

Memo Addressing Comments on the *Process for Assessing Data Usability* Document and Recommendations to the TOC

May 30, 2012 Technical Oversight Committee Meeting

Relating to Agenda Item 3C

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The attached Florida Department of Environmental Protection (FDEP) *Process for Assessing Data Usability* document was presented to the Everglades Technical Oversight Committee (ETOC) prior to the May 31, 2011 ETOC meeting. At that time, comments were solicited from the Federal ETOC representatives. This cover memo is meant to address the comments provided and provide recommendations on how these particulars might be addressed by the ETOC.

ETOC Compliance Evaluation with Regard to the Data Usability Document:

The Data Usability Document (Attachment 1) is meant to provide a consistent approach to evaluating data for determining if they are fit to be used for assessing compliance with Appendix A and Appendix B of the Settlement Agreement. Using Data Quality Indicators (Sections 3 -16 of Attachment 1), qualified data and the factors that led to that qualification and proposed use/removal of the data from the compliance calculation will be documented and presented to the ETOC as such circumstances arise. In order to provide further clarification, the term “data auditors” shall apply to both the South Florida Water Management District’s (SFWMD) and/or FDEP internal quality assurance officers. Evaluations under Section 18.1 will be provided to the ETOC when data used in Appendix A or B do not pass one or more DQIs. The members of the ETOC will then evaluate whether data should be used for compliance purposes under the Consent Decree. The function of the usability document is to provide detailed and consistent information to the ETOC and does not limit the ETOC’s ability to determine whether qualified data should be used or removed from the compliance calculation. With information summarized through the actions in 18.1 and evaluated by quality assurance officers under 18.2, the ETOC will recommend data usability for purposes of compliance with the Consent Decree.

Data Collection and Use:

While the attached document does not specifically address the frequency of collection and the use of additional relevant information for compliance with Appendix A and B of the Settlement Agreement, it provides ample opportunity to utilize additional data and information to aid in deciding data usability. Section 1.1, the Data Assessment Process, indicates “Evaluating corroborative data (e.g., performance tests, data from other laboratories)” should be considered during assessment. Further, Section 2.4 promotes the use of archival records to support sample results in the usability evaluation process. The usability document does not preclude or limit the use of additional data when circumstances warrant such use to support a complete and valid evaluation process. Data collected beyond (prior or subsequent to) the compliance samples are not to be used to test compliance.

The attached document is not meant to alter current compliance sampling frequency or protocols. However, should compliance data quality concerns arise, additional data may be evaluated to determine its usability and provided to the ETOC for their evaluation. Acceptance of the procedures and methodology within the Data Usability Document are not intended to limit the TOC’s authority and responsibility to use all relevant

information when deliberating the question as to whether substantial evidence exists that an exceedance may be due to error or extraordinary natural phenomena.

Outlier Data:

ORIGINAL TEXT: For the purposes of determining the usability of data for Appendix A and B compliance testing, data which fall outside three standard deviations from the mean of the sampling period data set shall be considered outlier data. This determination does not preclude the ETOC from further evaluating the data. Implementation of this test will provide a bench mark by which groupings of data can be properly compiled and presented to the ETOC for their consideration.

REVISED TEXT:

For the purposes of determining the usability of data when assessing regulatory compliance for Appendix A and B of the Settlement Agreement, several potential statistical outlier tests were investigated by Federal and State agencies represented on the ETOC. After considerable time and effort from the agencies involved in the analyses, and whereas the ETOC reserves the right to take into consideration all data generated to determine compliance with the Settlement Agreement, it has been determined that the application of a statistical outlier test may not be appropriate at this time. If future considerations necessitate the use of a statistical outlier test, the ETOC may resurrect the analyses presented and/or look at other potential appropriate alternatives. As such, all references to “appropriate statistical test for outliers” shall be deemed not applicable until such time as a mutually acceptable test, and a need for such test, is identified and adopted by the ETOC.