

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,
WETLAND PROFESSIONALS and GEOLOGISTS MEETING
September 26, 2023
10:00 a.m. – Board Room 4 – 2nd Floor
Department of Professional & Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8514**

1. Call to Order
2. Emergency Evacuation Procedures
3. Announcements
4. Approval of Agenda
5. Approval of Minutes:
 - June 27, 2023, Full Board Meeting Minutes
6. Public Comment Period*
7. Resolution for Ted Dean
8. Soil Scientists
 - i. Correction: Incorrect Email Sent Out- ASA, CSSA, SSA Abstract Submission – Emailed June 16, 2023
 - ii. Be Part of the Buzz: ASA, CSSA, SSSA Annual Meeting- Where the Community Gathers – Emailed June 22, 2023
9. Wetland Professionals
 - i. Field Notes: Vol. 31, No. 9 – June 29, 2023 – Emailed June 29, 2023
 - ii. Wetland Permit News – Emailed July 15, 2023
 - iii. Field Notes: Vol. 31, No. 10 – September 5, 2023 – Emailed September 7, 2023
10. Geologists
 - i. First Notice- Fall Meeting and Workshops General Information 2023 – Emailed June 28, 2023
 - ii. Registration Discount Instructions – GSA Connects 2023 – Emailed August 7, 2023
11. Regulatory Review Update
 - Periodic Review of Regulations
12. Wetland Delineator Exam Review

13. Geologist-in-Training Approved Applications
14. 2024 Meeting Dates
15. Licensed and Certified Population
16. Financial Statements
17. Other Business
18. Conflict of Interest / Travel Vouchers
19. COIA Training
20. Adjourn

NEXT MEETING SCHEDULED FOR November 29, 2023

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**
- **Emergency Evacuation**
- **Announcements**

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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 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. Nusbisch, 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. Nusbisch 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. Nobsich stated the soil scientist update items were provided for informational purposes.

Soil Scientists Update

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

Wetland Professionals Update

Ms. Nobsich 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. Nobsich 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. Nobsch 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. Nobsch 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. Nobsch 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

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- **Public Comment**
- **Resolution for Ted Dean**

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Soil Scientists

- **Correction: Incorrect Email Sent Out- ASA, CSSA, SSA Abstract Submission – Emailed June 16, 2023**
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Wetland Professionals

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Geologists

- **First Notice- Fall Meeting and Workshops
General Information 2023 – Emailed June 28,
2023**
- **Registration Discount Instructions – GSA
Connects 2023 – Emailed August 7, 2023**

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Virginia Board for PSSWSPG

Summary of Comments for Periodic Review of Certified Professional Wetland Delineators Regulations
 Comments received during the public comment period July 31, 2023 through August 21, 2023.

Name	Summary of Comment(s)	Draft Board Response
John Galbraith, Va Tech	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
R. Harold Jones, PWS Emeritus, ODU, Sigma Environmental Services, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Daniel "Eli" Wright	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
David Mergen, City of Chesapeake	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
John Brooks	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Ben Rosner, Wetland Studies and Solutions, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Mike Blake, PWD, Rappahannock Environmental Group	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Thaddeus Kraska, PWS, PWD - Townes Site Engineering, PC	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Jennifer Favela (Wetland Studies and Solutions, Inc.)	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Sean Sipple, Coastal Resources, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.

Virginia Board for PSSWSPG

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John C. Douglass	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Matt Neely, Timmons Group	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Alexi Weber, Wetland Studies and Solutions, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Alison Robinson, WSSI	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Allison Austin, Virginia Waters and Wetlands, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Reid Anderson, Timmons Group	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Jennifer Van Houten, Davey Mitigation	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Robin Bedenbaugh	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Emily Salkind, Balzer and Associates, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Emily Drahos, WRA	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Kelsey Gray, RES	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Tim Kellerman	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.

Virginia Board for PSSWSPG

Summary of Comments for Periodic Review of Certified Professional Wetland Delineators Regulations
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Name	Summary of Comment(s)	Draft Board Response
James Hatcher, VDOT	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Ryan Ward, AllStar Ecology LLC	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Jillian Moore, TNT Environmental Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Paul Pitera	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Lauren Conner, InterAgency, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Robert Kerr	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Becky Wilk	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Amy M. Connelly, Wetland Studies and Solutions, Inc.	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Robert Wright, Sr. Assoc Reg. Specialist, WSSI	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
James Parker, New Leaf Mitigation LLC	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Austin Ziletti, Clearwater Ventures LLC	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Greg Kouri, Clearwater Ventures LLC	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.

Virginia Board for PSSWSPG

Summary of Comments for Periodic Review of Certified Professional Wetland Delineators Regulations
 Comments received during the public comment period July 31, 2023 through August 21, 2023.

Name	Summary of Comment(s)	Draft Board Response
Michael Rolband, Director, Department of Environmental Quality	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Mark Headly, Wetland Studies and Solutions, Inc (Retired)	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
W. Michael Lane	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.
Justin Brown, PWD, PWS	The commenter supports retaining the Certified Professional Wetland Delineator Regulations in its current form.	The Board thanks the commenter for his comment.

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➤ **Wetland Delineator Exam
Review**

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➤ **Geology-in-Training Approved Applications**

- **11 Staff Approved Applications since 7/1/23**

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➤ **2024 Meeting Dates**

- **Monday, March 4, 2024**
- **Tuesday, June 11, 2024**
- **Wednesday, September 4, 2024**
- **Monday, December 2, 2024**

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Licensed and Certified Population

As of September 1, 2023

Soil Scientists	77
Wetland Delineators	122
Geologists	959

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

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

2022-2024 Biennium

June 2023

	June 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - June 2021	July 2022 June 2023
Cash/Revenue Balance Brought Forward			16,455
Revenues	2,355	15,535	15,845
Cumulative Revenues			32,300
Cost Categories:			
Board Expenditures	619	7,871	13,716
Board Administration	130	16,769	17,145
Administration of Exams	19	2,525	391
Enforcement	1	9	13
Legal Services	0	28	68
Information Systems	144	12,442	10,268
Facilities and Support Services	70	4,237	3,534
Agency Administration	83	7,692	11,599
Other / Transfers	0	0	(15)
Total Expenses	1,067	51,573	56,719
Transfer To/(From) Cash Reserves	(124)	0	(26,022)
Ending Cash/Revenue Balance			1,604

Cash Reserve Beginning Balance	18,757	0	44,655
Change in Cash Reserve	(124)	0	(26,022)
Cash Reserve Ending Balance	18,633	0	18,633

Number of Regulants

Current Month	201
Previous Biennium-to-Date	1,213

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 2023

	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	%
Board Expenditures	5,639	132	57	1,652	87	2,823	77	780	523	1,236	92	619	13,716	22,108	8,392	13,716	8,392	38.0%
Board Administration	2,247	1,541	1,501	801	1,460	2,497	794	1,456	2,228	909	1,580	130	17,145	23,526	6,381	17,145	6,381	27.1%
Administration of Exams	55	38	40	20	38	62	19	42	28	10	19	19	391	3,400	3,009	391	3,009	88.5%
Enforcement	2	1	1	1	1	2	1	1	1	1	1	1	13	16	3	13	3	21.2%
Legal Services	0	0	0	0	0	0	34	17	17	0	0	0	68	68	0	68	0	0.0%
Information Systems	613	976	754	541	906	817	909	1,421	1,030	1,015	1,140	144	10,268	12,184	1,916	10,268	1,916	15.7%
Facilities / Support Svcs	198	374	299	260	322	362	280	369	940	312	347	70	3,534	4,385	850	3,534	850	19.4%
Agency Administration	1,119	794	1,590	787	1,055	1,470	469	949	1,554	542	1,193	83	11,599	14,575	2,976	11,599	2,976	20.4%
Other / Transfers	0	0	0	0	0	0	-15	0	0	0	0	0	-15	0	15	-15	15	
Total Charges	9,874	3,856	4,243	4,061	3,869	8,033	2,561	5,035	5,723	4,025	4,373	1,067	56,719	80,262	23,543	56,719	23,543	29.3%

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- **Other Business**
- **Conflict of Interest Forms /
Travel Vouchers**
- **COIA Training**
- **Adjourn**

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