
State Water Resources Control Board

NOTICE OF TEMPORARY SUSPENSION

December 18, 2019

Richard Swenson
Laboratory Director and Owner
ATS Environmental Inc.
104 South 8th Street
Brawley, CA 92227

Certificate No. 1632

Dear Mr. Richard Swenson,

Pursuant to California Environmental Laboratory Accreditation Act ("ELAA") Section 100865, the State Water Resources Control Board ("State Water Board") Environmental Laboratory Accreditation Program ("ELAP") conducted an inspection of ATS Environmental Inc. ("ATS") on December 11, 2019. **Pursuant to ELAA Section 100915 ATS's ELAP accreditation is immediately suspended. ATS shall discontinue the analysis of samples for the Fields of Testing specified below.** ELAP observed an absence of managerial and technical oversight of laboratory operations in addition to numerous repeat violations of the ELAA. The violations identified in this Notice have severely impacted the quality and integrity of the data produced by ATS and pose a risk to public health should the data continued to be used for regulatory purposes.

Subsequent to the inspection, ATS agreed to refrain from conducting analysis for regulatory purposes until ATS demonstrates full compliance with the ELAA and regulations adopted under Title 22 of the California Code of Regulations. As such, ATS is expected to discontinue conducting analyses of environmental samples for regulatory purposes.

Suspended FOTs

ELAP is suspending the following Fields of Testing ("FOTs") due to the direct effect they may have on the public:

1. All methods in FOT 101 - Microbiology of Drinking Water
2. All methods in FOT 102 - Inorganic Chemistry of Drinking Water
3. All methods in FOT 107 - Microbiological Methods for Non-Potable Water and Sewage Sludge
4. All methods in FOT 108 - Inorganic Constituents in Non-Potable Water

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

The suspended FOTs are used to establish the quality of the water that Californians consume or have the potential to contact. Collectively, the violations identified in this Notice severely impair, or make impossible, ATS's ability to produce scientifically valid data necessary for compliance with the ELAA and ATS's accredited methods.

Summary of Identified Violations

During the onsite inspection, ELAP inspectors observed numerous violations of the ELAA and regulations in Title 22 of the California Code of Regulations. ELAP provided a preliminary list of violations to ATS's operations manager, Mr. Gerardo Becerra, during the onsite inspection as well as to ATS's laboratory director by phone on Friday, December 13, 2019. Violations observed onsite included but are not limited to:

- A. The laboratory director had not been to the laboratory in over 3 weeks and had not performed any data review for data generated since his last visit.
- B. The laboratory staff had not reviewed and were unable to access the Quality Assurance Manual submitted with ATS's application in June of 2019 or the most recently revised Standard Operating Procedures.
- C. Laboratory reports were stamped with an employee's signature who had not been employed at ATS since September 30, 2019.
- D. The laboratory was using expired analytical reagents and standards to produce data for regulatory purposes.
- E. ATS did not maintain documentation verifying that the laboratory's equipment met the minimum requirements of the reference methods.
- F. The laboratory did not maintain laboratory equipment necessary for reference methods.
- G. Corrections to previously identified deficiencies had not been implemented, as multiple instances of violations identified during previous onsite assessments remained uncorrected or undocumented.
- H. Laboratory staff had not implemented ATS's corrective actions provided in response to the Order to Correct issued on February 20, 2019.
- I. ATS was unable to provide any training records or Demonstrations of Capability required by reference methods.

A finalized, detailed list of the observed violations will be provided by certified mail and email in a Notice of Violation.

Impact to ATS's Clients

Due to the immediate nature of this suspension, ATS has proposed a plan to subcontract out all testing until the laboratory regains its accreditation. Should the proposed contracting laboratory be unable to provide this service, or should any of ATS's clients desire to use another nearby ELAP accredited laboratory, please direct clients to contact ELAP's general inbox at elapca@waterboards.ca.gov or view the

interactive laboratory map on ELAP's website to find another nearby ELAP accredited laboratory .

Reinstatement of Suspended FOTs

ELAP will consider reinstatement of the suspended FOTs after ATS has corrected all violations of the ELAA and its regulations and successfully completes an onsite assessment.

If you disagree with the Suspension, you must submit a written request for a hearing within 20 days of receipt of this Notice. The hearing shall follow the timeline described in ELAA Section 100915 unless you request an extension. If you do not request a hearing within 20 days of receiving this Notice, the Suspension will remain in effect until ELAP determines the laboratory's compliance with the ELAA and its regulations.

Should you have any technical questions or require further assistance, please contact Christopher Hand at (916) 323-0571 or email christopher.hand@waterboards.ca.gov. For any legal inquiries or clarifications, please contact Nickolaus Knight, Attorney with the Office of Enforcement, at (916) 327-0169 or 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: Peter Husby, USEPA Region 9
Corine Li, USEPA Region 9
Nickolaus Knight, OE SWRCB
Kimberly Niemeyer, OCC
Robert Brownwood, PMB SWRCB