

Laboratory Accreditation Advisory Committee
Minutes for November 19, 2024 Hybrid Meeting

MEMBERS PRESENT

Anita Martin, Chester Water Authority (Municipal Authority)
Danielle Cappellini, A.E. Kirby Memorial Health Center (Commercial Environmental Laboratory)
Christin Geletei, US Steel Clairton Works Lab (Industrial Environmental Laboratory)
John Stolz, Duquesne University, (Academic Laboratory)
Chad Heister (alternate to Joel Jordan), PA Rural Water Association (Association of Community Water Supply Systems)
Molly Campbell, Sharon Sanitary Authority (Association of Wastewater Systems)
Richard Stump, Suburban Testing Laboratories, Inc. (Technical expertise in the testing and analysis of environmental samples)
Andrew Yencha, Penn State University (General Public, Member)
Terry Obal, Metiri Group (General Public, Member)

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) ATTENDEES:

Annamarie Beach, Laboratory Accreditation Chief
High Garst, Policy Specialist
Laura Griffin, Regulatory Coordinator

PUBLIC ATTENDEES:

Linda O'Donnell, Public Guest
Sue Myers, Public Guest
Susan Magness, Public Guest

CALL TO ORDER AND ATTENDANCE

The meeting was called to order by the Chair Richard Stump. Terry Obal, vice chair, performed a roll call to take attendance of the committee members. Mr. Stump clarified the rules for the committee stating that committee members must wait to be acknowledged before speaking and all attendees must introduce themselves prior to speaking.

REVIEW AND APPROVAL OF 4/23/2024 MEETING MINUTES

Mr. Stump requested comments or a motion to approve the meeting minutes from April 23, 2024. Anita Martin requested three changes to the 4/23/2024 minutes. Dr. John Stolz motioned to approve the minutes as amended. Danielle Cappellini seconded the motion. All present committee members (9) voted to approve the meeting minutes as amended.

CHAPTER 252 FEE SCHEDULE

Annamarie Beach, Chief Laboratory Accreditation Program (LAP) spoke on the proposed Chapter 252 fee schedule (Appendix A). Annamarie covered current program costs to support the LAP including the 9 current employees (plus 2 vacancies) and operational costs (such as travel, required training, building lease, office supplies, IT services). LAP is a self-sustaining program, and the current fee structure was meant to cover anticipated program costs up to the 2016/2017 fiscal year. The fee structure has not been updated for the last 6 years. Based on current revenue projections, the cost of the program will exceed income by fiscal year 2024.

Cost increase proposed will include a new PFAS specialized assessor. For fiscal year 2024/2025, the projected costs of the LAP program will exceed revenue by \$300,000. The fee increase proposed is about a 25% increase across the board except for the ownership transfer fee.

Committee members Richard Stump, Anita Martin, Terry Obal posed several questions related to the current status of the proposed fee schedule and what the fee proposal process and timeline was. Laura Griffin, DEP regulatory coordinator, indicated that the first step is the fee report which was reviewed by the EQB. The second step is bringing the draft before the committee for comment followed by developing the full rule making package to go before the EQB and multiple other agencies for review. After this process, the proposed fee schedule would go out for public comment, currently targeting a public comment period for sometime next summer.

A discussion between Anita Martin and Annmarie Beach and Pam Higgins occurred about the status of current staffing levels and filling of vacancies for 11 total LAP employees. The additional 12th employee is not included in the current fee schedule.

Anita Martin questioned about virtual and onsite assessments and asked if the implementation of a hybrid/virtual onsite cycle format was included in the proposed fee schedule/budget. Annmarie responded that the hybrid virtual/onsite cycle was included in the proposed budget and fee schedule increase.

Anita Martin questioned why the 3 fee items (including ownership transfer) were not increased if employee costs increased by 22%. Annmarie Beach provided the explanation that current fees cover the cost of time adequately, pointing out that ownership transfers and resending certificates are all electronic and updated to the program's data base.

A discussion between Anita Martin, Annmarie Beach, and DEP Policy occurred about whether the out-of-state fee of \$75 per hour for assessor in 252.206 would be proposed to be increased if employee cost has gone up 22%. This fee report only covers this fee structure section; there is no current proposal to update this section of Chapter 252. Anita Martin proposed opening this section for update.

Dr. Stolz asked if there is enough buffer in the proposal for the 3-year period. High Garst, DEP Policy Specialist, said that yes, the requirement is to review the fee structure every 3 years and that the proposal accounts for the 3-year period.

Rich Stump asked about changes to the number and demographics of Pennsylvania laboratories since 2016. Annmarie Beach said that a shift away from medium sized laboratories to small or large laboratories had occurred and that the EQB presentation included stats and can be found on the EQB website.

An undisclosed participant questioned what occurs to the LAP's surplus at the end of the fiscal year. An explanation was given by Annmarie Beach that this question should be addressed to the Commonwealth's Fiscal agency.

A discussion occurred between Anita Martin and Annmarie Beach about updating the fee sections such as for the Basic Non-potable Water Category where it just includes fecal coliforms, but E. coli was recently added to NPDES permits. This language is planned to be updated whenever the full Chapter 252 is revised.

PFAS UPDATE CLEAN WATER – NPDES AND BIOSOLIDS

Maria Schumack, Engineer Manager NPDES Program gave an update on PFAS in Clean Water which included sewage, industrial wastewater, and stormwater permits. NPDES permit updates began in March 2024 which

included permits requiring screening analysis for the group (pollutant group 1) where 4 PFAS analytes (PFOA, PFOS, PFBS, Gen X) will be added.

Due to the updates, participants responded that there are Target Quantitation Limits (TQLs) for the four PFAS analytes, but instead of using reasonable quantitation limits the permitting program arbitrarily set limits that are often unattainable. These limits are frequently set to be monitored during the permit term of 5 years. It was suggested that the basic requirements be if Non Detect (ND) is at or below each of the 4 TQLs, that labs then go to annual monitoring, and then quarterly monitoring. If 2 consecutive quarters of ND occurs for all 4 TQL, then go to annual. If no EPA approved pre-treatment then do survey of all dischargers. If they do have an EPA approved pre-treatment plan then they would survey all industries and require them to perform PFAS testing on influent, effluent and biosolids per quarter for 12 quarters.

A member of the committee asked why only 4 of the 6 general PFAS are included in this plan and the possibility of adding the other 2 or more PFAS analytes. Also discussed, was how the TQLs were determined between the EPA draft and testing by PA DEP BOL. It was confirmed that a grab sample will be required. A member of the committee then asked if laboratories could be informed when permits are out for update or application. It was decided that LAP would provide notice to laboratories when possible. This would be related to SOP or instruction updates not individual permits.

PFAS UPDATE DRINKING WATER

Dawn Hissner, Program Manager for the Bureau of Safe Drinking Water (BSDW), gave an update of PFAS in Drinking Water, referencing an email previously sent out in August 2024, requesting that laboratories report 6 types of PFAS, not just the 2 regulated under EPA requirements. This was in addition to asking that labs include Reporting Limits (RL) with data so that BSDW can evaluate both State and Federal requirements. At the time, the Commonwealth RLs are higher than EPA RLs. It is important for BSDW to know what the lab RL is because this will be dependent on if results are above or below a trigger level. At this time, you can report these results as qualified without a qualified drinking water request (only instance) - report a number regardless as long as it's not below your MDL. EPA is only accepting 2 methods for determining PFAS in drinking water, EPA 533 and 537.2. The method EPA 537.1 may be used for State compliance but not EPA.

It was clarified that J flags (estimated value) may be reported for the 6 regulated PFAS (and across the board for the 40 analytes in the method).

A discussion occurred between committee members (Rich Stump, Terry Obal, Danielle Cappellini) and BSDW (Dawn Hissner) on the need to report either the RL or MDL and how this is not the way laboratories generally report data. The test report would then need to report the RL and data to Drinking Water Electronic Lab Reporting (DWELR), which would then list the RL but reported below down to the Method Detection Limit (MDL). Pennsylvania DWELR cannot accept flags, so it is necessary to include RL in DWELR to be reviewed for trigger levels. Continued discussion occurred on what information is needed related to PQL/MCL and trigger levels (which are lower than the MCL) and whether the RL or MDL is needed for reporting to DWELR.

Rich Stump suggested that DWELR need both the RL and MDL. Please submit questions about this to the BSDW resource account epSDWtechsupport@pa.gov. This started July 2024 per EPA federal regulations to run initial monitoring for 6 PFAS between May 2024 and April 2027 to determine frequency of testing starting in April 2027. It was decided to conduct a separate meeting with BSDW and the committee members to discuss this in greater detail. LAP will plan to set up this meeting.

PFAS UPDATE BIOSOLIDS

Annamarie Beach presented that the Clean Water Program currently does not include monitoring requirements for PFAS in permitting. Clean Water Program hopes to add this in the future and are currently conducting initial monitoring themselves.

DWELR REPORTING LIMITS

Rich Stump presented on Limit of Quantitation (LOQ) vs Limit of Detection (LOD) and that labs are reporting to one of these 2 limits and its relation to the MDLs. MDLs obtained in 1990 were performed using the old MDL procedure and are no longer achievable under the new MDL procedure. There was concern that for DW the old MDL are hardcoded into DWELR for use. Dawn Hissner indicated that this is not the case and that DWELR does not look at MDLs. Report Instructions say anything below the MRL is a non-detect. This is due to the old data management system in use, which is limited in accepting meta data. Rich Stump indicated that he is concerned that the data used does not know what a ND (zero) means because volumes, dilutions, composites will change the RL and recommends that DWELR capture the MRL or MDL whichever the laboratory is reporting to for consistency. BSDW indicated they were open to looking at this and having further conversation about reporting limits and capturing this in the reporting system.

GENERAL COMMENT AND CHAPTER 252 FEE SCHEDULE (CONTINUED)

Anita Martin asked why additional assessors are needed if the number of laboratories is less. Annmarie Beach indicated that fewer labs does not correspond to less work as the remaining laboratories are getting larger, Proficiency Tests (PTs) need review, and activities such as application review, SOP review, document review, and Part 3 supervisor reviews have increased. Annmarie continued that more complex testing like PFAS and regulation updates needing implementation implemented contribute to the need for more assessors.

Dr. Stolz had asked the LAP (Annamarie Beach) about what happens during laboratory consolidation. It was discussed that either the parent laboratory buys the client list of the other laboratory and the other laboratory will close. Alternatively, the bought-out lab will remain open and will maintain a separate accreditation from the parent company depending on the situation.

Danielle Cappellini suggested that PFAS should have its own category and not be included with Semi-volatile analysis (SEMIs). She had also added that the scopes of Basic Drinking Water (BDW) and Basic Non-Potable Water (BNPW) have not changed that much and that if fees get too high the small and medium laboratories may get pushed out. Annmarie stated that this was considered when determining the fee increases and that this is on the list for when the categories are defined in the update. It is being considered to make PFAS its own category. LAP also plans to evaluate the category for BDW, BNPW, Microbiology and Complex Microbiology categories. Anita Martin suggested that the definition of categories be updated during this fee structure update.

Linda O'Donnell raised a question about the chlorine efficacy check email that was sent out and is not able to get a copy of the policy. Annmarie Beach indicated that the specified policy is an internal document and needs to be moved to an external document and go through approval to be published for the public. The LAP will work on producing an external document for the chlorine efficacy check.

Anita Martin noted that the time to audit a smaller lab does not take as long as auditing a larger laboratory. Anita also suggested rounding up the proposed fees.

A discussion occurred on the decision by LAP for TDS SM 2540C that the analysis time starts when the samples are placed into the 180C oven. It was suggested and decided that the LAP would include these types of

decisions on the LAP website. It was also suggested and decided that the LAP would send out a mass email to all laboratories specifically outlining this decision for TDS SM 2540C analysis time.

PUBLIC COMMENT

Susan Magness asked how the TDS SM2540C analysis time was being applied to secondary laboratories. It was suggested and decided that the LAP would send out a mass email to all laboratories specifically outlining this decision for TDS SM 2540C analysis time.

Sue Myers gave a small operator's viewpoint and raised concerns about where to go when you have laboratory issues with reporting errors, collection errors, notifications etc. It was discussed that PA DEP LAP does have a process for handling complaints.

CLOSE OF MEETING

Torrey Anderson-Green indicated that individuals could email him for information about the next LAAC meeting. Dr. Stoltz motioned to adjourn. Anita Martin seconded the motion. All present members voted to adjourn the meeting at 12:05 PM.