

BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS and
GEOLOGISTS MEETING MINUTES

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on June 27, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Citizens

Bennette Burks
Robin Jones

Geologists

Matt Heller
Michael Lawless
Drew Thomas

Soil Scientists

Larry Giannasi
David Hall

Wetland Delineators

Robin Bedenbaugh
Doug DeBerry

Ted Dean, Molly Parker, and Josh Laws were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Demetrios Melis, Director
Steve Kirschner, LRPD Deputy Director
Kathleen (Kate) R. Nosbisch, Executive Director
Breanne Henshaw, Licensing Operations Administrator
Joseph Haughwout, Regulatory Affairs Manager

Jim Flaherty, Assistant Attorney General, was present from the office of the Attorney General.

Mr. Thomas, Chair, called the meeting to order at 10:03 a.m.

Call to Order

Ms. Nosbisch advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

The Board awaited the arrival of Mr. DeBerry to have a quorum and reviewed agenda items that did not require a motion.

Quorum

There was no public comment.

**Public Comment
Period**

RESOLUTION TO

David spears

**Resolution for
David Spears**

WHEREAS, **David Spears**, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists from 2009 to 2022;

WHEREAS, **David Spears**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **David Spears**, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional Soil Scientists, Wetland Professionals, and Geologists this 28th day of March 2023, that **David Spears**, be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Ms. Nosbisch stated the soil scientist update items were provided for informational purposes.

Soil Scientists Update

Ms. Nosbisch stated the wetland professional update items were provided for informational purposes.

Wetland Professionals Update

Ms. Nosbisch stated the geologist update items were provided for informational purposes.

Geologists Update

The Board reviewed the proposed language for the wetland delineator proposed regulatory changes and the proposed language for the soil scientist proposed regulatory changes.

Regulatory Review Update

Ms. Nosbisch discussed the regulatory review process and explained to the Board that the current administration is working to get through the regulatory review process in 18 to 24 months.

Mr. DeBerry arrived at 10:22 a.m.

Arrival of Board Member

The Board completed their review of the proposed language for the wetland

Regulatory Review

delineator and soil scientist proposed regulatory changes. Mr. DeBerry made a motion to approve the proposed language and file a Notice of Intended Regulatory Action (NOIRA). Mr. Bedenbaugh seconded the motion, which was approved by members: Bedenbaugh, Burks, DeBerry, Giannasi, Hall, Heller, R. Jone, Lawless, and Thomas.

Update Continued

The Board discussed having an exemption for soil scientists in the onsite soil evaluator regulations. Ms. Nosbisch explained that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (WWWOSSP) has a statute regarding the requirement for licensure to be an onsite soil evaluator. Mr. Giannasi made a motion to take a recommendation to the WWWOSSP Board to create an exemption for soil scientists to practice as onsite soil evaluators. Mr. Hall seconded the motion, which was approved by members: Bedenbaugh, Burks, DeBerry, Giannasi, Hall, Heller, R. Jone, Lawless, and Thomas.

Ms. Nosbisch discussed periodic review with the Board and provided information in regards to how the periodic review functions. The agency is required to complete a periodic review every four years for each regulatory board and the agency is currently in the periodic review timeframe. Mr. Haughwout further explained that the periodic review is the timeframe in which the Board considers reviewing the regulations. The Board is currently undergoing a robust regulatory review to reduce regulation. Mr. Haughwout indicated the need for the Board to agree to file a Notice of Intended Regulatory Action (NOIRA) on Town Hall in order to open the public comment period. Once the public comment period concludes the Board will review the comments in order to determine whether or not they will conduct a review of the regulations. The Board agreed by consensus.

Mr. Lawless moved to approve the Agenda. Mr. Giannasi seconded the motion, which was unanimously approved by members: Bedenbaugh, Burks, DeBerry, Giannasi, Hall, Heller, R. Jones, Lawless, and Thomas.

**Approval of
Agenda**

Mr. Bedenbaugh moved to approve the three sets of minutes including the March 28, 2023 Board Meeting Minutes, May 23, 2023 Wetland Delineator Regulatory Review Meeting Minutes, and June 1, 2023 Soil Scientist Regulatory Review Meeting Minutes. Mr. Burks seconded the motion, which was approved by members: Bedenbaugh, Burks, DeBerry, Giannasi, Hall, Heller, R. Jones, Lawless, and Thomas.

**Approval of
Minutes**

Ms. Nosbisch informed the Board that upon review of the statutory changes with Mr. Kirschner, an additional review by the full Board would be needed for § 54.1-2206.B. During review by the Board Sections, they agreed to delete section B completely. The Board reviewed all of the proposed statutory changes and upon further review of §54.1-2206, the Board agreed change the language used

Statutory Review

within section B and not remove it. After this change, Mr. DeBerry made a motion to submit the recommended changes to the Director Melis as part of the Board's legislative wish list. Ms. R. Jones seconded the motion, which was approved by members: Bedenbaugh, Burks, DeBerry, Giannasi, Hall, Heller, R. Jone, Lawless, and Thomas.

Ms. Nosbisch informed the Board that the statute was provided for informational purposes as the Universal License Recognition will be in effect on July 1, 2023.

Universal License Recognition

Mr. Thomas indicated the licensed and certified population for the previous 10 years is helpful to have for ASBOG when reviewing the geology profession. The Board discussed their professions in regards to the individuals entering into their professions. Director Melis discussed the fact that the Board licenses individuals who prove minimum competency in the profession and the concerns the Board discussed related to hiring is an issue that has come about in other license Boards and other professions in Virginia.

Licensed and Certified Population – Previous 10 Years

Ms. Nosbisch informed the Board that DPOR hired a new Exams Director, Greg Emerson, and he will be working with the Board members, such as the wetland delineators to conduct a review of their examination.

Mr. Thomas reviewed the licensee counts as of June 1, 2023: Soil Scientists – 82; Wetland Delineators – 117; Geologists – 949.

Licensed and Certified Population

Ms. Nosbisch informed the Board that the financial statements were included for informational purposes.

Financial Statements

Ms. Nosbisch thanked the Board members for their time and commitment to Board service including reviewing applications.

Other Business

Ms. Nosbisch asked the Board to consider allowing Board staff review and approved geologist-in-training (GIT) applications. Ms. Nosbisch indicated the GIT application is straightforward and the regulations lay out the types of courses/degrees needed to move forward in the application process. She further continued that if there was an application Board staff needed additional clarification or had questions for the Board, then they would send the information to the geologist board members for review. After discussion, Ms. R. Jones made a motion to allow staff to review and approve GIT applications. Mr. Lawless seconded the motion, which was approved by members: Bedenbaugh, Burks, DeBerry, Giannasi, Hall, Heller, R. Jones, Lawless, and Thomas.

Mr. Lawless requested Board staff track the number of GIT applications received and approved until the next full Board meeting.

Conflict of Interest forms and travel vouchers were completed by all board members present.

**Conflict of Interest
Forms/Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:29 a.m.

Adjournment



R. Drew Thomas, Chair



Demetrios Melis, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: R. Drew Thomas
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:



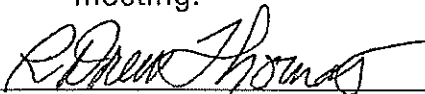
I am able to participate in this transaction fairly, objectively, and in the public interest.

or



I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature



Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Michael D. Lawless
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

6/27/23

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Robin Bedenbaugh
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

5. I have a personal interest in the following transaction:

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I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Robin L. Bedenbaugh
Signature

6/27/2023
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Doug DeBerry
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

6-27-23
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Bennette Burks
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Bennette D. Burks
Signature

6/27/2023
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Larry Giannasi
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

5. I have a personal interest in the following transaction:

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I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

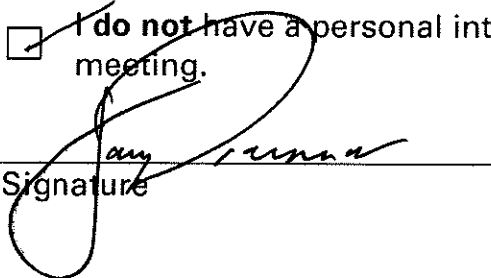
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date

6-27-23

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: David Hall
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

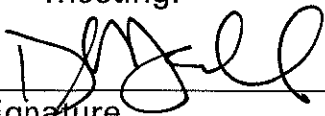
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

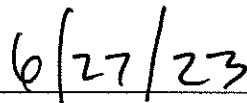
I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Robin Jones
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

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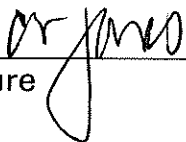
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

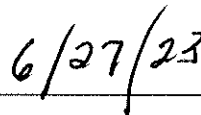
I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Matt Heller
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists, Wetland Professionals and Geologists
4. Meeting/IFF Date: Board Meeting June 27, 2023

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

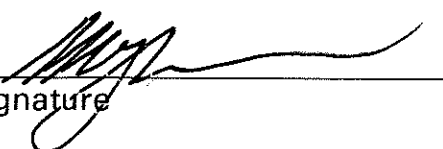
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature



Date

6/27/23