

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,  
WETLAND PROFESSIONALS and GEOLOGISTS MEETING  
November 19, 2019  
10:00 a.m. – Board Room 4 – 2<sup>nd</sup> Floor  
Department of Professional & Occupational Regulation  
9960 Mayland Drive  
Richmond, Virginia 23233  
(804) 367-8514**

1. Call to Order
2. Emergency Evacuation Procedures
3. Welcome and Introductions: Mary Broz-Vaughan
4. Approval of Agenda
5. Approval of Minutes: December 6, 2018
6. Public Comment Period\*
7. ASBOG
8. Pipeline Safety Information (informational)
  - a. Excerpts from APELSCIDLA Board & PE-LS meeting minutes
  - b. Email from Virginia State Corporation Commission (SCC) October 7, 2019
    - 1) NTSB Public Meeting of September 24, 2019 Abstract
  - c. Email from NTSB regarding Safety Recommendations dated October 24, 2019
    - 1) NTSB Recommendations and You Pamphlet
    - 2) NTSB Letter to Governor Northam dated October 24, 2019
    - 3) NTSB Accident Report adopted September 24, 2019
  - d. Email from SCC dated October 30, 2019
  - e. Email from SCC dated November 4, 2019
9. Consideration of 2020 Meeting Dates
10. Election of Chair and Vice Chair
11. Periodic Regulatory Review
12. Licensed and Certified Population
13. Merit
14. Board Member Training Update

15. Financial Statements
16. Other Business
17. Conflict of Interest / Travel Vouchers
18. Adjourn

**NEXT MEETING TENTATIVELY SCHEDULED FOR FEBRUARY 19, 2020**

Agenda materials available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

\*Five minute public comment, per person, with the exception of any open disciplinary or application files. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

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# Call to Order

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# Emergency Evacuation Procedures

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# Welcome & Introductions

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# Approval of Minutes

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

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on December 6, 2018, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Citizens**

Bennett Burks

**Geologists**

Michael Lawless

David Spears

Drew Thomas

**Soil Scientists**

Larry Giannasi

David Hall

Alexis Jones

**Wetland Delineators**

Robin Bedenbaugh

Justin Brown

Board members, Warren “Ted” Dean, Doug DeBerry, Robin Jones, and Molly Parker, were not present at the meeting.

Staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director

Bonnie Davis, Administrative Assistant

Josh Laws, Assistant Attorney General, was present from the office of the Attorney General.

Mr. Giannasi, Chair, called the meeting to order at 10:00 a.m.

**Call to Order**

Mr. Giannasi advised the Board of the emergency evacuation procedures.

**Emergency Evacuation  
Procedures**

Ms. Nosbisch stated that Mr. DeBoer, Mr. Dean, Mr. DeBerry, Ms. Jones, and Ms. Parker send their regrets. She introduced David Hall and Alexis Jones, new Soil Scientist Board members, Justin Brown, new Wetland Professional Board Member, Michael Lawless, new Geologist Board member, and other Board members introduced themselves. She introduced members of the audience: Meade Anderson, former Geologist Board Member, Ricky Woody, President of Virginia Association of Wetland Professionals, and Ted Kraska, Apex Companies, LLC.

**Welcome and  
Introductions**

Ms. Jones moved to approve the agenda. Mr. Burks seconded the motion which was unanimously approved by members: Bedenbaugh, Brown, Burks, Giannasi, Hall, Jones, Lawless, Spears, and Thomas.

**Approval of Agenda**

Mr. Thomas moved to approve the amended minutes from the September 12, 2018, Board for Professional Soil Scientists, Wetland Professionals

**Approval of Minutes**

and Geologists meeting. Ms. Jones seconded the motion which was unanimously approved by members: Bedenbaugh, Brown, Burks, Giannasi, Hall, Jones, Lawless, Spears, and Thomas.

Mr. Woody stated Virginia Association of Wetland Professionals supports unnecessary licensing in Virginia. He stated since establishing certification, there has been a consistency in practice, there is a body of knowledge for public access, there is public access to wetland delineators, no work is done by unlicensed wetland delineators, no loss of protection of water, no decrease in water quality. Deregulation will remove standards and jeopardize our resources.

**Public Comment Period**

Mr. Kraska, Professional Wetland Delineator in private industry, stated he was the fourth certified wetland delineator in Virginia. He stated with certification there has been an increase in the level of delineation across the state. He supports the certification program; there is a value.

Mr. Giannasi read the following resolutions for consideration by the Board:

**Resolutions**

RESOLUTION TO

JULIAN MEADE RUFFIN ANDERSON

WHEREAS, Julian Meade Ruffin Anderson, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists from 2005 to 2018;

WHEREAS, Julian Meade Ruffin Anderson, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Julian Meade Ruffin Anderson, 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 6<sup>th</sup> day of December 2018, that Julian Meade Ruffin Anderson, 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.

RESOLUTION TO  
KEITH R. GOODWIN

WHEREAS, Keith R. Goodwin, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists from 2015 to 2018;

WHEREAS, Keith R. Goodwin, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Keith R. Goodwin, 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 6<sup>th</sup> day of December 2018, that Keith R. Goodwin, 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.

RESOLUTION TO  
ANGELA C. WHITEHEAD

WHEREAS, Angela C. Whitehead, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals, and Geologists from 2008 to 2018;

WHEREAS, Angela C. Whitehead, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Angela C. Whitehead, 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 6<sup>th</sup> day of December 2018, that Angela C. Whitehead, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

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

The Board members agreed to the resolutions by consensus. Ms. Nosbisch thanked the ongoing Board members and welcomed the new Board members. She reported that Ms. Molly Parker and Mr. Ted Dean had been reappointed.

Ms. Nosbisch reported that the JLARC report included 36 recommendations for DPOR, but they are not mandated. The second recommendation states the Board for Professional Occupational Regulation (BPOR) should review the need for continued regulation of soil scientists, and the third recommends the same review of state certification of wetland delineators.

#### **JLARC Report**

Mr. Bedenbaugh voiced his concern of the possible elimination of soil scientist and wetland delineation certification and the 25% reduction of regulations.

Ms. Nosbisch noted these are two distinct issues. HB 883 directs Department of Planning and Budget (DPB) to administer a three-year regulatory reduction pilot program aimed at reducing by 25% the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021.

Ms. Jones stated she is a board member of Virginia Association of Professional Soil Scientists (VAPSS) which has a lobbyist who is watching for bills being presented on the decertification of soil scientists.

Ms. Nobsch stated the next BPOR meeting is March 4, 2019, and the public may attend and speak.

Mr. Giannasi stated eight continuing education (CE) credits each year is a hardship; it would be less burdensome to allow 16 CEs in a two year period. He asked Ms. Jones if she would present this request to VAPSS to submit to the legislature as a soil scientist, not as a board member.

**Continuing Education**

Mr. Thomas stated he was going to conduct an independent survey of fellow geologists to inquire about their position regarding CE. At the ASBOG meeting, he discovered that Washington had already sent out the same survey. He is waiting on the statistics of that survey at this time.

Mr. Thomas attended the annual meeting; continuing education and the importance of certification was discussed. He stated working as a subject matter expert on the exam was very rewarding work. Ms. Nobsch stated she participated in the Administrators Workshop via teleconference.

**ASBOG Annual Meeting**

Ms. Nobsch recognized World Soil Day was yesterday. She thanked all board members for their time and expertise devoted to their professions and the Board. Ms. Nobsch noted that staff sent an email to all licensed soil scientists recognizing them on World Soil Day.

**World Soil Day**

Ms. Nobsch requested Board members confirm their information on the board roster.

**Other Business**

Ms. Nobsch informed board members that they will receive an email later this month from the Virginia Conflict of Interest and Ethics Advisory Council regarding their yearly statement of economic interests (SEI). Ms. Nobsch stated that completion of the SEI form is a requirement for board members and that the online form must be completed by all board members between January 1, 2019 and January 14, 2019.

**Statement of Economic Interest Form**

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 11:02 a.m.

**Adjournment**

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Larry Giannasi, Chair

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Jay W. DeBoer, Secretary

# Public Comment

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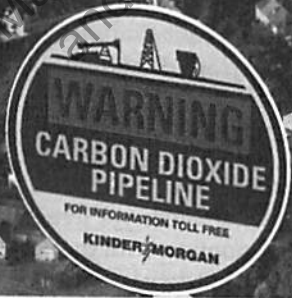
# **ASBOG**

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MUNICIPAL  
BUILDING

# Pipeline Safety Information

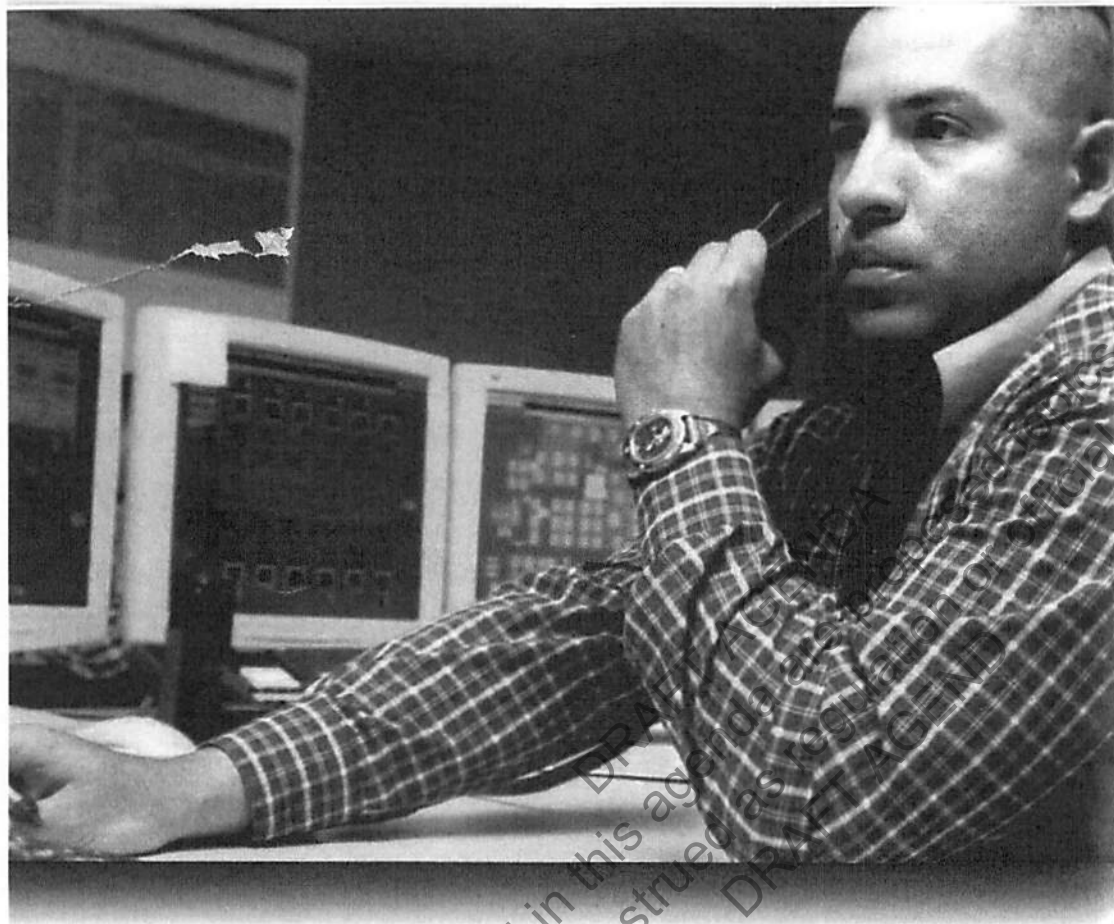
Critical Information for Public Officials



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FOR MORE INFORMATION PLEASE VISIT  
[WWW.KINDERMORGAN.COM/PUBLIC\\_AWARENESS](http://WWW.KINDERMORGAN.COM/PUBLIC_AWARENESS)

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## **Pipeline Safety Procedures & 24/7 Monitoring**

Kinder Morgan monitors its transmission pipelines 24-hours a day from its System Control Centers. We ensure public safety and safe pipeline operations through employee training, regular testing, aerial and right-of-way foot patrols and adherence to our comprehensive Integrity Management plan and procedures.

Using remote monitoring technology within the pipeline system, we can quickly detect changes in pressure or volume and can shutdown and reroute sections of the pipeline. In addition, our above ground facilities, such as pumping stations and storage tanks, may be equipped with emergency shutdown features and fire suppression technology.

These measures demonstrate Kinder Morgan's commitment to safe pipeline operation and our dedication to the communities where we live and work. Kinder Morgan communicates and shares information with the appropriate Emergency Officials in your community. If you wish to obtain additional information about our Emergency Preparedness Communications, or for more information about Kinder Morgan and our efforts to ensure safe pipeline operations, visit [www.kindermorgan.com/public\\_awareness](http://www.kindermorgan.com/public_awareness).

## Working Together To Protect Pipelines & Right-of-Ways

In addition to 24-hour monitoring and on-going safety and security procedures, Kinder Morgan relies on public and government officials to alert the company about upcoming changes to roadways, bridges, zoning and other capital projects. Advanced notice allows Kinder Morgan to work together with community planning committees and land use personnel to address impact to the pipeline or right-of-way.

Kinder Morgan requests that you, public and government officials, notify us when you observe potential right-of-way restriction violations or potential damage to our facilities, which could endanger public safety. We support your enforcement of "Call Before You Dig" requirements in states where they apply.

Excavation activity is the most common cause of serious pipeline damage. In most states, residents, excavators and farmers are required by law to call 811 or their local One-Call center at least two or three working days before starting an excavation project to have underground utilities marked. Best practices encourage highway maintenance personnel and municipalities to call 811 before excavating.

Unauthorized building or planting in the pipeline right-of-way is known as encroachment. Kinder Morgan regularly conducts maintenance to trim trees and remove shrubs or structures that prohibit the company from clearly viewing the pipeline corridor during aerial or foot patrols and regular maintenance activities.

Please contact us if you know of places where trees, plants or structures are located on the pipeline right-of-way or if you see individuals digging in areas where underground utilities are not marked.

## Locating Pipelines In Your Community

**Pipeline markers** are located along the right-of-way, at road intersections, waterways, railroad crossings and all above ground facilities. Markers identify the area, but not the exact location or depth of the pipeline. Markers specify the type of product transported, the operator's name and emergency contact number.

The federal government also provides maps that show the approximate location of transmission pipelines in your community through the **National Pipeline Mapping System** at [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov). Government and safety officials can access additional information and download electronic files to import into emergency preparedness GIS mapping systems.





## Land Use Planning and Transmission Pipelines

Construction activity near transmission pipelines increases the risk of excavation damage. The risk of being affected by a transmission pipeline incident depends on the distance from the pipeline.

Over the past 70 years, a nationwide pipeline system has been constructed to transport natural gas, CO<sub>2</sub> and petroleum products. Subsequent growth of communities has converted many of these areas to housing developments, shopping centers and business parks.

The proximity of people to pipelines poses significant safety challenges that are of concern to all stakeholders, including property developers, planning organizations, Local, State, and Federal officials, first responders and the public.

Care must be taken to protect people and the environment from the impacts of pipeline incidents and to prevent damage to transmission pipelines that can result from right-of-way encroachment and careless excavation.

For more information regarding land use planning near pipelines, please visit: [PIPA-info.com](http://PIPA-info.com)

## Leak Recognition & Response

Although rare, pipeline incidents can be dangerous and require caution and immediate action.

### Know the signs of a leak\*:

- Dead vegetation, liquid on the ground near the pipeline, dirt being blown into the air, fire, dense white cloud or fog, or frozen ground near the pipeline
- Hissing or roaring sound
- Strong petroleum like odor or a mild fragrant odor (Ethanol)

\* Not all signs need to be present to indicate a leak

### If a leak occurs:

- Leave the area immediately in an upwind direction and warn others to stay away.
- Do not light a match, start an engine, use a telephone or cell phone or turn on/off any electrical appliances, and avoid potential ignition sources which may cause an explosion or fire.
- Once you are a safe distance away from the potential leak, call 911 (not 811) to engage local emergency response officials and Kinder Morgan.
- Do not drive into an area where you suspect a leak or vapor cloud, and do not touch or operate pipeline valves.
- Avoid making contact with escaping liquids or vapors as potential hazards may include eye, skin and respiratory irritation and the product may be highly flammable.



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## **Kinder Morgan Hazardous Liquids & CO2 Pipelines In Your Community**

Every day, more than two million miles of pipelines crisscross the United States safely transporting energy products. Pipelines are the backbone of our nation's energy transportation infrastructure. According to the National Transportation Safety Board, pipelines are the safest mode of fuel transportation, both for the public and the environment.

Kinder Morgan is one of the largest pipeline operators in the United States and operates in numerous states. We have a strong safety record and are prepared to respond to and manage any disruptions that may occur.

Although rare, pipeline incidents can be dangerous and require caution and immediate action. In emergency situations, Kinder Morgan's priority is to protect life, property and the environment.

## **Kinder Morgan Cares About Your Safety**

We want you to be aware of our pipelines and facilities near you and ask for your help in preventing damage to pipelines. For specific information about our pipelines and facilities in your community visit <http://PA-InfoRequest.KinderMorgan.com> or call our non-emergency number 800-276-9927.

Kinder Morgan supports the Nation's Homeland Security efforts and encourages you to immediately report any suspicious persons and/or activities near the pipeline to your local law enforcement authorities by calling 911.

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You are not to be consulted on this agenda or official Board position.*

## Kindergarten Contact Numbers

Emergencies: 866-762-8442

Non-Emergency Inquiries: 800-276-9927

## Kindergarten (KIM) Operating Companies

### Hazardous Liquids

- Mid-Continent
- > Cypress Interstate Pipeline
- > KMI Cochiti
- > KMI Utopia LLC

### Pacific

- > CalNeV Pipe Line Company
- > SEPPP, LP
- > West Coast Terminal Pipeline

### Southeast

- > Central Florida Pipeline Company
- > KMI Southeast Terminals
- > Plantation Pipe Line Company
- California Intrastate
- > El Paso Natural Gas

### Montana and North Dakota

- > Double H
- > Hiland Crude LLC
- > Hiland Partners Holdings

### CO2

- Colorado, New Mexico and Texas
- > KMI CO2 Company

### Liquid Terminals

- Gulf Liquids (TX), Lower Rivers (LA), Midwest (IL, IN, OH), Mid-River (NC), Northeast (NJ)
- > KMI Liquids Terminals LLC



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Kindergarten's Public Awareness Program, developed under the guidance of federal public awareness, damage prevention and integrity management regulations is a single administered program for all applicable business units or entities. The Program is administered by Kindergarten's Pipeline Safety Technical Working Group. For more information regarding Kindergarten's Public Awareness Program visit [www.kindergarten.com/public\\_awareness](http://www.kindergarten.com/public_awareness).

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## KINDERMORGAN

Attn: Public Awareness Coordinator  
1001 Louisiana St, Suite 1000  
Houston, TX 77002

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Materials cont  
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proposed topics for discussion  
of official Board position.

## Excerpts from APELSCIDLA Board minutes and PE-LS Section minutes

### ***APELSCIDLA Board meeting minutes December 5, 2018***

The Board discussed the National Transportation Safety Board news release regarding the investigation of Merrimack Valley Gas Explosions. It was noted that the responsible people were not licensed Professional Engineers. The Board agreed by consensus to place the Industrial Exemption on the agenda of the Professional Engineers and Land Surveyors Section meeting on February 5, 2019, and then back to the full Board on March 12, 2019.

**Other Business**

### ***PE-LS Section meeting minutes February 5, 2019***

The Board discussed the NTSB Report on Gas Explosions at its meeting on December 5, 2018 and referred the industrial exemption to the PE-LS Section meeting today. Mr. Stone noted this is an interstate commerce issue and any change in the industrial exemption would require a change in statute. Mr. Stone requested Board staff request an opinion from the Attorney General's office. Because the work will be affecting the public safety, should Utility Company A be exempt if Utility Company A requires a pipeline and requests Engineering Company B to design it, should Engineering Company B be exempt? The item will be placed on the agenda and discussed at the Board meeting on March 12, 2019.

**Industrial Exemption NTSB - §54.1-402 Further exemptions from license requirements for architects, professional engineers, and land surveyors**

### ***APELSCIDLA Board meeting minutes March 12, 2019***

The explosion in the northeast region of the Merrimack Valley, Massachusetts was discussed at the December Board meeting and at the PE-LS Section meeting in February. It was noted that some states do not have an industrial exemption like

**NTSB Safety Recommendation Report**

Virginia. The Board discussed the pros and cons of the industrial exemption and to change the exemption would require a change in statute. Mr. Stone stated the exemption was discussed at the Virginia Engineers Conference. Mr. Stone will speak with the American Council of Engineering Companies (ACEC) and the Virginia Society of Professional Engineers (VSPE) regarding the need for a legislative change.

**Adopted November 14, 2018**

## **PE-LS Section meeting minutes May 9, 2019**

Ms. Nosbisch reported that in the National Society of Professional Engineers magazine there was an article about the Massachusetts pipeline fire. She stated Governor Baker signed emergency legislation requiring licensed Professional Engineers sign and seal plans for utility work before it's done, rather than leaving the review to people with engineering backgrounds who are uncertified.

## **APELSCIDLA Board meeting minutes July 2, 2019**

Ms. Nosbisch stated this item was discussed at the May 9, 2019 PE-LS Section meeting. She stated Governor Baker signed emergency legislation requiring licensed Professional Engineers sign and seal plans for utility work before it's done, rather than leaving the review to people with engineering backgrounds who are uncertified. Mr. Stone will be following up with VSPE and ACEC regarding this matter.

**NTSB Safety  
Recommendation Report  
Adopted  
November 14,  
2018**

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**Fwd: FW: VA SCC PE Exemption**

1 message

Mon, Oct 7, 2019 at 2:13 PM

----- Forwarded message -----

From: **Steven Bradley** <Steven.Bradley@scc.virginia.gov>  
Date: Mon, Oct 7, 2019 at 10:55 AM  
Subject: FW: VA SCC PE Exemption  
To: [kate.nosbisch@dpor.virginia.gov](mailto:kate.nosbisch@dpor.virginia.gov) <[kate.nosbisch@dpor.virginia.gov](mailto:kate.nosbisch@dpor.virginia.gov)>

Kate,

Good morning. Thanks again for taking my call.

I have attached the abstract from the NTSB's meeting in September. The exemption recommendation in question is at the top of page 4.

The exemption language in Virginia is shown below.

§ 54.1-401. Exemptions.

The following shall be exempted from the provisions of this chapter

7. Practice of engineering solely as an employee of a corporation engaged in interstate commerce, or as an employee of a public service corporation, by rendering such corporation engineering service in connection with its facilities which are subject to regulation by the State Corporation Commission; provided, that corporation employees who furnish advisory service to the public in connection with engineering matters other than in connection with such employment shall not be exempt from the provisions of this chapter.

<https://law.lis.virginia.gov/vacode/title54.1/chapter4/section54.1-401/>

I look forward to hearing from you following your November board meeting. In the meantime, I will forward other information as it becomes available.

Steve

Steven Bradley

Director – Division of Utility and Railroad Safety

Virginia State Corporation Commission

804 371-9751

804 387-2783 (cell)



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*Kate Nobsch, Hon. AIA Virginia*

Kathleen R. Nobsch

Executive Director

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA)

Board for Branch Pilots


Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Board for Professional and Occupational Regulation

Auctioneers Board

Boxing, Martial Arts and Professional Wrestling Advisory Board

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 Merrimack Valley NTSB Rec 9-24-2019 abstract only.pdf  
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**NATIONAL TRANSPORTATION SAFETY BOARD**  
**Public Meeting of September 24, 2019**  
**(Information subject to editing)**

**Overpressurization of Natural Gas Distribution System, Explosions, and Fires**  
**in Merrimack Valley, Massachusetts**  
**September 13, 2018**  
**NTSB/PAR-19/02**

This is a synopsis from the NTSB's report and does not include the Board's rationale for the conclusions, probable cause, and safety recommendations. NTSB staff is currently making final revisions to the report from which the attached conclusions and safety recommendations have been extracted. The final report and pertinent safety recommendation letters will be distributed to recommendation recipients as soon as possible. The attached information is subject to further review and editing to reflect changes adopted during the Board meeting.

### **Executive Summary**

On September 13, 2018, about 4:00 p.m. local time, a series of structure fires and explosions occurred after high-pressure natural gas was released into a low-pressure natural gas distribution system in the northeast region of the Merrimack Valley in the Commonwealth of Massachusetts. The natural gas distribution system was owned and operated by Columbia Gas of Massachusetts, a subsidiary of NiSource, Inc. Columbia Gas of Massachusetts delivers natural gas to about 325,000 customers in Massachusetts. One person was killed and 22 individuals, including three firefighters, were transported to local hospitals due to injuries; seven other firefighters incurred minor injuries. The fires and explosions damaged 131 structures, including at least 5 homes that were destroyed in the city of Lawrence and the towns of Andover and North Andover. Most of the damage occurred from fires ignited by natural gas-fueled appliances; several of the homes were destroyed by natural gas-fueled explosions. Fire departments from the three municipalities were dispatched to the fires and explosions. First responders initiated the Massachusetts fire-mobilization plan and received mutual aid from neighboring districts in Massachusetts, New Hampshire, and Maine. Emergency management officials had National Grid United States (the electric utility) shut down electrical power in the area, the state police closed local roads, and freight and passenger railroad operations in the area were suspended. Columbia Gas of Massachusetts shut down the low-pressure natural gas distribution system, affecting 10,894 customers, including some outside the area who had their service shut off as a precaution.

The accident investigation focused on the following safety issues:

- Adequacy of natural gas regulations
- Project documentation
- Constructability review
- Project management
- Risk assessment

- Safety management systems
- Licensed professional engineer approval of natural gas projects
- Emergency response

## Findings

1. None of the following were factors in this accident: the training and qualification of the construction crew, the use of alcohol or other drugs, or the condition and operability of the regulators at the Winthrop Avenue regulator station.
2. The multiple overpressurization accidents investigated by the National Transportation Safety Board over the past 50 years demonstrate that low-pressure natural gas distribution systems that use only sensing lines and regulators as the means to detect and prevent overpressurization are not optimal to prevent overpressurization accidents.
3. A comprehensive and formal risk assessment, such as a failure modes and effects analysis, would have identified the human error that caused the redundant regulators to open and pressurize the system.
4. Columbia Gas of Massachusetts' inadequate planning, documentation, and recordkeeping processes led to the omission of the relocation of the sensing lines for the South Union Street project.
5. The abandonment of the cast iron main without first relocating the sensing lines led to the system overpressurization, fires, and explosions.
6. The delay between the development of the initial project work order and its execution had no impact on this accident.
7. The Columbia Gas of Massachusetts constructability review process was not sufficiently robust to detect the omission of a work order to relocate the sensing lines.
8. NiSource's engineering risk management processes were deficient.
9. Requiring a licensed professional engineer to stamp plans would illustrate that the plans had been approved by an accredited professional with the requisite skills, knowledge, and experience to provide a comprehensive review.
10. The municipal public safety answering points had available and ready resources to handle the large number of distress calls requesting emergency services.
11. The field radio communications used across fire departments on September 13 lacked adequate interoperability and availability to ensure that emergency responders had efficient means of interdepartmental and intradepartmental communications.

12. The communications issues during the September 13 overpressurization illustrate the need for emergency planning for a multi-jurisdictional response.
13. The Columbia Gas of Massachusetts incident commander faced multiple competing priorities, such as communicating with affected municipalities, updating the emergency responders, and shutting down the natural gas distribution system, which adversely affected his ability to complete his tasks in a timely manner.
14. Columbia Gas of Massachusetts was not adequately prepared with the resources necessary to assist emergency management services with the response to the overpressurization.

## **Probable Cause**

The National Transportation Safety Board determines that the probable cause of the overpressurization of the natural gas distribution system and the resulting fires and explosions was Columbia Gas of Massachusetts' weak engineering management that did not adequately plan, review, sequence, and oversee the construction project that led to the abandonment of a cast iron main without first relocating regulator sensing lines to the new polyethylene main. Contributing to the accident was a low-pressure natural gas distribution system designed and operated without adequate overpressure protection.

## **Recommendations**

### **New Recommendations**

As a result of this investigation, the National Transportation Safety Board makes the following new safety recommendations:

### **To the Pipeline and Hazardous Materials Safety Administration:**

1. Revise Title 49 *Code of Federal Regulations* Part 192 to require overpressure protection for low-pressure natural gas distribution systems that cannot be defeated by a single operator error or equipment failure.
2. Issue an alert to all low-pressure natural gas distribution system operators of the possibility of a failure of overpressure protection; and the alert should recommend that operators use a failure modes and effects analysis or equivalent structured and systematic method to identify potential failures and take action to mitigate those identified failures.

**To the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New York, North Carolina, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, and Wyoming:**

3. Remove the exemption so that all future natural gas infrastructure projects require licensed professional engineer approval and stamping.

**To the Commonwealth of Massachusetts Executive Office of Public Safety and Security:**

4. Develop guidance that includes a component for effective communications when deploying mutual aid resources within the first hours of a multi-jurisdictional incident.

**To NiSource, Inc.:**

5. Review your protocols and training for responding to large-scale emergency events, including providing timely information to emergency responders, appropriately assigning NiSource emergency response duties, performing multi-jurisdictional training exercises, and participating cooperatively with municipal emergency management agencies.

**Classified Recommendations**

**To the Commonwealth of Massachusetts:**

1. Eliminate the professional engineer licensure exemption for public utility work and require a professional engineer's seal on public utility engineering drawings. (P-18-5)

This recommendation is classified *Closed—Acceptable Action*.

**To NiSource, Inc.:**

2. Revise the engineering plan and constructability review process across all of your subsidiaries to ensure that all applicable departments review construction documents for accuracy, completeness, and correctness, and that the documents or plans be sealed by a professional engineer prior to commencing work. (P-18-6) (Urgent)

This recommendation is classified *Closed—Acceptable Action*.

3. Review and ensure that all records and documentation of your natural gas systems are traceable, reliable, and complete. (P-18-7) (Urgent)

This recommendation is classified *Closed—Acceptable Action*.

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----- Forwarded message -----

From: [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) <[executivesecretariat@ntsb.gov](mailto:executivesecretariat@ntsb.gov)>

Date: Thu, Oct 24, 2019 at 10:22 AM

Subject: NEW NTSB Safety Recommendation P-19-16 to the 31 states that allow exemptions to professional engineer approval and stamping for natural gas infrastructure projects, including the Commonwealth of Virginia – RESPONSE REQUIRED

To: [ralph.northam@governor.virginia.gov](mailto:ralph.northam@governor.virginia.gov) <[ralph.northam@governor.virginia.gov](mailto:ralph.northam@governor.virginia.gov)>

Cc: [apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov) <[apelscidla@dpor.virginia.gov](mailto:apelscidla@dpor.virginia.gov)>, Steven Bradley <[Steven.Bradley@scc.virginia.gov](mailto:Steven.Bradley@scc.virginia.gov)>

The Honorable Ralph S. Northam

Governor of Virginia

PO Box 1475

Richmond, VA 23218-1475

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of the accidents and issue safety recommendations aimed at preventing future accidents. In addition, we carry out special studies concerning transportation safety and coordinate the resources of the federal government and other organizations to provide assistance to victims and their family members affected by major transportation disasters.

The attached letter from the NTSB Chairman provides information about the NTSB's September 24, 2019, report *Overpressurization of Natural Gas Distribution System, Explosions, and Fires in Merrimack Valley, Massachusetts, September 13, 2018*, NTSB/PAR-19/02. The details of this accident investigation and the resulting safety recommendation may be found in the attached report, which can also be accessed at <http://www.nts.gov>. For more information about NTSB and our recommendation process, please see the attached one-page summary.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate a response within 90 days of the date of this letter, detailing the actions you have taken or intend to take to implement these recommendations. When replying, please refer to the safety recommendation by number (for example, P-19-16). We encourage you to submit your response to [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov). If your reply exceeds 20 megabytes, including attachments, please e-mail us at the same address for instructions on how to send larger documents. Please do not submit both an electronic copy and a hard copy of the same response.

All communications regarding safety recommendations will be stored by the NTSB and viewable by the public. Please do not send privileged or confidential communications in response to this recommendation. Responses marked as confidential or privileged (or similar designations) will be considered nonresponsive. If you have concerns about this protocol, please contact us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) or call (202) 314-6290 and ask to be directed to the Safety Recommendations Division.

---

Executive Secretariat-LRM  
Office of the Managing Director  
National Transportation Safety Board  
490 L'Enfant Plaza SW  
Washington, DC 20594  
Tel: (202)314-6047  
Email: [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov)

*Our network limits replies, including attachments, to 20mb total. Please e-mail [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) directly for instructions on how to submit larger documents.*

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### **3 Attachments**

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# NTSB Recommendations and You

The National Transportation Safety Board (NTSB) is an independent federal agency charged with investigating and determining the probable cause of transportation accidents. We do not make regulations, but we do issue recommendations to organizations such as yours when we discover shortcomings in the transportation system that increase the risk of accidents. **As a result of our investigative activities, we have issued one or more safety recommendations that we believe you can act on to improve transportation safety.**

## Why did the NTSB issue my organization a safety recommendation?

We issue safety recommendations to organizations that can bring about change to reduce the risk of accidents, either through their direct role in the transportation industry, their legislative or regulatory authority, or the significant influence they have among others in the industry. We believe your organization is able to make or influence such changes.

## What does the NTSB expect of safety recommendation recipients?

First and foremost, we encourage you to promptly take the recommended action to improve safety. Because we're eager to see recommendations implemented before more accidents occur, we follow recipients' efforts to implement each recommendation. We ask that you update us any time you achieve a significant milestone in your progress toward implementing the attached recommendation(s), or at least annually. We will provide feedback on your efforts by classifying each recommendation as open or closed, acceptable or unacceptable.<sup>1</sup> Information about your actions associated with your recommendation(s) is available at our [website](#) so that the public can see our combined efforts to improve transportation safety.

<sup>1</sup> For a full description of our safety recommendation classifications, see the [Status Explanation](#) page on our website.

## What should our response to the NTSB include?

Please respond to us within **90 days (30 for urgent recommendations)**

explaining the specific actions you have taken or intend to take in response to the safety recommendation(s), and propose a timeline for completion. We understand organizations today are faced with competing priorities and limited resources, which can make implementing our recommendations a challenge. If, for any reason, you are not able to take the recommended action, or if you believe an alternate action would be more appropriate for your organization, please explain why. When you respond, please provide an e-mail address for future communications. We will review your response and provide feedback.

## What if my organization doesn't believe the recommended action is the best way to improve safety?

We base our recommendations on the evidence, facts, and circumstances of the accidents we investigate. Sometimes industry leaders identify ways to attain the same safety objective more efficiently, and we encourage recipients to share their ideas with us. In these cases, we will evaluate the alternate means of achieving the safety objective and provide feedback. We believe safety is a collaborative effort, and we're happy to work with your organization to set goals and make improvements.

## Why does the NTSB expect us to take action, even though our organization wasn't responsible for the accident that resulted in the safety recommendation?

Our goal is to prevent accidents. Often, the factors we identify as causing or contributing to an accident are not unique—they represent common practices or situations that may be accidents waiting to happen. In such instances, we may make recommendations intended to raise the minimum standard for safety throughout the industry.

## How do we contact the NTSB to provide updates or obtain further information?

Please contact us electronically at [executivesecretariat@ntsb.gov](mailto:executivesecretariat@ntsb.gov). If you wish to send us supporting documentation that, with your response, exceeds 10 megabytes, please contact us at the same e-mail address for instructions.

You can also reach our Safety Recommendations staff at **(202) 314-6290** (please ask to be directed to the Safety Recommendations Division).

**NTSB** | National Transportation Safety Board  
[www.ntsb.gov](http://www.ntsb.gov)

***We look forward to working with you to prevent accidents and save lives!***





Office of the Chairman

# National Transportation Safety Board

Washington, DC 20594

October 24, 2019

The Honorable Ralph S. Northam  
Governor of Virginia  
PO Box 1475  
Richmond, VA 23218-1475

Dear Governor Northam:

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of the accidents and issue safety recommendations aimed at preventing future accidents. In addition, we carry out special studies concerning transportation safety and coordinate the resources of the federal government and other organizations to assist victims and their family members affected by major transportation disasters.

We are providing the following information to urge the Commonwealth of Virginia to act on the safety recommendation in this letter because we believe your organization can help reduce the risk of future accidents. For more information about the NTSB and our recommendation process, please see the attached one-page summary.

This letter provides information about our September 24, 2019, report *Overpressurization of Natural Gas Distribution System, Explosions, and Fires in Merrimack Valley, Massachusetts, September 13, 2018*, NTSB/PAR-19/02. The details of this accident investigation and the resulting safety recommendations may be found in the attached report, which can also be accessed at <http://www.nts.gov>.

As a result of this investigation, we identified the following safety issues:

- Adequacy of natural gas regulations
- Project documentation
- Constructability review
- Project management
- Risk assessment
- Safety management systems
- Licensed professional engineer approval of natural gas projects

- Emergency response

Accordingly, the NTSB makes the following safety recommendation to the 31 states that allow exemptions to professional engineer approval and stamping for natural gas infrastructure projects, including the Commonwealth of Virginia. Additional information regarding this recommendation can be found in the noted section of the report.

- Remove the exemption so that all future natural gas infrastructure projects require licensed professional engineer approval and stamping. (P-19-16) (See section 3.4.)

The NTSB is vitally interested in this recommendation because it is designed to prevent accidents and save lives. We would appreciate a response within 90 days of the date of this letter, detailing the actions you have taken or intend to take to implement this recommendation. When replying, please refer to the safety recommendation by number (for example, P-19-16). We encourage you to submit your response to [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov). If your reply, including attachments, exceeds 20 megabytes, please e-mail us at the same address for instructions on how to send larger documents. Please do not submit both an electronic copy and a hard copy of the same response.

Sincerely,

Robert L. Sumwalt, III  
Chairman

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----- Forwarded message -----

From: **Steven Bradley** <[Steven.Bradley@scc.virginia.gov](mailto:Steven.Bradley@scc.virginia.gov)>

Date: Wed, Oct 30, 2019 at 11:56 AM

Subject: RE: NEW NTSB Safety Recommendation P-19-16 to the 31 states that allow exemptions to professional engineer approval and stamping for natural gas infrastructure projects including the Commonwealth of Virginia – RESPONSE REQUIRED

To: [kate.nosbisch@dpor.virginia.gov](mailto:kate.nosbisch@dpor.virginia.gov) <[kate.nosbisch@dpor.virginia.gov](mailto:kate.nosbisch@dpor.virginia.gov)>

Kate,

As discussed. Please let me know the outcome of your upcoming board meeting with regard to this issue.

The Virginia language in question from § 54.1-401:

§ 54.1-401. Exemptions.

The following shall be exempted from the provisions of this chapter

7. Practice of engineering solely as an employee of a corporation engaged in interstate commerce, or as an employee of a public service corporation, by rendering such corporation engineering service in connection with its facilities which are subject to regulation by the State Corporation Commission; provided, that corporation employees who furnish advisory service to the public in connection with engineering matters other than in connection with such employment shall not be exempt from the provisions of this chapter.

We believe the following language addresses the NTSB's recommendation:

*This subsection does not apply to engineering services rendered in connection with gas pipeline facilities as defined in the federal regulations promulgated under 49 U.S.C § 60101 et seq., as amended, and the federal pipeline safety laws.*

The NTSB's recommendation:

3. Remove the exemption so that all future natural gas infrastructure projects require licensed professional engineer approval and stamping.

Thank you.

Steve

Steven Bradley  
Director – Division of Utility and Railroad Safety  
Virginia State Corporation Commission  
804 371-9751  
804 387-2783 (cell)

Fwd: FW: NEW NTSB Safety Recommendation P-19-16 to the 31 states that allow exemptions to professional engineer approval and stamping for natural gas infrastructure projects, including the Commonwealth of Virginia – RESPONSE REQUIRED

Inbox

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From: **Steven Bradley** <[Steven.Bradley@scc.virginia.gov](mailto:Steven.Bradley@scc.virginia.gov)>

Date: Mon, Nov 4, 2019 at 12:07 PM

Subject: FW: NEW NTSB Safety Recommendation P-19-16 to the 31 states that allow exemptions to professional engineer approval and stamping for natural gas infrastructure projects, including the Commonwealth of Virginia – RESPONSE REQUIRED

To: [kate.nosbisch@dpor.virginia.gov](mailto:kate.nosbisch@dpor.virginia.gov) <[kate.nosbisch@dpor.virginia.gov](mailto:kate.nosbisch@dpor.virginia.gov)>

Kate,

Good afternoon.

FYI. We think the following tweak (**in-bold**) provides a little more clarity. For your use as you see fit.

*This subsection does not apply to engineering services rendered in connection with gas pipeline facilities as defined in the federal regulations promulgated under 49 U.S.C § 60101 et seq., as amended **and adopted by the Commission**, and the federal pipeline safety laws.*

Thank you.

Steve

Steven Bradley  
Director – Division of Utility and Railroad Safety  
Virginia State Corporation Commission  
804 371-9751  
804 387-2783 (cell)

# **2020 Meeting Dates**

**February 19, 2020**

**May 20, 2020**

**August 19, 2020**

**November 17, 2020**

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# **Election of Chair and Vice Chair**

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# Periodic Regulatory Review

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# Licensed and Certified Population

As of October 1, 2019

|                     |     |
|---------------------|-----|
| Soil Scientists     | 90  |
| Wetland Delineators | 117 |
| Geologists          | 909 |

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# The DPOR Voice

AUGUST 2019



## MBVs Dispatch



As I've mentioned, one of our plans for making technology advancements involves partnering with innovative providers that can help us achieve "quick wins" with our existing capabilities. (Don't worry! We still are moving forward with purpose to resolve the substantive, overdue infrastructure and systems improvements.)

Later this month, for example, you may start hearing more about [Merit](#), an online credentialing service that is accessible, verifiable, and free. During the 2019 Session of the General Assembly, the legislature authorized DPOR to use a third-party electronic credential system as part of the overall directive for the agency to make IT progress.

Merit will issue digital licenses or certificates to individuals with email addresses on file with DPOR, who can then choose how to manage their industry credentials from participating organizations. The interface makes it easy to verify digital credentials on a smartphone or web browser, at least until we can get to the website redesign project (again, not forgotten!).

We also are going to start brainstorming soon with [PayIt](#), a digital government platform, on a mobile-enabled app to streamline basic online transactions. The goal is to minimize the impact on our employees, allowing service partners to apply their IT magic to our current challenges, while we focus on the major in-house initiatives and IT procurements necessary to move us to the next level.

I won't thank you for your patience, because I'm too impatient. Thank you for perseverance and willingness to try new things.

Hope everyone is having a great summer,

- Mary Broz-Vaughan

**DPOR Newsletter**  
**AUGUST 2019**

# **Board Member Training Update**

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**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Board for Professional Soil Scientists, Wetland Professionals, and Geologists  
954180**

2018-2020 Biennium

September 2019

|   | September 2019<br>Activity | Biennium-to-Date Comparison   |                               |
|---|----------------------------|-------------------------------|-------------------------------|
|   |                            | July 2016 -<br>September 2017 | July 2018 -<br>September 2019 |
| <b>Cash/Revenue Balance Brought Forward</b> |                            |                               | 118,829                       |
| <b>Revenues</b>                             | 7,790                      | 79,045                        | 79,925                        |
| <b>Cumulative Revenues</b>                  |                            |                               | 198,754                       |
| <b>Cost Categories:</b>                     |                            |                               |                               |
| <b>Board Expenditures</b>                   | 834                        | 19,000                        | 21,052                        |
| <b>Board Administration</b>                 | 1,427                      | 17,320                        | 23,301                        |
| <b>Administration of Exams</b>              | 308                        | 2,312                         | 3,374                         |
| <b>Enforcement</b>                          | 1                          | 23                            | 14                            |
| <b>Legal Services</b>                       | 0                          | 117                           | 40                            |
| <b>Information Systems</b>                  | 903                        | 12,155                        | 17,603                        |
| <b>Facilities and Support Services</b>      | 493                        | 3,940                         | 6,426                         |
| <b>Agency Administration</b>                | 676                        | 11,144                        | 10,384                        |
| <b>Other / Transfers</b>                    | 0                          | 1,292                         | (1)                           |
| <b>Total Expenses</b>                       | 4,641                      | 67,302                        | 82,194                        |
| <b>Transfer To/(From) Cash Reserves</b>     | 0                          | 0                             | 74,579                        |
| <b>Ending Cash/Revenue Balance</b>          |                            |                               | 41,981                        |

|                                       |        |   |        |
|---------------------------------------|--------|---|--------|
| <b>Cash Reserve Beginning Balance</b> | 74,579 | 0 | 0      |
| <b>Change in Cash Reserve</b>         | 0      | 0 | 74,579 |
| <b>Cash Reserve Ending Balance</b>    | 74,579 | 0 | 74,579 |

|                            |       |
|----------------------------|-------|
| <b>Number of Regulants</b> |       |
| Current Month              | 1,116 |
| Previous Biennium-to-Date  | 1,107 |

**Department of Professional and Occupational Regulation**  
**Supporting Statement of Year-to-Date Activity**  
**Board for Professional Soil Scientists, Wetland Professionals and Geologists - 954180**  
**Fiscal Year 2020**

|                                  | Jul           | Aug          | Sep          | Oct      | Nov      | Dec      | Jan      | Feb      | Mar      | Apr      | May      | Jun      | Fiscal YTD Charges | Planned Annual Charges | Current Balance | Projected Charges at 6/30 | Projected Variance Favorable (Unfavorable) |              |
|----------------------------------|---------------|--------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------------------|------------------------|-----------------|---------------------------|--|--------------|
|                                  |               |              |              |          |          |          |          |          |          |          |          |          |                    |                        |                 | Amount                    | %  |              |
| <b>Board Expenditures</b>        | 6,054         | 1,917        | 834          | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 8,804              | 21,105                 | 12,300          | 34,645                    | -13,540                                    | -64.2%       |
| <b>Board Administration</b>      | 2,401         | 1,614        | 1,427        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 5,441              | 22,385                 | 16,944          | 18,172                    | 4,213                                      | 18.8%        |
| <b>Administration of Exams</b>   | 486           | 314          | 308          | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 1,108              | 3,378                  | 2,270           | 3,889                     | -511                                       | -15.1%       |
| <b>Enforcement</b>               | 1             | 1            | 1            | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 3                  | 11                     | 8               | 8                         | 3  | 23.6%        |
| <b>Legal Services</b>            | 0             | 0            | 0            | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0                  | 100                    | 100             | 0                         | 100  | 100.0%       |
| <b>Information Systems</b>       | 678           | 995          | 903          | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 2,576              | 15,688                 | 13,112          | 9,396                     | 6,292                                      | 40.1%        |
| <b>Facilities / Support Svcs</b> | 194           | 1,183        | 493          | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 1,870              | 5,715                  | 3,845           | 7,170                     | -1,455                                     | -25.5%       |
| <b>Agency Administration</b>     | 942           | 724          | 676          | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 2,341              | 10,143                 | 7,802           | 7,822                     | 2,321                                      | 22.9%        |
| <b>Other / Transfers</b>         | 0             | 0            | 0            | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0                  | 0                      | 0               | 0                         | 0  | 0            |
| <b>Total Charges</b>             | <b>10,756</b> | <b>6,748</b> | <b>4,641</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>22,144</b>      | <b>78,526</b>          | <b>56,382</b>   | <b>81,103</b>             | <b>-2,578</b>                              | <b>-3.3%</b> |

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# Other Business

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# **Conflict of Interest / Travel Vouchers**

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# Adjourn

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Commenter  
Angela Whitehead

Comment

**Suggested addition to proposed regulation**

Add a paragraph similar to other programs that address using reports/work that becomes public information once submitted to a Federal or State agency:

A licensee who relies on information in US Army Corps of Engineers, VA Department of Environmental Quality, Virginia Marine Resources Commission files or has received permission to modify or otherwise utilize the evaluation, design, drawings, or work of another licensee pursuant to subsection E of this section or this subsection may certify that work only after a thorough review of the evaluation, design, drawings or work and after he determines that he is willing to assume full responsibility for all design, drawings, or work on which he relies for his opinion.

Certified wetland professional is a voluntary program. This regulation is overreaching for a certification program.

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Kate,

Now that this is in place, it would be a good time to get information out to the certified PWDs on how they can go about getting a PWD seal made so that they can use it to sign and date wetland documents and plans that they have reviewed. I recall one board meeting where this was discussed. I think there was a Virginia logo seal template that could be modified to put in Virginia Professional Wetland Delineator. If you can direct me where to get that template, I will make an announcement through VAWP on how folks can get one made.

## Minutes from January 9, 2014

### Regulatory Update

Board members reviewed the public comments made during the public hearing regarding soil scientist licensure. Discussion was held on public comment made pertaining to a seal for Professional Soil Scientists. Mr. Courtney stated that the statute does not mention the use of a seal. Ms. Nobsisch informed the Board that the use of a seal could be revisited, however, if they would like it to be addresses in the regulations at the present time, it would delay the approval process. Mr. Dean moved to accept the Board's response to the comments. Mr. Davis seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Dean, Liu, Reed, Saxton, Spears & Whitehead.

Ms. Whitehead moved to adopt the final soil scientist regulations. Mr. Dean seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Dean, Liu, Reed, Saxton, Spears & Whitehead.

Ms. Nobsisch informed the Board that no public comments were received for the proposed geology regulations. Mr. Spears moved to adopt the final

geology regulations. Dr. Liu seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Dean, Liu, Reed, Saxton, Spears & Whitehead.

Board members reviewed the General Assembly's amended language for §54.1-2206.02 of the Code of Virginia, regarding the Wetland Delineator certification. The changes would omit the requirement of a wetland professional to obtain experience only under a certified wetland professional. Ms. Nobsisch informed the Board they would need to file a NOIRA to proceed with the regulatory process to change the regulations. Ms. Nobsisch stated that they may be able to submit for fast-track consideration, as it is a minimal change to the regulations. Mr. Saxton moved to proceed with filing the NOIRA and submit as fast-track. Ms. Barker seconded motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Dean, Liu, Reed, Saxton, Spears & Whitehead.

Ms. Barker moved to adopt the proposed regulatory language provided to the Board. Mr. Davis seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Dean, Liu, Reed, Saxton, Spears & Whitehead.

## Minutes from April 28, 2015

Discussion was held on the use of professional seals. Ms. Nosbisch stated that she heard from several professional soil scientists supporting the requirement of a seal for soil scientists. Ms. Nosbisch further commented that soil scientists may use a seal, however it is not required. Ms. Nosbisch explained that the requirement of a seal would be a regulatory change, and could be addressed when the Board's regulations underwent regulatory review. Mr. Courtney added that regulations must undergo a general review every four years, and the current regulations should begin the review process this fall. He further added the regulations must adhere to Governor's Executive Order 17, which provides the Governor's position on regulatory requirements.

### Discussion of Professional Seals

Further discussion was held on professional seals and the possibility of adding the requirement to the soil scientist regulations. Mr. Courtney reiterated that the Board needs to be mindful of Executive Order 17; perhaps making use of a seal optional, but not mandatory. Mr. Spears added that geologist's regulations provide for an optional seal; however the regulations contain the design specifics of the seal.

### Other Business

Mr. Burks introduced himself to the Board and staff. Mr. Burks is a PE and AOSE, working predominantly with water and wastewater issues.

## Minutes from March 8, 2016

Ms. Nosbisch informed the Board that the issue of a professional seal for Soil Scientists was discussed last spring; however she has received additional correspondence regarding the matter. She further commented that there were no public comments received regarding a seal requirement during the recent periodic regulatory review. Ms. Nosbisch stated that a seal is optional for Professional Soil Scientists, if the requirement is in the regulations then they would be bound to use one.

### Request for Regulation Requiring a Seal for Soil Scientists

Ms. Whitehead commented that some localities require a seal, yet she is hesitant to have a seal made without any guidance on design. Discussion was held on the design components of a seal, with the suggestion of using the Geology seal requirements, or the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects (APELSCIDLA) seal requirements as guidelines. Mr. Courtney stated that a seal must not include any false or misleading information and must comply with the regulations. Ms. Nosbisch stated that the information contained in the minutes of the meeting could be used for reference.