

Remote Attendance

Council Members: Kevin Freber (Chair), Craig Obry, Jennifer Buchholz, Paul Junio, Tad Schwartzhoff, Carol Mielke, Angie Albrecht
DNR Staff: Steve Geis, Tom Trainor, Brandy Baker-Muhich, Zana Sijan, Autumn Farrell, Patty Doerflinger, Janelle Nehs
Others: Alfredo Sotomayor (Milw. MSD), RT Krueger (NLS), Yu Zhuang (BLS)

The meeting was called to order at 9 AM.

Check-In, Agenda Repair, Review/Approval of last meeting minutes

- Kevin asked if there were any agenda repair items and there were none.
- Kevin asked if there were any changes to the minutes from the April 2020 meeting and there were none.
- Paul moved to pass the minutes as is and Jennifer seconded.

Business Items

Large-scale lab metrics: July 2019 – June 2020 (FY 2020 complete)

- Completed versus goals: Audited = 72%, Reports issued = 81%, Closed = 95%.
 - On-site audits were not allowed to be performed in April or May 2020 due to Covid-19.
- Reports issued within 60 days = 83%.

Small-scale labs: July 2019 – June 2020 (FY 2020 complete)

- Completed versus goals: Audited = 59%, Reports issued = 70%, Closed = 91%.
 - On-site audits were not allowed to be performed in April or May 2020 due to Covid-19.
 - Contract auditor only available for 7 months.
- Reports issued within 30 days = 71%.

Large-scale lab metrics: July 2020 – Aug 2020 (FY 2021 partial)

- Completed: Audited = 67%, Reports issued = 33%, Closed = 67%.
 - Janelle mostly not available during this time frame.
- Reports issued within 60 days = 100%.
- Audits not closed over 1 year from report date = 2, over 6 months from report date = 1.
- 3-year cycle audits overdue at time of meeting = 16 labs.
- 1 new PFAS lab applied to program since last meeting – not audited.
- 1 new DW lab applied to program since last meeting – audited.
- 2 labs dropped from program since last meeting.

Small-scale labs: July 2020 – Aug 2020 (FY 2021 partial)

- Completed: Audited = 46%, Reports issued = 62%, Closed = 38%.
 - Contract auditor not available during this time frame.
 - John Condrón's replacement not available during this time frame.
 - Janelle mostly not available during this time frame.
- Reports issued within 30 days = 87%.
- Audits not closed over 6 months from report date = 1 lab.
- 3-year cycle audits overdue at time of meeting = 39 labs.
- 2 new WWTF labs applied to program since last meeting – audited.
- 1 lab dropped from program since last meeting.

Covid-19 auditing metrics

- April – June 2020 (3 auditors): 5 audits, 4 reports, 19 closures
- July – August 2020 (2 auditors): 10 audits, 10 reports, 9 closures

Tom said that management did not want auditors to audit laboratories with more than 10 people. Council members disagreed with this position and offered to write a letter to management indicating as much. Steve said that he would discuss the Council's position with management. After talking with management, if Steve still thought there was a need for a letter of support from Council, he would reach out to Kevin.

Other business Items

- **Proposed NR 149:** The NR 149 update is ready to be published. The published date will be March 1, 2021 with an effective date of July 1, 2021. Invoices that will get emailed in May 2021 will still include the fee caps. Starting September 1, 2021 auditors will begin citing NR 149 update requirements.

Kevin asked how will labs know about these dates? Tom said auditors are providing this information during evaluations and our website will include this information and Tom will provide this information via GovDelivery. Lab Cert Staff will also be providing NR 149 update summaries and online training sessions.

- **Possible statute updates:** Every 2 years the department is given an opportunity to recommend statute “clean-up language” for the upcoming legislative session. This is one of those years. We have a deadline of 9.30.20 to submit any suggested changes related to s. 299.11 and s. 15.107.12. Tom discussed a handful of areas in s. 299.11 that could use cleanup. Tom did not provide any suggested cleanup areas for s. 15.107.12. Tom said if anyone had any areas that they thought could use updating to let him know by 9.28.20.
- **Proposed NR 812:** The rule was effective July 1, 2020. Tom said that since the last meeting Lab Cert provide a summary of requirements for labs certified for metals to help communicate acid preservation and turbidity requirements to everyone. Liesa Lehman section chief for private water has retired. Until a replacement is hired there will be a rotation of acting chiefs.
- **NR 219:** The current MUR is expected to be final this year. Once this MUR is finalized, we will open up NR 219 to update it to reflect those changes.
- **PFAS certification:** In August, 5 labs were granted certification for PFAS in drinking water by EPA 537.1. No labs have been granted certification for PFAS in non-drinking water matrices. Reports for all non-drinking water matrices have yet to be issued. Currently 3 labs have applied for certification that we are unable to audit on-site due to Covid-19. Tom indicated that the DNR RR and DW programs have authority in their current rules to require PFAS analysis be performed by a certified laboratory if such laboratories exist.

Paul asked if the DNR will let their clients know when certification is required? Tom said he would discuss this with RR and DW and will let Paul know.

Jennifer indicated that some border states allow labs to perform work that they are not certified for as long as the data is qualified accordingly. Tom indicated that this practice is not acceptable for WI.

- **2020-2021 Renewals:** This year every lab paid on time so there was no need to implement any late fees. The first batch of renewal certificates were printed on July 7, so the vast majority of labs received their certificates before the end of July. 329 renewal certificates were issued this year.
- **RR Emerging Contaminants:** In mid-August RR sent an email to all responsible parties with open contamination sites letting them know that they must test for emerging contaminants (i.e. PFAS, 1,4-dioxane,...) as part of their assessments or they are at risk in having their closure delayed due to the need to perform this additional field work later. Tom said clients will need to ask laboratories if they can perform 1,4-dioxane or not. No laboratory is directly certified for 1,4-dioxane so certification would have to be maintained for 1,4-dioxane through BNA or VOC group certifications.
- **GovDelivery:** Tom is still working on being able to use this platform to deliver emails to subscribers. Training and permissions are delaying implementation.
- **New HW FP methods:** On September 8, 2020 Federal rule was updated to allow two new methods for flashpoint. These two new methods include equipment that uses electronic ignition. Even though Federal rule allows it, WI rule does not. Tom said he is working with HW staff and HW attorneys to see if there are alternate ways to allow these new methods to be used in WI before WI HW rules are updated to include them.
- **ICP IEC study frequency:** Lab Cert reached out to EPA CW, EPA DW, and EPA TSC staff to see what their interpretation was on how often a full multi-element interference study was required since the methods are not clear. All of the EPA contacts provided the same answer – that annual studies are required.

Paul asked that we get this message to all labs, not just labs certified for ICP, in case they want to add ICP. Jennifer confirmed that TNI auditors require this. Carol ask if the criteria was 2 x MDL and Tom said the criteria was the LOQ. Carol asked if Lab Cert could consider providing a webpage that lists Lab Cert positions where methods are not clear. Tom said he would add this to his to do list.

- **Act 369:** This Act required that all department guidance go through a guidance certification process which requires a public comment period before it can become certified. In July, the WI Supreme Court issued a decision which overturned these requirements.
- **TRC/TRH:** Tom reached out to DW to see if they were interested in having their water operators receive the TRC/TRH surveys that will be going out next year. DW indicated that they did not feel the need to be included in this effort.
- **Lab Cert Website Rewrite Status:** Tom indicated that on July 30, 2020 all DNR webpages converted to a new platform. Because of the conversion there are a lot of updates that still need to be made. Tom estimated that about 20% of the Lab Cert pages are up to date.

RT said the summary of certified lab spreadsheets are not user friendly. Paul said the lab contact is missing from the spreadsheets.

- **Lab Cert Database Rewrite Status:** Zana indicated that we are continuing to work on the conversion from an oracle-based platform to a dot-Net based platform. The rewrite is about 2/3 done with lots of testing that still needs to be completed. The hope is to go live by the end of the year.
- Covid-19: All lab cert travel that requires flying has been postponed until further notice. All staff are working from home.
- Next meeting is scheduled for November 11, 2020 at 9 AM remotely via Zoom.

Meeting adjourned at 10:40 AM.