



VALLEJO SANITATION &  
FLOOD CONTROL DISTRICT

*Protecting public health  
and the San Francisco Bay  
since 1952.*

450 Ryder Street  
Vallejo, California 94590  
phone 707-644-8949

BOARD OF TRUSTEES  
Bob Sampayan  
Pippin Dew-Costa  
Erin Hannigan  
Jess Malgapo  
Robert H. McConnell  
Katy Miessner  
Hermie Sunga  
Rozzana Verder-Aliga

DISTRICT MANAGER  
Melissa A. Morton

May 1, 2017

*Via email:* [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor [95814]  
Sacramento, CA 95814

**Subject: ELAP Year 2 ERP Report**

Dear Ms. Townsend:

The Vallejo Sanitation and Flood Control District (District) appreciates the opportunity to comment on the Environmental Laboratory Accreditation Program (ELAP) regulations development. The District's boundary covers 28 square miles, providing wastewater and flood control services for approximately 120,000 people within the City of Vallejo and parts of Solano County. The District has been recognized for operational excellence at the local, state and national level, and is an active participant in the Vallejo Watershed Alliance, a partnership of public agencies and interested individuals working together to improve the greater Vallejo watershed.

I am writing this letter to express several concerns regarding developments in ELAP. At an October 2016 hearing, the Board's direction to ELAP was to move toward reducing the more burdensome requirements in TNI, and to work with the regulated community to accomplish this. Laboratory directors and the Environmental Laboratory Technical Advisory Committee (ELTAC) submitted comments. After reviewing those comments, ELAP has indicated that it will proceed with only one subtraction from TNI, requiring proficiency testing once per year instead of twice. This does not follow the previous direction to reduce TNI requirements and ignores the supposedly valued contributions of the regulated community.

Another concern is the availability of TNI. To be able to read a copy of the proposed requirements labs will have to meet, a copy of TNI 2016 must be purchased from the NELAC institute and the document is copyright protected. Will all laboratories be required to purchase their own copy of TNI in order to reach compliance? ELAP needs to develop a functional proposal that examines the cost and availability of the standard, the timing for training and implementation, and the training of ELAP staff to assess compliance with the new regulations. No plan or even an outline of a plan has been presented to explain how TNI will be incorporated in California regulation, and made accessible to all laboratories without paying.



Another concern is the recommendation that ELAP utilize third party assessors (TPA). This recommendation seems premature. If TPA were used, it is unclear to what standard would assessors would inspect laboratories; the current regulations or the proposed switch to TNI. ELAP has not completed the process of changing regulatory requirements for laboratories, so applying TNI standards or using TNI TPA would not be applicable or appropriate. The only route where TPA would be appropriate is if they are qualified to asses to the current California regulatory standards. I recognize that ELAP is behind on on-site assessments of regulated laboratories and TPA could reduce the backload, however, who will be required to pay for these TPA? Recent ELAP fee increases were intended to pay for inspections; will the regulated labs be expected to cover the cost of TPA in addition to increased ELAP fees. Which prompts the obvious question; if labs are paying for TNI, and TPA, what value is ELAP providing?

If the State Board genuinely intends to improve ELAP, it should direct ELAP use TNI as a starting point, not a destination, to listen to the input from ELTAC and the regulated laboratory community to reduce burdensome and unnecessary requirements and to choose a regulatory standard that strengthens ELAP, not weakens it further.

Vallejo Sanitation and Flood Control District hopes that the State Water Resources Control Board will take these comments under serious consideration. If you need additional information, please contact me at [mmorton@vsfcd.com](mailto:mmorton@vsfcd.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Morton". The signature is fluid and cursive, written in a professional style.

Melissa Morton  
District Manager