

Attendance (23)

- 7 Council Members (7): Paul Junio (Chair), Jennifer Buchholz, Tad Schwartzhoff, Brenda Anderson, Craig Obry, Carol Mielke, Matt Schmeichel
- 7 DNR Staff (6): Steve Geis, Tom Trainor, Zana Sijan, Brandy Baker-Muhich, Janelle Nehs, Autumn Farrell, Patty Doerflinger (absent)
- Guests (10): Alfredo Sotomayor (Milw MSD), RT Krueger (NLS), Steven Hefter (NLS), Brooke Klingbeil (Medford), Christine LesCamela (Sun Prairie), Erin Mani (WSLH), Amanda Kordus (Badger), Lynda Seeger (Madison PH), John Hausbeck (Madison PH), Jessica McCammon (Madison MSD)

Agenda repair and approval of last meeting minutes

- Agenda repair: None.
- Paul asked that the “is” in the fourth sentence under “Outstanding Items” be changed to an “are.” With that revision, the last meeting minutes were approved.

Outstanding issues from last meeting

- Paul met with the drinking water program to discuss the use of “EPA approved” laboratories in the NR 809 administrative code. The result of that meeting was that the drinking water program and Paul agreed to disagree on the validity of using “EPA approved” laboratories. Paul would like to see “EPA approved” laboratories removed from NR 809. Alfredo said that the intent of the “EPA approved” laboratories language was to allow an alternative to use EPA approved laboratories when the Laboratory Accreditation Program does not offer such accreditation. The issue is current because the drinking water program wants to use “EPA approved” laboratories for their PFAS testing. They are concerned that the certified PFAS laboratories available to them will not match the analysis demand. Tom suggested that maybe we ask the drinking water program to update the “EPA approved” laboratories language in NR 809 to something along these lines: “EPA approved laboratories may be used when the Laboratory Accreditation Program does not provide accreditation for the analyte requested or when there is no laboratory that maintains such accreditation when it is offered.”

Program metrics report

Large-scale lab metrics: July 2022 – October 2022 (FY 2023 partial)

- Completed: Audited = 67%, Reports Issued = 92%, Closed = 100%, Applications = 1.
- Backlog of labs = 14.
- Reports issued within 60 days = 82%.
- Audits not closed over 1 year from report date = 2.
- Active labs = 112.
- New labs applied to program since last meeting = 3.
- Labs dropped from program since the last meeting = 0.

Small-scale labs: July 2022 – October 2022 (FY 2023 partial)

- Completed: Audited = 71%, Reports Issued = 100%, Closed = 79%, Applications = 0.
- Backlog of labs = 34.
- Reports issued within 30 days = 79%.
- Audits not closed over 1 year from report date = 0.
- Active labs = 216.
- New labs applied to program since last meeting = 0.
- Labs dropped from program since last meeting = 0.

Other business items

- Tom provided a review of our first look at the FY24 budget. Notable updates were that the FTE fringe rate increased from 41% to 47.6% and the in-state travel expense was decreased from \$25,100 to \$15,500 (based on data from FY22). RVUs were down 43 overall, even when including the new application RVUs from APPL and Cove. The resulting cost per RVU is 76.50, which is a 2% (1.50) increase from the previous year.
- Paul brought up Carol Mielke’s council membership position that will be vacated at the end of this year. Paul indicated that after our last council meeting, Christine LesCamela from Sun Prairie indicated that she would like to take this position. Since Sun Prairie’s design flow falls under the large municipal WWTP category, Paul suggested we accept Christine’s request. Tom said he would send Christine the list of things we need from her to send to DOA.

Program updates

- **Lab of the Year award update.** Steve indicated that a task force was established, and we met at the annual WWOA conference to discuss potential updates to the Lab of the Year award. Brooke Klingbeil and Christine LesCamela joined the auditors and Steve for the discussion. The main point of discussion was to determine if the program could find a reasonable way to allow labs that are certified to be eligible for the award. After much discussion, the final recommendation was to open the nominations to all municipal and industrial wastewater treatment facilities – regardless of accreditation status (registered and certified will be acceptable). Ineligible laboratories would be commercial, public health, water supply, and treatment, storage, and disposal labs. Since we were at the conference, we had the opportunity to discuss this approach with the commercial labs that were in attendance. We discussed our approach with Badger Labs, AgSource, CT Labs, and Suburban Labs, and none of them took issue with it. In the previous council meeting, NLS, Davy Labs, and Pace Labs representatives were also ok with this change. We also discussed if we should allow labs that have previously won to be able to win again. Our recommendation is that if the majority of staff has changed since the last time the lab won, that repeat winners would be allowed. As far as timing goes, everyone was in agreement that these new approaches would be reflected in the 2023 calendar year nominations. For this year, 2022 nominations, it is too late to implement this. The task force also discussed the nomination form questions and are looking at potentially updating the form.
- **Laboratories to use when no lab is certified.** Paul had asked the program to consider coming up with some general options to tell stakeholders when a covered program requires the analysis of a parameter but there is no lab that maintains certification for that parameter. Our suggestions for drinking water were to 1 – refer to the covered program code for alternate options and 2 – use an EPA certified lab. Our suggestions for non-drinking water were to 1 – refer to the covered program code for alternate options, 2 – use an EPA certified lab, 3 – use a DOD/DOE certified lab, 4 – use a TNI certified lab, and 5 – use a state certified lab. Paul was happy that we discussed it and came up with some options to give folks. RT asked if the program would maintain a list. Tom said no because certifications are in constant flux, so it wouldn't be manageable. Tom said instead, when the question comes up, folks can reach out to him, and he will help find alternatives. Tom said it isn't required that the labs do this work for their client.
- **EPA 1633 draft method.** Tom brought up EPA draft method 1633 for some discussion. The main point was that the draft method is expected to be “finalized” by the end of this year, but this “finalized” version is most likely not the version that will be promulgated in 40 CFR Part 136. A decision needs to be made for which version we want to adopt. To further complicate things, the “finalized” version is expected to only include groundwater, surface waters, and wastewaters. This leaves a void for landfill leachates, soils, sediments, biosolids, and tissues. Paul indicated that his preference would be that we move to 1633, but he understands the complexities in doing so. RT said this is a dilemma and didn't have any suggestions for us to consider. Erin Mani said that her preference is not to use a method where we know the method will still need to be updated. Erin thought it would be best to keep our current approach until this method is promulgated, or at least, until the final version that will be promulgated has been established. Tom said that we are leaning to keeping the current approach and allowing 1633 if it meets the expectations document.
- **WWOA most frequent audit findings presentation.** Paul wanted to discuss two of the “most frequent findings” that Tom presented on at the WWOA annual conference.
 - The first one is the finding, “samples and standards are not stored separately.” Current program enforcement of this requirement is to not allow total phosphorus and NH₃ standards to be stored in the same refrigerator as the samples if there is no boundary between the samples and standards. The program allows labs to place the standards in Ziploc bags or Tupperware containers in order to create a boundary. There are many different ways to define “separate.” The program feels that creating a boundary separation meets a legal definition of “separately.” Steve asked Tom to include reviewing this issue in the next code update.
 - The second one is the finding, “the laboratory is not reporting results below the LOD as < LOD.” Paul's opinion is that the department's database should be able to figure this out such that labs should not be cited for this. Alfredo indicated that any number below the LOD is nonsense and therefore should not be reported, period. Alfredo also indicated that there was clear authority in NR 149 for the program to take this approach. Tom indicated that a laboratory may falsely imply they can meet a regulatory limit by reporting a value that is below their LOD. Brooke indicated that labs are charged a fee by reporting a value instead of < LOD, so why would a lab do it? The program is actually helping labs save money by citing this. Steve said that science does not allow for reporting a value below the LOD, and analysts should understand this as a basic part of their testing. Paul said this is arguable for TSS. Tom agreed but said that we are not going to pick and choose which analytes this applies to, and instead, we will apply the requirement consistently across all analytes as indicated in the permit.

Council member issues

- None.

Checkout and next meeting date

- The next meeting is scheduled for January 24, 2023, at 9 AM. Since this is a winter meeting, we decided that a remote meeting only is best so that weather does not become a factor. We will resume the in-person meeting option in spring of 2023.