

Attendance (23)

- 7 Council Members (5): Paul Junio (Chair), Jennifer Buchholz, Brenda Anderson, Craig Obry, Christine LesCamela, Matt Schmeichel (absent), Tad Schwartzhoff (absent),
- 7 DNR Staff (5): Steve Geis, Tom Trainor, Zana Sijan, Brandy Baker-Muhich, Autumn Farrell, Patty Doerflinger (absent), Janelle Nehs (absent)
- Guests (13): Alfredo Sotomayor (Milw MSD), Sharon Mertens (Milw MSD), RT Krueger (NLS), Steven Hefter (NLS), Brooke Klingbeil (Medford), Camille Danielson (WSLH), Erin Mani (WSLH), Amanda Kordus (Badger), Steve Heraly (Badger/DNR), Ronessa Strozier (Madison PH), Kevin Freber (Oconomowoc), Mary Powers (Madison MSD), Jessica McCammon (Madison MSD)

Agenda repair and approval of last meeting minutes

- Agenda repair: None.
- The last meeting minutes were approved.

Outstanding issues from last meeting

- Two laboratories have applied for EPA 533 since our last meeting. Both labs are already certified for EPA 537.1.
- We talked last meeting about the DG program noticing frequent or chronic reporting issues at some certified laboratories that provide analysis results to them. A resolution we provided to DG was to have DG staff call or email the main contact in the Lab Cert database to address these issues. This way someone in management is made aware of the issues.

Program metrics report

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

- To date completed: Audited = 89%, Reports Issued = 93%, Closed = 122%, Applications = 5.
- Backlog of labs = 10.
- Reports issued within 60 days = 80%.
- Audits not closed over 1 year from report date = 1.
- Active labs = 113.
- New labs applied to program since 1.10.23 = 1.
- Labs dropped from program since the last meeting = 3.

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

- To date completed: Audited = 107%, Reports Issued = 107%, Closed = 111%, Applications = 1.
- Backlog of labs = 13.
- Reports issued within 30 days = 88%.
- Audits not closed over 1 year from report date = 0.
- Active labs = 213.
- New labs applied to program since last meeting = 0.
- Labs dropped from program since last meeting = 3.

Other business items

- The 2024 fiscal year budget was approved by the Natural Resources Board on April 12, 2023. The new RVU is 76.50 which is 1.50 more than last year's.
- The 2023 Laboratory of the Year award went to the Sheboygan Regional Wastewater Treatment Plant.
- Paul let us know that he thinks the department may not have reached all of the labs they should have when notifying the labs about changes occurring with the 2015 NR 812 update. The Lab Cert program notified drinking water laboratories. Paul said what we failed to consider is that certified labs (not just drinking water certified labs) along with even non-certified labs could have been doing NR 812 work previously since certification was not required. Tom said that Paul's point was duly noted and that we will work on doing a more thorough outreach in the future. Tom also mentioned that we do bring up NR 812 requirements at every audit, even if the lab is not certified for drinking water. Paul further explained that there are times when a well driller or pump installer may deliver samples to a laboratory without including the required DNR sampling form. In these cases, how are laboratories to know that the sample is a compliance sample or not? Alfredo mentioned that laboratories are to have a sample acceptance policy that should address cases like this and what their protocol is for resolution. RT mentioned that the drillers and pump installers are licensed, so that if we have bad actors, the department

could hold them accountable with enforcement. Jennifer said she knows of examples of pump installers not even communicating sample results to homeowners. Steve Heraly mentioned that there is a WI Water Well Association that has an annual conference, and they do have a lab person from Clean Water Testing on their board. If there are items of concern that we would like private water to bring up at the annual conference in January, we should let Marty Nessman know.

Program updates

- **Confidential Business Information (CBI).** If laboratories want to have their SOPs that are submitted to the department to be considered confidential, then there is a formal process where laboratories will need to submit an application to have the records considered business confidential under NR 2.19. The burden to apply for and prove that records should be treated as confidential is with the laboratory. Any records that have not been granted business confidentiality under NR 2.19 are most likely public records.
 - NR 2.19 (3) APPLICATION FOR CONFIDENTIAL STATUS. Any person seeking confidential treatment of information shall file with the department a written application for confidential status containing in affidavit form: (a) The name and address of the applicant; (b) The position of the individual filing the application; (c) The specific type of information for which confidential status is sought; (d) The facts and supporting legal authority believed to constitute a basis for obtaining confidential treatment of the information.
- **Lab lists on the website.** Tom indicated that the accredited lab lists on the Lab Cert website would only be available in an Excel file format. Lists as PDF files will no longer be available.
- **Drinking water data qualification.** We are aware that there has been confusion on whether or not data with qualifiers could be submitted to the department for drinking water. Where appropriate, qualified drinking water sample results can be submitted to the department. Inappropriate qualified data would be data where code or method specifically indicate that if “XYZ” happens, then the data shall be rejected. Drinking water samples shall be rejected in these instances: insufficient sample volume received, sample received past holding time, sample received improperly preserved, sample received in inappropriate containers, or sample shows evidence it was not collected appropriately. Test reports submitted to clients or the DNR must include data qualifiers. Electronic data submitted to clients or the DNR must also include data qualifiers.

There are two ways that electronic data is submitted to the DNR for public drinking water:

- Manual data entry through the switchboard application
- Uploading a tab-delimited text file or XML file using the file link through the switchboard application

Manual entry switchboard application screen shot – data qualification information is to be placed in the “Condition of Sample Upon Receipt/Other Comment” field. Over 2000 characters are allowed.

The screenshot shows a form with several input fields. A yellow arrow points to the 'Condition of Sample Upon Receipt/Other Comment' field at the bottom right of the form.

Private water has similar comment fields.

The screenshot shows a 'Laboratory Results' form. A yellow arrow points to the 'Comments' field at the bottom of the form.

File uploads must use the DNR approved LDES format.

This information is available at <https://dnr.wisconsin.gov/topic/labServices/labDataTransmittal.html>

- Column AM = “Lab_Comment_Text” is available for any type of sample/analysis/analyte comments. Over 2000 characters are allowed.

| AJ | AK | AL | AM | AN | AO |
|------------------------|--------------|-------------------|------------------|----------|-----------------------|
| ANALYSIS_DATE | EXTRACT_DATE | ANALYSIS_BATCH_ID | LAB_COMMENT_TEXT | DILUTION | RESULT_QUALIFIER_CODE |
| 08/01/2003 11:00:00 AM | | | | | 2 |
| 08/05/2003 11:00:00 AM | | | | | V |
| 08/05/2003 11:00:00 AM | | | | | V |
| 08/01/2003 11:00:00 AM | | | | | 2 |
| 08/05/2003 11:00:00 AM | | | | | V |
| 08/01/2003 11:00:00 AM | | | | | 3 |
| 08/05/2003 11:00:00 AM | | | | | V |
| 08/01/2003 11:00:00 AM | | | | | 1 |

- **EPA Method Update Rule.** Tom was asked if the methods that are listed in the current method update rule are acceptable for compliance analysis. Tom indicated that a method update rule must be finalized in order for the methods to be acceptable. Methods listed in a proposed method update rule would not be acceptable.

Council member issues

- None.

Checkout and next meeting date

- The next meeting is scheduled for September 26, 2023, at 9 AM. We are planning to include an in-person meeting option at the WSLH.