



VALLEJO SANITATION &  
FLOOD CONTROL DISTRICT

*Protecting public health  
and the San Francisco Bay  
since 1952.*

450 Ryder Street  
Vallejo, California 94590  
phone 707-644-8949

BOARD OF TRUSTEES

Osby Davis  
Bob Sampayan  
Pippin Dew-Costa  
Erin Hannigan  
Jess Malgapo  
Robert H. McConnell  
Katy Miessner  
Rozzana Verder-Aliga

DISTRICT MANAGER

Melissa A. Morton

September 15, 2016

*Via email:* [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor [95814]  
Sacramento, CA 95814



**Subject: Comments on the Environmental Laboratory Accreditation Program (ELAP) Regulations Development/Laboratory Standard**

Dear Ms. Townsend:

The Vallejo Sanitation and Flood Control District (District) appreciates the opportunity to comment on the Environmental Laboratory Accreditation Program (ELAP) regulations development. The District's boundary covers 28 square miles, providing wastewater and flood control services for approximately 120,000 people within the City of Vallejo and parts of Solano County. The District has been recognized for operational excellence at the local, state and national level, and is an active participant in the Vallejo Watershed Alliance, a partnership of public agencies and interested individuals working together to improve the greater Vallejo watershed.

I am writing this letter to express my concerns about the proposed application of the 2016 NELAC Institute (TNI) Standards to all laboratories accredited by ELAP. I am not convinced that the application of TNI Standards would significantly improve the overall quality of lab data. TNI was developed from the EPA's Contract Lab Program, which was designed to help medium and large commercial labs that wanted an easier path to interstate commerce. Small, not for profit municipal laboratories are already under tight budgetary and staffing constraints. Forcing all California laboratories to follow TNI standards would disproportionately place a heavy burden on those small laboratories, which may cause many of them to close, ultimately resulting in loss of timely public health water quality information.

I am concerned about the lack of time allowed, amounting to less than 10 business days, for the affected laboratory community to read and comment on the newly published 2016 TNI Standards. TNI made the 2016 TNI Standard document available only last month (in August 2016); as yet there has not been any significant external vetting or review of these standards. An extension of the public review period for written public comments would allow sufficient time to obtain and review this newly published document. Given that the 2016 Standard is almost 200 pages long, the short time-frame to make comments is not reasonable. An extension will allow the impacted laboratory community to

make informed comments. Written comments are an extremely important opportunity for members of the affected laboratory community to review these standards and raise specific concerns, as traveling in person to the workshop may be difficult or impossible for many, especially smaller agencies. The written comment period may be their only opportunity to have their voices heard and to advise the State Board on the areas of greatest compliance concern.

I am also concerned that ELAP disregarded the formal recommendation of the Environmental Laboratory Technical Advisory Committee (ELTAC) who voted against the TNI standard in favor of strengthening California's current laboratory accreditation regulations. ELTAC has an advisory role defined in statute, and was re-created over the past year by selecting experienced staff members from commercial and municipal laboratories representing various laboratory sizes and types and from different parts of California. The ELTAC mission statement includes "...ELTAC works to provide support, critical stakeholder review, scientifically valid advice, and unbiased guidance to ELAP on technical issues and the **foreseeable effects that ELAP regulatory decisions may have, to ensure public health and environmental protection**" (emphasis added). ELTAC members have industry specific knowledge and understand the impact imposing TNI Standards will have on all laboratories in California. By choosing to ignore ELTAC's recommendation that existing California regulations should be strengthened instead of imposing TNI Standards, ELAP is not utilizing the support and technical expertise ELTAC provided and that ELAP claims to want.

If the goal of changes to ELAP and regulations is to improve data quality, it seems counterintuitive to rush to choose a standard that may not be the best fit for all laboratories, especially for small municipal laboratories where these changes will have the most impact. California has an opportunity to strengthen its environmental laboratory programs and create regulations that work for all environmental laboratories. The goal should be a significant improvement to regulations, not simply completion by a deadline.

Vallejo Sanitation and Flood Control District hopes that the State Water Resources Control Board will take these comments under serious consideration. If you need additional information, please contact me at [mmorton@vsfcd.com](mailto:mmorton@vsfcd.com).

Sincerely,



Melissa Morton  
District Manager