



A Joint Powers Agency

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September 16, 2016

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000



Subject: Comment Letter – ELAP Regulations Development/Laboratory Standard

To the Members of the State Water Resources Control Board,

The Sewerage Agency of Southern Marin appreciates the opportunity to submit comments and recommendations in response to the notice that Environmental Laboratory Accreditation Program (ELAP) would be holding a Workshop on proposed changes to the laboratory accreditation regulations dated September 6, 2016. As a small laboratory, we are staffed by one Laboratory Director and one Laboratory Analyst to fulfill current laboratory responsibilities. There are nearby agencies and districts that are staffed solely by operators to fulfill the responsibilities of their laboratories. This letter will highlight our concerns with the proposed adoption of The NELAC Institute (TNI) 2016 standard and how it will impact small laboratories like ours. In the end, I hope that ELAP with the support of its accredited laboratories will work towards a common goal of environmental and public health protection.

To date, Sewerage Agency of Southern Marin continues to report high quality data following EPA and ELAP requirements. The analytical tests performed in our laboratory are all EPA-approved methods. For our laboratory, quality control practices are implemented based on the Standard Methods for the Examination of Water and Wastewater 22nd Edition (Standard Methods). EPA-approved methods and Standard Methods specifically concentrate on more uniform and efficient methods for water and wastewater analysis.

As some background information, publicly owned treatment works (POTWs) are permitted by the National Pollution Discharge Elimination System (NPDES), which is a program that gives the EPA the authority to regulate discharges into the nation's waters by setting limits on the effluent. The NPDES permit for our small POTWs recognizes EPA-approved methods in the analysis of pollutants.

Due to the existence of EPA-approved methods and Standard Methods, the current ELAP regulations are not deficient; instead, the insufficient method by which ELAP audits are conducted facilitates discrepancies between many ELAP accredited laboratories. The root problem for ELAP has been the lack of leadership and management skills.

Our agency agrees with other laboratories that ELAP should not consider the TNI standards, which were developed with the intent of making it easier for commercial laboratories to perform work in multiple

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states under one certification. Instead ELAP should consider adopting ELTAC's proposed California plus approach. The adoption of the TNI standards for small laboratories will be cumbersome due to heavy documentation requirements. The heavy documentation will not improve laboratory quality; in contrast, it will divert staff resources away from productivity like benchwork and focus on bookkeeping.

Many scientific journals have reported that higher volume of workload leads to reduced productivity, elevated levels of stress, longer hours, and higher potential for human errors. Currently, the workload for the laboratory at the Sewerage Agency of Southern Marin is at its optimal level. This letter was prepared outside of the laboratory work hours to maintain that level. There is not enough time in the day for small laboratories to become compliant with the TNI standards. Our laboratory cannot even consider hiring for help to become TNI-compliant due to lack of funds, more training for staff, time consuming documentations, and stringent review processes. As a nonprofit entity, small laboratories are limited for additional staffing and resources. Small laboratories help large and commercial laboratories by reducing their workload and increasing their response time. In the future, the adoption of the TNI standard will reduce the number of small laboratories, as experienced in New York and Florida; large and commercial laboratories will experience higher workloads. The higher workloads for large and commercial laboratories will ultimately lead to slower response times. Many wastewater treatment plant laboratories will close, because they can no longer support the requirements of TNI standards as experienced in Florida. The adoption of the TNI standards will have a profound impact on the job security for many existing laboratory employees in California.

The State Board should continue to encourage the existence and expansion of environmental laboratories which includes utilities located in small and more remote locations. The adoption of the TNI standard will...

- not improve the quality of results
- increase paperwork
- increase discrepancies between written procedures and the same produces in practice
- contribute to formalities rather than the data quality
- be huge, complex, ambiguous, vague and time consuming to read and understand
- increase the cost of ELAP and its accredited laboratories by more than three-fold
- not be feasible for staff time at small laboratories

Since ELAP is considering TNI 2016 standards, I support the comments submitted by BACWA as follows:

1. Defining 'TNI-lite': Without knowing exactly what is meant by 'TNI-lite' it is hard to comment effectively. With input from ELTAC, this should be first defined and then stakeholders be allowed to submit comments on it at a future date.
2. Comment period: It is not reasonable to expect the laboratory community to purchase, read, understand and comment logically on a document that is 176 pages long in less than 10 days. We request that the comment period be extended to 45 days. The 7.5 business days to respond and provide comments are inadequate.
3. Laboratory director/technical manager qualification: The qualifications spelled out in 22 CCR 64817 are incorporated into job descriptions in many public agencies; these provisions have served the State well so far. While TNI had provision for grandfathering, it will prove insufficient in the long run and might burden POTWs from finding suitable leaders for their laboratories.
4. Few states such as Florida have adopted TNI as the only option. Virginia is a good example for California to emulate, with options for commercial laboratories to be TNI certified to work in multiple states for profit as well as utility laboratories and other nonprofit laboratories to hold ELAP accreditation and work within California.

5. Adopting TNI standards will pose a formidable challenge. Initial costs may include: need to hire staff to handle TNI-related paperwork, hiring consultants to setup the TNI documentation framework, purchasing LIMS, purchasing documents and training material from TNI, etc. In particular, small laboratories supporting utility operations and compliance monitoring will be hard-pressed to find the resources. We propose that special funding be made available to these laboratories to make the transition.

A good quality system does not have to be expensive or require the time of a large number of employees. In the future, such systems with TNI standards will increase human errors that can jeopardize compliance and often require expensive retesting. Should you have any questions, please do not hesitate to contact me at (415) 388-2402 or npatel@cityofmillvalley.org. We look forward to continuously engaging with you in the process going forward.

Sincerely,



Nimisha Patel
Laboratory Director/ Environmental Compliance Manager
Sewerage Agency of Southern Marin

