

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2016-0022**

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO A MULTI-YEAR CONTRACT UP TO \$1,500,000.00 FOR THE ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM ASSESSOR TRAINING AND LABORATORY ASSESSMENTS

WHEREAS:

1. In accordance with the Environmental Laboratory Accreditation Act (ELAA), all laboratories that perform analyses on environmental samples for regulatory purposes must be accredited. Responsibility for enforcement of the ELAA was transferred from the California Department of Public Health to the State Water Resources Control Board (State Water Board), effective July 1, 2014. (Health & Saf. Code §116271.) The Environmental Laboratory Accreditation Program (ELAP) within the Division of Drinking Water ("DDW") administers the ELAA. The State Board has delegated the Deputy Director, DDW, all authority under the ELAA.
2. The federal Safe Drinking Water Act grants states primary enforcement responsibility for public water systems provided that the U.S. EPA determines that the State meets specified requirements. (42 U.S.C. §300g-2.) One of the requirements for obtaining and maintaining primacy is that the State establish and maintain a program for certification of laboratories that conduct analyses of drinking water contaminants. (40 C.F.R. §142.10 (b)(3)(i).) The ELAP fulfills that primacy requirement.
3. In August 2015, the State Water Board contracted with Southern California Coastal Water Research Project to establish and facilitate an Expert Review Panel to conduct an internal examination of ELAP. The Panel members are five experts in the field of environmental laboratory accreditation. The Expert Review Panel released a final report of findings on October 22, 2015. The report was presented to the State Water Board by the panel chairperson at the Board Meeting on November 4, 2015.
4. The Expert Review Panel found that ELAP staff members lack the qualifications and expertise necessary to perform on-site laboratory assessments. Their recommendation was to enhance training for ELAP assessors by developing a comprehensive training and on-site audit plan, but the State Water Board does not have the expertise to develop and support such a program.
5. The State Water Board is seeking to improve the ELAP by contracting with a specialty environmental laboratory auditing group to develop and implement an inclusive training program for ELAP assessors and, in connection with that training, perform assessments of a subsection of those laboratories that analyze drinking water contaminants.
6. ELAP and its activities, including a contract for environmental laboratory assessments and assessor training, are necessary for the State Water Board's supervision of California's public water systems.

7. State Program Management-Public Water System Supervision set-aside funding from the current and forthcoming federal Safe Drinking Water State Revolving Fund (DWSRF) capitalization grants is projected to be available for an ELAP environmental laboratory training contract.
8. The Division of Administrative Services will ensure that these contracting activities are in compliance with State contracting laws, regulations, policies, and procedures.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Resources Control Board hereby authorizes the Executive Director or designee to enter into a contract up to \$1,500,000.00 for Environmental Laboratory Accreditation Program assessor training, conditioned upon the availability of sufficient funds from DWSRF capitalization grants.
2. Except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director's designee shall be the duly authorized representative of the State Water Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts to which the State Water Board is a party.
3. This authorization shall remain in full force and effect until modified or revoked by the State Water Board.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 19, 2016.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board