1	Senate Bill No. 531
2	(By Senator Snyder)
3	
4	[Introduced February 16, 2011; referred to the Committee on
5	Energy, Industry and Mining; and then to the Committee on the
6	Judiciary.]
7	
8	
9	
10	
11	A BILL to amend the Code of West Virginia, 1931, as amended, by
12	adding thereto a new section, designated §22-1-15a, relating
13	to environmental samples; and promulgation of rules regarding
14	same.
15	Be it enacted by the Legislature of West Virginia:
16	That the Code of West Virginia, 1931, as amended, be amended
17	by adding thereto a new section, designated $\$22-1-15a$, to read as
18	follows:
19	ARTICLE 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION.
20	§22-1-15A. Environmental Samples; guidance for field activities;
21	rules; revocation and suspension; environmental
22	sampler certification; programs affected; and
23	appeals.
24	(a) The secretary shall propose rules for legislative approval

- 1 in accordance with the provisions of article three, chapter twenty-
- 2 nine-a of this code. The rules shall include, but not be limited
- 3 to, the following:
- 4 (1) A procedure for the review and approval of environmental
- 5 sampling activities associated with the issuance or monitoring of
- 6 any permit, order, or other covered action by the Department of
- 7 Environmental Protection.
- 8 (2) Specific minimum requirements for environmental sampling
- 9 activities including, but not limited to, sample type, matrix
- 10 definitions, instrument calibration, proficiency testing and
- 11 documentation requirements.
- 12 (3) A procedure for collection of specified sample types and
- 13 matrices.
- 14 (4) A procedure for the proper use of field measurement
- 15 instruments.
- 16 (5) Provisions for establishing a process for the education,
- 17 training, assessment and annual certification of environmental
- 18 samplers collecting samples pursuant to covered statutory programs.
- 19 (6) Provisions for the revocation and suspension of
- 20 certification of environmental samplers failing to meet the minimum
- 21 criteria established by the rule.
- 22 (b) For purposes of this section, "covered statutory program"
- 23 means one of the regulatory programs developed under statutory

- 1 authority of one of the following Acts of the Legislature: Water
- 2 Pollution Control Act, article eleven of this chapter; Hazardous
- 3 Waste Management Act, article eighteen of this chapter; Hazardous
- 4 Waste Emergency Response Fund Act, article nineteen of this
- 5 chapter; Underground Storage Tank Act, article seventeen of this
- 6 chapter; the Solid Waste Management Act, article fifteen of this
- 7 chapter; and the Groundwater Protection Act, article twelve of this
- 8 chapter.
- 9 (c) Any person adversely affected by an order or action by the
- 10 secretary pursuant to this section, aggrieved by the failure or
- 11 refusal of the secretary to act within a reasonable time or
- 12 aggrieved by the action of the secretary in granting or denying a
- 13 certification or renewal of a certification, may appeal to the
- 14 Environmental Quality Board pursuant to article one, chapter
- 15 twenty-two-b of this code.
- 16 (d) The provisions of this section apply only to environmental
- 17 samplers subject to regulation by the Department of Environmental
- 18 Protection. The provisions of this section do not apply to the
- 19 sampler of potable or drinking water.

NOTE: The purpose of this bill is to promulgate rules for environmental sampling activities.

This section is new; therefore, strike-throughs and underscoring have been omitted.