

Laboratory Certification Standards Review Council Meeting Minutes From 5/13/2014

Attendance

Council Members: **In Person:** Paul Harris (Chair), Kirsti Sorsa (Vice-Chair), Pat Gorski, Paul Junio, Randy Thater, Kurt Birkett
via MS Lync: Jennifer Peth

DNR Staff: Steve Geis, Rick Mealy

Others in Attendance: Sharon Mertens (Milwaukee MSD), Mike Linskens (ECCS), Tom Hungerford (S-F Labs via MS Lync)

The meeting was called to order at 10:00 am

Minutes from meeting of January 7, 2014

- o **Action:** *A motion (Thater/Gorski) to approve the January 7, 2014 minutes as presented was unanimously approved.*

Program Performance Status Report for FY 2015 Year-to-Date

- Audits - Commercial/Public Health: **28** (34); Municipal/Industrial: **71** (89)
- Reports - Commercial/Public Health: **29** (34); Municipal/Industrial: **70** (89)
 - o Reports Due - Commercial/Public Health: **2**; Municipal/Industrial: **5**
- Closures - Commercial/Public Health: **28** (34); Municipal/Industrial: **69** (89)
 - o Open Cases - Commercial/Public Health: **14**; Municipal/Industrial: **31**
- For the fiscal year 2014 to-date, **78.2%** of reports for audits conducted were issued within 30 days
- o Geis explained, in response to a previous concern about the lengthy open case for Summit, that there were enforcement issues that needed to be resolved.

Budget Variance Report for FY 2014

- o The following information represents the status of spending to-date, but does not completely reflect allocable charges incurred. Expenses are expected to be approximately 75% of budget.

| | BUDGET | ACTUAL | % of BUDGET |
|----------------------------------|------------------|------------------|--------------------|
| Salary | \$301,882 | \$227,092 | 75% |
| Indirect labor | \$20,916 | \$47,883 | 229% |
| Fringe | \$150,779 | \$94,544 | 63% |
| SALARY+ FRINGE | \$473,577 | \$369,469 | 78% |
| Contractor | \$24,000 | \$18,652 | 78% |
| Travel, Supplies & IT | \$44,050 | \$21,903 | 50% |
| Indirect supplies | \$18,600 | \$20,981 | 113% |
| Additional Allocables | \$20,175 | | |
| SUPPLIES/IT | \$106,825 | \$61,536 | 58% |
| FY2014 BUDGET | \$580,402 | \$431,005 | 74% |
| <i>Allocables</i> | <i>\$60,398</i> | <i>\$68,814</i> | <i>114%</i> |

Other DNR Business

- o Baker-Muhich vacancy – Steve Geis was pleased to report that after her brief time away, Brandy expressed interest in returning to her position and she has been happily re-instated.
- o Council member terms – Sharon Mertens is interested in filling Randy Thater's seat as the large Wastewater Treatment Plant representative. A nomination has been filed with DOA. Jennifer Peth indicated that she is interested in continuing for a second term.
- o **Action:** *Motion (Junio/Thater) to support Jennifer Peth for a second term was unanimously approved.*
- o Variances - No variance requests were received.
- o NR 219 update – The rule was approved for promulgation at the April meeting of the Natural Resources Board. The next step in the process is for it to pass through Legislative review, which will not occur until late fall or more like January when the next session is convened.

- NR 149 update – Members discussed the need to revise NR 149. The example of how one relates the LOD to the LOQ was discussed. Geis and Mealy were invited to the February 6, 2014 WELA meeting to discuss specific changes to NR 149. In addition, an afternoon session dedicated to NR 149 revisions will be scheduled following the Council meeting in May.
- **Action:** *Motion (Junio/Harris) to begin soliciting comments on potential revisions to ch. NR 149, Wis. Admin. Code including required changes, perceived trouble spots, and other changes suggested by affected stakeholders was unanimously approved.*
- NR 812 changes update -
 - Subchapter II — New Well Construction and Reconstruction
NR 812.10(11) Completion of well. **Adds requirement to analyze nitrate**
 - NR812.27 Pump installer requirements.
NR 812.27(6) is repealed and recreated to read:
For pump work that involves entry into the well, other than the original pump installation, water samples shall also be collected by the pump installer and **analyzed for nitrate and arsenic** by laboratories certified for those analyses and having an agreement with the department for electronic submission of laboratory test reports to the department within 30 days after completion of the analyses, or analyzed by the Wisconsin state laboratory of hygiene
 - Subchapter III — Requirements for New Pump Installations and Water Treatment
NR 812.41 **adds nitrate and arsenic**
 - Subchapter VI — Property Transfer Well Inspections
[new] NR 812.44 Property transfer well inspections
(4) SAMPLES. Any property transfer well inspection shall include the collection of water samples to be tested for coliform bacteria, **nitrate and arsenic** for each potable well on the property
- SC Reciprocity update – The two labs with South Carolina reciprocity have been notified that we are terminating the agreement effective 9/1/2014. Geis indicated that Bureau Director Jack Sullivan was concerned that we have terminated all reciprocity agreements as the statute directs us to seek reciprocity.
- Preliminary results of Low level phosphorus PT data – Mealy reported that the true value was 0.55 mg/L with an acceptable range (from SLH regression) of -0.03 to 0.18 mg/L (D-327%), indicating a 96% passing rate. Upon closer examination, however, 11/131 results (0.15 to 1.68 ppm) were determined to be statistical outliers. The adjusted mean was 0.061 ppm with an RSD of 39%. Range was 0.01 to 0.14 ppm. If scored as a PT, acceptance limits = 84-115%, and 60 of 120 labs passed (50%). Using 70-130% as criteria, 83 of 120 labs passed (69%). 93 of 120 labs (78%) were within 0.023 of the true value. For a true value between the desired LOD and LOQ (0.09 ppm). 78% of the labs came within +/- the desired LOD of hitting the true value.. That is really great news!
- ICP training venture (with State Lab of Hygiene) – Mealy reported that the ICP training in March was very successful.
- Method modification concern – Mike Linskens of ECCS was present to discuss his lab's modifications to SW-846 method 3570. Identified during the lab's most recent on-site evaluation, the auditor correctly expressed concern regarding the extent of validation data which was available to support the global use of the modification.

Steve Geis opened the discussion by indication that NR 149 has some relevant language but that it lacks clarity. DNR programs confirm that ECCS provides a valuable service, but the LabCert program needs to set the framework for handling requests such as these consistently. The program is seeking input or direction from the Council regarding this and related matters.

There was much discussion, and ECCS agreed to allow Council members to review the information submitted by the laboratory to validate the modification. Council members wished to research the issue further.

A lab has adopted the following modification:

| SW-846 3570 | Modified | Published |
|---------------------------------|------------------------|-------------------|
| Drying | till soil flows freely | used as is |
| Soil | 5g | 2-3 g |
| Na ₂ SO ₄ | 5g | 2.5 g |
| Solvent | 10mL | 12 mL |
| | 80/20 IO/A | MeCl ₂ |
| Ext1 | Shake 45-60 sec | Rotate 4 hr |
| Settle | 2 min | Decant solvent |
| Ext2 | Shake 45-60 sec | Shake 2 min |
| + solvent | N | 5 mL |
| Settle | 10 min | Decant solvent |
| Ext 3 | N/A | Shake 2 min |
| + solvent | N/A | 5 mL |
| Settle | N/A | -- |
| Concentrate | N | Y |

---- Ready for analysis ----

IO/A – Isooctane/acetone

Council Member Issues

- EPA finally moving on update to MDL/LOD determination? - Paul Junio and Sharon Mertens indicated that the work of the federal LOD committee is being reviewed by the TNI chemistry committee. The EPA currently plans to include the revised procedure for determining an MDL in the next MUR (Methods Update Rule) expected to be public noticed in the fall of 2014.

Next Meeting Date

- **Action:** *The next Council meeting was scheduled for 10:00 AM CDT Tuesday, August 12, 2014 at the DNR Science Operations Center (2801 Progress Road, Madison).* Subsequent to the meeting a decision was made to hold another afternoon session, devoted to discussing changes to NR 149, beginning at 1:00 PM, CDT.

The meeting was adjourned at 12:40 PM.