

September 15, 2016

Felicia Marcus, Chair  
Frances Spivy-Weber, Vice Chair  
Tam M. Doduc  
Steven Moore  
Dorene D'Adamo



California State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Subject: Environmental Laboratory Accreditation Program (ELAP) Regulations Development**

Dear Members of the State Water Resources Control Board,

We, the undersigned associations, municipalities and public laboratories, are requesting an extension to provide comments beyond the comment deadline set for noon on Friday, September 16, 2016 in the September 6, 2016 *Notice of Opportunity for Public Comment and Public Workshop regarding California Environmental Laboratory Accreditation Program (ELAP) Regulations Development and Preliminary Staff Recommendation for Laboratory Standard*.

The September 6<sup>th</sup> notice states that “ELAP staff has made a preliminary determination to develop regulations incorporating the 2016 NELAC Institute (TNI) Standard, Volume 1: Management and Technical Requirements for Laboratories Performing Environmental Analysis as the laboratory standard.” Our organizations and agencies have significant concerns about the impact these standards could have on the environment, public health and our agencies if the State Water Board would go forth and adopt them. Therefore, we are making the following requests in order to provide meaningful input to the State Water Board on this item:

1. **Provide open and free public access to the 2016 TNI Standards that are being recommended by Staff.** This standard is not publicly available without significant investment by every reviewer. Staff is recommending use of a new TNI standard that has only recently been published, rather than a prior version which can be publicly accessed. We request that the State Water Board provide copies for the public and those currently certified by ELAP of the 2016 version that Staff is recommending so that meaningful review and comment and an open and transparent process can take place.
2. **Postpone the Comment Deadline and Public Workshop by at least 30 days.** Our understanding from those familiar with the TNI standards is that the requirements are significant. For example, it is our understanding that the 2009 Standards contain over 500 requirements for a laboratory to comply with to meet the standard and that the checklist for auditing this standard is over 85 pages. The 7.5 business days to respond and provide meaningful input is inadequate.<sup>1</sup> We request at least a 30-day comment period be provided to interested parties. During this period, free public access to the standards staff is proposing should be available.

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<sup>1</sup> Two notices were sent out regarding this notice by the State Water Board’s Lyris listserv. The first was sent on September 6, 2016 at 10:24 p.m., the second on Wednesday, September 7 at 1:36 p.m.

3. **Convene a Stakeholder Advisory Group to Provide Meaningful Input.** The State Water Board should convene a representative stakeholder group to assist the Board in improving the ELAP system and developing appropriate standards for the varying laboratory types under this program. State Board Staff have been heavily relying on members from the Environmental Laboratory Technical Advisory Committee (ELTAC); however, a technical advisory group is not the same as a stakeholder group which would have a better understanding of the laboratory functions in relation to its overall purpose (such as wastewater treatment), needs (ex., permit requirements), and management.

Thank you for your attention to this matter.



Debbie Webster  
Executive Officer  
Central Valley Clean Water Association



John Pastore P.E.  
Executive Director  
Southern California Alliance of POTWs (SCAP)



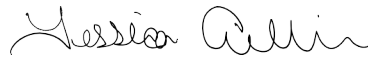
Erich Delmas  
Laboratory Supervisor  
City of Tracy



Kati King  
Lab Manager  
City of Scotts Valley WW Reclamation Facility



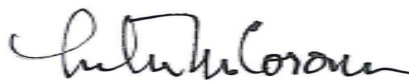
Jeff Jones  
Laboratory Director  
City of Fortuna WWTP



Jessica Cullins  
Water Quality Supervisor  
Modesto Irrigation District



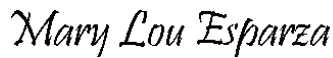
Anne Fairchild  
Laboratory Manager  
City of San Luis Obispo



Lilia Corona  
Assistant District Manager  
Mt. View Sanitary District



Sara Burke  
Plant Chemist  
Oro Loma Sanitary District



Mary Lou Esparza  
Lab Superintendent  
Central Contra Costa Sanitary District



Mindy Boele  
Water Quality Laboratory Supervisor  
City of Vacaville



Giti Heravian  
Laboratory Manager  
Fairfield - Suisun Sewer District



Jason Frink  
Laboratory Supervisor  
City of Vallejo Water Division



Mike Pittman  
Senior Wastewater Laboratory Analyst  
City of Redding Stillwater WWTP



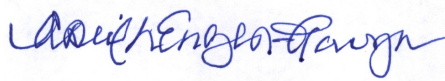
Danny Webster  
Senior Laboratory Technician  
City of Redding Clear Creek WWTP



Vasana Vipatapat  
Laboratory Superintendent  
City of Escondido Water Quality Laboratory



Kenneth J. Glotzbach  
Wastewater Utility Manager  
City of Roseville



April Engen-Garza  
Lab Technician  
City of Hanford WWTP



Lori Sarti  
Water Quality Analyst  
City of Antioch



Omar Arias-Montez  
Operations Superintendent  
Sausalito-Marín City Sanitary District



Anthony Umphenour  
Water Quality Analyst  
Burbank Water and Power



Julie Jeleti  
Lab Coordinator  
South San Joaquin Irrigation District



Nimisha Patel  
Laboratory Director  
Sewerage Agency of Southern Marin



Terrie Mitchell  
Manager, Legislative and Regulatory Affairs  
Sacramento Regional County Sanitation District



Florence B. Jay  
Laboratory Supervisor  
Ventura Water



Raj Gumber  
Laboratory Supervisor  
Dublin San Ramon Services District



Scott McClelland  
Director of Water Quality  
Sweetwater Authority