

# NIPOMO COMMUNITY

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September 16, 2016

Submitted via email

Jeanine Townsend, Clerk to the Board  
California State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000

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



**SUBJECT: COMMENTS ON THE PROPOSED ADOPTION OF NEW ELAP STANDARDS**

To the Members of the State Water Resources Control Board,

On September 6, 2016 the State Board gave notice that it would be holding a workshop on proposed changes to the laboratory accreditation regulations. The deadline for submittal of comments is noon, Friday September 16, 2016. The focus of the proposed changes is the Environmental Laboratory Accreditation Program's (ELAP) proposal to use Volume 1 of the NELAC Institute's (TNI) 2016 documents as the basis for laboratory accreditation. The Nipomo Community Services District would like to respectfully submit the following comments to the Board for consideration on this topic.

### Extensive Work

California has a substantial number of ELAP accredited laboratories with only part-time or one full time staff member, the Nipomo Community Services District (District) being one of them. It is critical to public health for public agencies that operate water and wastewater systems such as the District to maintain in-house laboratories. The paperwork and documentation requirements alone under TNI would be extremely difficult for a small laboratory to sustain. Burdensome TNI requirements would not necessarily directly relate to better or more reliable data. Many of the requirements are focused on documenting items that are irrelevant to a small water quality laboratory that is supporting the operation of a water and/or wastewater system. Instead, the TNI requirements will lead to an increase in public agencies being unable to certify their own laboratories. Contracting out critical data analysis to outside laboratories leaves a delay in communication of results and will create a disconnect between water/wastewater operators and the laboratory, potentially compromising operational processes and public or environmental health.

### Increased Costs

ELAP has already significantly increased their annual fees, and has made it clear that fee increases will continue. 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 may cause some agencies significant financial

hardship. That does not even take into account the considerable resources that will be required to develop new SOPs, laboratory manuals, laboratory documents and bench sheets. It has been quoted 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, especially since the new standards will not necessarily result in better or more reliable data.

#### 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 laboratories with limited staff. It is concerning that ELAP would chose to ignore recommendations made by ELTAC. 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.

#### TNI Documents Not Public Available

The TNI documents are not publically available. They have to be purchased from TNI for \$130. It seems patently unfair to require the public to purchase documents in order to simply comment on a proposed change to a regulation. This is contrary to past practice where the public has had access to proposed changes in language. It is hard to see how this complies with the intent of the Administrative Procedures Act (APA) which attempts to maximize openness and transparency of the rule making process. Indeed, requiring the purchase of documents would appear to be contrary to the requirements of the APA.

The water quality laboratory community values data integrity and quality. The Nipomo Community Services District is not disagreeing with improving quality management systems, but rather the TNI standard that is being recommended by ELAP. 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. The District respectfully encourages that these factors be seriously considered in the decision making process.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Peter V. Sevcik, P.E.

Director of Engineering and Operations/Laboratory Director