



State Water Resources Control Board

UPDATED – CORRECTED DATE ON PAGE 4

February 20, 2024

Jenny Douglas
Environmental Laboratory Network, Inc.
3440 El Cajon Blvd.
San Diego CA 92104

NOTICE OF IMMEDIATE SUSPENSION OF ELAP CERTIFICATION ELAP CERTIFICATE 3092

Dear Ms. Douglas,

ELAP Cert: 3092

On February 9, 2024, the State Water Resources Control Board (State Water Board) Environmental Laboratory Accreditation Program (ELAP) conducted an inspection of Environmental Laboratory Network, Inc.'s (ELN) laboratory currently located at 3440 El Cajon Boulevard, San Diego, California. **Pursuant to the California Environmental Laboratory Accreditation Act (ELAA), California Health & Safety Code section 100915, ELAP Certificate 3092 granted to Environmental Laboratory Network, Inc., at its prior location (9560 Chesapeake Drive, Suite 300, San Diego, California), is immediately suspended. ELN shall immediately discontinue the analysis of samples for all Fields of Accreditation (FOA) listed on ELAP Certificate 3092.** A copy of ELAP Certificate 3092 is attached as Appendix 1.

As detailed below, this action is taken in response to ELN's multiple failures to comply with ELAA requirements applying to ELN's relocation of its laboratory. For at least six months, ELN has performed testing of samples for regulatory purposes without obtaining accreditation or meeting accreditation standards at its new location, which constitutes a significant threat to the public.

ELN's Violations of the ELAA

ELAP inspectors provided verbal notice to you of the substance of the violations identified in subparagraphs A-C, below, at the time of the February 9, 2024, inspection. ELAP is immediately suspending ELAP Certificate 3092 pursuant to Health & Safety Code section 100915 based on the following violations and because immediate suspension is necessary to protect the public:

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

- A. In or about June 2023, ELN changed the location of its laboratory at 9560 Chesapeake Drive, Suite 300 (which location is now closed), to its current location at 3440 El Cajon Boulevard. ELN's change in the location of its laboratory imposed several important obligations on ELN. (California Code of Regulations (CCR), Title 22, § 64808.15 subd. (c)(2).) Specifically, ELN was required to submit an amendment application package to ELAP and satisfy all requirements set forth in CCR, Title 22, section 64808.15(f), including submitting within ninety days (1) a copy of the laboratory Quality Manual, with updates necessitated by the change of location; (2) a copy of new or revised standard operating procedures necessitated by the change of location; (3) Proficiency Testing reports with Acceptable Scores for the Fields of Accreditation; and (4) a completed on-site assessment report from ELAP or a third-party Assessment Agency, including all findings and approved Corrective Action Plan for each Field of Accreditation.

To date, ELN has not satisfied all requirements set forth in CCR, Title 22, section 64808.15(f). ELAP has not approved ELN's application to amend ELAP Certificate 3092 and/or issued an amended ELAP certificate for ELN's new laboratory location. ELN's new location does not yet meet ELAP accreditation standards. For example, as reported by you to ELAP inspectors, ELN had a third-party assessment conducted in December 2023, and that assessment identified multiple deficiencies in ELN's quality management systems. ELN is still in the process of responding to corrective actions required by the December 2023 on-site assessment. ELN cannot yet establish that operations at its new location are in full compliance with the ELAA, thereby preventing issuance of a certificate of accreditation. (Health and Saf. Code §§ 100850 subd. (a); 100830; CCR, Title 22, §§ 64802.05, 64802.20, 64812.00.)

- B. Obtaining accreditation prior to analyzing regulatory samples is required by the ELAA. (Health & Saf. Code §§ 100825 subd. (b), 100890 subd. (b).) You reported to ELAP inspectors during the February 9th inspection that ELN resumed performing regulatory testing for drinking water, hazardous waste, and wastewater samples in or about August 2023, and that ELN has continued to perform regulatory testing up to the date of the February 9th inspection. As set forth in paragraph A above, ELN's laboratory at its new location is not accredited by ELAP, nor does ELN's laboratory operations at its new location meet accreditation standards. For at least six months, ELN has performed analyses that require ELAP accreditation without obtaining accreditation at its new location.
- C. ELN is operating its laboratory at 3440 El Cajon Boulevard without a Technical Manager in violation of CCR, Title 22, section 64812.00(a) and (d). (Health & Saf. Code § 100830 subd. (a)(1).) During ELAP's February 9th inspection, you stated ELN's previous Technical Manager stopped working at the laboratory in July 2023. ELN did not notify ELAP of this in writing within 30 calendar days, in violation of Health & Safety Code section 100845(d). (See *also* CCR, Title 22, § 64812.00 subd. (f)(2).) Additionally, ELN has not complied with CCR, Title 22,

section 64814.05(a) by providing ELAP with supporting documents demonstrating it has engaged a technical manager who satisfies all requirements listed in CCR, Title 22, section 64812.00.

- D. ELN is holding itself out to the public and its clients as an ELAP accredited laboratory, including on its website where ELN has posted the ELAP certificate accrediting the laboratory at ELN's former location at 9590 Chesapeake Drive, Suite 300. See <https://www.envirolabnetwork.com/documents>. Health & Safety Code section 100890(c) prohibits a laboratory from making false claims of accreditation.

The violations and deficiencies identified in this Notice severely impact the quality and integrity of the data produced by ELN and pose a risk to public health should the data continue to be used for regulatory purposes. The suspended Field of Accreditations are used to establish the quality of the water that Californians consume or have potential impact on the environment. Collectively, the violations identified in this Notice severely impair, or make impossible, ELN's ability to produce scientifically valid data necessary for compliance with the ELAA. Immediate suspension, effective as of the date of this letter, is necessary to protect the public.

At the February 9th inspection, ELAP inspectors verbally informed you that **ELN must immediately cease all testing of samples for regulatory purposes** based on what ELAP inspectors discovered during the inspection. We repeated this admonition to you in a telephone call on February 16, 2024, and we repeat it here. Results obtained from non-ELAP accredited laboratories, which includes ELN's laboratory located at 3440 El Cajon Boulevard, cannot be reported for regulatory purposes. We also direct you to ELN's additional obligations under Health & Safety Code section 100895(c), which include ceasing all advertising and/or use of ELN's past certification status under ELAP Certificate 3092.

If ELN intends to provide laboratory services that require ELAP certification in the future, ELN must fully comply with CCR, Title 22, section 64808.15. This includes submitting a complete amendment package to ELAP with all required documentation, completing an on-site assessment, submitting Proficiency Testing reports with Acceptable Scores for the Fields of Accreditation, employing a qualified Technical Manager and submitting proof of the Technical Manager's qualifications to ELAP. Only after ELAP approves all submissions and issues an active Certificate to ELN in the approved Fields of Accreditation can ELN return to providing laboratory services that require ELAP accreditation.

The ELAA authorizes the State Water Board to pursue additional remedies for violations of ELAA or any certificate, regulation, or standard issued or adopted pursuant to the ELAA, including issuing a citation with penalties pursuant to Health & Safety Code section 100880 and a compliance order pursuant to Health & Safety Code section 100875. (*See also*, Health & Saf. Code, §§ 100885, 100895, 100900, 100905, 100910.) Penalties may be assessed up to \$1,000 for each day that the violation occurred. (Health & Saf. Code § 100880(d)). ELAP's investigation of ELN continues and additional

enforcement actions may be taken. ELAP does not waive further enforcement action by issuing this Notice pursuant to Health & Safety Code section 100915.

Pursuant to Health & Safety Code section 100915, ELN may request a hearing not later than 20 days from the date on which this updated notice dated February 22, 2024, is received. If ELN submits a timely request for a hearing, the hearing shall be commenced as soon as possible but no later than 30 calendar days after receipt of the notice or 15 calendar days after the request for a hearing is submitted, whichever is later, unless ELN requests a later date for the hearing. The hearing shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under Health & Safety Code section 100910. The effective date of the suspension of ELAP Certificate is 3092 is ~~February 16, 2024~~ **February 20, 2024**. Should you have any technical questions or require further assistance, please contact Naeem Ahmad at naeem.ahmad@waterboards.ca.gov. For any legal inquiries or clarifications, please contact Laura Mooney, Attorney with the Office of Enforcement, at laura.mooney@waterboards.ca.gov.

Sincerely,



Christine Sotelo, Program Manager
Environmental Laboratory Accreditation Program

Enclosure

Cc:

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APPENDIX 1



STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

CALIFORNIA STATE



ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM

**CERTIFICATE OF
ENVIRONMENTAL LABORATORY ACCREDITATION**

Is hereby granted to

Environmental Laboratory Network, Inc.

9590 Chesapeake Drive, Suite 300

San Diego, CA 92123

Scope of the certificate is limited to the
"Fields of Accreditation"
which accompany this Certificate.

Continued accredited status depends on compliance with applicable laws and regulations,
proficiency testing studies, and payment of applicable fees.

This Certificate is granted in accordance with provisions of
Section 100825, et seq. of the Health and Safety Code.

Certificate No.: **3092**

Effective Date: **1/18/2023**

Expiration Date: **1/17/2025**

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

Sacramento, California
subject to forfeiture or revocation

Christine Sotelo, Program Manager
Environmental Laboratory Accreditation Program



**CALIFORNIA STATE
ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM
Fields of Accreditation**



Environmental Laboratory Network, Inc.

9590 Chesapeake Drive, Suite 300
San Diego, CA 92123
Phone: 8582661666

**Certificate Number: 3092
Expiration Date: 1/17/2025**

Field of Accreditation:101 - Microbiology of Drinking Water

101.010 001	Heterotrophic Bacteria	SM 9215 B
101.020 001	Total Coliform P/A	SM 9221 B
101.020 002	Fecal Coliform P/A	SM 9221 B,E
101.020 004	Total Coliform (Enumeration)	SM 9221 B,C
101.020 005	Fecal Coliform (Enumeration)	SM 9221 B,E
101.050 001	Total Coliform P/A	SM 9223 B Colilert
101.050 002	E. coli P/A	SM 9223 B Colilert
101.050 003	Total Coliform (Enumeration)	SM 9223 B Colilert
101.050 004	E. coli (Enumeration)	SM 9223 B Colilert

Field of Accreditation:102 - Inorganic Chemistry of Drinking Water

102.095 001	Turbidity	SM 2130 B-2001
102.100 001	Alkalinity	SM 2320 B-1997
102.130 001	Specific Conductance	SM 2510 B-1997
102.140 001	Residue, Filterable TDS	SM 2540 C-1997
102.200 001	Fluoride	SM 4500-F C-1997
102.203 001	Hydrogen Ion (pH)	SM 4500-H+ B-2000
102.220 001	Nitrite (as N)	SM 4500-NO2 B-2000
102.240 001	Phosphate, Ortho (as P)	SM 4500-P E-1999
102.251 001	Sulfate (as SO4)	SM 4500-SO4 E-1997
102.270 001	Surfactants	SM 5540 C-2000

Field of Accreditation:107 - Microbiological Methods for Non-Potable Water and Sewage Sludge

107.001 001	Total Coliform (Enumeration)	SM 9221 B,C-2006
107.001 002	Fecal Coliform (Enumeration)	SM 9221 C,E-2006
107.007 002	Fecal Streptococci	SM 9230 B-2007
107.013 001	E. coli (Enumeration)	SM 9223 B-2004 Colilert
107.017 001	Enterococci	Enterolert

Field of Accreditation:108 - Inorganic Constituents in Non-Potable Water

108.045 001	Chemical Oxygen Demand	EPA 410.4
108.053 001	Oil & Grease, Total Recoverable	EPA 1664 A
108.059 001	Turbidity	SM 2130 B-2011
108.063 001	Alkalinity	SM 2320 B-2011
108.069 001	Specific Conductance	SM 2510 B-2011
108.071 001	Residue, Total	SM 2540 B-2011

As of 4/11/2023 , this list supersedes all previous lists for this certificate number.
Customers: Please verify the current accreditation standing with the State.

108.073	001	Residue, Filterable TDS	SM 2540 C-2011
108.075	001	Residue, Non-filterable TSS	SM 2540 D-2011
108.079	001	Residue, Settleable	SM 2540 F-2011
108.117	001	Chloride	SM 4500-Chloride C-2011
108.131	001	Fluoride	SM 4500-F C-2011
108.137	001	Hydrogen Ion (pH)	SM 4500-H+ B-2011
108.175	001	Phosphate, Ortho (as P)	SM 4500-P E-2011
108.175	002	Phosphorus, Total	SM 4500-P E-2011
108.195	001	Sulfate (as SO ₄)	SM 4500-SO ₄ E-2011
108.207	001	Biochemical Oxygen Demand	SM 5210 B-2011
108.207	002	Carbonaceous BOD	SM 5210 B-2011

Field of Accreditation: 126 - Microbiological Methods for Ambient Water

126.003	001	Total Coliform (Enumeration)	SM 9221 B,C-2006
126.003	002	Fecal Coliform (Enumeration)	SM 9221 C,E-2006
126.015	001	E. coli (Enumeration)	SM 9223 B-2004 Colilert
126.019	001	Enterococci	Enterolert

Field of Accreditation: 131 - Leaching/Extraction, Physical Characteristics in Hazardous Waste (Matrix Aqueous)

131.070	001	Ignitability	EPA 1010 A
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