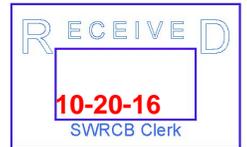




October 20, 2016

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

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



RE: Comment Letter – ELAP Regulations Development / Laboratory Standard

Dear Ms. Townsend:

MBC Applied Environmental Sciences (MBC) is pleased to submit these comments on the above-mentioned subject. We are a certified small business that has operated an ELAP-certified toxicity laboratory for decades.

Despite our laboratory's relatively small throughput, we have consistently met ELAP certification standards and complied with any audit requirements and recommendations. However, implementation of the proposed regulations would have an enormous effect on our operations with very little substantive changes in actual test implementation.

TNI Standard Volume I, Module 7 (Toxicity Testing):

1.6.1 Demonstration of Capability (DOC)

The requirement for an initial DOC each time there is a change in personnel (or if a test has not been run in the previous year) is overly burdensome for small labs that may not complete each test in a given year, but have personnel that are proficient running those tests.

1.7.1.6 Constant and Consistent Test Conditions

This section is written assuming that all test organisms are cultured in the laboratory. It is not feasible to culture giant kelp (*Macrocystis pyrifera*) in the laboratory due to its large size. Therefore, this species is collected in the field (under required collection permits) and returned to the toxicity lab for immediate use in toxicity tests. Therefore, culturing information (q) would not be available. Additionally, for some test species there are few suppliers of test organisms. For example, there is currently one known supplier of topsmelt (*Atherinops affinis*) in the United States. We are obviously interested in the health of our test organisms, and can require them to submit this information, but the inability or unwillingness of suppliers to submit this information should not be held against the testing laboratory.

The limitation for maximum holding time of effluents (s) is more stringent that allowed by some Environmental Protection Agency (EPA) protocols. We suggest changing:



“...samples may be used for renewal up to seventy-two (72) hours after first use except as prescribed by the method ~~and~~ or approved by the regulatory agency having authority for program oversight.”

Conclusion

The new standard provides additional documentation standards that in our opinion will only add to the relatively stringent requirements of EPA protocols and ELAP standards. We take pride in the quality of our work. The proposed standard would increase record-keeping, time, and cost, extend the duration of the lab certification process, and in our opinion, not greatly affect the quality of the testing. We ask you to consider the effect on small laboratories such as ours.

I appreciate your time, and thank you for your consideration.

Sincerely,

MBC Applied Environmental Sciences

Shane Beck
President

Cc: M. Mancuso (MBC)
S.M. Beck (MBC)