Notice of Agency Rule-making Proposal

AGENCY: Department of Health and Human Services; Maine Center for Disease Control and Prevention (CDC) and Department of Environmental Protection (DEP)

CHAPTER NUMBER AND TITLE: (DHHS) 10-144 C.M.R. Chapter 263; Maine Comprehensive and Limited Environmental Laboratory Accreditation Rule; (DEP) 06-096 C.M.R. Chapter 263; Maine Comprehensive and Limited Environmental Laboratory Accreditation Rule

PROPOSED RULE NUMBER (leave blank; to be assigned by Secretary of State): 2018-P149, P150

BRIEF SUMMARY: The proposed Maine Comprehensive and Limited Environmental Laboratory Accreditation Rule repeals and replaces Maine Comprehensive and Limited Environmental Laboratory Certification Rules. This proposed rule contains quality guidelines for laboratory data received by the DHHS and the DEP to help ensure that laboratories analyzing samples for the following regulations: Safe Drinking Water Act; Clean Water Act; Resource Conservation and Recovery Act; and Leaking Underground Storage Tanks (LUST) Program, for compliance purposes, produce legally defensible data by meeting quality control and quality assurance objectives. This rule proposes an all-encompassing quality systems section for easy reference and includes the following: 1) references to the most recently updated 40 CFR, as applicable to the methods test categories specified; 2) "provisional status" as an additional accreditation option; and 3) reporting requirements for Maine laboratories when samples are not analyzed according to accredited methods, including those for private well samples. Proposed changes amend definitions and replace the term "certification" with "accreditation" to keep consistent nomenclature with national and international standards. Additionally, the proposed rule corrects grammatical inconsistencies, formally establishes an adjusted fee structure, and presents a new construction and format for improved clarity and conformity to standard conventions.

Date, time and location of PUBLIC HEARING (if any): 1 p.m.- July 30, 2018; 286 Water Street; Key Plaza Rm. 16; Augusta, Maine 04330

COMMENT DEADLINE: August 9, 2018

CONTACT PERSON FOR THIS FILING (include name, mailing address, telephone, fax, TTY, e-mail):
   DHHS: Bridget Bagley; 286 Water St., 11 SHS, Augusta, ME 04333;
       Tele: 207-287-9394; Fax: 207-287-5807; TTY: 711; Bridget.Bagley@maine.gov
   DEP:    Tom Graham 28 Tyson Dr., 17 SHS, Augusta, ME 04333;
       Tele: 207-287-7598, Fax: 207-287-2814; TTY: 711; Tom.Graham@Maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): The Department is not anticipating a financial impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS § 567

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

AGENCY WEBSITE: http://www.maine.gov/dhhs/mecdc/rules/

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: DHHS: Tera.Pare@maine.gov
                  DEP: Jeff.S.Crawford@maine.gov
* Check one of the following two boxes.

☐ The summary provided above is for publication in both the newspaper and website notices.

☐ The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State’s website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

<table>
<thead>
<tr>
<th>FUND</th>
<th>AGENCY</th>
<th>ORG</th>
<th>APP</th>
<th>OBJ</th>
<th>PROGRAM</th>
<th>FUNDING Profile JVC</th>
<th>FUND Pri JVC</th>
<th>FUND Line JVC</th>
</tr>
</thead>
<tbody>
<tr>
<td>50%</td>
<td>014</td>
<td>10A</td>
<td>2415</td>
<td>072801</td>
<td>4946</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50%</td>
<td>014</td>
<td>06A</td>
<td>1503</td>
<td>44</td>
<td>4946</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPROVED FOR PAYMENT ___________________________ DATE: ___________________________

(authorized signature)