

August 15, 2023

Submitted via email: [elapca\\_comments@waterboards.ca.gov](mailto:elapca_comments@waterboards.ca.gov) and [Christine.Sotelo@waterboards.ca.gov](mailto:Christine.Sotelo@waterboards.ca.gov)

Christine Sotelo  
Environmental Laboratory Accreditation Program (ELAP)  
State Water Resources Control Board (SWRCB)  
1001 I Street  
Sacramento, CA 95814

**RE: Comment Letter – Proposed ELAP Regulations and Volume-Based Charges**

Dear Ms. Sotelo,

On behalf of the California Association of Sanitation Agencies (CASA), thank you for the opportunity to provide comments on the proposed draft language for the Environmental Laboratory Accreditation Program (ELAP) Fees Regulations. CASA represents more than 130 public agencies and municipalities that engage in wastewater collection, treatment, recycling, and resource recovery. Our mission is to provide trusted information and advocacy on behalf of California clean water agencies, and to be a leader in sustainability and utilization of renewable resources.

For our remarks, we formally want to incorporate by reference and express support of the written comments submitted by the Bay Area Clean Water Agencies (BACWA), the California-Nevada Section American Water Works Association (CA-NV AWWA), the South Orange County Wastewater Authority (SOCWA), City of Ventura – Ventura Water, and Clean Water SoCal. We encourage your staff to connect and engage with stakeholders to discuss their concerns. In addition to references to these written comments, we will detail statewide comments from across the sector.

**1. Host another meeting of the focused stakeholder group in the month of August.**

The previous ELAP Fee Structure Workgroup meeting, held on July 10, provided a productive opportunity to vet these proposed regulations. Engaging with the stakeholder community about the comments you received would create a proper venue for discussion and collaboration before the proposal becomes formalized. The previous meeting allowed non-ELTAC stakeholders to issue comments and provide ELAP staff the opportunity to receive technical and substantive feedback from the regulated community.

**2. Allow an Appropriate Amount of Time for the Environmental Laboratory Technical Advisory Committee (ELTAC) to provide technical feedback on the impacts of the proposed test-tracking requirement.**

An inadequate amount of time has been provided to draft language requiring all accredited labs to measure how many tests are being reported for volume-based fees. The adoption of the proposed regulations should be postponed until ELTAC has the proper time to meet and evaluate the technical feasibility of the proposed fee structure. While there is an ELTAC meeting scheduled on August 22, this meeting will be insufficient to address all of the concerns which require technical feedback on ELAP's new substantive proposal requiring additional work by labs so close to the fee setting adoption hearing. ELTAC should be used timely as a resource to provide their technical expertise to ELAP staff in drafting the fee structure so that the abstract policy matches the technical feasibility of the data collection. Moreover, there is a need to define "regulatory purposes," which underscores the insufficiency of time provided to the lab community to provide feedback and adjust local budgets.

**3. Delay implementation of the proposed regulations until ELTAC and the focus stakeholder group can weigh in and add an automatic one-year sunset.**

Even if the timeframe allows for ELTAC and stakeholder meetings to be held prior to the adoption of the proposed regulations, a one-year deferral of the reporting requirement should be incorporated, to limit the impact of the proposed reporting requirements on laboratories that are still adapting to the numerous new requirements of the TNI-minus-2 Quality Management System (QMS), which are required as of January 1, 2024. Additionally, given that there is a potential outcome that the SWRCB will not choose to adjust its fee structure to volume-based charges, the requirement to report test counts should sunset after one year.

**4. Listen to the feedback provided by the sector during this informal comment period.**

Through the letters linked below, the wastewater sector has provided feedback which CASA supports. Additionally, CASA supports the comments made by the California Water Environment Association (CWEA) and the Central Valley Clean Water Association (CVCWA). Addressing these comments will strengthen the dialogue and consensus for the proposed regulations and will continue to foster a collaborative relationship between ELAP and the stakeholder community.

As you are moving forward in finalizing these regulations, if there are any questions about the wastewater sector's perspective on this matter and if you want to convene a meeting with the stakeholders referenced in this letter and CASA please do not hesitate to contact me to coordinate at (909) 844-0055 or [ssaks@casaweb.org](mailto:ssaks@casaweb.org).

Thank you,



Spencer Saks  
CASA Legislative & Regulatory Analyst

Attached: [BACWA Comment Letter](#)  
[CA-NV AWWA Comment Letter](#)  
[SOCWA Comment Letter](#)  
[City of Ventura - Ventura Water Comment Letter](#)  
[Clean Water SoCal Comment Letter](#)