

## VIRGINIA DIVISION OF CONSOLIDATED LABORATORY SERVICES

### CERTIFICATION OF LABORATORIES ANALYZING DRINKING WATER (REPEAL OF 1VAC30-40 AND ADDITION OF 1VAC30-41)

#### NOTICE OF FINAL REGULATION PUBLICATION AND MAJOR CHANGES

**March 3, 2014**

The Division of Consolidated Laboratory Services (DCLS) rulemaking that revises the regulation governing certification of drinking water laboratories is nearing completion. This rulemaking which repeals 1VAC30-40 and adds 1VAC30-41 began in November 2009. There were two opportunities for public comment: one following publication of the Notice of Intended Regulatory Action and one following publication of the proposed regulation.

The final 1VAC30-41, Certification of Laboratories Analyzing Drinking Water, will be published in the *Virginia Register of Regulations* on March 10, 2014. The regulation will become effective on May 1, 2014. The previous drinking water certification regulation, 1VAC30-40, will be repealed and replaced by 1VAC30-41 at that time.

This new regulation includes the following major changes.

- 1VAC30-41 eliminates the waiver from fees for state, local, and federal government drinking water laboratories that existed under 1VAC30-40 at 1VAC30-40-60. These government laboratories will now be required to pay the same fees as the commercial drinking water laboratories.
- The fees charged annually for the certification of laboratories are now specified in the regulation. Please review the following discussion on fees.
- These fees will be adjusted annually beginning the second year after the effective date of the regulation. Please review the following discussion on fees.
- The regulation incorporates by reference EPA's most recent guidance used to certify drinking water laboratories: the 2005 *Manual for the Certification of Laboratories Analyzing Drinking Water* and the 2008 *Supplement 1* to the Manual.

#### Fees for 2014

The fee provisions in 1VAC30-41-270 specify fees for the first year after the regulation becomes effective: May 1, 2014 - April 30, 2015. These fees are designated as base year fees.

Commercial laboratories certified under 1VAC30-40 will not see a fee change in 2014 under 1VAC30-41. The specific fees are set out in the regulation by testing category and number of methods. The method DCLS will use to calculate total fees for each laboratory is explained in the regulation.

DCLS will send out invoices for payment of the base year fees under 1VAC30-41-270 to all currently certified drinking water laboratories once the 30-day final adoption period for 1VAC30-41 ends after April 9, 2014. DCLS will require payment of the fees by June 30, 2014.

### Fees for 2015 and beyond

DCLS will adjust the fees annually beginning in 2015. The method DCLS will use to adjust the fees is explained here and in the regulation. DCLS will base this adjustment on the previous year's percentage change, average-average percentage rate in the Consumer Price Index for All Urban Consumers (CPI-U) as calculated by the Bureau of Labor Statistics. This statistic can be found in the Consumer Price Index History Table. This table is the first one listed at <http://www.bls.gov/cpi/tables.htm>. Click on the table name to see the table. For example, the percentage change, average-average percentage rate for 2013 is 1.5 percent. DCLS will adjust the base fees for the first time in 2015 using the percentage change, average-average percentage rate for 2014. This statistic becomes available in mid-January each year. DCLS will publish the adjusted fees on the DCLS webpage for the drinking water laboratory certification program as soon as possible after the statistic becomes available.

Beginning in 2016, the previous year's fees published on the DCLS website will be adjusted by the previous year's percentage change, average-average. The new fee table will be then be published on the DCLS webpage for the drinking water laboratory certification program, replacing the previous year's table.

### Copy of final 1VAC30-41

Final 1VAC30-41 may be found currently on the TownHall website (<http://townhall.virginia.gov>). To see the final text of the regulation, choose the Department of General Services and then the chapter heading for 1VAC30-40. Under 1VAC30-40, choose the final stage of this rulemaking and click on final text under the list of documents.

The *Virginia Register of Regulations* website is <http://register.dls.virginia.gov>. On March 10, you will be able to view and print the final regulation from the online *Register* in PDF form.