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**HOUSE BILL NO. 2876**

Offered January 20, 1997

*A BILL to amend and reenact § 62.1-44.15:7 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.15:5.1, relating to water quality laboratory certification.*

Patrons—Jackson, Abbitt, Barlow, Callahan, Connally, Councill, Cox, Croshaw, DeBoer, Dickinson, Dillard, Hall, Moore, Morgan, Murphy, Parrish, Phillips, Plum, Puller and Woodrum; Senators: Couric, Holland and Waddell

Referred to Committee on Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That § 62.1-44.15:7 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.15:5.1 as follows:**

*§ 62.1-44.15:5.1. Laboratory certification program.*

*A. The Board shall by regulation establish a program for the certification of laboratories conducting any tests, analyses, measurements, or monitoring required of Virginia Pollution Discharge Elimination System (VPDES) and Virginia Pollution Abatement (VPA) permittees in the Commonwealth. The program shall include, but need not be limited to, minimum criteria for: (i) laboratory procedures; (ii) performance evaluations; (iii) supervisory and personnel requirements; (iv) facilities and equipment; (v) analytical quality control and quality assurance; and (vi) certificate issuance and maintenance and recertification and decertification. The purpose of the program shall be to ensure that laboratories provide accurate and consistent tests, analyses, measurements and monitoring so that the goals and requirements of this chapter may be met.*

*B. Once the certification program has been established, laboratory certification shall be required before any test, analyses, measurements or monitoring performed by a laboratory may be used by VPDES or VPA permittees.*

*C. The Board shall establish a fee system to offset the costs of certifying laboratories. Such fees shall be paid into the state treasury and deposited into the State Water Control Board Permit Program Fund established by § 62.1-44.15:7*

*D. The Board shall develop procedures for the acceptance of certifications from other states for the use of analyses conducted in other states.*

*E. Without limiting other penalties available under this chapter, laboratories found to be falsifying any data or found to be providing false information to support certification shall be decertified or denied certification.*

*§ 62.1-44.15:7. Permit Program Fund established; use of moneys.*

*A. There is hereby established a special, nonreverting fund in the state treasury to be known as the State Water Control Board Permit Program Fund, hereafter referred to as the Fund. Notwithstanding the provisions of § 2.1-180, all moneys collected pursuant to §§ 62.1-44.15:5.1 and 62.1-44.15:6 shall be paid into the state treasury to the credit of the Fund.*

*B. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it.*

*C. The Board is authorized and empowered to release moneys from the Fund, on warrants issued by the State Comptroller, for the purposes of recovering portions of the costs of processing applications under this chapter and Chapters 24 (§ 62.1-242 et seq.) and 25 (§ 62.1-254 et seq.) of this title and for the costs of laboratory certification pursuant to § 62.1-44.15:5.1 under the direction of the Executive Director.*

*D. An accounting of moneys received by and distributed from the Fund shall be kept by the State Comptroller and furnished upon request to the Governor or the General Assembly.*

INTRODUCED

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