



September 16, 2016



Felicia Marcus, Chair
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**SUBJECT: Comment Letter – ELAP Regulations
Development/Laboratory Standard - Delivered via e-mail to
commentletters@waterboards.ca.gov**

Dear Chair Marcus and Members of the Board:

The Sacramento Regional County Sanitation District (Regional San) appreciates the opportunity to comment on the California Environmental Laboratory Accreditation Program (ELAP). Regional San provides wastewater collection, conveyance and treatment for over 1.4 million people in the Sacramento region. On average, we safely treat and discharge 150 million gallons of wastewater per day in accordance with our National Pollutant Discharge Elimination System (NPDES) permit. We take our mission very seriously to protect public health and the environment. Many of our NPDES permit requirements are tied to the conditions in the Sacramento River and the Delta ecosystem. As a result, Regional San also has a state-of-the-art laboratory facility that helps us meet critical analytical needs to ensure we are in compliance with our permit and helps us achieve our mission. Regional San's Environmental Laboratory has been in operation since 1982. The laboratory employs trained, professional environmental scientists and technical staff committed to providing quality services to meet both routine and challenging analytical needs for studies or monitoring and compliance programs.

On September 6, 2016, ELAP released a notice for public comment and public workshop regarding the ELAP regulations development and the preliminary staff recommendation to incorporate the 2016 NELAC Institute (TNI) Standard, Volume 1: Management and Technical Requirements for Laboratories Performing Environmental Analysis as the laboratory standard into the ELAP regulations. Unfortunately, the laboratory community was only given until September 16, 2016 to submit written comments regarding this important decision.

To ensure meaningful review and input on these important regulations can be provided by affected stakeholders, we are making the following requests:

- **Extend the comment deadline by at least 30 days from the date of the public workshop.**

The laboratory community was given less than 10 days to purchase, read, and understand the 176 pages of the 2016 TNI Standard and provide comments. The final version of the 2016 TNI Standard has only been available since August 2016. We feel that written comments are an extremely important opportunity for members of the laboratory community to review these standards and raise specific concerns.

- **Provide an open and transparent stakeholder process.**

Although ELAP did work with the laboratory community through its Environmental Laboratory Technical Advisory Committee (ELTAC) members, we believe a more robust and representative stakeholder group needs to be established. The current ELTAC panel has a higher percentage of representation from TNI certified commercial labs that is not proportionate to the distribution of TNI labs in California. ELTAC is not a stakeholder group that is comprised of a cross section of affected stakeholders that must rely on analytical results to ensure compliance with permitting requirements, such as wastewater treatment plants. A successful ELAP program must take into consideration the different laboratory types, the services they provide (e.g., commercial lab vs agency operated lab) and location. For instance, a small wastewater treatment plant located in a very rural area, will have very different needs than a large full service laboratory.

- **Improve Communication between ELAP, ELTAC and affected stakeholders.**

As the ELAP process moves forward, it is important that the concerns and recommendations from the various groups be clearly documented and considered. ELTAC members along with agency partners and ELAP were tasked to identify the standards that would best suit the needs of the California laboratory community. There was significant time and effort devoted to this task by ELTAC and others. It was our understanding that one of the recommendations agreed upon provided that one proficiency testing sample per year would be sufficient for California and that the analytical method requirements would be the basis for the technical standard. As a result, TNI Standard module 1 and modules 3-7 would be eliminated. However, it is unclear at this point if those decisions are still valid. Although more recent communication between ELTAC and ELAP suggests that ELAP might consider removing portions of TNI 2016 that will not be applicable to California laboratories, there are no details provided on what specific provisions would be eliminated. The lack of detail in these communications by ELAP have been very confusing to the laboratory community.

The process of choosing and evaluating the potential impacts of implementing a new lab standard should be carefully and thoughtfully undertaken, without being rushed through the public review period. The impact on laboratory staff, wastewater treatment plant process control, regulatory monitoring and reporting, and the environment would be better served by a thorough review and comment period. We again appreciate the opportunity to provide our comments and look forward to working through these issues in the coming months.

If you have any questions, please feel free to contact Srivi Ramamoorthy, Regional San's Laboratory Manager at (916) 875-9020 (Ramamoorthys@sacsewer.com) or myself at (916) 876-6092 (mitchellt@sacsewer.com).

Sincerely,



Terrie Mitchell
Manager Legislative and Regulatory Affairs

cc: SWRCB Board Members: Dorene D'Adamo, Tam M. Doduc, Steven Moore, Frances Spivy-Weber
Srivi Ramamoorthy - Regional San Laboratory Manager
Amy Saylor - Regional San Environmental Laboratory Quality Assurance Officer