

Laboratory Certification Standards Review Council Meeting Minutes From 2-7-2008

Attendance

Council Members: Kate Edgington (Chair) [via teleconference], Sue Hill (Secretary), David Kliber (Vice-Chair) [arrived 10:30 due to inclement weather], Chris Groh, Steve Jossart

DNR Staff: David Webb, Rick Mealy, Alfredo Sotomayor

Others in Attendance: Paul Harris (Davy Laboratories)

NOTE: This meeting, original scheduled for Wednesday February 6, was re-scheduled for Thursday February 7 due to a significant snowstorm.

Summary and Action Items

At this meeting the Certification Standards Review Council:

- o The Council approved the fiscal 2009 fees and budget package.
- o Reviewed program audit performance
- o Discussed current and upcoming Council vacancies.
- o Tentatively scheduled the Council's next meeting for Thursday, May 8, 2008

Agenda Items

I. Check in/Agenda Repair

- A. Re-ordered sequence of agenda items to begin with FY2009 budget and fees presentation.

II. FY09 Fees and Budget Presentation

- A. Alfredo Sotomayor summarized the fiscal 2009 budget as follows:
- ▶ As has been done historically, the program plans to spend significantly less than the DOA approved spending authority.
 - ▶ Salary and fringes comprise 89% of the budget; program is projecting a 3% increase pending settlement of state employee contracts.
 - ▶ Total budget is only \$12,333 over last year.
 - ▶ Applied \$30,000 of unspent accrued salary funds (allocated during FY08) to reduce the amount needed to be collected via fees this year.
 - ▶ Using NR149 fee formula, cost per RVU is \$68.00, a 5.4% increase over last year (\$64.50/RVU).
 - ▶ A typical WWTP lab fee will be \$952; a typical commercial lab fee will be \$4,012; the maximum fee that could be charged is \$9,044
 - ▶ Our fees compare favorably to those of other states. A full comparison chart will be provided in the green sheet package for the Natural Resources Board (NRB).
- B. Steve Jossart asked if fees are increasing due to fewer labs in the program. Sotomayor responded that the increase is largely due to salaries but the total number of RVUs dropped by over 2%. Since the cost per RVU is based on total; budget divided by total RVUs, the reduction in total RVUs also contributed to the fee increase.
- C. Kate Edgington asked if applying the unspent \$30,000 in salary dollars will provide us with any fiscal reserves that may be necessary to offset unforeseen costs associated with implementation of NR149 revisions. Sotomayor indicated that some unencumbered funds remain in reserve that could be used. Dave Webb added that, unlike most programs, the appropriations for our program rolls over into the next fiscal years. Thus if salary increases are less than the projected 3%, then the difference in funds will roll over into FY10. Webb further added that since joined the program, our budget has been reduced by no longer using LTEs, no longer hiring a summer intern, and not funding a ½ FTE position designated for program support. If the ½ FTE position gets cut during the statewide budget process, then DOA could reduce our spending authority.
- D. Paul Harris asked if we could include an "actual" column to know what was actually spent. Webb explained that some of the expenditures, such as PC purchase and PC support, are fixed fees. Others are derived based on patterns of use. Internally, he reviews all Management and Budget related forms.
- E. Harris asked if funds were available since \$15,000 allocated for outreach was unused. He also pointed out that in-state and out-of-state travel decreased from last year. Sotomayor explained that the fee

formula in NR149 requires us to offset travel based on the prior year. The reduction was a direct result of being understaffed for these audits.

- F. Harris also asked if \$5,000 was sufficient for internal training. Webb stated that the program is perennially underfunded in this area. His plan is to send two auditors each year to the EPA's drinking water certification course. In addition, it can be used to fund peer audit "shadows". History has shown that the figure should be sufficient. He further clarified that the program budget can be viewed as two "funds", one that is encumbered for salary and fringes, the other for "supplies". Another area we typically under spend on is computers, although we do like to plan for inevitable failures. We currently need replacement PCs for Dave Ekern (from 2001) and Tom Trainor.
- G. Dave Kliber noted that last year fringes increased by about 4%, and asked if there will be an increase this year. Webb responded that fringes will stay the same as a percentage of salary; they are calculated as a percentage for each biennial agency/state budget.
- H. A motion (Groh/Jossart) to approve the budget and fees passed unanimously.

III. NR 149 Training & Outreach

- A. Dave Webb began by summarizing recent events in the rule revision process. A legislative hearing was held on January 16. Essentially it was inconsequential; the committee took no formal action. The deadline for any action to be taken is February 18. At that time the rule becomes "official".
- B. The afternoon session of the April 24th Wisconsin Environmental Laboratory Association (WELA) meeting will be dedicated to NR 149 revisions. The possibility of a full-day session sponsored by WELA sometime this summer is also being investigated.
- C. Dave Kliber emphasized the need to keep the information and specific changes as simplified as possible.
- D. Webb indicated that the first step would be to send out a letter to all program laboratories after February 18, to indicate that the code has been revised, and direct them to where they can obtain a copy of the code and any other 149-related information.

IV. Midwest Summit Debrief

- A. Alfredo Sotomayor reported that the original intent was for a panel discussion between state representatives to discuss how the "Methods Update Rule" is being implemented. Instead, panel members were asked to discuss relevant issues in their states. Sotomayor indicated that he talked about the NR149 revision process and highlighted the important changes. A discussion of the six major/controversial items in the draft rule ensued
- B. Sotomayor noted that the meeting is beneficial for us as a program as we get to see what others are doing. The meeting also included a good session on Standard Methods and how things get done within the Standard Methods organization.
- C. Dave Kliber emphasized the importance of these meetings in keeping us from becoming myopic in our actions. It represents an excellent opportunity to both learn and share.
- D. Dave Webb encouraged council members to alert the program to similar opportunities if they believe it's something in which we should participate.

V. Review and Approval of Draft Minutes from 11-28-07 Meeting

- A. A motion to approve the minutes noting no changes were necessary was unanimously approved (Kliber/Hill).

VI. Program Audit Status Report- for FY08 Year-to-Date

- A. Rick Mealy presented Council members with program audit statistics and backlog information. He noted that, with about 60% the fiscal year completed, the regional labs are at about 50% of program goals. The labs designated as "central office" have made good progress in terms of the number of audits performed and cases closed (42% and 32% of target, respectively) and are nearly on pace for report generation (50% of goal).

FY2008 Cumulative Totals

CENTRAL OFFICE			REGIONAL		
	Total YTD	Goals		Total YTD	Goals
Audits	16	38		50	100
Reports	19	38		53	100
Closures	12	38		45	100

(Goals based on audit every 3 years)

FY2008 Quarterly Totals

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
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CENTRAL OFFICE

Audits	4	8	4	
Reports	6	12	1	
Closures	8	3	1	

REGIONAL

Audits	23	22	5	
Reports	24	24	7	
Closures	21	17	7	

Total Labs by Responsibility		11/15/07	7/31/07	4/30/07
CO	Central Office	113	118	121
RC	Regional/Central	----	----	37
NE	Northeast	65	66	----
NO	Northern	31	31	----
WC	West Central	61	61	88
SC	South Central	75	75	86
SE	Southeast	69	69	91
O	Other/Reciprocity	7	8	8

VII. FY 2008 Training & Outreach Update

- A. Sue Hill opened the discussion with a suggestion that improvement in writing skills is important. In her work reviewing technical SOPs, she sees this need at all levels.
- B. Paul Harris asked if we would be able to obtain staff support from the State Laboratory of Hygiene (SLH). He added that the SLH is particularly valuable for auditors; the SLH chemists, who are actively doing testing with state-of-the-art instrumentation, can assist us in identifying particular aspects of testing on which our focus should be. Sue Hill responded that it's really an issue of time constraints. The lab is doing the same volume of work, but with reductions in staff.
- C. Dave Kliber indicated that he is a member of an advisory committee for MATC-Milwaukee and offered to share an outline that will help clarify the value associated with a particular training session.
- D. Paul Harris asked if SLH assistance could be tied into the DNR's "Basic Agreement". Webb responded that the main purpose of the "Basic Agreement" is to fund analytical capability at the SLH. Webb indicated that he felt that the LabCert program has sufficient funds and resources. He added that the University of Wisconsin-Stevens Point (UWSP) is increasing their training presence likely leading to establishing a training center. The center would be available during winter and summer breaks. UWSP is sending a message for programs like ours to come and make use of their facilities. Dave Kliber suggested that a 1-page brief be prepared to outline whether UWSP's resources (or something else)

would serve our needs. Kliber indicated that he would send a copy of a course outline that he has utilized in similar circumstances.

VIII. Open Issues

- A.** Mealy reported that the NYDoH PT provider issue has been resolved; since the last meeting, NYDoH has been added as an approved provider for the PTs that will meet out program needs.
- B.** Dave Kliber asked about progress on the issue of “Reporting Non-Target Compounds”, which was raised again at the recent Midwest Environmental Summit. Mealy reminded the group that this is not a LabCert issue; it is a Water Supply program issue.
- C.** Paul Harris asked if LabCert can help facilitate moving towards a resolution with the Water Supply program. Kate Edgington noted that NR 809 and 810 currently remain open for discussion. The next meeting of that Advisory Committee is scheduled for later in February.
- D.** Alfredo Sotomayor reported that there is no consistency on the issue among the regional states. Positions range from Iowa’s stance that “everything must be reported” to Ohio’s stance that they “have no authority”.
- E.** Dave Webb summarized that the next threshold point for action will be the NR 809 rule change effort. Kate Edgington added that the intent is not to open all parts of NR809, merely the groundwater portion, but the rule will be open, so change is a possibility.

IX. Other Program & DNR Business

- A.** Lab-of-the-Year Awards: Webb informed the Council that the winners, to be announced at the March meeting of the Natural Resources Board, are McCain Foods for small registered lab, and Neenah paper Mill for the large registered lab. Traditionally the program has sent a congratulatory letter to the winners and their state representatives.
- B.** Variances: None to report.
- C.** LOD/LOQ: Webb noted that a new guidance document for determining the LOD is has been generated. Tom Mугan of the Department’s Watershed Management program is a member of the EPA’s advisory committee.
- D.** NR 219 Revision – LabCert is actually doing the revision on behalf of the Watershed program as the rule is mainly a table of methods approved for WPDES permits. Diane Drinkman is leading the effort, and the rule will likely go to the board in May or June, with the hope of holding public hearings this summer. There will likely be only a couple of public hearings. Webb also noted that the “15 minute” rule, which is now a federal requirement, will be incorporated into this rule change.
- E.** Surveys – Webb noted that he continues to receive really useful post-audit survey forms. He added that the surveys are particularly noteworthy with Dave Ekern and Tom Trainor coming into the program, as both are very different than Dom Domencich. The comments indicate that they are really thorough and helpful. Webb particularly enjoys having the opportunity to open a dialog with the laboratory, whether it be via phone or e-mail.
- F.** NR149 Update: Webb reported that about a month ago, he convened a two-day program staff meeting to inventory all NR149-related items or decisions that require some sort of clarification or actions. The results was a very rough but dynamic spreadsheet to capture the issues that need to be addressed.

X. Council Member Issues

- A.** Kate Edgington inquired about the status of the current Council vacancy (large municipal wastewater facility). Webb responded that there is some news, but not much. DOA has all the information, and the names of several nominations. The ball is in their court to make an appointment
- B.** Edgington also announced that her last term expires after the [May 2008] Council meeting, so we will need to fill the “public water utility” seat as well. LabCert will put an announcement on their website. Chris Groh indicated that Rural Water has a weekly legislative update that he might be able on which he

might be able to get the vacancy posted. Edgington and Groh could work jointly to prepare a media notice for WWOA and WRWA.

- C. Paul Harris wanted to know what the statutory definition of “public water utility” is. Noting that the Council already has two municipal representatives (small and large wastewater facilities), he would be opposed to further municipal representation.
- D. The group consensus that the appropriate candidate for the vacancy would be one with an understanding of both water supply operations and the analytical testing required.

XIV. Future Meeting Date

- A. The next Council meeting was tentatively scheduled for Thursday, May 8, 2008 at the State Laboratory of Hygiene.