and

(2) Demonstrate compliance with the requirements for test categories, quality assurance, laboratory equipment, analytical procedures and personnel qualifications as set forth in Sections 67440.3 through 67440.7 of this chapter, and

(3) Demonstrate competence in accurately analyzing proficiency test samples and in passing an on-site inspection as the Department may require to confirm compliance to the requirements of this chapter, and

(4) Identify any trade secrets submitted on the application.

(b) Application for renewal of a hazardous waste testing laboratory certification shall be made no later than three months prior to the expiration date.

(c) The Department shall review the certification or renewal application for completeness and shall inform the applicant that the application is completed and accepted for filing, or that the application is deficient and what specific information, documentation or fees, if any, is required to complete the application. The Department shall inform the applicant in writing within 60 calendar days of initial receipt of an application. The date of written notification to the applicant that the application is complete and accepted for filing is deemed as date of filing complete application.

(d) The Department shall notify the applicant, in writing, of the agency's decision regarding the application. The notification shall be within 180 calendar days for certification and within 30 calendar days for renewal from date of filing complete application.

NOTE: Authority cited: Sections 25173 and 25198.2 (a), Health and Safety Code and Section 15376, Government Code.
Reference: Sections 25198.3, 25198.5(a)(1) and (c) and 25198.7(a) and (b), Health and Safety Code and Section 15376, Government Code.

67440.2. Test Categories.

(a) A laboratory applying for certification as a hazardous waste testing laboratory shall be issued certification only for one or more test categories specified below. Testing shall be limited to the following eight categories:

(1) Organic Chemical Analysis;

(2) Inorganic Chemical Analysis;

(3) Characterization of Hazardous Properties;

(4) Aquatic Toxicity;

(5) *California Waste Extraction Test;

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* California Code of Regulations, Title 22, Division 4.5, Chapter 11, Appendix II.

(6) EP Toxicity Test Procedure SW-846, "Test Methods for Evaluating Solid Waste", incorporated by reference in Section 66260.11;

(7) Toxicity Characteristic Leaching Procedure (TCLP) Appendix I to Chapter 18 of this Division;

(8) Asbestos Analysis.

(b) An applicant for certification in Organic Chemical Analysis, (Partial) shall be capable of performing one or more of the following specific tests:

(1) Organochlorine pesticides;

(2) Chlorinated herbicides;

(3) Phenols;

(4) Halogenated volatile organics;

(5) Polychlorinated biphenyls;

(6) Carbonates;

(7) EPA priority pollutants;

(8) Non-halogenated volatile organics;

(9) Aromatic volatile organics;

(10) Acrolein, acrylonitrile, acetonitrile;

(11) Phthalate esters;

(12) Nitroaromatics and cyclic ketones;

(13) Polynuclear aromatic hydrocarbons;

(14) Chlorinated hydrocarbons;

(15) Organophosphorus pesticides.

(c) An applicant for certification in Organic Chemical Analysis, (Full) shall be capable of performing all the specific tests listed under Section 67440.2(b).

(d) An applicant for certification in Inorganic Chemical Analysis, (Partial) shall be capable of testing for one or more of the following chemical species: antimony, arsenic, barium, beryllium, cadmium, chromium (III and VI), cobalt, copper, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, zinc, cyanides, fluorides, and sulfides.

(e) An applicant for certification in Inorganic Chemical Analysis, (Full) shall be capable of testing for all of the chemical species listed under Section 67440.2(d).

(f) An applicant for certification in Characterization of Hazardous Properties in a waste shall be capable of testing for ignitability, reactivity and corrosivity.

NOTE: Authority cited: Section 25198.2(a), Health and Safety Code.
Reference: Section 25198.2(b)(1), Health and Safety Code.

67440.3. Quality Assurance Program.

(a) A hazardous waste testing laboratory shall have developed and shall implement an updated quality assurance program and manual. The manual shall include, at a minimum, instructions for the following elements:

(1) Sample collection and preservation;

(2) Chain of sample custody;

(3) Maintenance and calibration of instruments;

(4) Preparation and analyses of quality control samples;

(5) Analyses of standard reference materials;

(6) Review and reporting of analytical results;

(7) Corrective action for problems in quality control;

(8) Laboratory record keeping procedure.

(b) A hazardous waste testing laboratory shall implement and maintain a continuing internal quality control program by routinely analyzing control samples and maintaining documentation and data from such activities.

NOTE: Authority cited: Section 25198.2 (a), Health and Safety Code.

Reference: Section 25198.2 (b) (2), Health and Safety Code.

67440.4. Laboratory Equipment.

A hazardous waste testing laboratory shall be equipped with instruments and apparatus to enable the laboratory to conduct analyses for the tests for which application is made and for which the laboratory has been certified.

NOTE: Authority cited: Section 25198.2 (a), Health and Safety Code.
Reference: Section 25198.2 (b) (3), Health and Safety Code.

67440.5. Analytical Procedures.

(a) Analytical procedures for testing hazardous wastes shall be methods approved by the Department or published by the following professional standard-setting or regulatory organizations:

(1) United States Environmental Protection Agency;

(2) American Public Health Association/American Water Works Association/Water Pollution Control Federation;

(3) Association of Official Analytical Chemists;

(4) American Society for Testing and Materials;

(5) National Institute of Occupational Safety and Health;

(6) California State Department of Health Services.

(b) The procedure used for testing of a hazardous waste sample shall be a procedure from Section 67440.5 (a), developed for the same matrix as the sample matrix.

NOTE: Authority cited: Section 25198.2 (a), Health and Safety Code. Reference: Section 25198.2 (b) (4), Health and Safety Code.

67440.6. Personnel Qualifications.

(a) The person directing the analyses or the person supervising the analysis of hazardous waste shall:

(1) Possess a baccalaureate or higher degree or an equivalent in chemistry, biochemistry, biology or a natural or physical science from an accredited institution of higher education, and

(2) Have at least three years experience in the analysis of water, wastewater, solid waste, hazardous waste or other environmental samples except that a master's degree in chemistry, biochemistry, biology or a natural or physical science from an accredited institution of higher education may be substituted for one year experience, and that a doctor's degree in chemistry, biochemistry, biology or a natural or physical science from an accredited institution of higher education may be substituted for an additional one year experience.

(b) The person performing the analysis of hazardous waste shall possess a baccalaureate or higher degree or an equivalent in chemistry, biochemistry, biology or a natural or physical science from an accredited institution of higher education.

NOTE: Authority cited: Section 25198.2 (a), Health and Safety Code.
Reference: Section 25198.2 (b) (5), Health and Safety Code.

67440.7. Proficiency Testing.

(a) Laboratories certified or applying for certification shall participate in a proficiency testing program conducted by or approved by the Department.

(b) The laboratory shall analyze the test samples for the analyst and report the results on the form provided by the Department.

(c) The Department shall determine the acceptable limits for the test results by statistical evaluations of a reference laboratory's analyses of the test samples.

NOTE: Authority cited: Section 25198.2 (a), Health and Safety Code.
Reference: Section 25198.5 (c), Health and Safety Code.