

Laboratory Certification Standards Review Council Meeting Minutes From 11/17/2011

Attendance

Council Members: Dave Kliber (Chair), Sue Hill (Vice-Chair), Chris Groh, Kirsti Sorsa, Randy Thater [via conferencing]
Absent: Judy Tholen

DNR Staff: Camille Turcotte, Rick Mealy

Others in Attendance: Paul Harris (Davy Labs), Craig Martin (WE Energies), Sharon Mertens (Milwaukee MSD)

Others via conferencing: Tom Hungerford (S-F Analytical), Tom Priebe (Northern Lake Service), Paul Junio (Northern Lake Service)

Minutes from August 11, 2011 Meeting

- o **Action:** *A motion (Groh/Hill) to approve the minutes with two minor typographical corrections/changes was approved.*

Program Performance Status Report for FY 2012 Year-to-Date

- Audits - Commercial/Public Health: **7** (34); Municipal/Industrial: **27** (94)
- Reports - Commercial/Public Health: **7** (34); Municipal/Industrial: **25** (94)
 - o Reports Due - Commercial/Public Health: 4; Municipal/Industrial: 6
- Closures - Commercial/Public Health: **15** (34); Municipal/Industrial: **30** (94)
 - o Open Cases - Commercial/Public Health: 10; Municipal/Industrial: 53
- o For the fiscal year to-date, 70.4% of reports for audits conducted were issued within 30 days. All reports have been issued within 60 days or less.
- o The number of labs for which the program has audit responsibility is currently 382 (101 in the Commercial/Public Health sector and 281 in the Municipal/Industrial sector).

Budget Variance Report

- o The following information was reported to the Council for the current 2012 fiscal year:

	<u>Spent \$</u>	<u>Budgeted \$</u>	<u>% of Budget</u>
FY 2012 BUDGET	\$ 109,077	\$ 598,259	18.2%
Salary/Fringe	\$ 85,802	\$ 514,059	16.7%
Supplies & Services	\$ 20,539	\$ 69,400	29.5%
IT Subtotal	\$ 2,736	\$ 14,800	18.5%

- o Turcotte reported that, instead of the planned \$52,000 lapse, the state will only take \$30,000 of LabCert program funds for re-appropriation in fiscal 2012; a full \$52,000 lapse is still planned for fiscal 2013. A letter to the Governor's office from the Council was submitted and potentially contributed to the reduction.
- o Council members and guests expressed concern about the practice of lapsing (re-appropriating) our unspent program reserves as they represent user fees rather than state general program revenue (GPR) dollars. The idea of soliciting additional letters in support of reconsidering program lapses for LabCert was discussed. The possibility of having the Wisconsin Environmental Lab Association (WELA) draft a letter was discussed. The Wisconsin Wastewater Operators Association (WWOA) cannot offer support as the organization believes that doing so could be construed as lobbying in violation of their 501(c)(3) non-profit tax exempt status.
- o **Action:** *A motion (Groh/Hill) for the LabCert Council to draft a second letter to the Governor's office was approved unanimously.*

Auditor Consistency

- Checklist generation has been slowed due to staffing issues. Hill encouraged the program to continue checklist development as time becomes available. The Council will be able to review checklists, and final checklists will be made available on the program's website.

Open Issues

- Mertens related that the recent audit of the DNR's Bureau of Watershed Management by EPA Region 5 once again raised the issue of Wisconsin's allowance of SW-846 methodologies for NPDES compliance monitoring. Turcotte confirmed the information and noted that she has been asked to draft a response to that section of the audit findings. It was suggested that this be added to the Open Issues list.

Other DNR Business

- Variations - No variance requests were received.
- Program Vacancies - Turcotte is in the final stages of completing the exam questionnaire. The Office of State Employee Relations (OSER) had some concerns which must be addressed. The plan is for the positions to be formally posted soon, with exams due before the holidays. Interviews would be conducted in January. A replacement for the Operator Certification Coordinator will be hired in the next couple of weeks as well. Turcotte indicated that by early February she should have a full staff.
- Council Vacancies - Turcotte reported that she sent an e-mail to all facilities soliciting nominations and received a tremendous response. She subsequently contacted interested individuals to obtain resumes (at DOA's request). Six (6) names were submitted to DOA for the small wastewater representative and three (3) names for the Industrial representative. No nominations were received for the Solid/Hazardous Waste representative.
- EPA Audit - Turcotte shared the three findings resulting from EPA Region 5's audit of LabCert's Drinking Water Program in July 2011: (1) Documentation of auditor qualifications and training need to be included in the program QA Manual, (2) Two LabCert staff members could not locate their "certificate of completion" for the EPA Certification Officer Training, and (3) Lab responses to audit findings must provide evidence of corrective action. One recommendation was also provided: "Auditors should certify, at least annually, that they do not have any conflicts of interest."
- NR809 update – Turcotte reported that the Drinking Water/Ground Water (DG) Program will not allow the use of any methods that do not appear in NR 809. This is problematic because of the lag between when new methods are promulgated at the federal level and how infrequently NR 809 can be updated. In addition, a few methods that the EPA promulgated many years ago, and for which we currently certify labs, do not appear in NR809. Alfredo Sotomayor of the DG Program is working with Turcotte to provide resolution. We are hoping that the resolution will allow the DNR to publish a list of approved methods on the Drinking Water website.

Council Member Issues

- Kliber provided a summary of SF Analytical's participation in the Department of Homeland Security's Environmental Laboratory Response Network (eLRN). [[Google "epa elrn" for more information](#)].
- Junio inquired about the status of approval to use SW-846 method 5035, as was presented at the May 2011 Council meeting. Turcotte responded that follow-up was assigned to a staff member a few weeks ago. Approval should be forthcoming, and a memo will be posted on the website when approval is finalized.
- Mertens expressed concern that the Department's e-reporting for NPDES compliance monitoring is inflexible when it comes to dealing with data qualifiers. The single comment field provided is insufficient to report the qualifying information required for projects as extensive as Milwaukee MSD's. She encouraged development of an individual record data qualification system such as that used by the GEMS system for groundwater monitoring.

Next Meeting Date

- **Action:** *The next Council meeting was tentatively scheduled for Tuesday, February 7, 2012 at the DNR Science Operations Center (2801 Progress Road, Madison).* An alternate date of February 9 was tentatively scheduled in case of cancellation due to weather conditions.

The business meeting was adjourned at 11:30 CDT