

**TITLE 1. ADMINISTRATION**  
**DEPARTMENT OF GENERAL SERVICES**  
**Final Regulation**

REGISTRAR'S NOTICE: The Department of General Services is claiming an exemption pursuant to Item 74 C 3 a of Chapter 854 of the 2019 Acts of Assembly, the Appropriation Act, which provides that a revision to certain fees is exempt from the requirements of the Administrative Process Act provided that the department provides notice and opportunity to submit written comments on the revised fees.

Titles of Regulations: **1VAC30-45. Certification for Noncommercial Environmental Laboratories (amending 1VAC30-45-130).**

**1VAC30-46. Accreditation for Commercial Environmental Laboratories (amending 1VAC30-46-150).**

Statutory Authority: § 2.2-1105 of the Code of Virginia.

Effective Date: September 1, 2019.

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Summary:

*The amendments increase fees related to certification for noncommercial environmental laboratories and accreditation for commercial environmental laboratories.*

**1VAC30-45-130. Fees.**

**A. General.**

1. Environmental laboratories shall pay a fee with all applications, including reapplications, for certification. DCLS shall not designate an application as complete until it receives payment of the fee.
2. Each certified environmental laboratory shall pay an annual fee to maintain its certification. DCLS shall send an invoice to the certified environmental laboratory.
3. Fees shall be nonrefundable.

**B. Environmental laboratories performing only simple test procedures shall pay an annual fee of ~~\$600~~ \$690.**

**C. Fee computation for general environmental laboratories.**

1. Fees shall be applied on an annual basis.
2. Environmental laboratories shall pay the total of the base fee and the test category fees set out in subsections D and E of this section.

**D. Base fees for general environmental laboratories.**

1. DCLS determines the base fee for a laboratory by taking into account both the total number of methods and the total number of field of certification matrices for which the laboratory would be certified.
2. DCLS shall charge the base fees set out in Table 1. The base fee for a laboratory is located by first finding the row for the total number of methods to be certified and then finding the

box on that row located in the column headed by the total number of matrices to be certified. For example, DCLS charges a base fee of ~~\$1300~~ \$1495 to a laboratory performing a total of eight methods for one matrix.

Number of Methods	1 Matrix	2 Matrices
1 - 9	<del>\$1300</del> <u>\$1495</u>	<del>\$1430</del> <u>\$1645</u>
10 - 29	<del>\$1400</del> <u>\$1610</u>	<del>\$1575</del> <u>\$1811</u>
30 - 99	<del>\$1550</del> <u>\$1783</u>	<del>\$1825</del> <u>\$2099</u>

E. Test category fees for general environmental laboratories.

1. The test category fees cover the types of testing for which a laboratory may be certified as specified in the laboratory's application or as certified at the time of annual billing.
2. Fees shall be charged for each category of tests to be certified.
3. Fees shall be charged for the total number of field of certification matrices to be certified under the specific test category. For example, if a laboratory is performing inorganic chemistry for both nonpotable water and solid and chemical materials matrices, the fee for this test category would be found in the column for two matrices.
4. The fee for each category includes one or more analytical methods unless otherwise specified.
5. DCLS shall charge the test category fees set out in Table 2. The test category fees for a laboratory are located by first finding the row with the total number of test methods for the test category to be certified. The fee to be charged for the test category will be found on that row in the column headed by the total number of matrices to be certified. A laboratory performing four test methods for inorganic chemistry in nonpotable water and solid and chemical materials (two matrices) would be charged a test category fee of ~~\$375~~ \$431.
6. Noncommercial environmental laboratories that perform toxicity, radiochemical, or asbestos testing shall pay the test category fees established for these types of testing in 1VAC30-46-150.

Test Category	Fees by Number of Matrices	
	One	Two
Oxygen demand	<del>\$225</del> <u>\$259</u>	<del>\$335</del> <u>\$385</u>
Bacteriology, 1 - 3 total methods	<del>\$175</del> <u>\$201</u>	<del>\$265</del> <u>\$305</u>
Bacteriology, 4 or more total methods	<del>\$220</del> <u>\$253</u>	<del>\$330</del> <u>\$380</u>
Physical, 1 - 5 total methods	<del>\$175</del> <u>\$201</u>	<del>\$265</del> <u>\$305</u>
Physical, 6 - 10 total methods	<del>\$220</del> <u>\$253</u>	<del>\$330</del> <u>\$380</u>
Inorganic chemistry, 1 - 10 total methods	<del>\$250</del> <u>\$288</u>	<del>\$375</del> <u>\$431</u>
Inorganic chemistry, 11 - 20 total methods	<del>\$315</del> <u>\$362</u>	<del>\$475</del> <u>\$546</u>
Inorganic chemistry, 21 - 49 total methods	<del>\$394</del> <u>\$453</u>	<del>\$590</del> <u>\$679</u>

Chemistry metals, 1 - 5 total methods	<del>\$325</del> \$374	<del>\$490</del> \$564
Chemistry metals, 6 - 20 total methods	<del>\$410</del> \$472	<del>\$615</del> \$707
Organic chemistry, 1 - 5 total methods	<del>\$400</del> \$460	<del>\$600</del> \$690
Organic chemistry, 6 - 20 total methods	<del>\$500</del> \$575	<del>\$750</del> \$863

7. Fee examples. Three examples are provided.

a. Example 1:

Base Fee	One matrix and four test methods	<del>\$1300</del> <u>\$1495</u>
Test Category Fees		
One Matrix		
Nonpotable Water	Bacteriology (2 methods)	<del>\$175</del> <u>\$201</u>
Nonpotable Water	Oxygen demand (1 method)	<del>\$225</del> <u>\$259</u>
Nonpotable Water	Physical (1)	<del>\$175</del> <u>\$201</u>
TOTAL		<del>\$1875</del> <u>\$2156</u>

b. Example 2:

Base Fee	One matrix and 15 test methods	<del>\$1400</del> <u>\$1610</u>
Test Category Fees		
One Matrix		
Nonpotable Water	Bacteriology (2 methods)	<del>\$175</del> <u>\$201</u>
Nonpotable Water	Inorganic chemistry (9 methods)	<del>\$250</del> <u>\$288</u>
Nonpotable Water	Chemistry metals (2 methods)	<del>\$325</del> <u>\$374</u>
Nonpotable Water	Oxygen demand (1 method)	<del>\$225</del> <u>\$259</u>
Nonpotable Water	Physical (1)	<del>\$175</del> <u>\$201</u>
TOTAL		<del>\$2550</del> <u>\$2933</u>

c. Example 3:

Base Fee	Two matrices and 27 test methods	<del>\$1575</del> <u>\$1811</u>
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Test Category Fees		
One Matrix		
Nonpotable Water	Bacteriology (4 methods)	<del>\$220</del> <u>\$253</u>
Nonpotable Water	Oxygen demand (1 method)	<del>\$225</del> <u>\$259</u>
Solid and Chemical Materials	Chemistry metals (1 method)	<del>\$325</del> <u>\$374</u>
Two Matrices		
Nonpotable Water and Solid and Chemical Materials	Inorganic chemistry (13 methods)	<del>\$475</del> <u>\$546</u>
Nonpotable Water and Solid and Chemical Materials	Physical (7 methods)	<del>\$330</del> <u>\$380</u>
TOTAL		<del>\$3150</del> <u>\$3623</u>

F. Additional fees. Additional fees shall be charged to laboratories applying for the following: (i) modification to scope of certification under 1VAC30-45-90 B, (ii) transfer of ownership under 1VAC30-45-90 C, (iii) exemption under 1VAC30-45-120, or (iv) petition for a variance under 1VAC30-45-140.

1. For any certified environmental laboratory that applies to modify its scope of certification as specified under 1VAC30-45-90 B, DCLS shall assess a fee determined by the method in subsection G of this section.

2. Under 1VAC30-45-90 C, DCLS may charge a transfer fee to a certified laboratory that transfers ownership. A fee shall be charged if DCLS (i) needs to review documentation sent by the laboratory about the transfer of ownership or (ii) determines that an on-site assessment is necessary to evaluate the effect of the transfer of ownership. DCLS shall assess a fee determined by the method in subsection G of this section. If, under 1VAC30-45-90 C, DCLS determines that the change of ownership or location of laboratory requires recertification of or reapplication by the laboratory, the laboratory shall pay the application fees required under this section.

3. General environmental laboratories applying for an exemption under 1VAC30-45-120 shall pay an initial application fee of \$700 plus an additional fee based on the actual time needed for DCLS to assess the exemption request. The total fee shall not exceed the actual time DCLS takes to assess the exemption request. Laboratories performing only simple test procedures applying for an exemption under 1VAC30-45-120 shall pay an initial application fee of \$300 plus an additional fee based on the actual time needed for DCLS to assess the exemption request. The total fee shall not exceed the actual time DCLS takes to assess the exemption request. The fee assessed shall be calculated using the method in subsection G of this section.

4. Under 1VAC30-45-140, any person regulated by this chapter may petition the director to grant a variance from any requirement of this chapter. DCLS shall charge an initial fee of \$700 plus an additional fee based on the actual time needed for DCLS to review the petition, including any on-site assessment required. The total fee shall not exceed the actual time DCLS

takes to review and make a determination on the request for a variance. The fee shall be determined by the method specified in subsection G of this section.

**G. Fee determination.**

1. The fee shall be the sum of the total hourly charges for all reviewers plus any on-site review costs incurred.
2. An hourly charge per reviewer shall be determined by (i) obtaining a yearly cost by multiplying the reviewer's annual salary by 1.35 (accounts for overhead such as taxes and insurance) and then (ii) dividing the yearly cost by 1,642 (number of annual hours established by Fiscal Services, ~~DGS~~ the Department of General Services, for billing purposes).
3. The charge per reviewer shall be determined by multiplying the number of hours expended in the review by the reviewer's hourly charge.
4. If an on-site review is required, travel time and on-site review time shall be charged at the same hourly charge per reviewer, and any travel expenses shall be added.

**H. Out-of-state laboratories - travel costs.** The owner of an environmental laboratory located in another state who applies for certification under this chapter shall also pay a fee equal to the reasonable travel costs associated with conducting an on-site assessment at the laboratory. Reasonable travel costs include transportation, lodging, per diem, and telephone and duplication charges.

**I. DCLS shall derive the travel costs charged under subsections G and H of this section from the Commonwealth of Virginia reimbursement allowances and rates for lodging, per diem, and mileage.**

**1VAC30-46-150. Fees.**

**A. General.**

1. Environmental laboratories shall pay a fee with all applications, including reapplications, for accreditation. DCLS shall not designate an application as complete until it receives payment of the fee.
2. Each accredited environmental laboratory shall pay an annual fee to maintain its accreditation. DCLS shall send an invoice to the accredited environmental laboratory.
3. An environmental laboratory applying for secondary accreditation under 1VAC30-46-140 shall pay the same fee as other laboratories subject to this chapter.
4. Fees shall be nonrefundable.

**B. Fee computation.**

1. Fees shall be applied on an annual basis.
2. Environmental laboratories shall pay the total of the base fee and the test category fees set out in subsections C and D of this section.

**C. Base fee.**

1. DCLS determines the base fee for a laboratory by taking into account both the total number of methods and the total number of field of accreditation matrices for which the laboratory would be accredited.
2. DCLS shall charge the base fees set out in Table 1. The base fee for a laboratory is located by first finding the row for the total number of methods to be accredited and then finding the box on that row located in the column headed by the total number of matrices to be accredited.

For example, DCLS charges a base fee of ~~\$1300~~ \$1625 to a laboratory performing a total of eight methods for one matrix.

Number of Methods	One Matrix	Two Matrices	Three Matrices	Four or more Matrices
1 - 9	<del>\$1300</del> <u>\$1625</u>	<del>\$1430</del> <u>\$1788</u>	<del>\$1575</del> <u>\$1969</u>	<del>\$1730</del> <u>\$2163</u>
10 - 29	<del>\$1400</del> <u>\$1750</u>	<del>\$1575</del> <u>\$1969</u>	<del>\$1750</del> <u>\$2188</u>	<del>\$1950</del> <u>\$2438</u>
30 - 99	<del>\$1550</del> <u>\$1938</u>	<del>\$1825</del> <u>\$2281</u>	<del>\$2150</del> <u>\$2688</u>	<del>\$2550</del> <u>\$3188</u>
100 - 149	<del>\$1650</del> <u>\$2063</u>	<del>\$1980</del> <u>\$2475</u>	<del>\$2375</del> <u>\$2969</u>	<del>\$2850</del> <u>\$3563</u>
150+	<del>\$1800</del> <u>\$2250</u>	<del>\$2250</del> <u>\$2813</u>	<del>\$2825</del> <u>\$3531</u>	<del>\$3525</del> <u>\$4406</u>

D. Test category fees.

1. The test category fees cover the types of testing for which a laboratory may be accredited as specified in the laboratory's application or as accredited at the time of annual billing.
2. Fees shall be charged for each category of tests to be accredited.
3. Fees shall be charged for the total number of field of accreditation matrices to be accredited under the specific test category. For example, if a laboratory is performing inorganic chemistry for both nonpotable water and solid and chemical matrices, the fee for this test category would be found in the column for two matrices.
4. The fee for each category includes one or more analytical methods unless otherwise specified.
5. Test category fees. DCLS shall charge the test category fees set out in Table 2. The test category fees for a laboratory are located by first finding the row with the total number of test methods for the test category to be accredited. The fee to be charged for the test category will be found on that row in the column headed by the total number of matrices to be accredited. A laboratory performing four test methods for bacteriology in both nonpotable and drinking water (two matrices) would be charged a test category fee of ~~\$330~~ \$413.

Test Category	Fees by Number of Matrices		
	One	Two	Three or More
Aquatic toxicity, acute methods only	<del>\$400</del> <u>\$740</u>	N/A	N/A
Aquatic toxicity, acute and chronic methods	<del>\$600</del> <u>\$990</u>	N/A	N/A
Oxygen demand	<del>\$225</del> <u>\$281</u>	<del>\$335</del> <u>\$419</u>	<del>\$435</del> <u>\$544</u>
Bacteriology, 1 - 3 total methods	<del>\$175</del> <u>\$219</u>	<del>\$265</del> <u>\$331</u>	<del>\$345</del> <u>\$431</u>
Bacteriology, 4 or more total methods	<del>\$220</del> <u>\$275</u>	<del>\$330</del> <u>\$413</u>	<del>\$430</del> <u>\$538</u>

Physical, 1 - 5 total methods	<del>\$175</del> <u>\$219</u>	<del>\$265</del> <u>\$331</u>	<del>\$345</del> <u>\$431</u>
Physical, 6 - 10 total methods	<del>\$220</del> <u>\$275</u>	<del>\$330</del> <u>\$413</u>	<del>\$430</del> <u>\$538</u>
Physical, 11 or more total methods	<del>\$275</del> <u>\$344</u>	<del>\$415</del> <u>\$519</u>	<del>\$540</del> <u>\$675</u>
Inorganic chemistry, 1 - 10 total methods	<del>\$250</del> <u>\$313</u>	<del>\$375</del> <u>\$469</u>	<del>\$490</del> <u>\$613</u>
Inorganic chemistry, 11 - 20 total methods	<del>\$315</del> <u>\$394</u>	<del>\$475</del> <u>\$594</u>	<del>\$620</del> <u>\$775</u>
Inorganic chemistry, 21 - 49 total methods	<del>\$394</del> <u>\$493</u>	<del>\$590</del> <u>\$738</u>	<del>\$767</del> <u>\$959</u>
Inorganic chemistry, 50 or more total methods	<del>\$492</del> <u>\$615</u>	<del>\$740</del> <u>\$925</u>	<del>\$962</del> <u>\$1203</u>
Chemistry metals, 1 - 5 total methods	<del>\$325</del> <u>\$406</u>	<del>\$490</del> <u>\$613</u>	<del>\$637</del> <u>\$796</u>
Chemistry metals, 6 - 20 total methods	<del>\$410</del> <u>\$513</u>	<del>\$615</del> <u>\$769</u>	<del>\$800</del> <u>\$1000</u>
Chemistry metals, 21 or more total methods	<del>\$512</del> <u>\$640</u>	<del>\$770</del> <u>\$963</u>	<del>\$1000</del> <u>\$1250</u>
Organic chemistry, 1 - 5 total methods	<del>\$400</del> <u>\$1020</u>	<del>\$600</del> <u>\$1270</u>	<del>\$780</del> <u>\$1495</u>
Organic chemistry, 6 - 20 total methods	<del>\$500</del> <u>\$1145</u>	<del>\$750</del> <u>\$1458</u>	<del>\$975</del> <u>\$1739</u>
Organic chemistry, 21 - 40 total methods	<del>\$625</del> <u>\$1301</u>	<del>\$940</del> <u>\$1695</u>	<del>\$1222</del> <u>\$2048</u>
Organic chemistry, 41 or more total methods	<del>\$780</del> <u>\$1495</u>	<del>\$1170</del> <u>\$1983</u>	<del>\$1520</del> <u>\$2420</u>
Radiochemical, 1 - 10 total methods	<del>\$600</del> <u>\$990</u>	<del>\$900</del> <u>\$1365</u>	<del>\$1170</del> <u>\$1703</u>
Radiochemical, 11 or more total methods	<del>\$725</del> <u>\$1146</u>	<del>\$1090</del> <u>\$1603</u>	<del>\$1420</del> <u>\$2015</u>
Asbestos	<del>\$725</del> <u>\$1146</u>	<del>\$1090</del> <u>\$1603</u>	<del>\$1420</del> <u>\$2015</u>

6. Fee examples. Three examples are provided.

a. Example 1:

Base Fee	One matrix and four test methods	<del>\$1300</del> <u>\$1625</u>
Test Category Fees		
One Matrix		

Nonpotable Water	Bacteriology (2 methods)	<del>\$175</del> <u>\$219</u>
Nonpotable Water	Oxygen demand (1 method)	<del>\$225</del> <u>\$281</u>
Nonpotable Water	Physical (1 method)	<del>\$175</del> <u>\$219</u>
TOTAL		<del>\$1875</del> <u>\$2344</u>

b. Example 2:

Base Fee	One matrix and 15 test methods	<del>\$1400</del> <u>\$1750</u>
Test Category Fees		
One Matrix		
Nonpotable Water	Bacteriology (2 methods)	<del>\$175</del> <u>\$219</u>
Nonpotable Water	Inorganic chemistry (9 methods)	<del>\$250</del> <u>\$313</u>
Nonpotable Water	Metals (2 methods)	<del>\$325</del> <u>\$406</u>
Nonpotable Water	Oxygen demand (1 method)	<del>\$225</del> <u>\$281</u>
Nonpotable Water	Physical (1 method)	<del>\$175</del> <u>\$219</u>
TOTAL		<del>\$2550</del> <u>\$3188</u>

c. Example 3:

Base Fee	Two matrices and 27 test methods	<del>\$1575</del> <u>\$1969</u>
Test Category Fees		
One Matrix		
Nonpotable Water	Bacteriology (4 methods)	<del>\$220</del> <u>\$275</u>
Nonpotable Water	Oxygen demand (1 method)	<del>\$225</del> <u>\$281</u>
Solid and Chemical Materials	Metals (1 method)	<del>\$325</del> <u>\$406</u>
Two Matrices		
Nonpotable Water and Solid and Chemical Materials	Inorganic chemistry (13 methods)	<del>\$475</del> <u>\$594</u>
Nonpotable Water and Solid and Chemical Materials	Physical (7 methods)	<del>\$330</del> <u>\$413</u>
TOTAL		<del>\$3150</del> <u>\$3938</u>

E. Additional fees. Additional fees shall be charged to laboratories applying for the following: (i) modification to scope of accreditation under 1VAC30-46-90 B, (ii) transfer of ownership under 1VAC30-46-90 C, or (iii) petition for a variance under 1VAC30-46-160.

1. For any accredited environmental laboratory that applies to modify its scope of accreditation as specified under 1VAC30-46-90 B, DCLS shall assess a fee determined by the method in subsection F of this section.

2. Under 1VAC30-46-90 C, DCLS may charge a transfer fee to a certified laboratory that transfers ownership. A fee shall be charged if DCLS (i) needs to review documentation sent by the laboratory about the transfer of ownership or (ii) determines that an on-site assessment is necessary to evaluate the effect of the transfer of ownership. DCLS shall assess a fee determined by the method in subsection F of this section. If, under 1VAC30-46-90 C, DCLS determines that the change of ownership or location of laboratory requires reaccreditation of or reapplication by the laboratory, the laboratory shall pay the application fee required under this section.

3. Under 1VAC30-46-160, any person regulated by this chapter may petition the director to grant a variance from any requirement of this chapter. DCLS shall charge a fee for the time needed to review the petition, including any on-site assessment required. The fee shall be determined by the method specified in subsection F of this section.

F. Additional fees determination.

1. The fee shall be the sum of the total hourly charges for all reviewers plus any on-site review costs incurred.

2. An hourly charge per reviewer shall be determined by (i) obtaining a yearly cost by multiplying the reviewer's annual salary by 1.35 (accounts for overhead such as taxes and insurance) and then (ii) dividing the yearly cost by 1,642 (number of annual hours established by Fiscal Services, ~~DGS~~ Department of General Services, for billing purposes).

3. The charge per reviewer shall be determined by multiplying the number of hours expended in the review by the reviewer's hourly charge.

4. If an on-site review is required, travel time and on-site review time shall be charged at the same hourly charge per reviewer, and any travel expenses shall be added.

G. Out-of-state laboratories applying for primary accreditation.

1. The owner of an environmental laboratory located in another state who applies for primary accreditation under this chapter shall pay a surcharge of \$5000 plus the labor costs of the on-site assessment and reasonable travel costs associated with conducting an on-site assessment at the laboratory. Reasonable travel costs include transportation, lodging, per diem, and telephone and duplication charges. These charges shall be in addition to the fees charged under subdivision A 1 and subsections B through D of this section.

2. Once the laboratory is accredited, DCLS shall charge the annual fee specified in subdivision A 2 and subsections B through D of this section, the labor costs for the on-site assessment, and reasonable travel costs associated with conducting the on-site assessment.

H. DCLS shall derive the travel costs charged under subsections F and G of this section from the Commonwealth of Virginia reimbursement allowances and rates for lodging, per diem, and mileage.