CITY OF PALO ALTO

September 14, 2016

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Commentletters@waterboards.ca.gov (delivered via email)

Subject: Comment Letter – ELAP Regulations Development / Laboratory Standard

Members of the State Water Resources Control Board:

Thank you for the opportunity to provide comments on Environmental Laboratory Accreditation Program (ELAP) recommendation to adopt the 2016 *The NELAC Institute* (TNI) regulations. Unfortunately, the short deadline, only 9.5 business days, provides too little time to comment on ELAP changes and the TNI's impact on the City of Palo Alto's lab. A comprehensive evaluation, appropriate for the length of review the document requires, could not be completed. As a result, the City of Palo Alto staff outlined specific instances where our lab would be impacted. TNI is not currently the best option for California's municipal laboratories. We support positions taken by ELAP's Environmental Laboratory Technical Advisory Committee (ELTAC) (which had a final vote of 7 to 5 against full TNI), Bay Area Clean Water Agencies (BACWA), California Water Environment Association (CWEA), and the California Department of Fish and Wildlife. We agree that a 45-day comment extension is critical for you to make the right decision for the regulated community.

Palo Alto does not believe adopting the full TNI standards will improve data quality. It will burden staffing, budgets, efficiency, and lead to mistake potential. Some work would need to divert to larger commercial labs, increasing our costs and reducing responsiveness. The California municipal lab community needs a greater voice in standards development, appropriate for our size lab (note that 40% of state labs are five or fewer employees). We want to provide excellent service to the water, wastewater, and recycled water decision makers in the operational, regulatory, and environmental protection community. The City does not want to see what happened in Florida and New York, where many small laboratories were forced to close as a result of TNI.

Background
City of Palo Alto's lab supports a Palo Alto drinking water system that serves a residential population of approximately 67,400 with 20,000 service customers and the wastewater treatment system that serves approximately 220,000 people in six agencies, including Palo Alto, Mountain View, Los Altos, Los Altos Hills, Stanford University, and East Palo Alto Sanitary District. The Palo Alto laboratory employs eight staff members (three lab technicians, three chemists, a senior chemist, and lab manager). The laboratory is located onsite at the wastewater treatment plant, where approximately 20 million gallons of wastewater is treated each day. The laboratory supports the compliance for NPDES permit for the wastewater operation as well as for recycled water, industrial waste, potable water, process samples and special studies. The laboratory is certified for over 30 methods for wastewater and drinking water, including 9 fields of testing in the areas of microbiology, inorganic chemistry, toxic chemicals, volatile organics and whole effluent toxicity.

Overview of Concerns
The City of Palo Alto has five main concerns. These are (1) increased cost for ratepayers to implement the changes with little added benefit, (2) increased documentation that is not likely to improve data quality, (3) the need to send out samples to contract commercial laboratories to address the increased documentation requirements and costs of the proposed changes, (4) burdens on existing resources and already busy staff to implement the proposed changes with efficiency loss and increased mistakes by analysts and reviewers due to changing workloads; and (5) the lost opportunity to evaluate alternative state accreditation standards (e.g., Virginia, Texas, and Oregon).

Concern over Cost
TNI will increase lab costs, especially for the implementation and sustainability required by the TNI program. Additional staff must be considered to accommodate increased documentation. There will be an additional cost due to the increased frequency for proficiency testing for water pollution (i.e., WP for wastewater treatment) and water supply (i.e., WS for drinking water) proficiency testing certified samples. The extra WP/WS requirement adds no value to ELAP's oversight, which is supported by ELAP's Expert Review Panel report, dated October 2015, that recommended ELAP do a better job evaluating the current once per year proficiency testing results instead of increasing proficiency testing frequency to twice per year (as required by TNI). The California ELAP program has already increased their fees by approximately 25% annually to account for budget shortfalls, auditor training, and other related services bought about by the possibility of TNI.

Concern over Level of Documentation and Data Quality
Lab documentation increases substantially, which will not only decrease lab efficiency on bench work but will also burden staff reviewing and updating the material. The current lab documentation is adequate to ensure legally and defensible data; therefore the increased documentation is burdensome and requires increased staff without dramatically improving the quality of data. Currently, our lab's 2016 standard operating procedure (SOP) book contains 40 procedures totaling approximately 140 pages. Full TNI requires that 23 sections be added to the SOPs, which will more than likely double or triple the size of the book. What was once a helpful instruction for the analysts has turned into a lengthy version of redundant information already referenced in a prescribed standard method. Ultimately, most of the new requirements will not change the final sample result with our belief that the appropriate quality assurance and control is already provided by current methods.

Concern over Greater Use of Contract Laboratories
A long and extensive implementation and ongoing follow-up will change our lab operation. TNI may lead to lab closures (e.g., as occurred in New York and Florida with full TNI). Without staff additions, some analyses would be contracted out to commercial labs or reduced in frequency when lab staff reach the limits of doing more quality assurance/quality control without additional team members to pick up extra workload. I am concerned that contracted out samples may not meet hold time limits, samples could break in transport, untimely results from contract labs (where samples are sometimes batch processed at opportune times for cost effectiveness) will impact timely public health and environmental protection decision making. The delay in receiving data, especially for drinking water and process control, may impact environmental and public health management decisions.

Concern over Staffing, Efficiency, and Greater Mistake Potential
Upper lab management does not have significant time allotted for additional quality control. The amount of work associated with TNI will dramatically increase for all lab staff, causing an efficiency decrease and a potential increase in mistakes. Analysts will be forced to focus on extraneous documentation, instead of their bench work, which could lead to more errors with the actual data. Staff does not feel TNI will change the outcome of our data or the integrity that we provide with the current ELAP regulations.

Some TNI requirements put a greater emphasis on document control which could be beneficial to the larger commercial labs where multiple people are handling and analyzing the samples, but would not be as critical in labs where documents are easier to manage (e.g., at a smaller lab). Full TNI is not the best fit for the smaller municipal lab communities, especially when staff does not necessarily have the same issues as the larger commercial labs.

Concern over Other States Approach to National TNI

Only 13 US states have adopted NELAC standards, and 3 of the 13 (i.e., VA, TX & OR), are using modified TNI requirements (the so-called TNI-lite) to meet lab accreditation needs. More time needs to be spent on understanding the benefits of other accreditation standard pathways that are short of full TNI standards. The Water Board should also evaluate and understand why some states chose not to adopt TNI.

For more information please contact me at Samantha.bialorucki@cityofpaloalto.org.

Thank you for your consideration,

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[1] NPDES Board Order R2-2014-0024 (NPDES Permit No. CA0037834); pH Cease and Desist Order R2-2015-0011 (NPDES Permit No. CA0037834); EPA Lab Code CA00179; Watershed Nutrient Order R2-2014-0014 (NPDES Permit No. CA0038873); Watershed Mercury and PCB Order R2-2012-0096 (NPDES Permit No. CA0038849); Recycled Water Board Order R2-93-160