



State Water Resources Control Board

NOTICE OF TEMPORARY SUSPENSION

December 15, 2021

Mr. Stuart Buttram
BC Laboratories, Inc.
4100 Atlas Court
Bakersfield, CA 93308

Certificate No.1186

Dear Mr. Buttram,

Pursuant to Environmental Laboratory Accreditation Act (ELAA) Section 100915, BC Laboratories, Inc. (BCL) Environmental Laboratory Accreditation Program's (ELAP) accreditation is IMMEDIATELY SUSPENDED. BCL shall discontinue the analysis of samples for the Fields of Accreditation specified below.

ELAP investigated BCL's reporting and notification practices and found numerous repeat violations of the ELAA and its regulations. The violations summarized in this Notice severely impact the quality and integrity of the data produced by BCL and pose a risk to public health should the data continue to be used for regulatory purposes.

BCL must discontinue conducting analyses of environmental samples for regulatory purposes for the Fields of Accreditations (FOA) listed below.

Suspended FOAs

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

1. All methods in FOA 101 – Microbiology of Drinking Water
2. All methods in FOA 102 – Inorganic Chemistry of Drinking Water
3. All methods in FOA 103 – Toxic Chemical Elements of Drinking Water
4. All methods in FOA 104 – Volatile Organic Chemistry of Drinking Water
5. All methods in FOA 105 – Semi-volatile Organic Chemistry of Drinking Water
6. All methods in FOA 106 – Radionuclides in Drinking Water

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 BCL to report accurate and complete data to regulatory agencies that use the data to make public health decisions.

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

Summary of Identified Violations

During ELAP's investigation, ELAP observed numerous violations of the ELAA and regulations in Title 22 of the California Code of Regulations.

ELAPs investigation found;

- a. The laboratory is allowing its clients to circumvent reporting requirements for samples that are subject to reporting pursuant to California Code of Regulations (CCR) section 64814.00
- b. The laboratory has inadequate procedures in place to ensure routine Title 22 drinking water samples are reported within established time frames. ELAP has issued multiple orders requiring BCL to fix its reporting and notification practices.

ELAP is highly concerned with BCL's practice of allowing clients to circumvent reporting to the State Water Board for routine drinking water samples. BCL is giving its clients the option to not report to the State Water Board if the "copies to" box on the chain of custody is marked as "client" only. BCL will not report, even if the sample is marked as a regulatory sample (routine drinking water samples). This practice is evident in the chain of custody forms associated with work orders (WO): 2120457, 2120458, 2120459, 2124247, 2124248, 2124249, 2124250. The client, Golden Empire Water, has indicated on the chain of custody the samples are routine drinking water samples, however on "copies to" box of the chain of custody is marked client only. As a result, BCL did not report the results to the State Water Board. However, because the samples are demarcated as routine drinking water samples, they are required to be reported to the State Water Board.

Furthermore, BCL has failed to implement effective corrective action to address its reporting and notification practices, even after receiving multiple orders from ELAP. The lack of effective reporting and notification is evident in the chain of custody forms associated with WO: 2119167, 2103489, 2120658, 2121813. The chain of custody forms associated with these WO's indicate the samples are regulatory Title 22 drinking water samples and have the report to State Agency box marked. Yet, BCL failed report the results to the State within the required timeframe. The failed reporting occurred after the most recent ELAP enforcement order, Notice of Violation and Citation dated September 18, 2020.

The evidence demonstrates BCL's inability to report results in the manner required to protect public health. Due to the public health risk associated with drinking contaminated water, ELAP has immediately suspended BCL's drinking water FOAs.

Impact to BCL's Clients

If BCL cannot make arrangements to provide for accredited testing for the affected FOAs for its clients or if any of BCL'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 BCL corrects all violations of the ELAA and its regulations, implements corrective action as required in the attached Notice of Violation dated December 15, 2021, and successfully completes an onsite assessment.

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-PDREU, 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