



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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Public Comment
ELAP Regulations Development/Laboratory Standard
Deadline: 9/16/16 12:00 noon

September 15, 2016

Felicia Marcus, Chair
California State Water Resource Control Board
P.O. Box 100
Sacramento, CA 95812-0100



Submitted via commentletters@waterboards.ca.gov

**Subject: California Association of Sanitation Agencies (CASA)
Comments on ELAP Regulations Development/Laboratory
Standard**

Dear Chair Marcus and Members of the Board,

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to provide comments on California Environmental Laboratory Accreditation Program (ELAP) Regulations Development and Preliminary Staff Recommendation. For 60 years, CASA has been the leading voice for public wastewater agencies on regulatory, legislative and legal issues. We are an association of local agencies, engaged in advancing the recycling of wastewater into usable water, generation of renewable energy, and other valuable resources. Through these efforts we help create a clean and sustainable environment for Californians.

CASA represents numerous agencies with on-site laboratories that support treatment plant operations and compliance with NPDES and WDR permit reporting requirements. These labs run the gamut from full service to smaller one or two-person operations. Those entities without on-site laboratories (and smaller labs) must use commercial lab services to meet regulatory requirements, and therefore all of CASA's membership will be impacted by the development of new ELAP regulations and laboratory standards. CASA has been an active participant in the ELAP process through Huy Do, our representative to the Environmental Lab Technical Advisory Committee (ELTAC) and has been monitoring the process on behalf of our labs both large and small.

Given the importance of this issue and the potential widespread impact, CASA respectfully requests an extension of the comment submittal deadline and also a more measured approach to the overall standards adoption timeline going forward. ***CASA's primary and overriding concern is that adoption of the 2016 TNI Standard without significant modification would have a devastating impact on smaller labs***, with dire consequences for local public agencies and the viability of some water quality monitoring activities at wastewater facilities.

The time provided for comment is simply inadequate to allow for meaningful input. The notice of opportunity for public comment was not received until September 6, 2016, and the deadline given for public comment is noon on September 16, 2016. Offering less than ten calendar days for stakeholders to comment is not sufficient. In the case of ELAP regulations development and laboratory standards, this truncated comment period is particularly disconcerting given that:

- Members of the ELTAC were not informed of the proposed recommendation of the State Water Board staff until September 1, 2016, a mere two weeks before being expected to make meaningful comments on that recommendation;
- The proposed TNI standard is voluminous and extensive in content, and the ELTAC's discussion and deliberation for modifying or adopting the standard did not occur until August of 2016, wherein the 2016 TNI Standard was included for consideration;
- The changes that would be brought about by implementing the TNI Standard are enormous, and therefore the much-needed activities to fully review the Standard by those directly impacted by the proposed changes have not been initiated yet;
- The 2016 TNI Standard is not publicly available and therefore not all stakeholders or members of the public have adequate ability to review and provide meaningful feedback.

Those closely involved with the process for the last year through ELTAC share these concerns, which are an even greater concern for the broader laboratory and stakeholder community as a whole, all of whom will need access to the 2016 TNI Standard and a considerable amount of time to review it, and none of whom have been directly involved with the ELTAC process.

To the limited extent that CASA members have been able to review previous versions of the TNI Standard for an indication of how these standards would impact California labs, there are significant concerns that the requirements therein would be a massive burden on smaller labs. Adoption of the full TNI standard could cause smaller on-site wastewater labs to shut down, and would at a minimum require staff increases that smaller wastewater agencies can ill afford. All of these impacts would result from compliance with requirements that may not have a meaningful impact on the quality of the data coming out of these labs. This is not only a technical issue, but a very serious water quality concern for the state.

CASA suggests a more meaningful stakeholder process beyond the ELTAC going forward, and a more modest timeline for adoption of the proposed regulations. CASA members are working with regional associations and others in the laboratory community to develop an approach that uses the TNI standard as a basic framework for regulation, but makes the standard workable for small labs and eliminates inapplicable, unworkable, or unnecessary sections. This approach could require some modification to the standard and other necessary changes. Given the subject matter, this is a difficult and time consuming task, and will not be completed before the workshop and possibly not before the end of the calendar year.

CASA is also working closely with its regional partners and fellow associations including the Central Valley Clean Water Association (CVCWA), Southern California Alliance of POTWS (SCAP), and California Water Environment Association (CWEA). CASA incorporates the comments of those groups by reference herein, and supports their requests for additional time to comment as well as their concerns with adoption of the 2016 TNI Standard.

As articulated in previous letters regarding ELAP, CASA agrees that ELAP's current regulations need improvement and supports revising ELAP's laboratory accreditation standards. Unfortunately, both the method being proposed and the timeline for adopting that method into regulations are not the appropriate approach. Long-term sustainability of laboratories regardless of size and the optimal operation of water and wastewater treatment facilities with on-site laboratories need to be one of the priorities for consideration when revising and improving ELAP's regulations and laboratory standards.

CASA looks forward to working with ELAP and State Water Board staff to develop regulations and adopt a laboratory standard that works for all labs in the state.

Respectfully,

A handwritten signature in black ink, appearing to read "Adam D. Link". The signature is fluid and cursive, with a large initial "A" and "L".

Adam D. Link
Director of Government Affairs