

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.