

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2017-0043**

ALLOCATING \$300,000 FROM THE DRINKING WATER STATE REVOLVING FUND TO THE CALIFORNIA ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM FOR THE PURPOSE OF ENTERING INTO A CONTRACT TO PROVIDE TRAINING FOR ACCREDITED SMALL LABORATORY STAFF MEMBERS ON THE 2016 NELAC INSTITUTE STANDARD

WHEREAS:

1. In accordance with the Environmental Laboratory Accreditation Act (ELAA), all laboratories that perform analyses on environmental samples for regulatory purposes must be accredited. Responsibility for enforcement of the ELAA was transferred from the California Department of Public Health to the State Water Resources Control Board (State Water Board), effective July 1, 2014. (Health & Saf. Code §116271.) The Environmental Laboratory Accreditation Program (ELAP) within the Division of Drinking Water ("DDW") administers the ELAA. The State Board has delegated the Deputy Director, DDW, all authority under the ELAA.
2. The federal Safe Drinking Water Act grants states primary enforcement responsibility for public water systems provided that the U.S. EPA determines that the State meets specified requirements. (42 U.S.C. §300g-2.) One of the requirements for obtaining and maintaining primacy is that the State establish and maintain a program for certification of laboratories that conduct analyses of drinking water contaminants. (40 C.F.R. §142.10 (b)(3)(i).) The ELAP fulfills that primacy requirement.
3. In August 2015, the State Water Board contracted with Southern California Coastal Water Research Project to establish and facilitate an Expert Review Panel to conduct an internal examination of ELAP. The Panel members are five experts in the field of environmental laboratory accreditation, who found that ELAP's existing assessment standards were inadequate and recommended adoption of a clear laboratory accreditation standard. Through a public process, ELAP selected the *NELAC Institute (TNI) Standard, Volume 1: Management and Technical Requirements for Laboratories Performing Environmental Analysis (2016)*. The Expert Review Panel further recommended ELAP assist its small accredited laboratories with making the improvements necessary to transition to the new assessment standard.
4. The State Water Board is seeking to improve the ELAP and its accredited laboratories by adopting TNI; however, the State Board recognizes that implementing TNI could be challenging to small laboratories. The State Water Board, therefore, wants to contract with a specialty environmental laboratory trainer to develop and implement a training program for small ELAP-accredited drinking water laboratory staff members on the requirements and implementation of the 2016 NELAC Institute Standard.
5. ELAP and its activities, including providing training for environmental laboratories to meet TNI, are necessary for the State Water Board's supervision of California's public water systems.

6. State Program Management-Public Water System Supervision set-aside funding from the current and forthcoming federal Safe Drinking Water State Revolving Fund (DWSRF) capitalization grants is projected to be available for an ELAP environmental laboratory training contract.
7. The Division of Administrative Services will ensure that these contracting activities are in compliance with State contracting laws, regulations, policies, and procedures.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board hereby allocates \$300,000 from the Drinking Water State Revolving Fund to the ELAP for the purpose of entering into a contract to provide training for accredited small laboratory staff members on the 2016 NELAC Institute Standard, conditioned upon the availability of sufficient funds from DWSRF capitalization grants.
2. Except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director's designee shall be the duly authorized representative of the State Water Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts to which the State Water Board is a party.
3. This authorization shall remain in full force and effect until modified or revoked by the State Water Board.

**CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 1, 2017.

AYE: Chair Felicia Marcus  
Board Member Tam M. Doduc  
Board Member Dorene D'Adamo  
Board Member E. Joaquin Esquivel

NAY: None

ABSENT: Vice Chair Steven Moore

ABSTAIN: None

  


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Jeanine Townsend  
Clerk to the Board