
State Water Resources Control Board

NOTICE OF TEMPORARY SUSPENSION

December 14, 2021

Mike Galloway
Soil Control Laboratory
42 Hangar Way
Watsonville, CA 95076

Dear Mr. Galloway,

Certificate No. 1494

Pursuant to Environmental Laboratory Accreditation Act (ELAA) Section 100915, Soil Control Laboratory (SCL) Environmental Laboratory Accreditation Program (ELAP) accreditation is IMMEDIATELY SUSPENDED. SCL shall discontinue the analysis of samples for the Fields of Accreditation specified below.

ELAP conducted an investigation into SCL's notification practices and determined SCL is not notifying water suppliers within 24 hours of positive total coliform, E.coli , or a nitrate sample exceeding the maximum contaminant level. California Code of Regulations (CCR) Section 64814.00 requires laboratories to directly report to the water supplier upon detection of listed acute contaminants. The stringent 24-hour notification requirement is designed to protect the public from consuming contaminated drinking water. Delayed notification to the water system could result in extended human consumption of contaminated water.

ELAP's investigation found:

1. From January 01, 2020 to October 11, 2021, SCL failed to notify within the 24-hr time frame at least 122 times (ELAP is still investigating, and the number of failed notifications may increase after ELAP's investigation)
2. The majority of SCL's notifications were made using email. However, the laboratory was unable to provide evidence that the notifications were received by the water system within 24 hours. Emails, text messages, faxes may go unnoticed, and ELAP recommends notifications be made by phone call, as it allows the laboratory to confirm the water system received the notification. Laboratories utilizing other forms of communication are required to keep records of these notifications and responses. For example, the laboratory could request email receipts to confirm notification.
3. SCL did not have any notification procedures in place until recently. SCL provided ELAP with a notification standard operating procedure (SOP), "Water

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Quality Notification Procedure” dated November 23, 2021. Additionally, June 22, 2021, ELAP requested the laboratory’s notification SOP, to which Mike Galloway, Laboratory Manager replied, “SOP for Notification is non-existent from what I could find.”

The evidence establishes SCL’s inability to reliably notify water systems of acute contaminants within the established time frame. Failing to notify poses a tremendous risk to public health. Therefore, SCL must discontinue conducting analyses of environmental samples for regulatory purposes for the Fields of Accreditation (FOA) listed below.

Suspended FOAs

ELAP is suspending the following Fields of Accreditation due to the direct effect they may have on the public:

FOA 101- Microbiology of Drinking Water:

- 101.020 004 Total Coliform (enumeration) SM 9221 B,C
- 101.020 005 Fecal Coliform (enumeration) SM 9221 B,E
- 101.020 006 E. coli (enumeration) SM 9221 B,F
- 101.050 005 Total Coliform P/A SM 9223 B Colilert 18
- 101.050 006 E. coli P/A SM 9223 B Colilert 18
- 101.050 007 Total Coliform (enumeration) SM 9223 B Colilert 18
- 101.050 008 E. coli (enumeration) SM 9223 B Colilert 18

FOA 102- Inorganic Chemistry of Drinking Water:

- 102.030 006 Nitrate (as N) EPA 300.0
- 102.030 007 Nitrite (as N) EPA 300.0

The suspended FOAs are used to establish the quality of the water that Californians consume. Collectively, the violations identified in this Notice severely impair, or make it impossible, for SCL to notify water systems that use the data to make public health decisions (i.e., issuing boil water notices or do not consume notices).

Impact to SCL’s Clients

If SCL cannot make arrangements to provide for accredited testing for the affected FOAs for their clients or if any of SCL’s clients desire to use another nearby ELAP accredited laboratory, please direct clients to contact ELAP’s general inbox at elapca@waterboards.ca.gov or view the interactive laboratory map on ELAP’s website to find another nearby ELAP accredited laboratory.

Reinstatement of Suspended FOAs

ELAP will consider reinstatement of the suspended FOAs after SCL corrects all violations of the ELAA and its regulations, submits a satisfactory corrective action plan and successfully completes an onsite assessment. The risk to public health from the

violations identified in this Notice requires ELAP to take immediate action. ELAP may issue further enforcement action upon completion of its investigation.

If you disagree with the Suspension, you must submit a written request for a hearing within 20 days of receipt of this Notice. The hearing shall follow the timeline described in ELAA Section 100915 unless you request an extension. If you do not request a hearing within 20 days of receiving this Notice, the Suspension will remain in effect until ELAP determines the laboratory's compliance with the ELAA and its regulations.

Should you have any technical questions or require further assistance, please contact Naeem Ahmad naeem.ahmad@waterboards.ca.gov. For any legal inquiries or clarifications, please contact Nickolaus Knight, Attorney with the Office of Enforcement, at nickolaus.knight@waterboards.ca.gov.

Sincerely,



Christine Sotelo, Chief
Environmental Laboratory Accreditation Program

Cc:

Alexandria Turner, ELAP, SWRCB
Nickolaus Knight, Office of Enforcement, SWRCB
Kim Niemeyer, Office of Chief Counsel, SWRCB
Robert Brownwood, Program Management Branch, SWRCB
Peter Husby, US EPA Region 9
Elizabeth Berg, US EPA Region 9
Cornine Li, US EPA Region 9