

TRIBUTARY TRIBUNE

Federal Officials Concerned About Fraudulent Environmental Lab Tests

Earlier this year, the *Associated Press* and *Washington Post* reported on a disturbing nationwide trend of fake tests of water supplies. Federal investigators said the trend is part of a wider problem of false environmental tests by private companies on everything from petroleum products to underground storage tanks and soil.

Environmental and law enforcement officials said the manipulated tests interfere with the

government's ability to enforce environmental laws, defraud companies that pay for honest testing and in some instances ultimately impact the consumer.

The Justice Department and the EPA have prosecuted dozens of employees and laboratories in the past several years for fraudulent testing.

David Uhlmann, chief of the Justice Department's environmental crimes section, said that while

prosecutions have grown, statistics are not kept on lab fraud cases. As a result they aren't certain whether an increasing number of labs are falsifying tests, or whether more are simply being caught through aggressive investigations and whistle-blowers.

Officials point to numerous reasons for lab misconduct: poor training, ineffective ethics programs, shrinking markets and efforts to cut costs.

Tips for Selecting and Monitoring Labs

✓ **Ask to see a copy of the lab's certification to ensure that it is current and that the lab is specifically certified to perform the testing you need.** Under the Environmental Lab Improvement Act of 1989, any lab that wishes to submit test results to state agencies for regulatory compliance purposes, must be certified by the California State Department of Health Services. Biannually, the DHS conducts a detailed on-site visit of such labs.

✓ **Ask to see a copy of the lab's performance evaluation samples to ensure they are acceptable and up-to-date.** Annually, the DHS submits blind performance evaluation samples to labs that are then sent to outside providers and evaluated on whether the samples were tested within data quality objectives.

✓ In particular, if it is a long-term project with multiple samples, **take a tour of the facility to ensure they have adequate facilities and personnel.** If a lab will not allow you to take tour, that is a flag.

✓ **Ask for references and check them.**

✓ **Get competitive quotes.**

www.ci.san-jose.ca.us/esd

The *Tributary Tribune* serves the cities of San José, Santa Clara, Milpitas, Cupertino Sanitary District, West Valley Sanitation District (including Campbell, Los Gatos, Monte Sereno, Saratoga), County Sanitation Districts 2-3, Sunol & Burbank Sanitary Districts

Tips for Selecting and Monitoring Labs *continued from page 1*

✓ **Establish performance clauses in the contract.**

Consider splitting the sample between two labs and compare results to ensure confidence in obtaining accurate results. If there's a huge discrepancy between the two, it may be time to contact the DHS.

✓ **Submit a "blind" sample to the lab as an additional safeguard.**

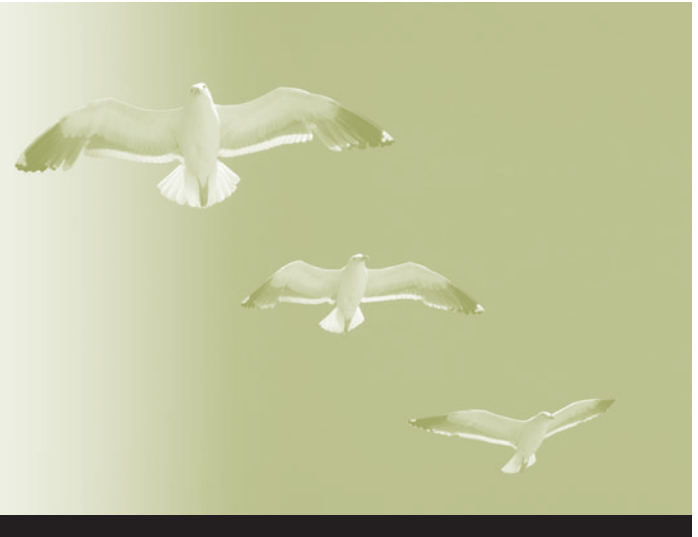
✓ **Educate yourself about holding times so that you know if the lab has performed the test properly.** Holding times vary depending on the particular analysis you are doing.

✓ **If a lab cannot answer your questions directly, be suspect of using the lab.**

✓ **Establish a regular contact person.** Obtain names when dealing with the lab to ensure accountability later on.

✓ **When you do receive the results, really read the report.** There should be a date collected, received, and analyzed. Was the holding time met? Sometimes there are quality issues regarding certain portions of the tests – ask what quality assurance methods were used for these.

✓ **Turn to an expert.** There are also environmental consultants who will conduct detailed audits and reports of lab results. You may want to consider this if your project



is sizable or especially critical and you have any concerns about the results.

✓ **In general, when choosing a lab, there are two considerations that are important to balance: price and value.** While you can go with the least expensive lab possible, value represents what you get for what you pay. Use judgment along these lines.

Inserted in this issue of the Tributary Tribune is a list of California Certified Wastewater Labs located in the greater South Bay area. The San Jose/Santa Clara Water Pollution Control Plant has compiled this list as a service to the community. It is not represented as a complete listing or as an endorsement.



Local Businesses and Government Teamed Up to Promote Pollution Prevention

"It's time!" That was the message from coordinators of National Pollution Prevention Week which occurred on September 15–21, 2003. Across the nation, local governments, state and federal agencies, businesses and others teamed up to hold events that celebrate and promote the benefits of pollution prevention.

Pollution prevention (or P2 for short) is recognized as an effective tool for protecting the environment and the economy since it serves to eliminate pollution at the source before it is generated. For industry, utilizing P2 techniques can result in more efficient, less-polluting industrial processes that improve competitiveness and the environment.

"Pollution control has long been the primary method for improving environmental quality throughout the state. An equal, if not more attractive option is pollution prevention," explains

Robert Ludwig of the California Department of Toxic Substance Control, the agency which coordinated the statewide pollution prevention week efforts. "P2 helps solve the problem before it is created and reduces the need to manage the resulting waste. It can help businesses save money, time – and the environment."

One goal for the week was to make pollution prevention a more popular option with industry and other businesses. Organizers hoped to achieve this through holding events that help spread the word about P2 such as workshops and "clean shop" tours, distributing P2 fact sheets and manuals, and airing radio and television public service announcements.

National Pollution Prevention Week is sponsored by the EPA Region 9, Cal/EPA, the Department of Toxic Substances Control, the Consortium of California



Pollution Prevention Committees and the Western Regional Pollution Prevention Network.

For information on pollution prevention, visit: <http://www.dtsc.ca.gov/PollutionPrevention/index.html>

Recycled Water Pipeline Extension Underway in Silver Creek, Santa Teresa

Construction on a recycled water pipeline through a portion of the Silver Creek and Santa Teresa communities began this spring, with completion scheduled for December 2003.

"This new seven-mile-long pipeline will extend an existing 70-mile-long system into North Coyote Valley to provide recycled water to cooling towers at



the Metcalf Energy Center," said Carl Mosher, San Jose environmental services director. "In 2002, the existing recycled water system provided more than

two billion gallons of recycled water to about 400 customers in San Jose, Santa Clara, and Milpitas."

Funding for the \$26 million project is being provided jointly by the City of San José (lead agency for the San José/Santa Clara Water Pollution Control Plant), the Santa Clara Valley Water District, Metcalf Energy Center, and the California State Water

Resources Control Board.

Recycled water is produced from wastewater processed at the San José/Santa Clara Water Pollution Control Plant, which serves San José and eight other South Bay cities and sanitary districts.

These agencies partnered to fund South Bay Water Recycling, which has been adding commercial and

continued on back page



Printed on recycled paper.
1203/750/kt-bc/1240

In accordance with the Americans with Disabilities Act, City of San José Environmental Services Department materials can be made available upon request in alternative formats, such as Braille, large print, audio-tape or computer disk. Requests may be made by calling (408) 277-5533 (Voice) or (800) 735-2929 (CRS).



Recycled Water *continued from page 3*

South Bay Water Recycling, which has been adding commercial and institutional customers since it began partial operation in 1997. The City of San José is lead agency, and the U.S. Bureau of Reclamation and Santa Clara Valley Water District support the program through grant funds and annual financial contributions.

Among the 400 current customers of the recycled water system, most of whom use the water for turf irrigation, are the Silver Creek Country Club Golf Course, San José Municipal Stadium where the San Jose Giants play, the San Francisco Forty-Niners facility in Santa Clara, San Jose State University, and a

number of parks and school yards.

Using recycled water for irrigation and industrial processes saves potable water (drinking water) for household use, thereby reducing the funding necessary to import additional water into the South Bay from other watersheds.

It also means that this drought-proof source of water is not simply discharged into San Francisco Bay without providing any further useful application. Diverting it from discharge helps keep the Bay's salt marshes from converting to freshwater marshes, and thus protects the habitat for wildlife, including two endangered species.



www.ci.san-jose.ca.us/esd

Watershed Protection Division
City of San José
Environmental Services
Department
700 Los Esteros
San José, CA 95134
Phone 408-945-3000
Fax 408-956-1722

Presorted Standard
U.S. Postage
PAID
San José, CA
Permit No. 502