

Remote Attendance (24)

Council Members: Paul Junio (Chair), Jennifer Buchholz, Tad Schwartzhoff, Brenda Anderson, Craig Obry, Carol Mielke, Matt Schmeichel

DNR Staff: Steve Geis, Tom Trainor, Zana Sijan, Brandy Baker-Muhich, Janelle Nehs, Autumn Farrell, Patty Doerflinger

Guests: Erin Mani (WSLH), Sharon Mertens (Milw MSD), Alfredo Sotomayor (Milw MSD), RT Krueger (NLS), Steven Hefter (NLS), Jessica McCammon (Mad MSD), Kevin Freber (Oconomowoc), Brooke Klingbeil (Medford), Amanda Kordus (Badger), Steve Heraly (Badger)

Agenda repair and approval of last meeting minutes

- Agenda repair: UCMR5 discussion can be removed from the agenda.
- Last meeting minutes were approved.

Outstanding issues from last meeting

Tom indicated that

- The confirmation documentation requirement that samplers placed samples on ice immediately after collection would be included in the email update sent out to all labs before the next Council meeting.
- Progress on the website updates will occur before the next Council meeting.
- The clarification on concentrating samples to lower MDLs will be included in the email update sent out to all labs before the next Council meeting.
- The bromoform breakdown standard information will be added to our website sometime in the future.
- The backlog history is included in today's presentation.
- Brandy confirmed with Ramboll labs in TN that shipping WET samples to them has not been an issue.

Paul indicated he was disappointed that the email on concentrating samples to lower the MDL hasn't been shared with labs yet. Tom said he will make sure it is sent before the next meeting.

Program metrics report

Large-scale lab metrics: July 2021 – Dec 2021 (FY 2022 partial)

- Completed: Audited = 80%, Reports issued = 110%, Closed = 80%, Applications = 3.
- Backlog of labs behind = 11 (improvement of 3 labs).
- Reports issued within 60 days = 54%.
- Audits not closed over 1 year from report date = 1.
- Audits not closed over 6 months from report date = 4.
- 114 Active labs.
- No new labs applied to program since last meeting.
- No labs dropped from program since last meeting.

Small-scale labs: July 2021 – Dec 2021 (FY 2022 partial)

- Completed: Audited = 103%, Reports issued = 113%, Closed = 75%.
- Backlog of labs behind = 36 (improvement of 7 labs).
- Reports issued within 30 days = 92%.
- Audits not closed over 1 year from report date = 0.
- 219 Active labs.
- No new labs applied to program since last meeting.
- 1 lab dropped from program since last meeting.

Sharon asked if virtual evaluations were still possible. Tom said that the decision to perform virtual audits is up to the auditor and the laboratory based on the situation they are each in.

Paul wondered if the Program should consider changing the definition for when a report is considered complete in order to help reduce TAT. Carol indicated that there can be a lot of back and forth with the auditor regarding questions that arise after an audit and that she feels this open communication is helpful.

Other business Items

Coleman WWTP and Dairyland Power in La Crosse are withdrawing from the Program.

The fiscal year 2023 budget was reviewed. The RVU is 50-cents less than last years. This change is primarily due to the removal of the fee cap in NR 149. Council approved the budget proposal.

Annual Council elections were held. Paul was elected Chair, Jennifer as Vice-Chair, and Craig as Secretary. No memberships expired but the Program needs to receive emails from Craig and Tad indicating their intention to continue on with a second term. Tom asked how we decide on a term expiration date when a member starts (start date is defined as the first Council meeting attended as a voting member) before July. The consensus was that the Program should define that a term starts the July after membership commences. This is consistent with statute language then. This will result in some members having a first term that is longer than 3 years. Tom and Steve will draft a written SOP for these items to present to Council for input. Kevin said if it is noted in the minutes, it's as good as law.

Program Updates

- **SRN variance:** The Program received a variance request from having to provide a WP PT result for BNA-SVOC by GC/MS. The laboratory is only applying for non-aqueous BNA's and does not have the equipment to perform the aqueous extraction required to perform the WP PT. The laboratory offered to provide a passing solid PT instead, which is a better indicator of performance since they can analyze the PT using the method they will use for samples. Paul suggested we consider allowing solid PTs in the next NR 149 update. Tom said that is possible, but the limiting factor is the ability of the database to handle solid PTs. As a result, there is a large funding issue keeping us from moving in that direction. Alfredo asked if SRN failed the solid PT would we still grant them accreditation. Tom said no we would not. Carol indicated that a solid PT is more appropriate in this case. The variance was approved by Council with the understanding that an annual review of the solid PT results would occur and that a passing PT would be required.
- **Belgioioso Cheese variance:** The Program received a variance request to allow pre-programmed initial calibrations provided by the instrument manufacturer for drinking water chlorite and chlorine dioxide analysis. The facility is using ChlordioX Plus sensors that are approved for drinking water testing. These sensors, although approved by the EPA, do not have the capability to create a user-input initial calibration. Alfredo indicated that accreditation is required for compliance. Tom indicated due to the short holding time that subcontracting testing was not possible. Matt said that drinking water testing is very important and it is best to do that in-house anyways and if the method is approved, we should allow it. Paul suggested we can be smart about granting the variance by keeping it focused on this specific situation. That is, the variance would be granted to allow for pre-programmed initial calibrations for sensor technology. The variance was approved by Council with the understanding that the variance applies only to sensor technology. There was a discussion on whether we needed to worry about a second source variance. The consensus was that the standards that the method requires are the second source, so no variance is necessary.
- **Proposed EPA PCB regulations:** EPA is proposing to expand the available options for extraction and analysis of PCBs under TSCA. Currently only 3540C, 3550B, and 8082 are acceptable methods. The proposal would remove 3550B as an extraction option. 3510C, 3520C, 3535A, 3541, 3545A, 3546, 8082A, 8275A, and 1668C would be added as options. The final rule is expected to go into effect within a year. RR will advise RP's regarding the acceptable methods once the rule is final. Sharon asked if the department is looking to add additional options to PCB analysis in biosolids. Tom indicated we have reached out to Region 5 with this question and have not heard back yet.
- **Proposed rules for PFAS in GW update:** Public hearing is completed for cycle 10 standards. Draft rule will be presented to NRB in February. Scope statement for cycle 11 standards has been approved by NRB. Rule drafting in progress. RT asked if this rule includes the lower limits for 1,4-dioxane? Tom said yes. RT asked how we can advance rules when there are no nationally accepted methods for some of these analytes. Tom said that public health concerns create the driver to add these new standards as soon as possible. Sometimes methods have to catch up with the standards and laboratories just have to do the best they can until nationally accepted methods are available. This is the typical order of operations for public health concerns. Alfredo agreed but did suggest that it could open the department to challenges. Paul asked if the rule included summing compounds. Tom said yes and that the footnotes to the tables provide that information.
- **Proposed rules for PFAS in DW update:** Public hearing is completed for cycle 10 standards. Draft rule will be presented to NRB in February. Once the rule is final the Program will need to offer certification for EPA 533 if requested. Scope statement for cycle 11 standards has been approved by NRB. Rule drafting in progress. RT asked if we fixed the reference to a "Wisconsin 33 method". Tom said he submitted comments to fix it. The EPA will most likely end up with lower MCLs than Wisconsin is promulgating. So once those are finalized, we will need to update our rules again to meet those. Tom indicated that funding may become available from the Federal infrastructure bill for analysis of PFAS for community related water projects. Carol asked for the timing on EPA 1633. Tom said the hope is sometime in 2023. Multilab validation is underway.

- **DNR communication and Lab Cert Program responsibility:** Paul indicated that the Program should be an advocate for the laboratories. For example – a DW specialist called the lab asking where missing test results were. The lab did not receive the sample to analyze it and the DW specialist was unaware that a different lab could be used to do the next round of analysis. Paul said they shouldn't have to deal with this. Paul also said that the department should consult with other laboratories, not just the WSLH. Paul said if there are changes to DW requirements that the DW program should be notifying the municipalities to educate them. Alfredo said he can understand Paul's frustration but there is no standard way to communicate these issues out to customers. Steve and Zana suggested that Paul follow up with Adam DeWeese and Steve Elmore to alert them to the issues.

Council member issues

- None

Checkout and next remote meeting date

- Next meeting is scheduled for April 26, 2022, at 9 AM.