

State Water Resources Control Board
Division of Drinking Water

REVISED
NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT
AND
NOTICE OF PUBLIC WORKSHOP

**OPPORTUNITY FOR PUBLIC COMMENT AND PUBLIC WORKSHOP
REGARDING CALIFORNIA ENVIRONMENTAL LABORATORY ACCREDITATION
PROGRAM (ELAP) REGULATIONS DEVELOPMENT AND PRELIMINARY STAFF
RECOMMENDATION FOR LABORATORY STANDARD**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive public comments on the development of regulations for the California Environmental Laboratory Accreditation Program (ELAP) and the preliminary staff recommendation for the laboratory standard component of the regulations.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public workshop to provide information and answer questions on the development of regulations for ELAP and the preliminary staff recommendation for the laboratory standard component of the regulations.

The workshop is an opportunity for interested persons to provide oral comments to the State Water Board Members. A quorum of the State Water Board Members may attend this workshop. This will be an informational workshop only and the State Water Board will not take any formal action at this meeting. Details of the workshop are provided below.

THURSDAY, OCTOBER 6, 2016 – 9:00 A.M.
Joe Serna Jr. – CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

BACKGROUND

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 examination of ELAP. The Panel members are five experts in the field of environmental laboratory accreditation. The Expert Review Panel released a final report of findings on October 22, 2015, which was presented to the State Water Board by the panel chairperson at the Board Meeting on November 4, 2015. The State Water Board is seeking to improve ELAP by revising existing regulations to address the issues identified in the Expert Review Panel Report.

The Expert Review Panel concluded that ELAP's current regulations are inadequate. The Panel recommended the immediate selection of an appropriate assessment standard and recommended ELAP adopt an existing laboratory accreditation standard that incorporates a quality system approach. The Panel specifically identified the laboratory standard established by The NELAC Institute (TNI) as the most viable option. The NELAC Institute (TNI) is a 501(c)(3) non-profit organization whose mission is to foster the generation of environmental data of known and documented quality through an open, inclusive, and transparent process that is responsive to the needs of the community.

Since release of the report, ELAP staff has engaged the stakeholder community and its two advisory bodies, the Environmental Laboratory Technical Advisory Committee (ELTAC) and the State Agency Partner Committee (SAPC), in its work to correct program deficiencies. After considering alternative options and with input from both committees and the larger stakeholder community, ELAP staff has made a preliminary determination to develop regulations incorporating the 2016 NELAC Institute (TNI) Standard, Volume 1: Management and Technical Requirements for Laboratories Performing Environmental Analysis as the laboratory standard. ELAP will consider revisions to portions of the standard that may be problematic for implementation in California before the formal rulemaking process commences. Once the regulations are proposed for adoption, a public comment period will be held as provided in the Administrative Procedure Act.

Compliance with the new standard may require some currently accredited laboratories to implement new laboratory management procedures or begin documenting procedures already in place. ELAP staff will provide a suite of implementation tools to assist the laboratory community with the transition if the TNI standards are adopted into California regulations. In addition, ELAP staff has made a preliminary determination to recommend to the State Water Board that the regulations allow extended time from the date of adoption for laboratories to meet any new laboratory standard requirements.

DOCUMENT AVAILABILITY

The 2016 TNI Standard is copyrighted, and generally must be purchased from TNI. However, in order for interested persons to provide comment on the proposed standard, the 2016 TNI Standard is being made available for evaluation:

- 1. Online at www.nelac-institute.org beginning Monday, September 26, 2016.**
- 2. At all [Regional Water Quality Control Board Offices](#) and [Division of Drinking Water Offices](#) during normal business hours. Call the specific office directly to schedule an appointment.**
- 3. For purchase at a discounted rate by choosing one of the following options:**

Option 1: Purchase the document at the discounted member rate of \$75. Request this by phone (817) 598-1624 or email to jerry.parr@nelac-institute.org and receive a free three month membership to The NELAC Institute, which will allow purchase of the document at the discounted member rate from the organization's [website](#).

Option 2: Receive an evaluation copy for free. Request this by phone (817) 598-1624 or email jerry.parr@nelac-institute.org and receive an electronic copy of the document for evaluation purposes only. The laboratory will be required to attest that the document will not be reproduced following the comment period while in their possession. Failure to abide by the requirement to not reproduce the document could result in penalties for copyright infringement.

DOCUMENT AVAILABILITY

For information on the Expert Review Panel process and to read the final report, visit <http://www.sccwrp.org/ELAP>.

For information on meetings of the Environmental Laboratory Technical Advisory Committee, visit: http://www.waterboards.ca.gov/drinking_water/certlic/labs/eltac_meetings.shtml.

For ELAP information, visit: www.waterboards.ca.gov/elap.

For information on the 2016 TNI Standard, visit: <http://www.nelac-institute.org/>.

SUBMISSION OF WRITTEN COMMENTS

Persons interested in the development of regulations for ELAP and the preliminary staff recommendation for the laboratory standard component of the regulations are encouraged to submit comments electronically. Comment letters **must be received by 12:00 Noon on Thursday, October 20, 2016**~~Friday, September 16, 2016~~. Comment letters received after that deadline will not be accepted unless the State Water Board determines otherwise. Send comments to Jeanine Townsend, Clerk to the State Water Board, by email at commentletters@waterboards.ca.gov (must be no more than 15 megabytes); fax at (916) 341-5620; or mail or hand delivery at:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)

Please indicate in the subject line, **“Comment Letter – ELAP Regulations Development/Laboratory Standard”**.

PROCEDURAL MATTERS

While a quorum of the State Water Board may be present at the workshops, the Board will not take formal action. The State Water Board and its staff may ask clarifying questions. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral comments or presentations at the workshops may be time-limited. For other presentation recommendations, please go to the State Water Board’s website at:

www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml.

WORKSHOP LOCATION, PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. (Cal/EPA) Building and public parking information, please refer to the map on the State Water Board web site at:

<http://www.calepa.ca.gov/EPAldg/location.htm>. The Cal/EPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. Telecommunications Device for the Deaf (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. An audio broadcast of the meeting will be available via the Internet and can be accessed at: <https://video.calepa.ca.gov/>. All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.


FUTURE NOTICES RELATED TO THESE WORKSHOPS

The State Water Board will hold the public workshops at the time and place noted above. Change in the date, time, and place of these public workshops will be posted to the State Water Board main web page at http://www.waterboards.ca.gov/drinking_water/programs/index.shtml under “Announcements”.

CONTACT INFORMATION

Please direct any questions about this notice to Christine Sotelo, Chief, Environmental Laboratory Accreditation Program, State Water Resources Control Board, at (916) 341-5175 or Christine.Sotelo@waterboards.ca.gov.

September 20, 2016
Date


Jeanine Townsend
Clerk to the Board