

Committee Request for Board Action: None

Regular meeting: 40 attendees via Zoom representing 23 agencies

ELAP Enforcement Considerations for Wastewater Laboratories

Alexandria Turner, ELAP Enforcement Unit Supervisor, provided an overview of the ELAP enforcement unit, enforcement trends within wastewater labs, and case study examples. The enforcement unit was founded in 2015 and operates independently from CA ELAP. Alexandria noted some enforcement trends within wastewater labs, such as:

- Outdated or missing documentations (e.g., missing Proficiency Testing records; SOPs that are out of date; missing training records; quality assurance manuals out of date)
- Repeat findings (e.g., corrective actions that weren't implemented)
- Undue influence (e.g., intimidating work environment, fear or pressure from management to falsify data).
- Unqualified or untrained staff (e.g., staff that are not interested in performing their duties as required; technical managers that don't meet the qualifications as required by California code or TNI). In a worst-case scenario, this can even result in death, as in E. coli outbreak in Canada where water operators falsified data and did not understand drinking water standards.
- Data not reported on time
- Lack of ethics and data integrity training - uncontrolled practices can quickly spiral into unethical practices. TNI and CA ELAP standards both require data integrity training.

The enforcement unit does not only conduct enforcement; they also are providing compliance assistance letters in anticipation of the TNI standards coming into effect in 2024; compliance assistance will continue after the TNI standard is effective, as well. The unit will not require laboratories to re-organize to meet the TNI standard prohibition on undue influence, but they may require a policy that prevents undue influence. Questions or whistleblower complaints to the ELAP enforcement unit can be sent to elapca_technical@waterboards.ca.gov. The CA ELAP conference occurred in June, and [videos of the presentations](#) are now available.

Member Updates

- Several agencies noted they are having difficulty sourcing chemical reagents due to supply chain disruptions. Agencies are ordering chemicals earlier than usual, and identifying alternate sources (e.g., [USA Bluebook](#) and [Hardy](#) are alternative sources for Hach methods). Another chemical sourcing challenge is maintaining compliance with security requirements from CA Department of Justice / US Drug Enforcement Administration (DEA) regarding controlled substances and precursor chemicals. Members discussed how to obtain annual clearance to purchase these chemicals.
- Members noted that they dispose of GC and ICP gas cartridges as hazardous waste.

BACWA Updates

- There is still no anticipated effective date for the Chlorine [blanket permit amendment](#), which is being held up by EPA review. Effluent limits and monitoring requirements for oil & grease are being removed permit-by-permit.
- The Mercury/PCB watershed permit will be reissued in 2022 (October or November). Compilation of PCB congener data will be the first phase, and BACWA will distribute a draft version soon.
- Implementation of the Statewide Toxicity Provisions is still a few months away. The provisions are currently being reviewed by EPA.

Report-Out from May Meeting with ELAP

- In May, committee leaders met with ELAP to discuss implementation of the 2021 EPA Methods Update Rule (MUR). ELAP plans to implement a new process for rolling out the 2021 MUR and [future MURs](#). Tentatively, the steps to apply for MUR methods will be:
 - *ELAP publishes the new FOAs*
 - *From ELAP's change log, identify if you will need an on-site assessment for any updated methods; if so, schedule it as soon as possible.*

- *Order Proficiency Testing standards- you will need successful Proficiency Tests matching the MUR methods before applying.*
- *Re-write your SOP to match the MUR method and reference. You will need an updated SOP before applying.*
- *Submit an amendment application and pay the fee.*

As noted above, an amendment application would be required to update methods. The on-site assessment will be waived for some methods if the change is not substantive. This is expected to be a significant effort for laboratory staff, so plan accordingly. ELAP is looking into a reduced application cost and/or an “open enrollment” period to streamline the effort. ELAP plans to prepare draft written guidance on this issue, which BACWA will review.

- ELAP has instructed assessors to use the most recent QC chapters. For Standard Method QC chapter references, use the following:
 - For wastewater methods, follow the methods in 40 CFR Part 136, Footnote 84.
 - Part 2000 Methods, Physical and Aggregate Properties 2020 (2017);
 - Part 3000 Methods, Metals, 3020 (2017);
 - Part 4000 Methods, Inorganic Nonmetallic Constituents, 4020 (2014);
 - Part 5000 Methods, and Aggregate Organic Constituents, 5020 (2017).
 If it is not listed, use the most recent EPA-approved method year (for 9020, this is 2015).
 - For drinking water methods, always use the most recent EPA-approved method year.
- ELAP staff reported that their work is hindered by outdated data management software, and requested that BACWA support their request for increased software funding.

TNI Training and Implementation

- The 12th TNI training session with Diane Lawver is scheduled for Tuesday, June 21st. Recordings of previous sessions are available through the [BACWA website](#) (password required).
- Keep your receipt from paying for TNI standards. One agency reported that the receipt was requested as part of an assessment process.

Next Regular Meeting : August 9, 2022, 10 AM – 12 PM via Zoom

Planned Guest Speakers at Upcoming Meetings:

August 9, 2022 – Xin Xu, EBMUD, Ion Chromatography for Volatile Fatty Acids
 October 11, 2022 – Diane Lawver, IR Guns