



State Water Resources Control Board

SENT BY EMAIL

March 4, 2022

Lorien Fono, Ph.D., P.E.
Executive Director
Bay Area Clean Water Agencies
PO Box 24055, MS 702
Oakland, CA 94623

Dear Lorien,

Thank you for your letter and request for the Environmental Laboratory Accreditation Program (ELAP) to provide future guidance on how to apply for accreditation for new methods being offered. The concerns you raise are an area for improvement where ELAP wants to reduce confusion without contradicting regulatory and statutory requirements.

As you know, ELAP provides methods for accreditation to serve the needs of California State Regulatory Agencies, who determine which methods may be used to satisfy the Agency's, and often, federal regulatory testing requirements. This means that despite new federal method update rules (MUR), ELAP does not automatically add new methods offered for accreditation unless and until an agency requests ELAP to add them. Similarly, when an agency requests changes to the methods being offered for accreditation, ELAP cannot continue to offer accreditation for older methods just because a laboratory has already conducted proficiency tests for previously offered methods. Therefore, ELAP suggests that laboratories keep in touch with their clients, in this case the wastewater treatment facilities for whom they provide analysis, who often are given advanced notice from their regulating agencies about which methods are going to be required for compliance. In addition, to the extent that BACWA is engaged with changes being made to regional water quality control board and State Water Board permits, it should share with laboratories upcoming changes to requirements. ELAP should not be the first place that the laboratories are learning of what testing is being required of the wastewater treatment facilities, such as the need to use updated testing methods.

Although ELAP cannot control when new methods are requested by an agency, we are working to make the process smoother and more transparent particularly when a new method replaces one that is no longer approved. For example, ELAP has plans to

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develop guidance in the areas you have highlighted need improvement. Based on the positive feedback received regarding the recent scheduling tool, now posted to [our webpage](#), ELAP plans on continuing to create new tools and documents to help our laboratories. The next area of focus is on how to match the Standard Method print editions to the method approval years, and draft copies of the guidance documents have already been sent to some BACWA members. The choice in naming convention used by the Standard Methods committees inherently causes confusion, as laboratories can use either hard-copy editions or online editions, and US EPA isn't universally consistent with how it chooses to name the methods (see the difference between 40 CFR 141 and 40 CFR 136). I have no doubt after sharing the naming convention document with BACWA, your members will provide useful comments.

As for the 2021 Method Update Rule (MUR), we concur, a lot can be improved on how it can be rolled out. The last MUR roll out provided several lessons learned, which is why we have delayed implementation of the 2021 MUR so we get it right. For example, in the last update we allowed laboratories to use the new methods as quickly as possible without filing for an amendment application to update certificates because we believed that would best serve both the laboratory and the agencies. The unintended consequence of not requiring laboratories to file amendment applications to update their certificate was that laboratories were confused about what methods they were applying for in their renewal application, and submitted compliance Proficiency Testing (PT) Reports for the FOAs listed on their certificate rather than for the 2021 MUR updated FOAs listed on our website. As a result, FOAs were denied because the PT reports did not match the methods applied for in our FOA sheets. To help address this issue from occurring again, ELAP is planning on providing more information with the 2021 MUR, including a tabulated summary of old FOAs and new FOAs being offered, and will afford for more time for laboratories to implement changes. The exact details and timelines are still being discussed, but the State Water Board understands that any changes to method accreditation will take some time to be implemented.

ELAP's planned guidance and additional materials will make updates to the 2021 MUR requested by the State and regional water boards more clear and the process more smooth. BACWA and the laboratories can help assist these transitions by not only providing input on those proposals, but also by keeping abreast of upcoming changes to requirements and methods being made to NPDES and waste discharge requirements issued by the State and regional water boards, as they are often privy to information regarding proposed changes to testing methods sooner than those changes are requested of ELAP.

We appreciate the positive relationship and continued collaboration with BACWA, and important feedback like your letter allows for ELAP to continuously improve our operations and our laboratory community.

Sincerely,



Christine Sotelo, Program Manager
California Environmental Laboratory Accreditation Program

cc:

Nicole Van Aken, Chair, BACWA Laboratory Committee
Samantha Bialorucki, Vice Chair, BACWA Laboratory Committee
Robert Brownwood, DDW, State Water Resources Control Board
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