

From: [Charles Hoke](#)
To: [DHCD-Mandate Relief](#);
cc: ["mailto:Chad.Cole@governor.virginia.gov"](mailto:Chad.Cole@governor.virginia.gov);
Subject: clarify the area of concern on wastewater testing"mward@co.henry.va.us"
Date: Thursday, December 01, 2011 12:34:46 PM

December 1, 2011

Dear Ms. Susan Williams

I would like to clarify the area of concern with regard to the Wastewater testing in the Description section of the Mandates Identified in response to Task Force/Governor's Request Page 5.

If I may please review the recommended clarifications:

Area	Code	Description	Problem	Possible Solution	State Agency
Environment	1 VAC 30, Chapters 45 and 46	Wastewater Testing- the state has approved the NELC guidelines overseen by the (DGS)	This has increased the cost to localities by additional testing, burdensome documentation forcing smaller non- commercial laboratories to pay outside Labs.	Return the Laboratory oversight and inspection to the department of Environmental Quality.	(DGS) Department of General Services

We are asking that all wastewater non- commercial laboratories be exempted from this law as are Laboratories of higher education and laboratories owned by environmental groups. See **1VAC30-45-30. Applicability.** below:

Opposition to the National Environmental Laboratory Accreditation Conference

The Town of Luray strongly recommends that the State of Virginia allow localities a full exemption for non- commercial laboratories; or allow the Department of Environmental Quality to resume control of wastewater treatment plant laboratory quality control and inspection, replacing the requirements of the newly enforced NELAC program.

Complying with NELAC is costly and the documentation is painfully time consuming for localities. The Town of Luray wastewater laboratory has passed the Department of Environmental Quality comprehensive laboratory inspection for the last 30 years, as well as EPA's DMRQA program. The DEQ inspection complies with the EPA's approved testing procedures, and has an excellent quality control program. The NELAC program is costly and time consuming, and has no benefit to the environment.

1VAC30-45-30. Applicability.

- A. This chapter applies to any owner of a noncommercial environmental laboratory.
- B. Any environmental laboratory owned by an agency of the federal government may be certified as follows:
 1. By DGS-DCLS to the standards set out in this chapter; or
 2. By a federal primary accrediting authority to the standards established by the National Environmental Laboratory Accreditation Conference.
- C. Citizen monitoring groups. Section [62.1-44.19:11](#) of the Code of Virginia both establishes a citizen water quality monitoring program for Virginia and encourages the growth of the program. The Department of Environmental Quality (DEQ) has a separate program of quality assurance and quality control (QA/QC) standards for citizen monitoring groups and their laboratories to follow. The following laboratories

shall meet the DEG QA/QC requirements developed for the purposes of citizen monitoring of water quality in lieu of the requirements of [1VAC30-45](#) or [1VAC30-46](#):

1. Laboratories owned by citizen monitoring groups.

2. Laboratories at institutions of higher education affiliated with citizen monitoring groups for the purposes of analyzing samples for the groups.

D. Environmental research performed by environmental laboratories owned by institutions of higher education. Environmental laboratories owned by institutions of higher education located in Virginia that perform analyses for the purpose of providing environmental research data to DEQ at DEQ's request shall meet the QA/QC requirements specified by DEQ. An environmental laboratory owned by an institution of higher education located in Virginia that performs environmental research for DEQ shall not be subject to the requirements of either [1VAC30-45](#) or [1VAC30-46](#) unless DEQ requires the laboratory to do so.

Sincerely,

Rick M. Black
Town Manager
Town of Luray



Town of Luray

45 East Main Street
P. O. Box 629
Luray, Virginia 22835

November 18, 2011

Ms. Susan Williams
Commission on Local Government
Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA 23219

RE: Unfunded Mandates

Dear Ms. Williams:

As suggested by Governor McDonnell in his letter of October 4th, I would like to provide a recommendation on behalf of the Town of Luray for the elimination of an unfunded mandate. Our concern lies with Section 2.2-1105 of the Code of Virginia which directs the Division of Consolidated Laboratory Services to establish a program to certify environmental laboratories.

The Town of Luray strongly recommends that the Commonwealth of Virginia allow localities a full exemption for noncommercial laboratories, or allow the Department of Environmental Quality (DEQ) to resume control of wastewater treatment plant laboratory quality control and inspection program. This action would replace the requirements of the adopted National Environmental Laboratory Accreditation Conference (NELAC) program.

Compliance with the NELAC program is extremely costly for small localities. The anticipated fees associated with this program for both administration and testing will total more than \$20,000 annually. And this figure does not include any incurred expenses for all of the additional documentation that is now required to be completed by Town staff. The Town of Luray's wastewater laboratory has consistently passed the DEQ's comprehensive laboratory inspection for more than 30 years. The DEQ inspection program complies with the Environmental Protection Agency's (EPA) approved testing procedures and is recognized as being an excellent quality control program.

In summary, the NELAC program is costly, time consuming and provides no real benefit to the environment. In addition, the EPA no longer supports the NELAC program.

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On behalf of the Town of Luray, I thank you and the Commission for their time and consideration of this truly "unfunded mandate". Should you need any additional information from the Town concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Black". The signature is fluid and cursive, with the first name being the most prominent.

Richard M. Black
Town Manager

pc: Barry A. Presgraves, Mayor
Luray Town Council
Charlie Hoke, Director of Utilities
ToL Files, NELAC, 111811