



City Of Ukiah Wastewater Treatment Plant

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Submitted via Electronic Mail to:

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-2000



Subject: Comment Letter – ELAP Regulations Development/Laboratory Standard

To the Members of the State Water Resources Control Board:

On September 6, 2016 the State Board gave notice that they would be holding a Workshop on proposed changes to the laboratory accreditation regulations. The deadline for the submittal of comments is noon, Friday September 16, 2016 which is nine and one half working days. The focus of the proposed changes is the Environmental Laboratory Accreditation Program's (ELAP) proposal to use Volume 1 of the "NELAC Institutes" (TNI) 2016 documents as the basis for laboratory accreditation. The City of Ukiah WWTP would like to respectfully submit the following comments to the Board for consideration on this topic.

Extensive Work

California has more accredited environmental laboratories than any other state. A substantial number of those ELAP accredited laboratories have one or two full time staff members; the City of Ukiah has a staff of one. The scope of the proposed changes is enormous. The paperwork and documentation requirements alone under TNI would be extremely difficult for a small laboratory to sustain. It is critical to public health and the environment for public agencies to maintain in-house laboratories. Burdensome TNI requirements do not necessarily directly relate to better or more reliable data. For example, spending laboratory time and energy to document how a vendor is chosen will not improve data quality. Instead, these requirements will likely lead to an increase in public agencies refusing to certify their own laboratories, and instead simply send out all analysis. Contracting out critical data analysis leaves a delay in communication of results, potentially compromising operational processes and public or environmental health. Additionally, there are parameters in our discharge permit, such as pH and temperature, that would be out of compliance if the samples were sent to an outside laboratory.

Increased Costs

ELAP has already significantly increased their annual fees, and has made it clear that fee increases will continue. (Notice of a 25% fee increase was received yesterday). Implementing TNI will simply compound the rising budget needs of maintaining a water quality laboratory. For example, the requirement to double the frequency of PT Studies from once per year to twice per year is enough to cause some agencies significant financial hardship. That does not even take into account the considerable hours that will be required to develop new SOPs, laboratory manuals, laboratory documents and bench sheets. The TNI website states that it could take a year and a half to two years of full-time hours dedicated to getting all of the initial documentation established. Educational and training needs, and associated costs will also increase if TNI is implemented. Small agencies simply do not have the resources or budget to dedicate to such a monumental task.

Technical Certification

Another area of concern is the lack of technical certification recognition in the TNI document. The 2016 TNI Standard does require a Bachelor's Degree for top lab staff, but does not recognize technical certifications, although there is an exemption for a water/wastewater operator certificate. The technical certification is currently recognized as equivalent (as currently stated in Title 22, ELAP regulation, Article 9) and both CWEA and AWWA certifications both serve this purpose for Utility labs. Wastewater testing and documentation procedures are not specifically included or required within any major in most colleges. Recognizing CWEA technical certifications is a critical component in any standard for wastewater labs the state adopts to ensure that lab staff have the requisite knowledge, skills and abilities in the very specific field of wastewater analysis. The CWEA Technical Certification Program is the backbone of the CWEA, providing employers confidence that employees are properly trained. The certificate holders must possess the appropriate degree of work experience and education in addition to passing proficiency exams to gain their certifications. Lab analyst certification is a necessary part of the requirement for wastewater laboratories in the new lab standard the SWRCB will adopt.

Conflict With ELTAC

On August 24, 2016 the Environmental Laboratory Technical Advisory Committee (ELTAC) voted not to endorse TNI, and instead encouraged a "California Plus" model that would add to and improve current regulations and procedures already in place. ELTAC was under the impression that TNI was no longer being considered as a quality management system by ELAP because they had already realized the excessive cost and resource drain this would cause to water quality laboratories, especially those with limited staff. It is concerning that ELAP would chose to ignore recommendations made by ELTAC, which, based on its Mission Statement, was a committee specifically designed to "facility transparency, as an inclusive conduit for the fair and balanced exchange of information and dialog between the laboratory community [...] and ELAP." All communication by ELTAC to the laboratory community indicated that ELAP did not support a full implementation of TNI. Discovering that ELAP had in fact recommended the opposite to the State Water Board does not encourage the laboratory community to believe that their relationship with ELAP is transparent or fair.

The water quality laboratory community values data integrity and quality. The City of Ukiah is not disagreeing with improving quality management systems, but rather the TNI standard that is being recommended by ELAP. Just because an accreditation program is available in a quick-to-implement, off-the-shelf model, does not mean that it is the best option. The decision made by the State Water Resources Control Board will have implications for many years to come and will cause a ripple effect in the water quality laboratory community, public health and the environment. I respectfully encourage that these factors be seriously considered in the decision making process.

Thank you for your attention. If you have any questions regarding this matter, please contact me by phone at (707) 467-2818 or via email at jkelly@cityofukiah.com.

Sincerely,

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