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SENATE BILL NO. 1039

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 3, 1997)

(Patron Prior to Substitute—Senator Mayre)

A *BILL to amend the Code of Virginia by adding a section numbered 2.1-429.01, relating to environmental laboratory certification.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.1-429.01 as follows:

§ 2.1-429.01. Environmental laboratory certification program.

A. The Division of Consolidated Laboratory Services shall by regulation establish a program for the certification of laboratories conducting any tests, analyses, measurements, or monitoring required pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1, the Virginia Waste Management Act (§ 10.1-1400 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.). 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 Chapter 13 of Title 10.1, the Virginia Waste Management Act, and the State Water Control Law may be met.

B. Once the certification program has been established, laboratory certification shall be required before any tests, analyses, measurements or monitoring performed by a laboratory may be used for the purposes of Chapter 13 of Title 10.1, the Virginia Waste Management Act, and the State Water Control Law.

C. The Division shall establish a fee system to offset the costs of certifying laboratories. Such fees shall be no greater than the costs of the certification program and shall be used solely for offsetting the costs of the laboratory certification program.

D. The Division shall develop procedures for the acceptance of laboratory certifications made by other states for laboratories that may conduct any tests, analyses, measurements or monitoring for use in Virginia.

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

F. Laboratories located at an industrial facility shall not be subject to the certification program required by this section if the laboratories (i) are operated by the owner or operator of the industrial facility; (ii) accept samples only from the same industrial facility or from other industrial facilities under the same ownership or control; and (iii) comply with quality assurance and quality control programs otherwise required by the United States Environmental Protection Agency and the Department of Environmental Quality.

2. That the provisions of this act shall become effective on January 1, 1998.