



California Environmental Laboratory
Accreditation Program (ELAP)

**Environmental Laboratory Technical Advisory
Committee (ELTAC) Meeting**

November 13, 2018



ELTAC Meeting

November 13, 2018

Sacramento and Los Angeles



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

NOTICE OF ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE (ELTAC) MEETING

November 13, 2018
10:00 a.m. – 2:30 p.m.
(or until completion of business)

Location 1	Location 2
California Environmental Protection Agency Building	Metropolitan Water District of Southern California
1001 I Street, Klamath Room, 2 nd Floor	700 North Alameda Street, Room 2-145
Sacramento, CA 95814	Los Angeles, CA 90012

The Environmental Laboratory Accreditation Program (ELAP) will host a meeting of its technical advisory committee, as noted above. The notice and agenda for this meeting and others can be found at www.waterboards.ca.gov/elap. For further information regarding this agenda, see below or contact ELAP at elapca@waterboards.ca.gov or (916) 323-3431.

This meeting is available via webcast at <https://video.calepa.ca.gov/>.

AGENDA

- ITEM 1** – Call to Order/Roll Call
- ITEM 2** – Public Comments on Items Not on Agenda
- ITEM 3** – Approval of July 13, 2018 Meeting Minutes
- ITEM 4** – DELAPO Report (to include an update on the Recycled Water Policy status, summary of the October 2nd ELAP Informational Board Item, and ELAP action strategies)
- ITEM 5** – ELTAC Regulations Update
- ITEM 6** – ELTAC Workgroup Updates
- ITEM 7** – ELTAC By-Laws
- ITEM 8** – ELTAC Chairperson Election
- ITEM 9** – Close – Review Action Items

Action may be taken on any item on the agenda. The time and order of agenda items are

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



ELTAC Meeting

November 13, 2018

subject to change at the discretion of the ELTAC Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice.

In accordance with the Bagley-Keene Open Meeting Act, all meetings of ELTAC are open to the public.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by ELTAC prior to ELTAC taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before ELTAC, but the ELTAC Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before ELTAC to discuss items not on the agenda; however, ELTAC can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

The meeting locations are accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Katelyn McCarthy at (916) 322-7902 or emailing katelyn.mccarthy@waterboards.ca.gov. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Webcast Information

Webcast	https://video.calepa.ca.gov/
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**ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM
ELTAC MEETING**

Wednesday, November 13, 2018 – 10:00 a.m.
1001 I Street, Klamath Room
Sacramento, CA 95814

And
Metropolitan Water District of Southern California
700 North Alameda Street, Room 2-145
Los Angeles, CA 90012

Meeting Agenda

TIME	AGENDA ITEM	PRESENTER(S)
10:00am	Call to Order/Roll Call <i>Objective: Roll call.</i>	Stephen Clark, <i>Chairperson</i>
10:05am	Public Comments on Items Not on Agenda	Open
10:15am	Approval of July 13, 2018 Meeting Minutes <i>Objective: Amend or approve minutes.</i>	Stephen Clark, <i>Chairperson</i>
10:20am	DELAPO Report <i>Objective: Update members on recent developments and activities.</i>	Christine Sotelo, <i>DELAPO</i>
11:30am	ELAP Regulations Update <i>Objective: Provide information to committee members on regulations development activities.</i>	Jacob Oaxaca, <i>ELAP</i>
12pm-1:15pm	Lunch	
1:15pm	ELTAC Workgroup Updates <ul style="list-style-type: none"> • Pyrethroids/RB5 	

	<ul style="list-style-type: none"> • MUR Method Detection Limit <p><i>Objective: Update members on workgroup progress.</i></p>	
1:55pm	<p>ELTAC By-Laws</p> <p><i>Objective: Vote on revised By-Laws.</i></p>	Stephen Clark, <i>Chairperson</i>
2:15pm	<p>ELTAC Chairperson Election</p>	Christine Sotelo, <i>DELAPO</i>
2:30pm	<p>Close – Review Action Items</p> <p><i>Objective: Review any assignments generated during the meeting and adjourn.</i></p>	Stephen Clark, <i>Chairperson</i>

ROLL CALL



**ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM
ELTAC MEETING**

Wednesday, November 13, 2018 – 10:00 a.m.
 1001 I Street, Klamath Room
 Sacramento, CA 95814
 And
 700 North Alameda Street, Room 2-145
 Los Angeles, CA 90012

MEETING PACKET

Roll Call

Name	Affiliation	Member Type	Present
Diane Anderson	APPL, Inc.	Rep	
Mindy Boele	CWEA	Rep	
Jill Brodt	Brelje and Race Laboratories	Rep	
Gail Cho	CA Dept. of Fish and Wildlife	SRAE	
Stephen Clark	Pacific EcoRisk	Rep	
Ronald Coss	CWEA	Rep	
Huy Do	CASA	Rep	
Andy Eaton	Eurofins Eaton Analytical	Rep	
Miriam Ghabour	Metropolitan Water District of Southern California	Rep	
Bruce Godfrey	ACIL	Rep	
Anthony Gonzales	CAPHLD	Rep	
Rich Gossett	Physis Environmental	Rep	
David Kimbrough	Pasadena Water and Power	Rep	
Mark Koekemoer	Napa Sanitation District	Rep	
Bruce LaBelle	Dept. of Toxic Substances Control	SRAE	
Allison Mackenzie	Babcock Laboratories	Rep	
Sean McCarthy	Division of Drinking Water	SRAE	
Christine Sotelo	CA ELAP	DELAPO	
Renee Spears	State Water Resources Control Board	SRAE	

Abbreviation	Member Type
DELAPO	Designated ELAP Officer, nonvoting
Scribe	Minutes (non-member)
SRAE	State Regulatory Agency Employee, nonvoting
Rep	Representative Member, voting

PUBLIC COMMENTS ON ITEMS NOT ON AGENDA

Public Comments on Items Not on Agenda

Members of the public may address the Environmental Laboratory Technical Advisory Committee (ELTAC) regarding items that are not contained in the meeting agenda at this time.

However, ELTAC may not discuss or take action on any item raised during this public comment session, except to decide whether to place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].

APPROVAL OF JULY 13, 2018 MEETING MINUTES

Stephen Clark, Chairperson

**CALIFORNIA ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE (ELTAC)
COMMITTEE MEETING MINUTES
JULY 18, 2018**

More information on the Environmental Laboratory Accreditation Program (ELAP) and previous ELTAC meetings can be found at <http://www.waterboards.ca.gov/elap>.

CALL TO ORDER

Chairperson Stephen Clark called the meeting to order on July 18, 2018 at 10:05 a.m. at the California Environmental Protection Agency Headquarters, 1001 I Street, Conference Room 2540, Sacramento, CA 95814 and the Metropolitan Water District of Southern California, 700 North Alameda Street, Room 2-145, CA 90012.

COMMITTEE MEMBERS PRESENT

DELAPO: Christine Sotelo

Representatives (voting):

Diane Anderson
Mindy Boele
Jill Brodt
Stephen Clark
Ronald Coss
Huy Do
Andy Eaton
Miriam Ghabour
Bruce Godfrey
Anthony Gonzalez
Rich Gossett
David Kimbrough
Mark Koekemoer
Allison Mackenzie

State Regulatory Agency Employees (non-voting):

Bruce Burton
Gail Cho
Renee Spears

Not Present:

Bruce LaBelle (State Regulatory Agency Employee)

Alternates:

June Soo- Park, for Bruce LaBelle

OTHER STAFF PRESENT

Scribe: Katelyn McCarthy

ELAP: Angela Anand, Maria Friedman, Andrew Hamilton, Jacob Oaxaca, Christopher Ryan

ANNOUNCEMENT

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Committee meeting is being webcast and recorded.*

COMMITTEE MEETING

PUBLIC FORUM

Any member of the public may address and ask question of the Committee relating to any matter within ELTAC's scope provided the matter is not on the agenda, or pending before the Advisory Committee.

- *Scott Furnas – California Laboratory Services – shared recent experience with accreditation process*
- *Pam Schemmer – TestAmerica Laboratories – Requested proficiency testing information, specifically a California target analyte list to assist laboratories*
 - *ELTAC members discussed reconstituting a PT workgroup composed of Christopher Ryan (ELAP), Huy Do, Andy Eaton, Rich Gossett, David Kimbrough, and Pam Schemmer (public).*

COMMITTEE BUSINESS

Call to Order/Roll Call

Public Comments on Items Not on Agenda

(The Committee will not take any action but will consider placing any item raised on the agenda at a future meeting.)

Approval of Minutes from March 28, 2018 Meeting

Motion: Member Boele moved to adopt the minutes.

Seconded by: Member Eaton

MOTION CARRIED: March 28, 2018

Aye: Member Anderson
Member Boele
Member Brodt
Member Clark
Member Coss
Member Do
Member Ghabour
Member Godfrey
Member Gonzalez
Member Gossett
Member Kimbrough
Member Koekemoer
Member Mackenzie

Nay: None

Absent: None

Abstain: None

DELAPO Report

- *DELAPO Christine Sotelo welcomed new State Regulatory Agency Partner, Sean McCarthy, representing the Division of Drinking Water. Former member Bruce Burton has retired.*
- *Sotelo recounted ELAP's progress on the Expert Review Panel's recommendations*
- *Sotelo summarized recent communications efforts and speaking engagements*
- *Sotelo presented two informational items from ELAP's State Agency Partners*
 - *Division of Drinking Water will clarify reporting requirements for the Water Quality Monitoring Upload portal. Contact Paul Williams at paul.williams@waterboards.ca.gov for more information.*
 - *Central Valley Water Board's Irrigated Regulatory Lands Program is a new requirement for monitoring on-farm drinking water wells for nitrate. Contact Robert Ditto at robert.ditto@waterboards.ca.gov for more information.*
- *Sotelo presented an updated on the ELAP assessor training contract*
- *Sotelo reminded committee members that assessor checklists are only a tool and that laboratories are expected to know the full method.*
- *Sotelo described ongoing issues with proficiency testing compliance: non-participation, unacceptable results, reporting errors.*
- *Sotelo provided an update on ELAP's enforcement activities.*

Informational Item: Central Valley Regional Water Quality Control Board – Pyrethroid Basin Plan

Jessica Mullane, Central Valley Regional Water Quality Control Board

Jessica Mullane of the Central Valley Regional Water Quality Control Board presented information on the Board's Pyrethroid Basin Plan and asked for ELTAC assistance on several items. Five ELTAC members volunteered to work with Jessica to address her questions. These volunteers were Diane Anderson, Gail Cho, Bruce Godfrey, Rich Gossett, and David Kimbrough.

ELTAC Workgroup Update: Method Detection Limits (MDL)

David Kimbrough, Member

Member Kimbrough presented a draft recommendation regarding the implementation of the 2017 Method Update Rule (MUR) MDL procedure in drinking water, waste water, and hazardous waste matrices. Several issues were discussed and the workgroup plans to revise the draft recommendation prior to the next ELTAC meeting.

ELTAC By-Laws

Stephen Clark, Chairperson

Members provided input on proposed changes to ELAP.

- On the question of whether alternates should be allowed to vote, the committee members were in general agreement that alternates should be allowed to vote if the member notifies the chairperson before the meeting of their proxy (only one member was opposed).
- Regarding whether to make the Chairperson vote public, in an informal poll four ELTAC members believed the vote tally should be made public, while nine members believed it should not be made public, and one member abstained.

- Member Do suggested that the ELTAC committee nominate several Chairperson candidates and have ELAP select instead of a member vote.
- Chairperson Clark suggested replacing the 2/3 vote requirement with a simple majority requirement for formal recommendations.
- Chairperson Clark suggested changing the language regarding removal of members from taking place after missing three consecutive meeting to missing three meetings total.

ELAP management will consider these recommendations and revise the draft by-laws before the next meeting.

ELAP Second Preliminary Draft Regulations

Stephen Clark, Chairperson

Jacob Oaxaca presented an update on ELAP's second preliminary draft regulations. For a complete record of comments, a video recording of this meeting is posted at https://www.waterboards.ca.gov/drinking_water/certlic/labs/events_calendar.html.

Informational Item: Independent 2017 Survey of ELAP Laboratories

Amber Baylor, South Orange County Wastewater Authority

Ms. Baylor shared results from an independently administered survey of some ELAP-accredited laboratories and an opinion paper she authored.

Action Items

- ***Katelyn McCarthy – Draft minutes within one month, schedule next meeting***
- ***ELAP – revise By-Laws by next meeting***
- ***ELTAC***
 - ***Comments on preliminary draft two of regulations by 7/25 to Jacob Oaxaca***
 - ***MDL workgroup will revise recommendation***
 - ***Pyrethroids workgroup will work with Central Valley Regional Board***
 - ***PT Workgroup will meet. Chris Ryan will contact members regarding scheduling.***

Adjournment

The Committee adjourned at 3:29pm.

DELAPO REPORT

Christine Sotelo, ELAP

Accomplishments since your last meeting

- ▶ Members submitted comments on preliminary draft regulations
 - ▶ Thank you for your participation
 - ▶ More on this during the regulations update item later in the agenda

Accreditation Inquiries

- ▶ We receive many questions from laboratories regarding specific issues related to the accreditation issued to them
 - ▶ Non-compliance with application, PT, and on-site assessment or corrective action requirements can result in denial of requested subgroups
- ▶ We have a form for use in submitting questions in order to expedite our response time
- ▶ At the last ELTAC meeting, one laboratory had questions on their accreditation process during the public comment item
 - ▶ I want to share the resolution with you all

Recycled Water Policy

- ▶ An ELTAC member requested this item be discussed
- ▶ We reached out to the Division of Water Quality (DWQ)
 - ▶ Unfortunately they were unable to join us today
- ▶ We did learn that the draft is currently undergoing revision
 - ▶ DWQ may join your next meeting instead, after revised policy is released publicly

October 2nd Board Informational Item

- ▶ We presented an update on ELAP progress to the State Water Board at their October 2nd meeting
 - ▶ This included the ELTAC Chairperson annual update to the Board
- ▶ Speakers
 - ▶ Christine Sotelo
 - ▶ Mitzi Miller - update on training contract
 - ▶ Stephen Clark - ELTAC update
 - ▶ Bruce Labelle - State Agency Partner Committee Report

Summary

- ▶ We've made significant progress on Expert Review Panel recommendations
- ▶ Getting caught up on On-site Assessments of drinking water laboratories through the Assessor Training Contract
- ▶ We have some concerns about laboratory performance
 - ▶ I will share our current action strategies today

Progress on ERP Recommendations

- ▶ ELAP is a different program now
 - ▶ Implementing a quality management system
 - ▶ Enhanced communications with State Agency Partners, ELTAC, and community
 - ▶ Restructured ELAP to fulfill core functions
 - ▶ Enhanced staff training
- ▶ Still to do
 - ▶ Adopt regulations
 - ▶ Provide assistance to laboratories

Getting Caught Up on Drinking Water Lab Assessments

ELAP Assessor Training Contract Progress (October 30, 2017 - November 13, 2018)	
On-Site Assessments Completed	106
Upcoming On-Site Assessments Confirmed	10
Draft Reports In Progress	24
Final Reports Sent to Laboratories	82
Acceptable Corrective Action Responses Received	37
Unacceptable Corrective Action Responses Received	CAP1 - 45 / CAP2 - 7
Corrective Action Response Reviews in Progress	CAP1 - 9 / CAP2 - 2

Lab Performance and ELAP Actions

- ▶ We quantify lab performance through:
 - ▶ PT evaluation
 - ▶ Assessments
 - ▶ Enforcement
- ▶ We want your advice on our current action strategies for addressing concerns with results from PTs and on-site assessments
- ▶ Our primary goal is to help labs improve
 - ▶ Action strategies are designed with this in mind

PT Evaluation Results

- ▶ PT compliance issues are ongoing
 - ▶ We have discussed at ELTAC previously
- ▶ 74% of laboratories have at least one deficiency during renewal process
 - ▶ Obtained an unacceptable evaluation and did not perform a second acceptable PT (approximately 5%)
 - ▶ Did not participate in a PT study (approximately 47.5%)
 - ▶ Made errors in reporting PT study results (approximately 47.5%)

PT Action Strategy

- ▶ We send a “Failure to Comply” notice for deficiencies following PT evaluation
 - ▶ Explains what was not done correctly and how to fix it
 - ▶ This begins a 30-day period for the laboratories to correct
- ▶ This allows laboratories a second chance to comply with requirements, likely without penalty
- ▶ However, it slows down the accreditation process while many applications are on hold and requires lots of staff time
 - ▶ Some certificates may lapse
- ▶ Is this second-chance strategy a good approach?
 - ▶ Should this courtesy be extended with each application?
 - ▶ How do we deal with repeat offenders?

DW Laboratory Assessments

- ▶ Laboratories are being assessed to two things:
 - ▶ Method requirements
 - ▶ Current regulations
- ▶ Based on findings so far, we are concerned that laboratories are not performing as well as we would like
- ▶ We accept partial blame for years of ineffective and inconsistent assessments
 - ▶ And we want to help rectify this
- ▶ ELTAC can also help

OSA Action Strategy

- ▶ Deficiencies are categorized into buckets based on severity - Minor, Moderate, Severe
- ▶ The severity determines what action we take and the action required on behalf of the laboratory
- ▶ We want ELTAC feedback on our current strategy

Minor Deficiencies

- ▶ We see these are deficiencies where data quality is not severely impacted
 - ▶ Documentation issues
 - ▶ Minor method deviations
- ▶ We write these up in the On-Site Assessment Report
 - ▶ Laboratories get a chance to submit a corrective action plan
- ▶ Laboratories maintain accreditation
 - ▶ Corrections of minor deficiencies are verified at next On-Site Assessment

Moderate Deficiencies

- ▶ These have a direct and immediate impact on the data that is produced
 - ▶ Serious quality control/quality assurance deficiencies
 - ▶ Major method deviations
 - ▶ Instrumentation issues
 - ▶ Repeat findings
- ▶ These are referred to ELAP Enforcement Unit for evaluation
 - ▶ Result may be a Notice of Violation or monetary citation
 - ▶ Potential suspension
- ▶ Laboratories must submit evidence of correction within specified timeframe to maintain accreditation
 - ▶ May be verified through unannounced inspection

Severe Deficiencies

- ▶ Clear instances where data is directly and severely impacted
 - ▶ Fraud
 - ▶ Danger to the public
 - ▶ Unqualified personnel
- ▶ Legal counsel is consulted immediately
 - ▶ May result in monetary citation, suspension, or revocation
- ▶ Laboratories must undergo reaccreditation to perform regulatory work again

OSA Action Strategy

- ▶ Are our buckets correct?
- ▶ Are the corresponding actions appropriate?
- ▶ Will these actions help up achieve our goal of improving the laboratories?

ELAP SECOND PRELIMINARY DRAFT REGULATIONS

Jacob Oaxaca, ELAP

Overview

- ▶ Status Update
- ▶ Summary of Comments
- ▶ Projected Timeline

Status Update

- ▶ ELAP released the Second Preliminary Draft to ELTAC on June 14, 2018
- ▶ ELTAC comments were due to ELAP on July 25, 2018

Summary of Comments

- ▶ You submitted more than 200 comments
- ▶ ~60% of the comments were “Accepted”
 - ▶ Very useful recommendations
 - ▶ Includes affirmative comments, concurring with revisions made
 - ▶ Thank you - we are glad you agree
- ▶ ~40% of the comments were “Not Accepted”
 - ▶ Do not meet programmatic needs
 - ▶ Not within the scope or intent of regulations

Responding to Comments

- ▶ We have now been through two rounds of feedback during this regulatory development process
 - ▶ Thank you - these comments have been incredibly valuable
- ▶ Comments on preliminary drafts are used as a development tool to prepare the Final Draft text
- ▶ The Final Rulemaking Package will include a formal Response to Comments
 - ▶ Responses to comments on both preliminary drafts and the Final Draft will be included

Third Preliminary Draft

- ▶ The number of ELTAC comments was significantly more than we anticipated
 - ▶ We had to adjust our timeline for release of third preliminary draft
- ▶ We anticipate releasing to the community in December 2018
 - ▶ This will begin a 30-day public comment period
- ▶ ELAP will hold one public workshop in Sacramento following public release
 - ▶ To ensure the text is clear and complete
 - ▶ We will solicit comments and answer questions
 - ▶ Workshop will be webcast

Next Steps

- ▶ Release Third Preliminary Draft text to the public
 - ▶ Anticipate releasing in December
 - ▶ The release opens a 30-day public comment period
- ▶ Stakeholder workshop
- ▶ Finalize text based on accepted stakeholder feedback and prepare rulemaking package
- ▶ Enter formal Rulemaking Process in early 2019
 - ▶ This includes a State Board Public Workshop
- ▶ Anticipate adoption hearing sometime in mid 2019

Further Questions or Comments?

LUNCH - Resume at 1:15pm

ELTAC WORKGROUP UPDATES

Workgroups

- ▶ Regional Board 5 Pyrethroid Workgroup - Presented by Rich Gossett
 - ▶ *Members: Diane Anderson, Gail Cho, Bruce Godfrey, David Kimbrough, Rich Gossett*
 - ▶ 10 mins

- ▶ Method Detection Limit/MUR - Presented by David Kimbrough
 - ▶ *Members: Gail Cho, Huy Do, Miriam Ghabour, David Kimbrough*
 - ▶ 30 mins

DRAFT RECOMMENDATION:
METHOD DETECTION LIMIT (MDL) REQUIREMENTS FOR CA ELAP FOTS:

ELTAC WORKGROUP:

DAVID KIMBROUGH, MIRIAM GHABOUR, HUY DO, GAIL CHO

CA ELAP REPRESENTATIVE:

ANGELA ANAND

The use of the Method Detection Limit (MDL) is for the determination of laboratory compliance with accreditation requirements. The following guidance includes requirements, clarification, and permissions to facilitate implementation, regardless of the intent of the regulation.

- 1) All laboratories accredited under Fields of Testing pertaining to Clean Water Act compliance monitoring for the Regional Water Quality Control Board, State Water Resources Control Board – Division of Water Quality, or other related agencies (Title 22 § 64823 Fields of Testing 16 through 19, also known as Fields of Testing 108-111) must use the new procedure for determining the Method Detection Limit as described in the 2017 Method Update Rule for all methods where the MDL is required. The MDL procedure is not applicable to methods that do not produce results with a continuous distribution, such as, but not limited to, methods for whole effluent toxicity, presence/absence methods, and microbiological methods that involve counting colonies. The MDL procedure also is not applicable to measurements such as, but not limited to, biochemical oxygen demand, color, pH, specific conductance, many titration methods, and any method where low-level spiked samples cannot be prepared. MDL determinations using spiked samples may not be appropriate for all gravimetric methods (e.g., residue or total suspended solids), but an MDL based on method blanks can be determined in such instances. The new MDL procedure should be used by any laboratory using any method that is being reported to Regional Water Quality Control Board, State Water Resources Control Board – Division of Water Quality, or other related agencies for compliance purposes irrespective of whether the method is promulgated specifically for this application.
- 2) All laboratories accredited under Fields of Testing pertaining to Toxic Substance Control Act, Resource Conservation and Recovery Act, and Comprehensive Environmental Response, Compensation, and Liability Act compliance monitoring for the Department of Toxic Substance Control Act or other related agencies (Title 22 § 64823 Fields of Testing 8 through 13, also known as Fields of Testing 114-118) should use the Method Detection Limit as described in SW-846 Chapter 1 Third Update. The MDL procedure also is not applicable to measurements such as, but not limited to pH, specific conductance, many titration methods, flammability, corrosivity, and any method where low-level spiked samples cannot be prepared. Optionally, laboratories that are accredited for methods which require the determination of the MDL may use the new method described in the Method Update Rule without penalty.
- 3) All laboratories accredited under Fields of Testing pertaining to Safe Drinking Water Act compliance monitoring for the State Water Resources Control Board – Division of Water Quality (Title 22 § 64823 Fields of Testing 1 through 6, also known as Fields of Testing 102-105) and are accredited for methods which require the determination of the MDL may either use the MDL described in those individual methods or the new method described in the Method Update Rule without penalty, with the following exceptions:

When Part 136, Appendix B is explicitly cited by the Code of Federal Regulations (40CFR), the laboratory is required to follow the new procedure for determining the Method Detection Limit as described in the 2017 Method Update Rule. The applicable regulatory citations consist of methods for the analysis of Volatile Organic Compounds (VOC) including vinyl chloride and methods for the analysis of lead and copper.

When Part 136, Appendix B is explicitly cited by the method approved for drinking water analysis, the laboratory is required to follow the new procedure for determining the Method Detection Limit as described in the 2017 Method Update Rule. This is applicable to methods published by EPA and voluntary consensus standard bodies, such as ASTM International and the Standard Methods Committee.

DRAFT

ELTAC BY-LAWS

Amending the By-Laws

- ▶ Review is required every two years
- ▶ We presented a preliminary second revision at your last meeting
 - ▶ Revisions were made after we received your input and comments

Decisions Made Since July Meeting

- ▶ We accepted the committee suggestion to allow voting by proxy
 - ▶ Notification must be made to Chairperson and DELAPO at least 48 hours prior to the meeting
- ▶ We accepted the committee recommendation to have Chairperson vote tally remain secret
- ▶ We accepted the committee suggestion to include dismissal of a member who misses three total meetings during their two-year term
- ▶ We denied the committee suggestion to remove 2/3 vote requirement for formal recommendations
 - ▶ Committee votes that do not meet this threshold still serve an advisory purpose
 - ▶ For formal policy recommendations, we desire consensus

Vote on By-Laws Revision

- ▶ Revision must receive a 2/3 majority vote of voting members
 - ▶ And must be approved by the Deputy Director of the Division of Drinking Water
- ▶ Vote is scheduled for today

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ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE

BY-LAWS
Adopted 02/04/2016
Revised xx/xx/xxxx

Mission Statement: ELTAC serves to facilitate transparency, as an inclusive conduit for the fair and balanced exchange of information and dialogue between the laboratory community, California regulatory agencies, data users, and ELAP. 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. ELTAC partners with ELAP to create and maintain a high-quality accreditation program to meet the needs of the laboratory community, California regulatory agencies, and data users.

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ARTICLE I

Name

The name of this Committee shall be the Environmental Laboratory Technical Advisory Committee (ELTAC).

ARTICLE II

Bagley-Keene Open Meeting Act

All meetings shall be conducted in accordance with the provisions of the Bagley-Keene Open Meeting Act (Government Code, Title 2, Division 3, Chapter 1 (commencing with Section 11120)), and each member is subject to the provisions of the Bagley-Keene Open Meeting Act. No provision of these By-Laws is intended to nor may be interpreted to conflict with or supplement the Bagley-Keene Open Meeting Act.

ARTICLE III

Objectives and Functions

ELTAC serves to implement objectives and requirements authorized in Section 100863 of the California Health and Safety Code.

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ELTAC is established in law to "assist, advise and make recommendations regarding technical, scientific, and administrative matters concerning the accreditation or certification of environmental laboratories." (Health and Safety Code Section 100863) The law further provides that: "Subcommittees of the committee may be appointed consisting of committee members and other persons having particular knowledge of a subject area, for the purpose of assisting the ... [State Water Resources Control Board] on special problems and making recommendations to the Committee for consideration in the establishment of rules and regulations."

ELTAC shall assist the State Water Resources Control Board, Division of Drinking Water (hereafter referred to as "Division"), Environmental Laboratory Accreditation.

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Program (hereafter referred to as "ELAP") by providing advice and making recommendations regarding technical and scientific matters for the establishment of rules and regulations that will ensure the proper administration and enforcement of provisions pursuant to Health and Safety Code, sections 100825-100920 as well as provisions in other statutes that impact environmental laboratory activity.

The Committee shall also function as a means of exchanging information and opinions related to environmental laboratory technology, methods, and practice. In support of this function, ELAP may request ELTAC member laboratories participate in outreach and education efforts and allow assessors the ability to tour their laboratories in order to learn about technologies the assessors have not previously witnessed.

ELTAC shall assist ELAP in:

- A. Developing scientifically rigorous recommendations regarding issues that impact the regulated laboratory community, regulatory agencies, and data users
- B. Improving communications and outreach between ELAP and its stakeholder communities
- C. The ~~operation and~~ improvement of ELAP
- D. The implementation of a performance based, transparent accreditation program that is accountable to ELAP stakeholders

ARTICLE IV

Membership

A. Types of Members

1. Designated Environmental Laboratory Accreditation Program Officer (DELAPO)

A full-time employee of ELAP shall be appointed as the DELAPO by the Deputy Director of the Division of Drinking Water (hereafter referred to as "Deputy Director"). The DELAPO or a designee shall be present at all of the meetings of the Committee and Subcommittees. Meetings may not be conducted in the absence of the DELAPO or designee. Each meeting shall be conducted in accordance with an agenda approved in advance by the DELAPO. The DELAPO is authorized to adjourn any meeting when he or she determines it is in the public's best interest to do so. The DELAPO is not a voting member of the Committee.

2. Representative Member (Representative)

A Representative is an individual who is appointed by the Deputy Director to speak on behalf of a group, organization, or any other recognizable

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group of persons having an interest in matters before ELTAC.
Representatives are voting members of ELTAC.

3. State Regulatory Agency Employee (SRAE)

SRAEs are appointed by the Deputy Director to speak on behalf of a California State board, department or office by which they are currently employed. SRAEs are not voting members of ELTAC.

4. Chairperson

This position shall be held by a current Representative. Annually, the Chairperson shall present a summary of ELTAC's scope of work to the State Water Board Members, which will be distributed to ELTAC. The Chairperson shall be elected by voting members of ELTAC. The Chairperson shall solicit and create agenda items for ELTAC meetings. ~~The Chairperson shall~~ submit the agenda to the DELAPO at least 30 days before the scheduled ELTAC meeting for approval. The Chairperson is highly encouraged to be present at all meetings held in Sacramento. Voting for the Chairperson shall follow voting procedure as outlined in Article V. This member retains full voting privileges.

5. Scribe

The Scribe shall be an ELAP staff member who is appointed by the DELAPO. The Scribe is responsible for the meeting minutes, which shall highlight discussions and decisions made on agenda items and other orders of business. The Scribe shall make the minutes available to the public after the committee approves them. This is not a voting position.

B. Composition

ELTAC shall be comprised of the DELAPO and approximately fifteen (15) members (Representatives and SRAEs, also known as the committee) to speak on behalf of interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. One of the current Representatives shall serve as the Chairperson. The Committee shall consist of a broad range of individuals who come from interested parties and environmental laboratories that have a wide range of expertise that includes, but is not limited to, ELAP's fields of testing.

There shall be committee members from both Northern and Southern California, and from the following categories: from both publicly and privately-owned laboratories, and ~~from~~ laboratories of all sizes. Those serving on ELTAC shall be selected by the Deputy Director based upon their expertise and knowledge of: conformity and standards development, laboratory quality systems and accreditation, analytical methods and methods development, overall analytical laboratory operations; and familiarity of regulatory framework and requirements for compliance needs. Membership Committee member terms shall be ~~established~~ established, and term appointments maintained in

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such a manner as to require a minimum number of new appointments from each category each year, with terms_

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overlapping to maintain stability and continuity within ELTAC. The ~~membership committee members~~ of ELTAC shall be constituted such that no one set of stakeholders shall have dominance over ELTAC and every Representative has substantive knowledge of ELAP services and environmental laboratory operations.

C. Terms for Representatives, SRAEs and the Chairperson

1. The membership term for Representatives and SRAEs shall be two (2) years unless an appointment is made to fill an un-expired term of a member not completing a term, in which case appointments of less than two (2) years may be made.
2. Representatives and SRAEs of ELTAC may not be appointed for more than four (4) consecutive years of service with a maximum lifetime service of six (6) years. In order to preserve representation on the ELTAC, with the consent of the incumbent member, current appointments shall be continued with full voting rights and privileges until replacements are seated.
3. The term of the Chairperson shall be one (1) year. The Chairperson shall not have restrictions on the amount of terms that can be served, as this position is elected annually.

D. Expectations

Representatives and SRAEs must have the resources and technical expertise to support participation on ELTAC. Representatives and SRAEs are expected to attend all ELTAC meetings, and provide an oral report out to ELTAC during the ~~October-Fall~~ meeting on communication held with their constituents. ELAP shall provide representatives with constituent contact information at the beginning of a member's term. Representatives may expand their contact list to include additional interested parties and will share their constituent list with ELAP upon request. Failure to provide reports may result in dismissal from ELTAC at the discretion of the Deputy Director. ~~In order to facilitate discussion, Representatives and SRAEs may attend meetings in person.~~ Meetings must be attended in person or remotely. Failure to attend ELTAC meetings may result in dismissal as outlined in Section E of this Article.

E. Absences and Dismissal

In the event a Representative or SRAE cannot attend an ELTAC meeting, he/she may choose an alternate to attend the meeting. An alternate may ~~speak-vote~~ on behalf of a Representative if notification of the alternate's attendance is made to the DELAPO and Chairperson at least 48 hours in advance of the meeting. ~~or SRAE but the alternate's presence does not count toward a quorum. If a Representative or SRAE has sent an alternate in his/her place, that alternate shall not vote on agenda items.~~ If the Chairperson cannot attend an ELTAC meeting, he or she must select an alternate to act as the Chairperson from existing ELTAC membership. A Representative/SRAE may be removed by the Deputy Director or by a 2/3 vote by

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the voting members on ELTAC. In the event a Representative or SRAE obtains work in a new field or fails to represent his/her constituents by missing three consecutive ELTAC meetings within that person's two-year term or failing to provide a report out on constituency communications, a new Representative or SRAE shall take his/her place in accordance with the process outlined in Article V.

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ARTICLE V

Appointments, Elections and Voting

A. Representative and SRAE Appointments

ELTAC shall consist of members appointed by the Division of Drinking Water Deputy Director. Applications for Representative and SRAE positions shall be submitted annually in writing to the DELAPO by a date specified by ELAP but no later than the 15th of September ~~90 days prior to the start date of a new membership term.~~ Vacancies will be advertised by ELAP to the laboratory community. A complete package will include:

1. The applicant's/nominee's full name, title, institutional affiliation, and contact information.
2. The applicant's/nominee's area(s) of expertise.
3. A summary of qualifications (1-2 sentences) outlining the individual's technical expertise and who they would represent. Inclusion of a curriculum vitae or resume is desirable.
4. Letter of recommendation or written endorsement from an organization, association, etc. (optional)

The Deputy Director shall appoint all Representatives and SRAEs after evaluating nominations. The Chief of ELAP, the Deputy Director and the Assistant Deputy Director of the Division of Drinking Water shall evaluate all nominees for eligibility and make their selection based on the most qualified candidate(s). In selecting committee members, executive personnel shall consider candidates who represent the different technical fields within the laboratory community, regulatory agencies, and data users. All nominations shall be made public.

B. Nominating the Chairperson

Before proceeding to the election for the Chairperson, one or more candidates must be nominated by a current Representative or SRAE at the meeting preceding the Fall-October ~~ELTAC~~ meeting. The nomination must be accepted by the nominee in order to be considered as an eligible candidate in the voting process. When nominations are completed, the voting members, as provided for in these By-Laws, shall elect the Chairperson.

C. Electing the Chairperson

Voting for the Chairperson shall be conducted during the October-Fall ~~ELTAC~~ meeting by secret ballot. Each Representative shall be allowed one vote. The Chairperson shall be decided by a simple majority vote. Voting is not binding and the Deputy Director may appoint a different Chairperson if he/she deems it necessary.

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ARTICLE VI

Operational Procedures

A. Quorum

The presence of one-half plus one of the total members on ELTAC (Representatives and SRAEs) shall constitute a quorum for the transaction of business. In the absence of a quorum, no official action may be taken by the ELTAC.

B. Meetings

1. ELTAC shall meet at least three (3) times a year. The DELAPO shall schedule meetings. One of these meetings shall be held in ~~October~~ the Fall.
2. Emergency or special meetings may be scheduled and held in accordance with Article II.
3. Unless otherwise scheduled by the DELAPO, all ELTAC meetings shall reside in Sacramento.
4. The proceedings of ELTAC shall be called to order and adjourned by the ~~DELAPO Chairperson~~ and shall follow Robert's Rules of Order, newly revised.

C. By-Laws

1. These By-Laws must be reviewed by ELTAC for amendments no less than once every two (2) years.
2. These By-Laws may be amended by a two-thirds (2/3) majority vote of ELTAC's members pending final approval from the Deputy Director.
3. The Deputy Director reserves the right to make amendments to these By-Laws without the ELTAC's consent. ELTAC reserves the right to appeal these amendments to the State Water Resources Control Board during the public comment period of a regularly scheduled Board meeting.

D. Recommendations

1. A recommendation is any endorsement by ELTAC of action or policy adoption on behalf of ELAP. A recommendation must contain detail about the action the committee is recommending ELAP take. A 2/3 passing vote is required.
- ~~1.2.~~ Any recommendation(s) made to ELAP must be submitted in writing through letter or email to the DELAPO.
- ~~2.3.~~ The DELAPO will respond no later than thirty (30) days after the recommendation has been received. The response shall be posted to the website, as well as emailed to ELTAC. The response shall include whether the DELAPO will accept or deny the recommendation, or if more time is needed.

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E. Voting on Agenda Items During ELTAC Meetings

Only Representatives ~~and SRAEs~~ may vote for items on the ELTAC agenda unless ELTAC has decided otherwise in a previous meeting. It shall be a goal of ELTAC to reach a consensus on each agenda item.

F. Subcommittees and Consultants

Subcommittees may be established by ELTAC as needed. Each member of a Subcommittee, including persons who have not been appointed as or designated as_

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Representatives or SRAEs of ELTAC, must also comply with the provisions stated in Article II. Subcommittee members shall be appointed by the DELAPO. Membership on such Subcommittees may include members of the public; however, there must be at least one Representative or SRAE on any Subcommittee. All Subcommittee meetings shall be conducted in accordance with Article II. Only Subcommittee members may vote on issues before the Subcommittee. The DELAPO may request consultants to present information at a meeting of ELTAC or a meeting of a Subcommittee.

G. Regulations

Where possible, ELAP shall seek advice from ELTAC on all regulations and fees developed by ELAP related to environmental laboratory technology and practice. ELTAC may (by action taken at a public meeting) request that its comments on proposed regulations be submitted to the State Water Resources Control Board, and the DELAPO shall ~~do so upon request-submit the comments to the State Water Resources Control Board~~. Individual members of ELTAC retain their right as a member of the public to submit comments on proposed regulations.

H. Minutes

A record shall be made by the Scribe of actions taken at each meeting by ELTAC and Subcommittee(s). The record shall then be posted in draft form on ELAP's website (www.waterboards.ca.gov/elap) ~~within 30 days following a meeting and~~ until it can be approved by ELTAC. The minutes may only be approved at an ELTAC meeting ~~or Subcommittee meeting~~ whose actions are described in the minutes. The DELAPO shall designate a person to act as Scribe for each closed session of the ELTAC and any Subcommittee.

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ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE

BY-LAWS

Adopted 02/04/2016

Revised xx/xx/xxxx

Mission Statement: ELTAC serves to facilitate transparency, as an inclusive conduit for the fair and balanced exchange of information and dialogue between the laboratory community, California regulatory agencies, data users, and ELAP. 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. ELTAC partners with ELAP to create and maintain a high-quality accreditation program to meet the needs of the laboratory community, California regulatory agencies, and data users.

ARTICLE I

Name

The name of this Committee shall be the Environmental Laboratory Technical Advisory Committee (ELTAC).

ARTICLE II

Bagley-Keene Open Meeting Act

All meetings shall be conducted in accordance with the provisions of the Bagley-Keene Open Meeting Act (Government Code, Title 2, Division 3, Chapter 1 (commencing with Section 11120)), and each member is subject to the provisions of the Bagley-Keene Open Meeting Act. No provision of these By-Laws is intended to nor may be interpreted to conflict with or supplement the Bagley-Keene Open Meeting Act.

ARTICLE III

Objectives and Functions

ELTAC serves to implement objectives and requirements authorized in Section 100863 of the California Health and Safety Code.

ELTAC is established in law to "assist, advise and make recommendations regarding technical, scientific, and administrative matters concerning the accreditation or certification of environmental laboratories." (Health and Safety Code Section 100863) The law further provides that: "Subcommittees of the committee may be appointed consisting of committee members and other persons having particular knowledge of a subject area, for the purpose of assisting the ... [State Water Resources Control Board] on special problems and making recommendations to the Committee for consideration in the establishment of rules and regulations."

ELTAC shall assist the State Water Resources Control Board, Division of Drinking Water (hereafter referred to as "Division"), Environmental Laboratory Accreditation Program (hereafter referred to as "ELAP") by providing advice and making recommendations regarding technical and scientific matters for the establishment of rules and regulations that will ensure the proper administration and enforcement of provisions pursuant to Health and Safety Code, sections 100825-100920 as well as provisions in other statutes that impact environmental laboratory activity.

The Committee shall also function as a means of exchanging information and opinions related to environmental laboratory technology, methods, and practice. In support of this function, ELAP may request ELTAC member laboratories participate in outreach and education efforts and allow assessors the ability to tour their laboratories in order to learn about technologies the assessors have not previously witnessed.

ELTAC shall assist ELAP in:

- A. Developing scientifically rigorous recommendations regarding issues that impact the regulated laboratory community, regulatory agencies, and data users
- B. Improving communications and outreach between ELAP and its stakeholder communities
- C. The improvement of ELAP
- D. The implementation of a performance based, transparent accreditation program that is accountable to ELAP stakeholders

ARTICLE IV

Membership

A. Types of Members

- 1. Designated Environmental Laboratory Accreditation Program Officer (DELAPO)

A full-time employee of ELAP shall be appointed as the DELAPO by the

Deputy Director of the Division of Drinking Water (hereafter referred to as “Deputy Director”). The DELAPO or a designee shall be present at all of the meetings of the Committee and Subcommittees. Meetings may not be conducted in the absence of the DELAPO or designee. Each meeting shall be conducted in accordance with an agenda approved in advance by the DELAPO. The DELAPO is authorized to adjourn any meeting when he or she determines it is in the public’s best interest to do so. The DELAPO is not a voting member of the Committee.

2. Representative Member (Representative)

A Representative is an individual who is appointed by the Deputy Director to speak on behalf of a group, organization, or any other recognizable group of persons having an interest in matters before ELTAC.

Representatives are voting members of ELTAC.

3. State Regulatory Agency Employee (SRAE)

SRAEs are appointed by the Deputy Director to speak on behalf of a California State board, department or office by which they are currently employed. SRAEs are not voting members of ELTAC.

4. Chairperson

This position shall be held by a current Representative. Annually, the Chairperson shall present a summary of ELTAC’s scope of work to the State Water Board Members, which will be distributed to ELTAC. The Chairperson shall be elected by voting members of ELTAC. The Chairperson shall solicit and create agenda items for ELTAC meetings and submit the agenda to the DELAPO at least 30 days before the scheduled ELTAC meeting for approval. The Chairperson is highly encouraged to be present at all meetings held in Sacramento. Voting for the Chairperson shall follow voting procedure as outlined in Article V.

This member retains full voting privileges.

5. Scribe

The Scribe shall be an ELAP staff member who is appointed by the DELAPO. The Scribe is responsible for the meeting minutes, which shall highlight discussions and decisions made on agenda items and other orders of business. The Scribe shall make the minutes available to the public after the committee approves them. This is not a voting position.

B. Composition

ELTAC shall be comprised of the DELAPO and approximately fifteen (15) members (Representatives and SRAEs, also known as the committee) to speak on behalf of interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. One of the current Representatives shall serve as the Chairperson. The Committee shall consist of a broad range of individuals who come from interested parties and environmental laboratories that

have a wide range of expertise that includes, but is not limited to, ELAP's fields of testing. There shall be committee members from both Northern and Southern California, and from the following categories: publicly and privately-owned laboratories, and laboratories of all sizes. Those serving on ELTAC shall be selected by the Deputy Director based upon their expertise and knowledge of: conformity and standards development, laboratory quality systems and accreditation, analytical methods and methods development, overall analytical laboratory operations; and familiarity of regulatory framework and requirements for compliance needs. Committee member terms shall be established, and term appointments maintained in such a manner as to require a minimum number of new appointments from each category each year, with terms overlapping to maintain stability and continuity within ELTAC. The committee members of ELTAC shall be constituted such that no one set of stakeholders shall have dominance over ELTAC and every Representative has substantive knowledge of ELAP services and environmental laboratory operations.

C. Terms for Representatives, SRAEs and the Chairperson

1. The membership term for Representatives and SRAEs shall be two (2) years unless an appointment is made to fill an un-expired term of a member not completing a term, in which case appointments of less than two (2) years may be made.
2. Representatives and SRAEs of ELTAC may not be appointed for more than four (4) consecutive years of service with a maximum lifetime service of six (6) years. In order to preserve representation on the ELTAC, with the consent of the incumbent member, current appointments shall be continued with full voting rights and privileges until replacements are seated.
3. The term of the Chairperson shall be one (1) year. The Chairperson shall not have restrictions on the amount of terms that can be served, as this position is elected annually.

D. Expectations

Representatives and SRAEs must have the resources and technical expertise to support participation on ELTAC. Representatives and SRAEs are expected to attend all ELTAC meetings and provide an oral report out to ELTAC during the Fall meeting on communication held with their constituents. ELAP shall provide representatives with constituent contact information at the beginning of a member's term.

Representatives may expand their contact list to include additional interested parties and will share their constituent list with ELAP upon request. Failure to provide reports may result in dismissal from ELTAC at the discretion of the Deputy Director. Meetings must be attended in person. Failure to attend ELTAC meetings may result in dismissal as outlined in Section E of this Article.

E. Absences and Dismissal

In the event a Representative or SRAE cannot attend an ELTAC meeting, he/she may choose an alternate to attend the meeting. An alternate may vote on behalf of a Representative if notification of the alternate's attendance is made to the DELAPO and Chairperson at least 48 hours in advance of the meeting. If the Chairperson cannot attend an ELTAC meeting, he or she must select an alternate to act as the Chairperson from existing ELTAC membership. A Representative/SRAE may be removed by the Deputy Director or by a 2/3 vote by the voting members on ELTAC. In the event a Representative or SRAE obtains work in a new field or fails to represent his/her constituents by missing three ELTAC meetings within that person's two-year term or failing to provide a report out on constituency communications, a new Representative or SRAE shall take his/her place in accordance with the process outlined in Article V.

ARTICLE V

Appointments, Elections and Voting

A. Representative and SRAE Appointments

ELTAC shall consist of members appointed by the Division of Drinking Water Deputy Director. Applications for Representative and SRAE positions shall be submitted annually in writing to the DELAPO by a date specified by ELAP but no later than 90 days prior to the start date of a new membership term. Vacancies will be advertised by ELAP to the laboratory community. A complete package will include:

1. The applicant's/nominee's full name, title, institutional affiliation, and contact information.
2. The applicant's/nominee's area(s) of expertise.
3. A summary of qualifications (1-2 sentences) outlining the individual's technical expertise and who they would represent. Inclusion of a curriculum vitae or resume is desirable.
4. Letter of recommendation or written endorsement from an organization, association, etc. (optional)

The Deputy Director shall appoint all Representatives and SRAEs after evaluating nominations. The Chief of ELAP, the Deputy Director and the Assistant Deputy Director of the Division of Drinking Water shall evaluate all nominees for eligibility and make their selection based on the most qualified candidate(s). In selecting committee members, executive personnel shall consider candidates who represent the different technical fields within the laboratory community, regulatory agencies, and data users. All nominations shall be made public.

B. Nominating the Chairperson

Before proceeding to the election for the Chairperson, one or more candidates must be nominated by a current Representative or SRAE at the meeting preceding the Fall ELTAC meeting. The nomination must be accepted by the nominee in order to

be considered as an eligible candidate in the voting process. When nominations are completed, the voting members, as provided for in these By-Laws, shall elect the Chairperson.

C. Electing the Chairperson

Voting for the Chairperson shall be conducted during the Fall ELTAC meeting by secret ballot. Each Representative shall be allowed one vote. The Chairperson shall be decided by a simple majority vote. Voting is not binding and the Deputy Director may appoint a different Chairperson if he/she deems it necessary.

ARTICLE VI

Operational Procedures

A. Quorum

The presence of one-half plus one of the total members on ELTAC (Representatives and SRAEs) shall constitute a quorum for the transaction of business. In the absence of a quorum, no official action may be taken by the ELTAC.

B. Meetings

1. ELTAC shall meet at least three (3) times a year. The DELAPO shall schedule meetings. One of these meetings shall be held in the Fall.
2. Emergency or special meetings may be scheduled and held in accordance with Article II.
3. Unless otherwise scheduled by the DELAPO, all ELTAC meetings shall reside in Sacramento.
4. The proceedings of ELTAC shall be called to order and adjourned by the Chairperson and shall follow Robert's Rules of Order, newly revised.

C. By-Laws

1. These By-Laws must be reviewed by ELTAC for amendments no less than once every two (2) years.
2. These By-Laws may be amended by a two-thirds (2/3) majority vote of ELTAC's members pending final approval from the Deputy Director.
3. The Deputy Director reserves the right to make amendments to these By-Laws without the ELTAC's consent. ELTAC reserves the right to appeal these amendments to the State Water Resources Control Board during the public comment period of a regularly scheduled Board meeting.

D. Recommendations

1. A recommendation is any endorsement by ELTAC of action or policy adoption on behalf of ELAP. A recommendation must contain detail about the action the committee is recommending ELAP take. A 2/3 passing vote is required.

2. Any recommendation(s) made to ELAP must be submitted in writing through letter or email to the DELAPO.
3. The DELAPO will respond no later than thirty (30) days after the recommendation has been received. The response shall be posted to the website, as well as emailed to ELTAC. The response shall include whether the DELAPO will accept or deny the recommendation, or if more time is needed.

E. Voting on Agenda Items During ELTAC Meetings

Only Representatives may vote for items on the ELTAC agenda unless ELTAC has decided otherwise in a previous meeting. It shall be a goal of ELTAC to reach a consensus on each agenda item.

F. Subcommittees and Consultants

Subcommittees may be established by ELTAC as needed. Each member of a Subcommittee, including persons who have not been appointed as or designated as Representatives or SRAEs of ELTAC, must also comply with the provisions stated in Article II. Subcommittee members shall be appointed by the DELAPO. Membership on such Subcommittees may include members of the public; however, there must be at least one Representative or SRAE on any Subcommittee. All Subcommittee meetings shall be conducted in accordance with Article II. Only Subcommittee members may vote on issues before the Subcommittee. The DELAPO may request consultants to present information at a meeting of ELTAC or a meeting of a Subcommittee.

G. Regulations

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H. Minutes

A record shall be made by the Scribe of actions taken at each meeting by ELTAC and Subcommittee(s). The record shall then be posted in draft form on ELAP's website (www.waterboards.ca.gov/elap) within 30 days following a meeting and until it can be approved by ELTAC. The minutes may only be approved at an ELTAC meeting whose actions are described in the minutes. The DELAPO shall designate a person to act as Scribe for each closed session of the ELTAC and any Subcommittee.

ELTAC CHAIRPERSON ELECTION

Voting Members

Voting Procedure

- ▶ Secret ballot - two candidates
 - ▶ Stephen Clark, Pacific EcoRisk
 - ▶ Ron Coss, Orange County Sanitation District
- ▶ Both candidate's qualifications are in the meeting materials
- ▶ We will collect votes and notify members of the results following the meeting
 - ▶ Darrin Polhemus, Deputy Director of the Division of Drinking Water, makes the final decision

*ELTAC By-Laws, Article V, Section C, **Electing the Chairperson***

Each [voting] Representative shall be allowed one vote. The Chairperson shall be decided by a simple majority vote. Voting is not binding and the Deputy Director may appoint a different Chairperson if he/she deems it necessary.

Candidate # 1 - Stephen Clark, Pacific EcoRisk

I received a B.S. in biology with a focus in marine biology from CSU, Stanislaus, and performed my doctorate work in ecotoxicology in the UC Davis Pharmacology and Toxicology Graduate Group. For over 28 years, I have been directing and participating in aquatic ecotoxicology and environmental chemistry research and testing, as well as large-scale monitoring programs. In 1999, I joined Pacific EcoRisk (PER), an environmental consulting and testing company in Fairfield, CA. I have served as PER's Laboratory Director, QA Officer, am currently one of PER's Vice Presidents, and was instrumental in transitioning PER's laboratory to obtain NELAP accreditation in 2004. I also have extensive experience serving as a member of technical committees, including the Technical Issues Committee and Pesticide Evaluation Advisory Group for Central Valley Regional Board's Irrigated Lands Regulatory Program, both of which provided me with insights regarding both toxicity and analytical chemistry issues related to ELTAC's lab accreditation role. I also have professional experience leading scientific organizations (e.g., past President of NorCal SETAC) and community organizations (e.g., past President of the Stockton Youth Soccer Association). I look forward to the opportunity to bring both my technical experience and organizational coordination experience to serve as the ELTAC chair, specifically working to facilitate effective meeting planning/execution, as well as a smooth plan to transition CA labs from ELAP to NELAP accreditation.

Candidate # 2 - Ron Coss

I am seeking to become the next Chair of ELTAC with the goal of building greater consensus support for ELAP and the new laboratory accreditation standards they are proposing. First, I would like to acknowledge and complement our previous chairs of ELTAC, Stephen Clark and Andy Eaton. They did a fine job of guiding ELTAC and working with ELAP in the development of regulations we all can live with. However, they both represent large private laboratories and, considering the composition of laboratories accredited by ELAP, I believe we would be well served to appoint a representative from a municipal laboratory to be our next Chair. I believe a change in focus for ELTAC will aid in gaining support from the small laboratory community.

I have spent over thirty (30) years of my career working, supervising and managing public sector laboratories. For the past eight years, I've managed the laboratory for the Orange County Sanitation District, overseeing about thirty (30)

analysts. Prior to my current position, I managed a laboratory for CH2M Hill for nearly three years with no dedicated analysts, only Operations staff. Before that I worked for the City of San Diego for twenty-seven years (27), initially as a microbiologist, eventually rising to a management position. I understand the issues and concerns of small labs and large labs alike, having worked in and managed both. I have taken a new laboratory successfully through the ELAP accreditation process, as well as leading my current laboratory successfully through the TNI accreditation process.

I could go on, but I'll keep this short: I am ready to work hard as your chair, seek greater input and strive for increased consensus from ELTAC, and to do as much as I can to gain support from as many laboratories as possible for California's new accreditation standards.

CLOSE - REVIEW ACTION ITEMS

Stephen Clark, Chairperson