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## State Water Resources Control Board

### CITATION

July 2, 2021

Mr. Juan Magana  
Zalco Laboratories, Inc.  
4309 Armour Avenue  
Bakersfield, CA 93308

Certificate No. 2791

Dear Mr. Magana,

Pursuant to the California Environmental Laboratory Accreditation Act (ELAA) section 100880, the State Water Resources Control Board's (State Water Board) Environmental Laboratory Accreditation Program (ELAP) is issuing this Citation to Zalco Laboratories, Inc. (Zalco) for repeated violations of the ELAA and Title 22 of the California Code of Regulations (CCR). **The civil penalty assessed against Zalco is ten thousand dollars (\$10,000).**

#### Violations:

1. Zalco failed to notify a water system that a drinking water sample (Sample ID:2002109) exceeded the maximum contaminant level (MCL) of 1 mg/l for Nitrite as Nitrogen (N). CCR Section 64819(a)(2)(C)<sup>1</sup> requires laboratories to notify the water system within 24 hours and record the method and time of notification, when a Nitrite sample exceeds the MCL. In this case notification was required by February 14, 2020, instead Zalco notified the water system of the Nitrite MCL exceedance on February 18, 2020, four days late.
2. Zalco failed to report the results of a drinking water sample (Sample ID: 2005013-02) to the State Water Board within the established time frame. CCR

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<sup>1</sup> CCR section 64819(a)(2)(C) is listed as CCR section 64814.00(c)(1)(C) in the new ELAP regulations effective January 01, 2021. Since these violations occurred before the implementation of the new regulations, ELAP referenced the section code that was effective at the time of violations.

Section 64819(a)(4)<sup>2</sup> requires laboratories to report the results of drinking water samples electronically, by the 10<sup>th</sup> day of the month following the month in which the analyses was completed. Zalco was required to report the results of Sample ID 2005013-02 by June 10<sup>th</sup>, 2020, however the results were reported on November 02, 2020, 5 months late.

3. Zalco failed to comply with ELAP's previous order. On August 07, 2019, ELAP ordered Zalco to correct its reporting and notification practices. On November 15, 2019, Zalco submitted a corrective action plan. The above violations demonstrate the ineffectiveness of Zalco's corrective actions. Failing to implement corrective action is prohibited by ELAA section 100880.

Zalco's repeated failures to notify and report drinking water results to the water system and Division of Drinking Water inhibit timely corrective actions to provide safe drinking water to the public and poses a public health risk.

### Civil Penalty:

Pursuant to ELAA section 100880, ELAP may issue a citation for violations of the ELAA up to one thousand dollars (\$1,000) per violation per day. Violation number one lasted for four days, thus, the maximum penalty for violation number one is four thousand dollars (\$4,000). Violation number two lasted for 145 days, resulting in a maximum penalty of one hundred and five thousand dollars (\$145,000). The maximum penalty for violation number three is two hundred dollars a day for the period of the failure to correct the prior violations, which in this case is 149 days total and the maximum penalty amounts to twenty-nine thousand eight hundred dollars (\$29,800). The maximum penalty for all three violations is one hundred and seventy-eight thousand eight hundred dollars (\$178,800). ELAP has evaluated the gravity, duration, and magnitude of the violations and determined that the appropriate penalty for the violations above is ten thousand dollars (\$10,000). The significantly lower penalty is based on the relative risk to the public for the violations.

Pursuant to ELAA section 100880, the civil penalty assessed against Zalco is **ten thousand dollars (\$10,000)**. The citation shall be payable to the **Environmental Laboratory Improvement Fund** within **30 days** of receipt of this Order. The payment must include the invoice ID "Citation-070221-2791" and mailed to:

**Environmental Laboratory Accreditation Program**  
**Attn: Naeem Ahmad**  
**1001 I Street**  
**Sacramento, CA 95814**

In accordance with our agreement, attached is a waiver of the right to petition this Citation and a schedule for payment of the civil penalties, which is incorporated into this Citation by reference. In order for the payment schedule to be effective, you must

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<sup>2</sup> CCR section 64819(a)(4) is listed as CCR section 64814.00(k) in the new ELAP regulations effective January 01, 2021. Since these violations occurred before the implementation of the new regulations, ELAP referenced the section code that was effective at the time of violations.

execute the waiver and return the executed waiver to ELAP immediately upon receipt of this Citation.

Should you have any technical questions or require further assistance, please contact Naeem Ahmad at (916) 323-3432 or email [naeem.ahmad@waterboards.ca.gov](mailto:naeem.ahmad@waterboards.ca.gov). For any legal inquiries or clarifications, please contact Nickolaus Knight, staff attorney with the Office of Enforcement, at (916) 327-0169 or email [nickolaus.knight@waterboards.ca.gov](mailto:nickolaus.knight@waterboards.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Christine Sotelo".

Christine Sotelo, Chief  
Environmental Laboratory Accreditation Program

Cc:

Elizabeth Berg, USEPA Region 9  
Peter Husby, USEPA Region 9  
Nickolaus Knight, Office of Enforcement, SWRCB  
Corine Li, USEPA Region 9  
Betsy Lichti, Division of Drinking Water, SWRCB