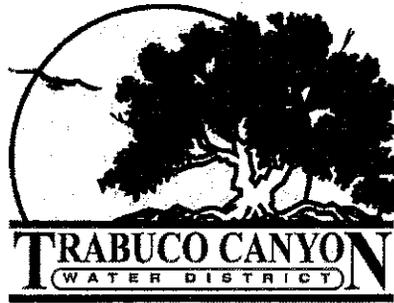


STAFF MEMBERS

Hector Ruiz, General Manager
Michael Perea, District Secretary
Cindy Byerrum, District Treasurer
Bowie, Arneson, Wiles & Gianone,
District General Legal Counsel

September 16, 2016



BOARD OF DIRECTORS

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Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

SENT VIA EMAIL

Subject: Comment Letter – ELAP Regulations Development/Laboratory Standard

To the Members of the State Water Resources Control Board (Board),

The Trabuco Canyon Water District (TCWD) operates a laboratory with an employee that is also responsible for the operation of the wastewater recycling plant, where the laboratory work consists of basic and routine analyses and only represents about 25 percent or less of his weekly duties.

On September 6, 2016 the State Board provided notice of a Workshop on proposed changes to the laboratory accreditation regulations. The deadline for the submittal of comments is noon, Friday September 16, 2016 providing a very short comment period in what we believe will result in a significant impact to current employees, organizational staffing, operating budget, and rates to agencies such as TCWD. The Board's rush to change regulations while not properly and effectively communicating the need for the changes in a timely manner is disappointing and confusing, especially since there's no emergency or demonstration that the current regulations are failing.

TCWD did not have sufficient time to properly review and understand the entirety of the proposed regulations and report due its limited resources and due to the extensive volume of materials and their technical nature. However based on our current understanding, TCWD is submit the following comments to the Board for consideration:

- 1) TCWD strongly urges the State Board to postpone this workshop and significantly extend the comment period. More importantly, the proposed regulations have the potential to significantly impact job duties and staffing, increase operating costs, and result in administrative violations on paper. The Board has not properly communicated the justification for the change to the regulations in particular noting where the current regulations are failing and require change. The Board needs to ensure that there's more outreach is required.
- 2) TCWD's ELAP certified laboratory reports to its publicly elected directors, elected at large and with no requirement for a science or technical background. The Board nor ELAP has not provided a publicly, readable, and understandable condensed report that provides the data justifying the need for change in the regulations. It's important that this

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- be done because of the significant impact to staffing, rates and budgets that are all approved by publicly elected officials; in particular for the small, rural and disadvantage communities served by utilities following and complying under the current regulations.
- 3) The Board has not effectively communicated its intent and justification for implementing the proposed changes, including clear presentation of known and proven cases where the current regulations are failing or placing the public at risk.
 - 4) The Board has not allowed agencies with limited staff and resources the proper amount of time to properly read, understand, comment and respond to the report. The report is nearly 200 pages long and it's very unreasonable to expect agencies with small laboratories and limited resources and personnel to read the document and prepare intelligent comments in a short period of time.
 - 5) The TCWD's chief plant operator has many duties that include laboratory analysis of basic and routine analyses that require minimal training, are conducted with reliable state of the art instruments and are performed in a timely and cost-effective manner.
 - 6) Turbidity, pH, and temperature, and tests for Coliform are basic lab analysis that can be performed by trained personnel with a high-school diploma and a course in laboratory analysis. A 4-year or more degree in science or engineering such as a Ph.D or B.S is not necessary. As an engineer with a B.S. and M.S and extensive lab experience, I did not find in the report the justification for such an advance degree to do basic analyses. The proof for such a change is one example that has not been proven and appears to be a State driven objective with no justification. In addition, personnel with such advanced degrees will not be interested in performing such analysis for a long-term basis as required for an operators job.
 - 7) All laboratories provide the front line public health service, however the small and rural laboratories will be significantly impacted in not being able to efficiently operate facilities in a cost effective manner, if they are not able to continue under the current regulations.

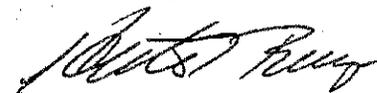
The Board should do all it can to encourage and provide training or resources to:

a) small utilities/laboratories with limited personnel, b) utilities in disadvantaged communities, and c) utilities in remote locations where the Board can ensure that these utilities continue to properly perform routine analysis as discussed above, though enough proof that the current regulations are failing has not been presented nor communicated by the Board.

In summary, the Board has not done enough to properly communicate and justify changing its regulations, including citing examples and statewide cases that show how the current regulations are failing to protect public health. Until further, effective, and timely communication by the Board regarding these regulations is presented, we strongly oppose pushing the proposed ELAP changes forward at this time. The need for this one-size fits all approach and corresponding changes to laboratory personnel education requirements for basic and routine analyses have not been well communicated and justified.

Sincerely,

Trabuco Canyon Water District



Hector Ruiz, P.E.
General Manager

cc. File