

15A NCAC 02H .1110 IMPLEMENTATION

(a) Each laboratory requesting State certification, certification renewal, or recertification shall apply to the Division. Each application shall be reviewed to determine if personnel, equipment, records, quality control procedures, and methodology meet the requirements pursuant to 40 CFR 136.3 and these Rules. After receiving a completed application and prior to issuing certification, a representative of the Division shall inspect each laboratory to verify the information in the application and if the laboratory meets requirements pursuant to these Rules.

(b) Analytical methods, sample preservation, sample containers, and sample holding times shall conform to the methodologies specified in:

- (1) 40 CFR Part 136, hereby incorporated by reference and including subsequent amendments and editions. Copies of the Code of Federal Regulations, 40 CFR Part 136, may be obtained from the Superintendent of Documents, U.S. Government Printing Office (GPO), Superintendent of Public Documents, Washington, D.C. 20402 and free of charge on the Internet at <http://www.ecfr.gov>; and
- (2) Rule .1111 of this Section.

(c) Pursuant to G.S. 143B-282, the Environmental Management Commission or designated delegate, shall approve the State Laboratory to develop Approved Procedures for Biological Procedures based upon the methods contained in 40 CFR Part 136 and Rule .1111 of this Section. Approved Procedures for Biological Procedures document shall be available for inspection at the State Laboratory, 4401 Reedy Creek Road, Raleigh, North Carolina, 27607 or may be obtained free of charge on the State Laboratory Certification website at <https://deq.nc.gov/about/divisions/water-resources/water-resources-data/water-sciences-home-page/aquatic-toxicology-branch>.

(d) Pursuant to G.S. 143B-282, the Environmental Management Commission or designated delegate, may approve other analytical procedures, parameters, or parameter methods that have been demonstrated to produce verifiable and repeatable results.

(e) In order to maintain certification, each laboratory shall meet the requirements of this Section for proficiency testing samples submitted to the Division. Proficiency testing by certified laboratories shall be required no more than three times annually for each category certified.

(f) In order to receive and maintain certification, the following criteria shall be met:

- (1) The supervisor of an aquatic toxicology or biological survey laboratory shall have a Bachelor's degree from an accredited college as defined in 34 CFR 602 or university in a biological science or related science curriculum and three years of cumulative laboratory experience in aquatic toxicity testing or aquatic population surveying, or a Master's degree in a biological or related science and one year of cumulative laboratory experience in aquatic toxicity testing or aquatic population surveying.
- (2) All laboratory supervisors shall be subject to review by the Division. One person shall not serve as supervisor of more than two laboratories. The supervisor shall provide direct supervision and evaluation of all technical personnel and shall be responsible for the performance and reporting of all analyses. Upon absence, the supervisor shall arrange for a suitable substitute who meets the requirements of Subparagraph (f)(1) of this Rule and is capable of insuring the performance as set forth by these Rules of all laboratory procedures. Existing laboratory supervisors who do not meet the minimum requirements shall be accepted after review by the Division if they meet all other certification requirements and previous performance has met the requirements of these Rules.
- (3) All applications and fees shall be due pursuant to Rule .1104 of this Section. Upon the Division establishing compliance with the requirements of this Section, certification shall be issued by the Director or Director's delegate within 45 days of receipt of the fees for certification.
- (4) Each laboratory shall develop and maintain a document outlining quality control procedures for testing of all approved procedures in their certification and dissolved oxygen, temperature, conductivity, and pH. All aquatic toxicology laboratories shall also develop and maintain a document outlining quality control procedures for testing of total hardness and total residual chlorine. These documents shall be included with submittal of the application.
- (5) Each laboratory certified for the category of Aquatic Population Survey and Analysis shall develop and maintain a document outlining quality control procedures for taxonomic identifications and life-stage determinations.
- (6) Supporting records shall be maintained for five years as evidence that these practices have met the requirements of these Rules and are being carried out and shall be available to the State Laboratory upon request.

- (7) The quality control program shall be approved in conjunction with certification by the Director or the Director's delegate.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4); 143-215.3(a)(10); 143-215.66;
Eff. October 1, 1988;
Amended Eff. October 1, 1993;
Readopted Eff. July 1, 2019.*