

Florida Department of
Environmental Protection

Memorandum

To: Petroleum Cleanup Program Staff
District Program Coordinators
Environmental Consultants
Laboratories
Interested Parties

From: Michael E. Ashe, Chief *MEA 2/14/07*
Bureau of Petroleum Storage Systems

Date: February 15, 2007

Subject: **BPSS Enforcement of Laboratory NELAP Certification Requirements**

Subsection 62-160.300(1), Florida Administrative Code (F.A.C.), states that except as provided in subsections 62-160.300(2), (3), (4) and (5), F.A.C., or other Title 62 rules, all laboratories generating environmental data for submission to the Florida Department of Environmental Protection (FDEP) or for use in FDEP-regulated or FDEP-sponsored activities must hold certification from the Department of Health (DOH) Environmental Laboratory Certification Program (ELCP). The DOH ELCP is the State of Florida's environmental laboratory certification program, authorized by Section 381.00591, Florida Statutes, and recognized by the National Environmental Laboratory Accreditation Program (NELAP) as an authority with responsibility and accountability for granting accreditation for specified fields of laboratory testing. The standards used by the DOH ELCP are those established by the National Environmental Laboratory Accreditation Conference (NELAC) as specified in Chapter 64E-1, F A C. The DOH ELCP certification database is currently available on the internet for public use at the FDEP Bureau of Laboratories' web page; the data are refreshed weekly through an electronic process.

For some time now, it has been evident that some laboratories have been performing analyses for which they are not certified, or subcontracting some analyses without notifying the environmental consultants; that some environmental consultants have not made the effort to verify that the laboratory or laboratories with which they subcontract services are fully certified for the analyses to be performed; and that some cleanup site managers have relied solely on the environmental consultant's judgment on this issue.

In order to make sure that all analyses performed pursuant to Chapter 62-770, F.A.C., are performed by laboratories certified by the DOH ELCP for all applicable matrix/test method/analyte combinations, regardless of whether they are performed as part of a State-funded cleanup project or a non State-funded cleanup project, the Bureau of Petroleum Storage Systems (BPSS) will implement the following procedure, effective immediately:

- (1) Each environmental consulting company will utilize the FDEP Bureau of Laboratories' web page (<http://www.dep.state.fl.us/labs/cgi-bin/aams/index.asp>) to verify that every laboratory that they plan to utilize is certified for the applicable matrix/test method/analyte combinations that the laboratory will be contracted to perform, except as described below. Once this requirement has been satisfied, the consulting company will request every laboratory that they plan to utilize to notify them of any changes in their certification, particularly if certification for an analyte or group of analytes is lost or if the laboratory

requested withdrawal of an analyte or group of analytes. The following exceptions apply to this paragraph:

- (a) The BPSS will grant the exception in subsection 62-160.300(2), F.A.C., and therefore will accept use of a method by a laboratory if the laboratory has requested certification for one or more analytes that are added to a matrix/test method for which it is certified or has requested certification for a test method/analyte combination for which it is certified in a different matrix, and the certification process has not been completed.
 - (b) Subsection 62-160.300(3), F.A.C., does not apply to the Petroleum Cleanup Program.
 - (c) Pursuant to subsection 62-160.300(4), F.A.C., certification is not required for oxidation/reduction potential and field test procedures listed in the subsection (field measurements must follow the applicable standard operating procedures specified in DEP-SOP-001/01).
 - (d) Pursuant to subsection 62-160.300(5), F.A.C., certification is not required for geochemical parameters or bacterial counts (such as heterotrophic plate counts and petroleum degrader bacteria) conducted for the purposes of evaluating remediation activities. (Note: If the heterotrophic plate counts are performed for other purposes, certification is required.)
 - (e) The BPSS will grant the exception for air methods. Although the DOH will certify air methods if requested to do so, when the FDEP reviewed Comprehensive Quality Assurance Plans (CompQAPs) the FDEP never requested that air methods be included. These methods are not used to verify compliance with cleanup target levels (and therefore have no bearing on site closure under the cleanup rules) but to verify compliance with air emissions from on-site remediation equipment systems, which cannot exceed 13.7 pounds per day of total petroleum hydrocarbons. The Federal Clean Air Act standard on which this requirement is based was meant to limit Hazardous Air Pollutants (HAPs) to less than 13.7 pounds per day. Since the methods commonly utilized measure total petroleum hydrocarbons and not just HAPs, use of these methods provides a conservative means of compliance with air emissions requirements. However, the laboratory report must list the actual method utilized, such as modified EPA Method 18, EPA TO-3, etc.
 - (f) Since 1-methylnaphthalene is not listed in EPA Methods 610, 625, 8100, 8270 and 8310, and 2-methylnaphthalene is not listed in EPA Methods 610, 625, 8100 and 8310, and these two Polycyclic Aromatic Hydrocarbons are relatively easy to identify, the BPSS will grant exception for them at this time. (Note: If the BPSS decides that it is necessary to require certification for these two analytes in the future, the BPSS will provide notification and will establish a deadline for laboratories to comply with the requirement.)
- (2) For State-Funded Cleanups:
- (a) Every cost proposal that involves laboratory analyses must include the name and Organization DOH# ("E" followed by five or six digits) of all laboratories that will be

utilized, identifying the analytical method(s) and analyte or group of analytes that each laboratory will be performing, followed by the statement:

“**{Name of consulting company}** verifies that the laboratory or laboratories listed above are fully certified by the Department of Health Environmental Laboratory Certification Program for all the applicable matrix/test method/analyte combinations that they will be contracted by **{Name of consulting company}** to perform, as listed above, unless an exception was granted by the Bureau of Petroleum Storage Systems. If a laboratory loses certification for any analyte or group of analytes listed, or is unable to perform the required analyses, **{Name of consulting company}** will contract another laboratory (which must be certified for all the applicable matrix/test method/analyte combinations) to perform those analyses, and the FDEP/LP site manager will be notified of the change in writing pursuant to Preapproval Program procedures. **{Name of consulting company}** acknowledges that if it mistakenly contracts a laboratory that is not fully certified for all the applicable matrix/test method/analyte combinations, **{Name of consulting company}** will forfeit all the costs associated with sampling and analyses of any sample for which the analyzing laboratory was not fully certified, because lack of certification rendered those analytical results invalid.”

- (b) Laboratories may subcontract analyses to other laboratories as long as the information is provided up-front in the environmental consulting company's cost proposal. If the subcontracting must be done later due to unforeseen circumstances, the subcontracting laboratory will notify the environmental consulting company which will verify that the subcontracted laboratory or laboratories is/are certified as applicable and will notify the FDEP/LP site manager of the change in writing pursuant to Preapproval Program procedures.
 - (c) All laboratory reports must be provided under the analyzing laboratory's letterhead and Organization DOH# (Exxxxx), and pursuant to paragraph 62-770.400(2)(a), F.A.C., must include the information specified in subsection 62-160.340(2), F.A.C.
- (3) For Non State-Funded Cleanups:

Subsection 62-770.400(1) and Rule 62-160.300, F.A.C., require that laboratory analyses be conducted by a fully certified laboratory. Therefore, any analysis performed by an uncertified laboratory will render those analytical results invalid. Any data or reports submitted to the FDEP using uncertified laboratory analyses will be rejected and will require the data or reports to be resubmitted using a certified laboratory. This deficiency should be avoided because it will result in additional costs to the environmental consultant and their client as well as causing delays in site rehabilitation.

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