

TNI Stationary Source Audit Sample (SSAS) Expert Committee Teleconference on November 13, 2014 – Minutes - final

**Attendance:**

Tom Widera – Chair ERA (Provider)	Committee member	Present
Charles Simon – Vice Chair VOC Reporting, Inc. (Laboratory)	Committee member	Present
Mike Hayes Linde (Provider)	Committee member	Present
Michael Klein New Jersey DEP (State Government)	Committee member	Present
Theresa Lowe, Golden Specialty (Stationary Source Tester)	Committee member	Present
Paul Meeter, Weston Solutions (Stationary Source Tester)	Committee member	Present
Bob O’Brien Sigma-Aldrich (Provider)	Committee member	Present
Gregg O’Neal North Carolina DAQ (State Government)	Committee member	Present
Michael Schapira Enthalpy (Laboratory)	Committee member	Absent
Jim Serne TRC Environmental Corp (Stationary Source Tester)	Committee member	Present
Katie Strickland Element One, Inc. (Laboratory)	Committee member	Present
Stanley Tong EPA Region 9 (Federal Government)	Committee member	Present
Maria Friedman – Test America (Laboratory)	Associate Member	Absent
Steve Sidebottom, MO DNR	Guest	Present
Josh Vander Veen, MO DNR	Guest	Present

Tom Widera called this meeting to order at 14:07 HRS EDT. There was a quorum present.

- The October 27, 2014 meeting minutes were reviewed.
  - Teresa Lowe's company name was changed to Golden Specialty.
  - The second paragraph was corrected to say "Committee Chair then notifies/sends"
  - Page 3, 4<sup>th</sup> paragraph was corrected to accurately reflect the discussion regarding whether the audit sample for Method 8 needed to be diluted in IPA or peroxide.
  - Teresa moved to accept the minutes with the modifications discussed and Jim seconded the motion. There were no oppositions. Charles, Katie, Mike H., Bob, and Gregg abstained. The meeting minutes from October 27, 2014 were approved.

The VDS V1M1 and V1M3 are posted on the TNI website for voting. William indicated that only Katie, Michael K., Stan, and Tom had voted to this point. Tom indicated that votes need to be placed by November 30.

Stan brought up a question regarding what happens when an audit sample is failed. Who would be liable for any re-sampling if it is clear that the failure is the fault of the lab or if it is not clear?

Charles indicated that it happened to them twice for M25, when it was clear it was the fault of the lab. He indicated that in these cases they were the tester and lab and that they just did the re-sampling themselves. When it was not clear who was at fault, each side handled their own part.

Jim mentioned that Error and Omission (E+O) insurance can cover the sampling. When regulators look at a failed audit, they need to look at the financial impact to determine if a sampling event needs to be repeated.

Michael K. added that they look at the overall impact on compliance. If the audit failure does not affect compliance then re-sampling is not necessary.

The ultimate responsibility rests on the facility. For a lab/tester certification through SES, they are required to carry E+O insurance.

Charles commented in today's audit program, all audit failures should be the fault of the lab as the testers do not collect the audit samples but merely pass on the audit samples sent by the provider.

Tom addressed the activity from the last call regarding the regulatory agency contact list. Tom will take the lead on trying to get an accurate list compiled. Both Tom and Bob indicated that there is a high rate audit sample requests not being returned by the Regulatory Agencies. ERA has found about a 20-25% no response rate. Sigma is estimating a 15-30% no response rate.

Tom asked the committee for suggestions regarding the best way to try to gather this information. Stan mentioned that it was suggested to send an email survey to the Regulatory Agencies to request this information. It would be beneficial to get both a primary and secondary contact.

Gregg indicated that some difficulty arises because some states have not only a central office but also regional offices that can be the points of contact.

Tom mentioned that this whole issue started when he received an email from Rob Knake that someone had contacted them asking how to lodge a complaint about providers trying to contact multiple people at an agency to try to request audit sample concentration information.

Paul asked Michael K and Gregg if they have encountered any confusion in their states.

Michael K indicated that NJ is a smaller state so everyone knows that everything comes through him. He indicated that he will always respond to requests within 1-2 days.

Gregg has seen some confusion as the old EPA program came through regional offices. He mentioned that some current requests have been forwarded to him.

Katie mentioned encountering confusion when she tried to contact an agency. She mentioned that she was sent around to multiple people and no one seemed to know who she needed to speak with.

Gregg suggested sending information regarding where the concentration information came from, so the agency contact had an idea why a certain audit concentration was being requested. This information would be helpful to the agency when the request was received.

Charles mentioned that this may need to be visited in the modules and asked which module this should be included in. He then suggested that a check box be included on the order form from the provider which would require listing from where the concentration request was derived. The order form could also include an "other" category.

Paul had asked Tom what information we send to the regulator once an audit request is received. Tom indicated that we send as much information as we have to help the regulator make their decision, but the information is varied that we receive. Bob mentioned that Sigma does the same.

Tom and Bob agreed that they would investigate putting the required check boxes on the order forms. Then they would monitor this for a period of time and the committee would revisit if a change to any of the modules would be necessary.

The next SSAS Expert Committee Call will be Monday, December 8, 2014 at 2:00 PM Eastern

Meeting was adjourned at 15:13 ET.