



City of Woodland

PUBLIC WORKS DEPARTMENT
WASTEWATER OPERATIONS
42929 County Road 24, Woodland, CA 95776
www.cityofwoodland.org

October 29, 2015

Submitted via Electronic Mail to:

SWRCB Board Members,

The City of Woodland's Comment Letter concerning Informational Item #4 - *FINDINGS AND RECOMMENDATIONS OF THE EXPERT REVIEW PANEL OF THE STATE OF CALIFORNIA ENVIRONMENTAL LABORATORY ACCREDITATION PROGRAM (ELAP)* - is attached. The City of Woodland (City) operates a small ELAP accredited laboratory which conducts analysis for NPDES permit compliance and operational purposes. According to the expert panel report, a large number of ELAP accredited laboratories are similar municipal facilities which use a small staff to conduct a limited number of analyses. Our concern is that the wholesale changes recommended in the expert panel report have the potential to negatively impact our program and similar programs operated by other organizations. It is critical to ensure that any changes made to ELAP: (1) do not hinder the continued production of high quality laboratory analysis required for the efficient operation of our wastewater treatment plant; (2) does not result in unnecessary burdens or cost to the City; (3) and allows us to maintain a viable and cost effective laboratory program as a means of compliance with NPDES permit monitoring requirements.

The attached comment letter was originally submitted to the Southern California Coastal Water Research Project (SCCWRP) for consideration by the expert panel. Unfortunately, our concerns were not addressed. Specifically, the City of Woodland recommends:

1. Rather than the wholesale adoption of either the International Organization for Standardization (ISO/IEC) 17011 standard, or the National Environmental Laboratory Accreditation Conference (NELAC) 2009 standard for management and accreditation, the current ELAP system be modified to account for the varying complexities and sizes of laboratories under these programs.
2. The State Water Board should convene a representative stakeholder group to assist the Board in improving the ELAP system and developing appropriate standards for the varying laboratory types under this program. The City recognizes that the State Water Board is reinstating the Environmental Laboratory Technical Advisory Committee (ELTAC); however, a technical advisory group of this sort is not the same as a

stakeholder group which will have a better understanding of a laboratory's function in relation to its overall purpose (such as wastewater treatment), needs (such as permit requirements), and management.

3. The SWRCB reject the proposal to allow third party auditors to be hired directly by laboratories due to conflict of interest considerations and to avoid the potential for inconsistent application of ELAP standards.

Thank you for your consideration.

Mark Severeid
Laboratory & Environmental Compliance Manager
City of Woodland

October 12, 2015

Submitted via Electronic Mail to:

Ms. Lara Phelps, (Chair to the ERP) – United States EPA, phelps.lara@epa.gov

Dr. Stephen Weisberg, (Coordinator to the ELAP/ERP) – SCCWRP, steve@scwrrp.org

Ms. Karen Larsen, Assistant Deputy Director of DDW, Karen.Larsen@waterboards.ca.gov

Ms. Christine Sotelo, Chief of ELAP – Christine.Sotelo@waterboards.ca.gov

Subject: Comment Letter Regarding the Findings and Recommendations of the Expert Review Panel to the State of California Environmental Laboratory Accreditation Program

Dear Ms. Phelps, Dr. Weisberg, Ms. Larsen, and Ms. Sotelo:

The City of Woodland appreciates the opportunity to submit comments in response to the Draft Report of the Expert Review Panel (ERP) on Findings and Recommendations of the State of California Environmental Laboratory Accreditation Program (CA-ELAP). The City of Woodland (City) owns and operates the Water Pollution Control Facility (WPCF), a wastewater treatment plant which operates under NPDES permit (Permit) Order R5-2014-0120 (NPDES No. CA0077950) adopted 10/9/2014 by the Central Valley Regional Water Quality Control Board. As part of our activities at the WPCF, the City operates a small (2.5 staff) ELAP-certified laboratory. The Wastewater Operations Laboratory provides compliance monitoring, sample collection, and process control monitoring for the WPCF. In addition, we provide analytical support to the City's drinking water, storm water, and industrial pretreatment programs.

The City wishes to acknowledge the significant improvements made in the ELAP's performance since the program was transferred to the State Water Resources Control Board on July 1, 2014, while under the direction of the new CA-ELAP Chief Christine Sotelo. Furthermore, we would like to thank both Cindy Forbes and Karen Larsen of the Division of Drinking Water for their continued support of CA-ELAP by employing Dr. Stephen Weisberg of the Southern California Coastal Water Research Project (SCCWRP), who coordinated the program evaluation efforts by the Expert Review Panel (ERP). We also would like to recognize the ERP team for making recommendations and findings based on two in-person meetings and one webinar with the stakeholder community. Lastly, we would like to thank all current CA-ELAP staff on their courage to endure the critical findings of the ERP report, and continued dedication to ensure the success of California's ELAP.

Within the very brief period allotted for stakeholder feedback, City of Woodland respectfully submits the following comments and recommendations in response to the Draft ERP Findings and Recommendations report (ERP report) which was posted on October 1, 2015 in preparation for the third ERP session on October 14, 2015 in Costa Mesa, CA. The City hopes that these comments and recommendations will be taken into consideration prior to the preparation of the final ERP report, due to be presented to the SWRCB Meeting on November 4, 2015.

1. **Program management improvements.** This is the most pressing issue identified by the report. Most ERP-identified problems, such as inconsistency in the performance of audits, would be resolved under an improved internal management system. A “comprehensive overhaul” of CA-ELAP is not necessary if CA-ELAP is managed effectively. Indeed, a comprehensive overhaul may require statutes and/or regulations to be updated, all of which would delay many of the recommendations offered by the ERP. Therefore, the City of Woodland recommends that the SWRCB support a significant update of CA-ELAP’s internal management systems, perhaps incorporating selected elements of ISO 17011 to enhance program performance.
2. **Over-ambitious timeline.** The timeline to update CA-ELAP as presented in the ERP is far too aggressive, appearing to favor expediency over effectiveness. As most of the recommendations being considered require major management system changes within CA-ELAP, the timeline for change needs to incorporate opportunities for stakeholder and public input, not to mention time for staff to implement changes. Therefore, the City of Woodland recommends that the SWRCB use the elements of the ERP schedule, but not adhere to its idealistic timeline.
3. **Updated regulations and statutes likely required.** Many of the ERP recommendations will require updated CA-ELAP regulations, a process which has its own course and timeline. Further, the SWRCB may wish to also update the statutes that reference CA-ELAP, in order to improve regulatory enforcement. The City of Woodland recommends that any significant changes made to CA-ELAP be vetted through the California regulatory process, allowing flexibility to adapt to changing needs of the laboratory community, and not be implemented as short term “quick fix” solutions.
4. **Standards and supporting checklists must be established before proceeding.** Uniform auditing standards must be established as soon as possible by CA-ELAP. Until this is accomplished, Third-Party Auditors (TPAs) should not be employed, even temporarily, due to the lack of established quality standards and supporting checklists. These documents need to be developed as a product of an effective stakeholder process. Only after these standards and checklists are developed can TPAs be employed, regardless of long-term individual TPA experience. All auditors should follow the same auditing standards in order to conduct defensible and consistent audits. Further, CA-ELAP needs to have full managerial control over all audits conducted, including those that might be performed by TPAs.
5. **CA-ELAP should recognize TNI-NELAP accreditation.** As CA-ELAP may not be afforded the resources or personnel to support audits of large multi-discipline, interstate, or specialty laboratories, CA-ELAP should recognize The NELAC Institute - National Environmental Laboratory Accreditation Program (TNI-NELAP) accreditation for these types of laboratories.
6. **Update fee structure.** After the present CA-ELAP budget shortfall is resolved with a near-term fee increase, the SWRCB must require and ensure that CA-ELAP be efficiently managed to support reasonable laboratory fees. Further, the City of Woodland

recommends that CA-ELAP develop a fee structure based on the number of test methods performed, not on the outdated Field of Testing structure in current CA-ELAP regulations. Such a fee structure would be fairer to medium and small-sized agencies.

7. **Stakeholder representation is needed.** All of the recommendations above need to be vetted through a representative stakeholder process, which includes participation of the laboratory community in a Stakeholder Advisory Group and in the Environmental Laboratory Technical Advisory Committee (ELTAC). Recent changes in ELTAC by-laws overlook representation for small laboratories (which the ERP defines as employing <5 analysts) accredited under CA-ELAP, yet small laboratories make up 40% of CA-ELAP accredited laboratories. Past ELTAC membership has mostly represented large commercial and large publicly owned laboratories. The City of Woodland recommends that the SWRCB improve the draft ELTAC bylaws by including seat(s) to represent laboratories of different sizes, including smaller labs.

Once again, the City of Woodland appreciates the opportunity to submit comments in response to the Draft Report on Findings and Recommendations of the State of California Environmental Laboratory Accreditation Program. Should you have any questions regarding our comments, please contact me at mark.severeid@cityofwoodland.org. The City of Woodland looks forward to the opportunity to engage with you in this process going forward.

Sincerely,

Mark Severeid
Laboratory & Environmental Compliance Manager
City of Woodland

cc: CVCWA