



**ERIE COUNTY WATER AUTHORITY  
INTEROFFICE MEMORANDUM**

July 11, 2019

To: Jerome D. Schad, Chair  
Mark S. Carney, Vice Chair  
E. Thomas Jones, Treasurer

Cc: Terrence D. McCracken, Secretary of the Authority  
Karen A. Prendergast, Chief Financial Officer  
Margaret A. Murphy, Attorney  
Russell J. Stoll, Executive Engineer

From: Sabrina Figler, Director of Water Quality

Subject: Second Quarter Water Quality Testing

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The Erie County Water Authority (the “Authority”), as an operator of a public water system, is required under the Safe Water Drinking Act to monitor and test its public water supply on a quarterly basis for the following: Trihalomethanes (“THM”) and Haloacetic Acid (“HAA”). During each quarter, the Authority collects water samples from various locations within the Authority service area, and then submits these samples to an independent laboratory certified to perform tests in conformity with EPA standards. In New York State, the Environmental Laboratory Approval Program (“ELAP”), a unit within the State Department of Health (the “State”), is responsible for certifying such laboratories. Once the Authority receives from the ELAP-approved laboratory an analysis for each sample, the Authority then submits the laboratory analysis to the Erie County Department of Health (the “County”).

On May 21, 2019, my department submitted 42 water samples from 21 sites to Microbac Laboratory (“Microbac”), an ELAP-approved laboratory. Shortly thereafter, I received confirmation via FedEx that Microbac had received the samples on May 23, 2019.

On June 4, 2019, Microbac contacted me via email that it needed the Authority to re-submit HAA samples from two sites due to laboratory failure. While waiting for sample bottles to be sent by Microbac, I received another email, dated June 13, 2019, instructing us to collect an additional 13 HAA samples, again due to laboratory failure.

Because these samples were to be collected during the third week in May, I contacted the County to report these laboratory issues. The County then contacted the State, seeking permission for us to collect and re-submit these 15 new HAA samples.

After receiving State approval, we collected and re-submitted the 15 HAA samples, along with two additional THM samples from the two sites identified in the first email. These samples were collected and shipped on June 20, 2019. I have confirmation from FedEx that these samples were delivered on June 21, 2019.

On June 24, 2019, Microbac sent another email stating it needed an additional HAA sample. Again I notified the County and then collected and re-submitted the sample. Microbac received this sample via FedEx on June 26, 2019.

Meanwhile, Microbac sent a laboratory analysis for 19 of the 21 THM samples and 6 of the 21 HAA samples, collected by the Authority on May 21, 2019.

The Second Quarter Water Quality Report must be filed with the County no later than July 10, 2019, which is the tenth date following the end of the quarter. On June 24, 2019, I specifically told Microbac when the analysis must be received for filing purposes. I then sent follow-up emails on June 26, 2019, July 1, 2019, July 2, 2019, and July 3, 2019. Microbac never responded to these follow-up emails. On July 3, 2019, before sending the email, I called and left a voice message for a Microbac Client Relationship Specialist. That call was not returned.

On July 8, 2019, I called the Client Relationship Specialist again. Instead of returning the call, she sent an email informing us that in addition to “the lab being behind and at capacity,” it was also “experiencing a network error” preventing it “from getting data off the instruments and into [its] reporting system.” I immediately forwarded this email to the County and the State, which acknowledged receipt of my email.

On July 9, 2019, I received yet another email requesting us to collect and re-submit 9 HAA samples. When I notified the County, I was told such samples could not be considered since the Second Quarter collection period had already passed. By the July 10, 2019 deadline, the Authority was only able to submit the results of 19 out of 21 THM samples and 6 out of 21 HAA samples. Microbac allegedly completed testing on the two remaining THM samples, as well as 6 HAA samples. On July 9, 2019, I asked for the analysis for these 8 samples, but still have not received either a report or a response.

On July 10, 2019, I contacted the County to arrange a phone conference with Secretary Terry McCracken, Acting COO Karen Prendergast, Executive Engineer

Russ Stoll, General Counsel Margaret Murphy and me. That phone conference was conducted today. At this point, we do not know for certain the ramification for the incomplete quarterly report submitted on July 10, 2019.

However, during today's conference, we have decided to implement the following proactive steps:

- (1) On July 15, 2019, the Authority will re-collect and re-submit the 2 THM samples and 15 HAA samples to the Erie County Public Laboratory, from the sites. Even though these samples cannot be submitted as part of the Second Quarter report, we have decided the public should have this information available as soon as possible and will be included in our Annual Water Quality Report;
- (2) The next Quarter collection date is August 20, 2019. The Authority will collect two extra samples from each site for THM and HAA (i.e. 126 samples). We will then submit the 42 samples for testing to the Erie County Public Laboratory. The other samples will be stored pursuant to EPA standards for 28 days, just in case new samples are required to be re-submitted; and
- (3) My department will be filing a complaint with ELAP, requesting it to revoke the certification for Microbac.

If you have any questions, please do not hesitate to contact me prior to the meeting. Otherwise, I will be present at the July 18<sup>th</sup> meeting to answer any questions.