

H. B. 4108

(By Delegates Morgan, Stephens, Boggs,
Hatfield, Talbott, Staggers and Snuffer)

[Introduced January 18, 2012; referred to the
Committee on Government Organization then the Judiciary.]

**Interim
Bill**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §22-1-15a, relating
to authorizing the Secretary of the Department of
Environmental Protection to regulate environmental sampling by
legislative rule.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §22-1-15a, to read as
follows:

ARTICLE 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION.

§22-1-15a. Rules for environmental samples.

(a) The secretary shall propose rules for legislative approval
in accordance with the provisions of article three, chapter
twenty-nine-a of this code, that include:

(1) A procedure for collection of environmental samples

1 associated with the issuance, monitoring or compliance of any
2 permit or order issued by the Department of Environmental
3 Protection: *Provided*, That the provisions of this section do not
4 apply to the samples of potable or drinking water;

5 (2) The specific minimum requirements for acquiring
6 environmental samples;

7 (3) A procedure for the review and approval of environmental
8 samples;

9 (4) Establishing an annual certification and registration
10 process for environmental samplers;

11 (5) A procedure for the renewal, denial, revocation and
12 suspension of certification of environmental samplers; and

13 (6) An appeal process to the Environmental Quality Board
14 pursuant to articles one and three, chapter twenty-two-b of this
15 code.

16 (b) Persons holding a wastewater operator certificate, issued
17 by the Department of Health and Human Resources, are exempt from
18 the annual certification and training requirements established
19 under subsection (a) of this section, but may be required to
20 register with the Department of Environmental Protection.

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate rules for environmental sampling activities.

§22-1-15a is new; therefore, it has been completely underscored.

This bill was recommended for introduction and passage during the 2012 Regular Session of the Legislature by the Joint Standing Committee on Government Organization.