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Summit Partners:
- Bay Area Clean Water Agencies (BACWA)
- California Association of Sanitation Agencies (CASA)
- Central Valley Clean Water Association (CVCWA)
- California Water Environment Association (CWEA)
- Southern California Alliance of Publicly Owned Treatment Works (SCAP)

January 29, 2019

Felicia Marcus - Chair, Board Members and ELAP Team Members
State Water Resources Control Board (State Water Board)
1001 I Street, 25th Floor
Sacramento, CA 95814

Subject: California Quality Management System Consideration

Dear Chairperson Marcus, Board Members and ELAP Team Members:

The coalition of speakers at the October 2, 2018 State Water Board meeting took your comments regarding ELAP to heart as we petitioned the State Water Board for a parallel-track laboratory accreditation system. A point you noted that resonated with us was the absence of proactive communications about our work to complete a California Quality Management System (CA QMS) for the prospective parallel-track laboratory accreditation system. With ELAP transitioning into the State Water Board from the Department of Public Health, we understand the tension you must feel between ensuring professional conditions in laboratories across the state are standardized and minimizing potential adverse fiscal impacts upon laboratories for the protection of public health and the environment. To that point, as utility managers, laboratory specialists, and industry group representatives, we affirm our role in assisting you, your colleagues on the Board, and ELAP staff, in developing and improving laboratory data management. With this shared role, we request that the third draft regulation adoption be postponed until after April 15, 2019 when the parallel-track system is fully vetted through the laboratory stakeholders.

ELTAC Meeting and New CA QMS Workgroup Formation

On December 13, 2018 the Environmental Laboratory Technical Advisory Committee (ELTAC) met to discuss the merits of a parallel accreditation system, and ELTAC voted 9-4-1 (for-against-abstention) to support the review of a proposed system for use in California parallel to The Nelac Institute (TNI) 2016 standard, after South Orange County Wastewater Authority staff and an appointed consultant presented to ELTAC a draft CA QMS framework that fits within the Title 22 statute. After the vote, an ELTAC CA QMS workgroup was formed that includes representatives from Northern California commercial laboratories, Central Valley municipal laboratories, two large municipal laboratories in Southern California, the State Agency Partners, and an ELAP representative. There are also fourteen members of the public who are actively engaged in the review of the CA QMS.

The ELTAC CA QMS workgroup committed to a 60-day time frame for the review and submission of a recommendation to ELTAC on the parallel system, for ELTAC's review

and vote at their March meeting. The expedited nature of the workgroup's charge and the robust stakeholder involvement underscore the priority of this initiative and merit a review by ELAP staff and the board, prior to adoption of the third draft regulations, which only allow for accreditation of labs that adopt and comply with the full suite of TNI methods and standards.

Technical Management Sessions and CA QMS Development

A parallel-track accreditation system is envisioned under the Environmental Laboratory Accreditation Act, Health and Safety Code § 100829(a), which authorizes the State Water Board to "[o]ffer both state accreditation and TNI accreditation." The CA QMS is a management system that governs laboratory data quality for both laboratory personnel and ELAP without the administrative burden of the full TNI system. The majority of water laboratories in California are producing high quality data, as evidenced in their Annual Consumer Confidence Reports that provide transparency and accountability to the public. The current CA QMS is based on what is already working in California, which is in adherence to the federally approved methods published in 40 CFR Part 141 and Part 136. Professional leaders in our industries have established quality assurance and quality control procedures following these regulations, and California Title 22 Division 4, Chapter 19, currently in force, produces data of known quality from laboratories of varying sizes. However, utility managers need to be apprised of the existing CA QMS and prospective enhancements to it. To support this initiative, we have planned three technical management sessions to be held in Southern California and Northern California over the next year, with the first hosted by the Southern California Association of Publicly Owned Treatment Works on March 27, 2019, the second technical session occurring at the California Water Environment Association conference on April 10, 2019, and a third technical session at the Central Valley Clean Water Association Conference on May 15, 2019. For all the technical sessions, we will extend invitations to the State Water Board members, their staff, and to ELAP staff.

These technical sessions will provide technical management tools that laboratories of various sizes may use to strengthen and bolster their production of laboratory results of known data quality that are economically feasible, without the high costs associated with the proposed regulations based on a full TNI-only system. It is our hope that the California QMS is updated through important and iterative communication between the laboratory community and ELAP, and that holistically, we can work in a collaborative manner.

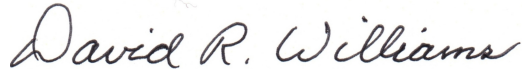
Next Steps & Request

As always, we appreciate the continued dialogue on this very important matter. We have a shared goal of protecting the public's health and the environment, which we take seriously in achieving. We need your understanding and support of California's laboratory community to develop a CA QMS as part of the parallel-track accreditation system. This process of developing regulatory requirements through addressing stakeholder concerns produces practical regulations that are both implementable and protective of water quality, and we are enthusiastic about engaging in this process with the ELAP team.

To conclude, we request that the State Water Board pause the process for adoption of the current third draft regulations from ELAP until April 15, 2019. This will provide enough

time for the CA QMS workgroup to review the CA QMS, provide a recommendation to ELTAC, and for ELTAC to provide at their March 2019 meeting a recommendation of whether to support a parallel system or not to ELAP. This vetting process provides robust public stakeholder engagement, as well as workgroup review, and it allows ELTAC members who represent industry groups and private interests to vote on the merits of the CA QMS. We will be accountable for the training events and could provide a report back to the Board in the summer of 2019, or upon your request for a status update.

Sincerely,



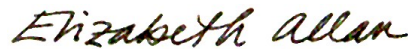
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