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Public Comment
ELAP Regulations Development/Laboratory Standard
Deadline:10/20/16 12:00 noon



September 14, 2016

Felicia Marcus, Chair
Frances Spivy-Weber, Vice Chair
Tam M. Doduc
Steven Moore
Dorene D'Adamo

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

Subject: Comment Letter – ELAP Regulations Development/Laboratory Standard

Members of the Board,

The City of Davis (City) appreciates the opportunity to provide comments on California Environmental Laboratory Accreditation Program (ELAP) Regulations Development and Preliminary Staff Recommendation for the Laboratory Standard.

The City owns and operates a Publicly Owned Treatment Works (POTW) facility that is authorized to discharge pursuant to Order R5-2007-0132-02 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0079049. The City also owns and operates an on-site Laboratory in support of the Wastewater Treatment Plant (WWTP) operations and NPDES permit regulatory reporting requirements. The City's WWTP Laboratory (Laboratory) is accredited under ELAP Certificate No. 2645. The Laboratory staff has the capability to perform various general chemistry and microbiological testing with additional assistance from the WWTP operators. The City's two person Laboratory is not a full service lab and therefore, to meet the monitoring requirements from the NPDES permit, most analytical testing is contracted out to various commercial laboratories.

The City respectfully *requests for an extension of the submittal deadline to comment and delay of the workshop.* The announcement from the State Water Resources Control Board (State Water Board) regarding the Notice of Opportunity for Public Comment and Notice of Public Workshop scheduled for October 6, 2016 was received on September 6, 2016. The deadline given to the public comment is by 12noon on September 16, 2016. The City believes that the less than ten calendar days to comment is not sufficient time given to the public for the following reasons:



- The information provided in the notice did not include pertinent information regarding details of the preliminary staff recommendation on the adoption of the 2016 TNI Standard nor enough materials about the workshop for public to comment on.
- The ERP report presented to the State Water Board on November 4, 2015 included options to: create, modify or adopt existing standards. The State Water Board tasked ELAP to prepare a work plan in response to the ERP report. The ELAP work plan dated December 21, 2015 was presented to the public via webinar on February 8, 2016. Modification of existing standards such as Title 22, EPA, 2003 NELAC and 2009 TNI were the main focused for consideration. The ELTAC's discussion and deliberation of modifying or adopting an existing standard did not occur until August 24, 2016 wherein the 2016 TNI Standard was included for consideration.
- The 2016 TNI Standard is not publicly available; it is behind a paywall.
- The 2016 TNI Standard being considered for adoption is voluminous and extensive in content. The proposed changes are enormous; therefore, the much needed activities to review the Standard by those directly impacted by the proposed changes have not been initiated yet. The Laboratory Community as a whole will need access to the Standard and a considerable amount of time to review it.

The City agrees that ELAP's current regulations needs improvement and supports revising ELAP's laboratory accreditation standards. The City believes that the process to this herculean effort is very important and the inclusion of the broader stakeholder laboratory community is as critical.

Respectfully Submitted,



Dirk Brazil
City Manager