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ENVIRONMENTAL PROTECTION

OFFICE OF LEGAL AFFAIRS

Notice of Receipt of Petition for Rulemaking

N.J.A.C. 7:18-5.5

Regulations Governing the Certification of Laboratories and Environmental Measurements

Request for Amendments to the Requirements for Quality Assurance/Quality Control Program

Petitioner: David A. Bossie for In-Situ, Inc.

Take notice that on March 27, 2017, the Department of Environmental Protection (Department) received a petition for rulemaking from David A. Bossie, Laboratory Manager and Global Safety Manager, In-Situ, Inc. (petitioner). The petitioner requests that the Department amend the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, in particular N.J.A.C. 7:18-5.5(c)1, Requirements for quality assurance/quality control program, to allow optical dissolved oxygen sensors to be calibrated less frequently than dissolved oxygen instruments that use a Clark Cell or membrane.

The petitioner states that the existing rule, which requires weekly testing using the Winkler method (azide modification) 4500-OC set forth in SM-18 or ASTM method D88-92(a), or another Winkler method promulgated by the U.S. Environmental Protection Agency, is antiquated. The existing rule was designed to identify inaccurate instruments that use membrane technology to measure dissolved oxygen. Optical dissolved oxygen sensors (such as those that petitioner

manufactures) are extremely stable; validation studies demonstrate changes in calibrations of as little as <0.1 mg/L over one year, which is the recommended calibration period for such devices. The Winkler method has associated errors that can lead to greater uncertainty than the optical dissolved oxygen sensor. Unnecessary weekly calibration of optical dissolved oxygen sensors wastes environmental consultants' time and resources. Petitioner suggests that calibration of optical dissolved oxygen sensors be required quarterly, rather than weekly.

This notice and the full text of the petition filed in this matter are available on the Department's website at <http://www.nj.gov/dep/rules/petition.html>.

In accordance with N.J.A.C. 1:30-4.2, the Department will subsequently mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.