



State Water Resources Control Board

THIRD AMENDED NOTICE OF PUBLIC HEARING AND REQUEST FOR BRIEFING

The State Water Resources Control Board's
Administrative Hearings Office
continues its previously noticed public hearing
on the Temporary Suspension of
Environmental Laboratory Accreditation Program (ELAP) Certificate 3092 of the
laboratory currently located at 3440 El Cajon Boulevard, San Diego, California, of the

Environmental Laboratory Network, Inc.

The Public Hearing will now begin on

April 11, 2024, from 9 a.m. to 1:30 p.m., and if necessary
continue to **April 15, 2024, at 9 a.m.**

The Administrative Hearings Office issues this Third Amended Notice of Public Hearing following a March 21, 2024 joint request for a continuance of the hearing scheduled in this matter from counsel for the State Water Board's Office of Enforcement Prosecution Team and counsel for Environmental Laboratory Network, Inc. (ELN). Counsel seek this continuance of the hearing date to accommodate the parties' ongoing settlement dialogue.

The Public Hearing will be held by Zoom teleconference, using the link provided in the March 8, 2024 Notice of Hearing and copied here:

<https://waterboards.zoom.us/j/93841240433?pwd=OGtZcUxJMUs5MkxSRzcvUXpWYkduQT09> with Meeting ID: 938 4124 0433 and Passcode: 589723

Or by calling in at +16699009128,,93841240433#,,,,*589723# US (San Jose)

The Administrative Hearings Office requests written responses to the following questions. Please upload any responses to the AHO-FTP site no later than **April 9, 2024, at 1 p.m.**

Please limit the length of responses to all questions to six pages total, double-spaced, in size 12 font.

1. As stated on page 2 of the March 8, 2024 Notice of Public Hearing, the sole issue in this hearing is whether temporary suspension of ELAP Certificate 3092, prior to any hearing on the merits pursuant to Health and Safety Code section 100910, is necessary to protect the public under Health and Safety Code section 100915, subdivision (a). To determine whether the temporary suspension is necessary to “protect the public,” should the AHO consider alleged violations that occurred several months before the hearing date on the temporary suspension and may have been remedied? Or should the AHO only consider recent actions and alleged ongoing violations to determine whether the temporary suspension is necessary to protect the public?
2. If the State Water Board lifts the temporary suspension of ELAP Certificate 3092 pending a hearing under Health and Safety Code section 100910, under what circumstances, if any, could ELN analyze samples for any Fields of Accreditation listed on ELAP Certificate 3092? If the State Water Board lifts the temporary suspension, what would be the status of ELAP Certificate 3092?
3. If the State Water Board determines that the temporary suspension shall remain in place pending a hearing under Health and Safety Code section 100910, what would the next steps be for a hearing under Health and Safety Code section 100910? Does the Prosecution Team intend to issue a notice of proposed suspension or revocation of ELAP Certificate 3092?

All other provisions of the March 8, 2024 Notice of Public Hearing, March 15, 2024 Amended Notice of Public Hearing and March 21, 2024 Second Amended Notice of Public Hearing remain in effect.

March 22, 2024
Date

/s/ Megan S. Knize
Megan S. Knize
Hearing Officer

SERVICE LIST

By e-mail only

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