

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,
WETLAND PROFESSIONALS and GEOLOGISTS
Geologist Section Meeting
January 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. Welcome and Introductions
4. Approval of Agenda
5. Public Comment Period*
6. Regulatory Review Matrix
7. Regulations for the Geology Certification Program
8. Other Business
9. Conflict of Interest / Travel Vouchers
10. Adjourn

NEXT MEETING SCHEDULED FOR March 28, 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.

- **Call to Order**
- **Emergency Evacuation**
- **Welcome and Introductions**

DRAFT AGENDA

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

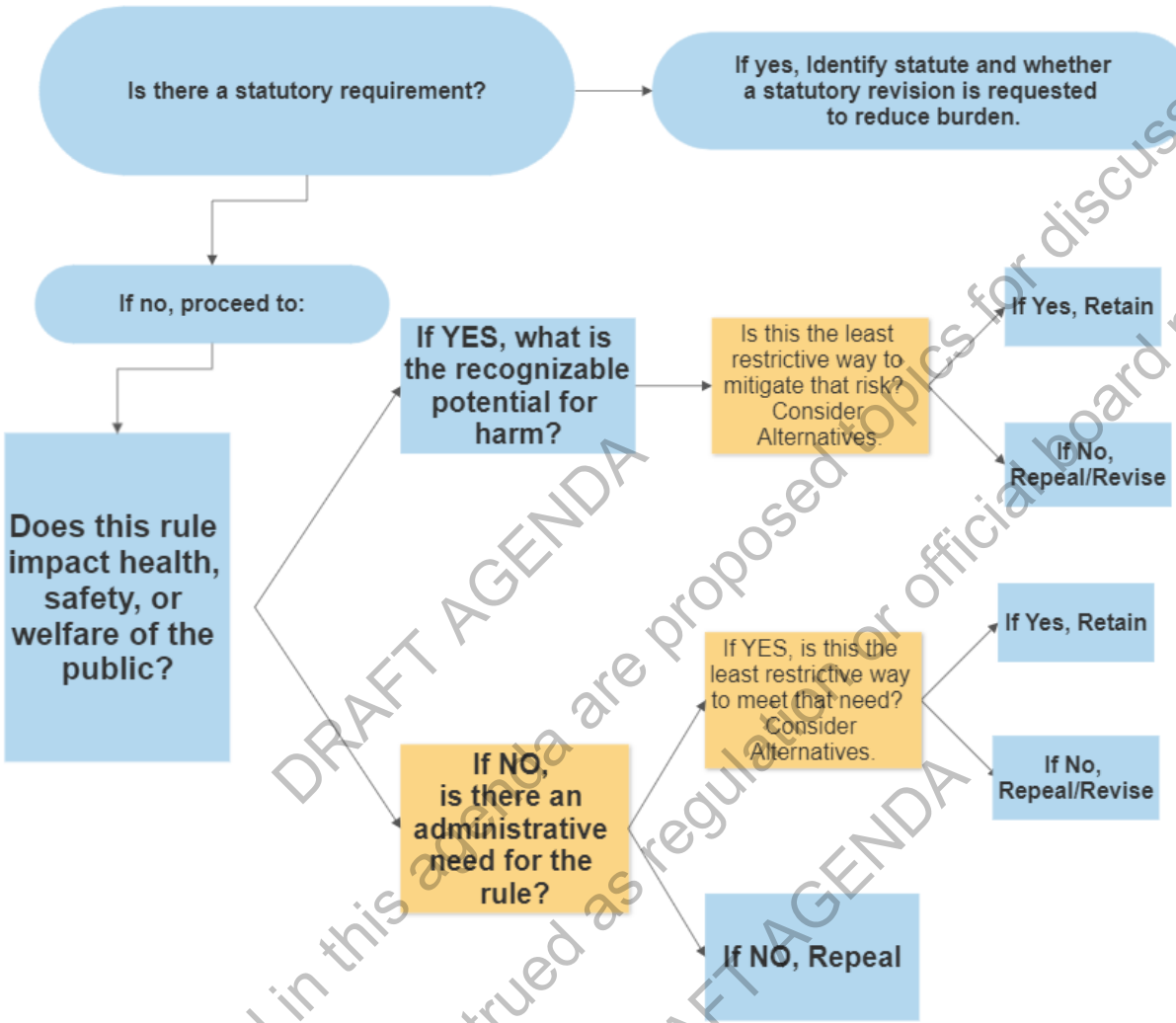
➤ **Public Comment**

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Regulatory Review Framework

Matrix Flowchart



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COMMONWEALTH OF VIRGINIA
BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND
PROFESSIONALS, AND GEOLOGISTS



**REGULATIONS FOR THE
GEOLOGY CERTIFICATION
PROGRAM**

Last Updated January 1, 2015

STATUTES
Title 54.1, Chapter 22



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400
Richmond, Virginia 23233
(804) 367-8500
www.dpor.virginia.gov

**NOTICE
SUMMARY OF SIGNIFICANT CHANGES**

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Board for Professional Soil Scientists, Wetland Professionals, and Geologists is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall (www.townhall.virginia.gov).

This document is a complete, edited (unofficial) copy of the Regulations for the Geology Certification Program (18 VAC 145-40). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://leg1.state.va.us/000/reg/TOC.HTM>.

The following summarizes significant revisions to the regulations effective January 1, 2015.

- The purpose of the revision in the regulations is to adjust fees as necessary in accordance with §54.1-113 of the *Code of Virginia*. As a result of this adjustment, the fees for initial certification, renewal, and reinstatement have been increased.

STATEMENT OF PURPOSE

This booklet contains the information you will need to become a Virginia Certified Professional Geologist. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Title 54.1, Chapter 22. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to obtain and keep your professional geologist certification. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR CERTIFICATE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

or call the Agency at (804) 367-8500.

TABLE OF CONTENTS

REGULATIONS:

Part I General..... 1

Part II Entry 5

Part III Standards of Practice and Conduct..... 11

EXCERPTS FROM THE *CODE OF VIRGINIA*:

Chapter 22 of Title 54.1 (§§ 54.1-2200 through 54.1-2208.4) 15

DRAFT AGENDA

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DRAFT AGENDA

PART I.

GENERAL

18VAC145-40-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Geologist" means a person engaged in the public practice of geology.

"Geologist-in-Training (GIT)" means an individual who has completed the academic requirements specified in this chapter and has passed the Fundamentals of Geology examination, but has not met all requirements to qualify as a Virginia certified professional geologist.

"Geology" means the science dealing with (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures which compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases and other natural materials.

"Practice of geology" means the performance of any service or work for the general public wherein the principles and methods of geology are applied.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in § 54.1-2208.2 of the *Code of Virginia* for certification.

"Related geological science degree" means a degree that shall include, but not be limited to, a degree in economic geology or petroleum geology.

"Responsible charge" means the direct control and supervision of the practice of geology.

"Supervision" means quality control review of all significant data collection, interpretation and conclusions.

"Virginia certified professional geologist" means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the board through certification.

Historical Notes:

Derived from VR335-01-2 § 1.1, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012; Volume 29, Issue 5, eff. January 1, 2013.

18VAC145-40-20. Fees.

All fees for application, examination, renewal, and reinstatement shall be established by the board pursuant to § 54.1-201 of the *Code of Virginia*. All fees are nonrefundable and shall not be prorated.

1. The application fee for certification shall be \$90.
2. The fee for renewal of certification shall be \$70.
3. The application fee for the Geologist-in-Training (GIT) designation shall be \$20.
4. The fee for examination or reexamination is subject to contracted charges to the department by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this contract.
5. The penalty fee for late renewal shall be \$25 in addition to the renewal fee.
6. The reinstatement fee shall be \$90.

Historical Notes:

Derived from VR335-01-2 § 1.3, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 15, Issue 18, eff. July 1, 1999; Volume 22, Issue 21, eff. August 1, 2006; Volume 22, Issue 26, eff. November 1, 2006; Volume 27, Issue 12, eff. April 1, 2011; Volume 28, Issue 23, eff. August 15, 2012; Volume 29, Issue 5, eff. January 1, 2013; Volume 31, Issue 7, eff. January 1, 2015.

18VAC145-40-30. Expiration, renewal and fee of certificate holders.

- A. Certificates issued under this chapter shall expire on August 31 of the odd-numbered year following the date of issuance. Certificate holders shall be notified by mail of the fee and the procedure for certificate renewal at least 45 days before the certificate expires. Each certificate holder desiring to renew his certificate shall submit the renewal notice with the appropriate fee before the certificate expires.
- B. There shall be a penalty fee for late renewal assessed in addition to the renewal

fee for any certificate holder failing to renew the certificate within 30 days following the date of expiration.

- C. Failure to receive written notice from the Department of Professional and Occupational Regulation does not relieve the regulant from the requirement to renew his certificate. If the certificate holder fails to receive the renewal notice, a copy of the certificate may be submitted with the required fee.
- D. The date a fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a certificate is applicable.
- E. Revoked or suspended certificates are not renewable until reinstated by the board.

Historical Notes:

Derived from VR335-01-2 § 1.4, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-40. Reinstatements.

If the certificate holder fails to renew the certificate within six months following the expiration date, the certificate holder will be required to apply for reinstatement of the certificate. The board may grant reinstatement of the certificate, or require requalification or reexamination, or both. The application fee for reinstatement of a certificate shall be the amount established in 18VAC145-40-20.

Historical Notes:

Derived from VR335-01-2 § 1.5, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 22, Issue 26, eff. November 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-50. Status of certification during the period prior to reinstatement.

- A. Reinstated certifications shall continue to have the same certification number and shall expire on August 31 of the odd-numbered year following the date of reinstatement.
- B. Reinstated certifications shall be regarded as having been continuously licensed without interruption. Therefore, the holder of the reinstated certification shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period.
- C. Certifications which are not renewed or reinstated shall be regarded as expired from the

date of the expiration forward.

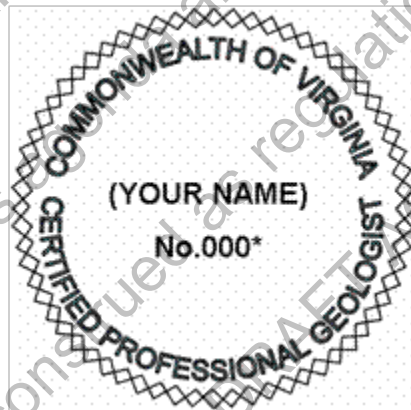
Historical Notes:

Derived from VR335-01-2 § 1.6, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-60. Use of seal.

A certified professional geologist may apply a rubber stamp or preprinted seal to final and complete cover sheets and to each original sheet of plans or drawings prepared or reviewed and approved by the regulant. The seal may be applied to the cover sheet of technical reports and specifications prepared or reviewed and approved by the regulant.

1. All seal imprints on final documents shall be signed.
2. Application of the seal and signature shall indicate acceptance of responsibility for work shown thereon.
3. The seal shall conform in detail and size to the design illustrated below:



*The number referred to is the number, usually three or four digits, as shown on the wall certificate and is the license renewal number issued each biennium as indicated on the licensee's pocket card. The number will not change every two years, but is permanent.

Historical Notes:

Derived from VR335-01-2 § 1.7, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

PART II.

ENTRY

18VAC145-40-70. Qualifications for certification.

A. Each applicant for certification as a certified professional geologist in Virginia shall:

1. Make application on forms provided by the board;
2. Be of ethical character;
3. Hold a baccalaureate or higher degree from an accredited college or university with a major in geology, engineering geology, geological engineering or a related geological science. In the absence of one of the aforementioned degrees, each applicant shall provide evidence of the satisfactory completion of 30 semester hours (or the equivalent) of geological science courses including, but not limited to, the following subjects:
 - a. Stratigraphy;
 - b. Structural geology;
 - c. Mineralogy;
 - d. Paleontology;
 - e. Petrology;
 - f. Geomorphology; and
 - g. Field geology.

At least 12 semester hours must have been completed in four of the seven subjects listed in this subsection.

4. Provide the board with written documentation that demonstrates that the courses satisfactorily completed by the applicant are equivalent to those required by this section.
5. Have at least seven years of geological work that shall include either a minimum of three years of geological work under the supervision of a qualified or certified professional geologist, or a minimum of three years of experience in responsible charge of geological work. The work shall include, but not be limited to, one or more of the following areas:
 - a. Mineralogy.
 - (1) Identify and classify major rock types.
 - (2) Identify mineral assemblages.

- (3) Determine probable genesis and sequence of mineral assemblages.
 - (4) Identify minerals on the basis of chemical composition.
 - (5) Predict subsurface mineral characteristics on the basis of exposures and drillholes.
- b. Petrography/petrology.
- (1) Identify and classify major rock types.
 - (2) Determine physical properties of rocks.
 - (3) Determine chemical properties of rocks.
 - (4) Determine types or degrees of rock alteration.
 - (5) Determine suites of rock types.
- c. Geochemistry.
- (1) Establish analytical objectives and approaches.
 - (2) Evaluate geochemical data.
 - (3) Construct models based on results of geochemical analysis.
 - (4) Make recommendations based upon results of geochemical analyses.
- d. Hydrogeology.
- (1) Design and interpret hydrologic testing programs.
 - (2) Utilize chemical data to evaluate hydrogeologic conditions.
 - (3) Apply geophysical methods to analyze hydrogeologic conditions.
 - (4) Determine physical and chemical properties of aquifers and vadose zones.
 - (5) Determine groundwater flow systems.
 - (6) Evaluate groundwater resources.
 - (7) Evaluate groundwater quality.
 - (8) Design wells and drilling programs.
 - (9) Develop groundwater resource management plans.
 - (10) Plan and evaluate remedial action programs.
- e. Engineering geology.
- (1) Provide geological information and interpretations for engineering design.
 - (2) Identify and evaluate potential seismic and other geologic hazards.
 - (3) Provide geologic consultation during and after construction.
 - (4) Develop and interpret engineering geology maps and sections.
 - (5) Evaluate materials resources.
 - (6) Define and establish site selection and evaluation criteria.
 - (7) Design and implement field and laboratory programs.

- (8) Describe and sample soils for geologic analysis and materials properties testing.
- f. Mining geology.
- (1) Formulate exploration programs.
 - (2) Implement field investigations on prospects.
 - (3) Perform geologic interpretations for mineral reserves.
 - (4) Perform economic analyses/appraisals.
 - (5) Provide geologic interpretations for mine development and production activities.
 - (6) Provide geologic interpretations for mine abandonments, closures, or restorations.
- g. Petroleum geology.
- (1) Formulate exploration programs.
 - (2) Implement field investigations on prospects.
 - (3) Perform geologic interpretations of physical properties and hydrocarbon reserves.
 - (4) Perform petroleum economic analyses/appraisals.
 - (5) Provide geologic interpretations for development and production activities.
 - (6) Provide geologic interpretations for abandonments, closures, or restorations.
- B. Each year of full-time undergraduate study in the geological sciences shall count as one-half year of experience up to a maximum of two years, and each year of full-time graduate study shall count as a year of experience up to a maximum of three years. Credit for undergraduate and graduate study shall in no case exceed a total of four years toward meeting the requirements for at least seven years of geological work. The board may consider in lieu of the above-described geological work, the cumulative total of geological work or geological research of persons occupying research or post-graduate positions as well as those teaching geology courses at the college or university level, provided such work or research can be demonstrated to be of a sufficiently responsible nature to be equivalent to the geological work required above.
- C. A year of full-time employment is a minimum of 1,760 hours or 220 workdays in a 12-month period. More than 1,760 hours or 220 workdays during a 12-month period shall not be considered as more than one year of full-time experience. Partial credit may be given for actual hours of work or workdays experience if the applicant works as a geologist less than full time.

- D. Each applicant shall successfully pass an appropriate examination approved by the board and designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.

Historical Notes:

Derived from VR335-01-2 § 2.1, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-80. Waiver of examination.

The board may waive the examination requirement for any applicant who makes written application, otherwise meets the requirements of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the *Code of Virginia* and also meets one of the following conditions:

1. Provides evidence of at least 12 years of geological work that includes the geological work as specified in 18VAC145-40-70; or
2. Provides evidence of an unexpired certificate of registration, certification or license to engage in the practice of geology issued on the basis of comparable requirements by a proper authority of a state, territory or possession of the United States or the District of Columbia.

Historical Notes:

Derived from VR335-01-2 § 2.2, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-83. Qualifications for the Fundamentals of Geology (FG) examination.

The board may approve applicants to sit for the Fundamentals of Geology (FG) examination without having met the experience requirements of 18VAC145-40-70. The applicant shall submit an application on forms provided by the board, pay the fee established in 18VAC145-40-20, and satisfy one of the following requirements:

1. Hold a baccalaureate or higher degree from an accredited college or university with a major in geology, engineering geology, geological engineering, or a related geological science and provide an official college transcript that demonstrates satisfactory completion of the degree program.
2. Hold a baccalaureate or higher degree from an accredited college or university with a major other than geology, engineering geology, geological engineering, or a related geological science and satisfactorily completed at

least 30 semester hours (or the equivalent) of geological science courses including, but not limited to, the following subjects:

- a. Stratigraphy;
- b. Structural geology;
- c. Mineralogy;
- d. Paleontology;
- e. Petrology;
- f. Geomorphology; and
- g. Field geology.

At least 12 of the 30 semester hours of geological science courses must have been completed in four of the seven subjects listed in this subsection. The applicant shall provide an official college transcript and written documentation that demonstrates the courses satisfactorily completed are equivalent to those required by this section.

3. Be enrolled in an undergraduate geology, engineering geology, geological engineering, or a related geological science curriculum of at least four years at an accredited college or university and be within 12 months of completing undergraduate degree requirements. The applicant shall provide an official college transcript that demonstrates satisfactory completion of course work.
4. Be enrolled in a graduate geology, engineering geology, geological engineering, or a related geological science curriculum at an accredited college or university and be within six months of completing graduate degree requirements. The applicant shall provide an official college transcript that demonstrates satisfactory completion of course work.

Historical Notes:

Derived from Virginia Register Volume 29, Issue 5, eff. January 1, 2013.

18VAC145-40-85. Qualifications for Geologist-in-Training (GIT) designation.

- A. To be eligible to obtain the GIT designation, each applicant shall:
 1. Make application on forms provided by the board;
 2. Be of ethical character;
 3. Have achieved a passing score on a board-approved Fundamentals of Geology examination;
 4. Hold a baccalaureate or higher degree from an accredited college or university with a major in geology, engineering geology, geological engineering, or a related geological science; or

5. Hold a baccalaureate or higher degree from an accredited college or university with a major other than geology, engineering geology, geological engineering, or a related geological science and have satisfactorily completed at least 30 semester hours (or the equivalent) of geological science courses including, but not limited to, the following subjects: stratigraphy, structural geology, mineralogy, paleontology, petrology, geomorphology, and field geology. At least 12 of the 30 semester hours of geological science courses must have been completed in four of the seven subjects listed in this subsection.
- B. Prior to obtaining the designation of GIT, an applicant who qualified to sit for a board-approved Fundamentals of Geology examination under subdivision 3 or 4 of 18VAC145-40-83 and passed the examination must provide an official college transcript that demonstrates satisfactory completion of the degree program.
- C. The designation of GIT will remain valid until the individual meets all requirements for certification as a Virginia certified professional geologist.
- D. The designation of GIT does not give an individual the authority to practice as a certified professional geologist. An individual may not practice as a certified professional geologist in the Commonwealth of Virginia until his competence has been attested by the board through certification.

Historical Notes:

Derived from Virginia Register Volume 29, Issue 5, eff. January 1, 2013.

PART III.

STANDARDS OF PRACTICE AND CONDUCT

18VAC145-40-90. Disclosure.

A certified professional geologist:

1. Shall not submit any false statements or fail to disclose any facts requested concerning his or another's application for certification.
2. Shall not falsely or maliciously attempt to injure the reputation or business of another.
3. Shall not engage in any fraud, deceit, or misrepresentation in advertising, in soliciting or in providing professional services.
4. Shall not knowingly sign, stamp, or seal any plans, drawings, blueprints, surveys, reports, specifications, or other documents not prepared or reviewed and approved by the certificate holder.
5. Shall make full disclosure to all parties of:
 - a. Any transaction involving payments made to any person for the purpose of securing a contract, assignment, or engagement; or
 - b. Any monetary, financial or beneficial interest he may have in any contract or entity providing goods or services, other than his professional services, to a project or engagement.
6. Shall express an opinion only when it is founded on adequate knowledge of established facts at issue, on a background of technical competence in the subject matter, and on an honest conviction of the accuracy of the testimony when serving as an expert or technical witness before any court, commission, or other tribunal.
7. Shall provide adequate representation of his qualifications and scope of responsibilities for all previous experience claimed when negotiating with prospective clients.

Historical Notes:

Derived from VR335-01-2 § 3.1, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-100. Change of address or name.

Each certified professional geologist shall notify the board, in writing, of any change of address or name. This notification shall be sent to the board within 30 days after such change of address or name.

Historical Notes:

Derived from Virginia Register Volume 22, Issue 21, eff. August 1, 2006; amended, Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-110. Compliance with other laws.

A certified professional geologist:

1. Shall comply with all federal, state, and local building, fire, safety, real estate, or mining codes, as well as any other laws, codes, ordinances, or regulations pertaining to the practice of geology.
2. Shall not violate any state or federal criminal statute, including fraud, misrepresentation, embezzlement, bribery, theft, forgery, or breach of fiduciary duty relating to his professional practice.
3. Shall immediately notify the client or employer and the appropriate regulatory agency if his professional judgment is overruled and not adhered to in circumstances of a serious threat to the public health, safety, or welfare. If appropriate remedial action is not taken within a reasonable amount of time after making the report, he shall notify the appropriate governmental authority of the specific nature of the public threat.
4. Shall give written notice to the board, and shall cooperate with the board and the department in furnishing any further information or assistance needed, if he knows or believes that another geologist/firm may be violating any of the provisions of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the *Code of Virginia*, or this chapter.

Historical Notes:

Derived from VR335-01-2 § 3.2, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-120. Conflicts of interest.

A certified professional geologist shall not:

1. Accept any work on any project or other professional engagement when a duty to a client or to the public would conflict with his personal interest or the interest of another client, unless immediate disclosure of all material facts of the conflict is made to each client related to the project or engagement.
2. Accept compensation for services related to the same project or professional engagement from more than one party without making prior full disclosure to all parties involved.
3. Offer, either directly or indirectly, any commission, political contribution, or other consideration in seeking work except to secure a salaried position through employment agencies.

Historical Notes:

Derived from VR335-01-2 § 3.3, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-130. Competence for assignments.

A certified professional geologist:

1. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge and skills ordinarily applied by practicing geologists.
2. Shall not accept any professional assignment or engagement that he is not competent to perform by way of education, technical knowledge, or experience. An assignment requiring education or experience outside his field of competence may be accepted provided:
 - a. His professional services are restricted to those phases of the project in which he is qualified; and
 - b. All other phases of the project are performed by qualified associates, consultants, or employees.

Historical Notes:

Derived from VR335-01-2 § 3.4, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24,

1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-140. Grounds for suspension, revocation, or denial to renew or grant certification.

The board may suspend, revoke, or refuse to renew the certification of any geologist who, after a formal hearing as provided for in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), is found to have committed:

1. Fraud or deceit in obtaining or renewing certification (See subdivision 5 of § 54.1-111 of the Code of Virginia);
2. Any violation of Part III -- Standards of Practice and Conduct, other regulations of the board, or governing statutes of the board;
3. An act or acts of gross negligence, incompetence, or misconduct in the practice of geology as a certified professional geologist; or
4. Any conviction of a felony that in the opinion of the board would adversely affect the practice of geology.

Historical Notes:

Derived from VR335-01-2 § 3.5, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

18VAC145-40-150. Reissuance of certificate after revocation.

An individual whose certificate has been revoked in accordance with 18VAC145-40-140 shall file a new application and obtain approval of the board to regain the certificate.

Historical Notes:

Derived from VR335-01-2 § 3.6, eff. February 1, 1988; amended, Virginia Register Volume 7, Issue 13, eff. April 24, 1991; Volume 11, Issue 6, eff. February 1, 1995; Volume 22, Issue 21, eff. August 1, 2006; Volume 28, Issue 23, eff. August 15, 2012.

Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Professional Soil Scientists, Wetland Professionals and Geologists. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2012 session. Any changes made during the 2012 session became effective July 1, 2012, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

§ 54.1-2200. (Effective until July 1, 2013) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become certified.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geologist" means a person engaged in the public practice of geology.

"Geology" means the science dealing with (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures which compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

"Practice of geology" means the performance of any service or work for the general public wherein the principles and methods of geology are applied.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, but not limited to, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports and interpretive drawings.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in this chapter for certification.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and predicting their suitability for and response to various uses.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principles of soil evaluation as acquired by education and experience in the formation, description and mapping of soils.

"Virginia certified professional geologist" means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the Board through certification.

"Virginia certified professional soil scientist" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who has been granted certification by the Board.

"Virginia certified professional wetland delineator" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who is granted certification by the Board.

"Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types.

"Wetland professional" means a person having special knowledge of wetland science and the methods and principles of wetland delineation as acquired by education and experience in the formation, description and mapping of wetlands.

"Wetland science" means the science dealing with the physical, chemical, and biological properties of wetland systems integrated through ecological and morphological relationships.

"Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

(1987, c. 626, § 54-969; 1988, c. 765; 1993, c. 499; 2002, c. 784; 2012, cc. 803, 835.)

§ 54.1-2200. (Effective July 1, 2013) Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become licensed.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geologist" means a person engaged in the public practice of geology.

"Geology" means the science dealing with (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures which compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

"Practice of geology" means the performance of any service or work for the general public wherein the principles and methods of geology are applied.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured,

observed and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, but not limited to, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports and interpretive drawings.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in this chapter for certification.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and predicting their suitability for and response to various uses.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principles of soil evaluation as acquired by education and experience in the formation, description and mapping of soils.

"Virginia certified professional geologist" means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the Board through certification.

"Virginia certified professional wetland delineator" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who is granted certification by the Board.

"Virginia licensed professional soil scientist" means a person who possesses the qualifications required for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a license by the Board.

"Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types.

"Wetland professional" means a person having special knowledge of wetland science and the methods and principles of wetland delineation as acquired by education and experience in the formation, description and mapping of wetlands.

"Wetland science" means the science dealing with the physical, chemical, and biological properties of wetland systems integrated through ecological and morphological relationships.

"Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

(1987, c. 626, § 54-969; 1988, c. 765; 1993, c. 499; 2002, c. 784; 2011, cc. 777, 859; 2012, cc. 803, 835.)

§ 54.1-2200.1. (Effective until July 1, 2013) Board for Professional Soil Scientists, Wetland Professionals, and Geologists; membership; quorum.

A. Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists shall be composed of 13 members as follows: three certified professional soil scientists, three certified professional wetland delineators, three geologists, and three citizen members. The State Geologist shall serve as an ex officio member of the Board. The geologist members shall be of varied backgrounds. The professional soil scientist members shall have experience in at least one of the following areas: (i) soil mapping and classification, (ii) soil suitability and land use, (iii) teaching and research in soil science, and (iv) environmental protection regulations. Of the wetland professional members, one shall have experience in wetland delineation and description, one shall have experience in teaching and research in wetland science, and one shall have experience with natural resource regulations. The terms of the members shall be for four years.

B. The Board shall annually elect a chairman from its membership. Seven board members, consisting of at least two soil scientists, two professional wetland delineators, two geologists, and one citizen, shall constitute a quorum.

C. The Governor may select the professional soil scientist members from a list of at least three names for each vacancy submitted by the Virginia Association of Professional Soil Scientists. The Governor may notify the Virginia Association of Professional Soil Scientists of any professional vacancy other than by expiration among the professional soil scientist members of the Board and nominations may be made for the filling of the vacancy.

D. The Governor may select the wetland professionals from a list of at least three names for each vacancy submitted by the Virginia Association of Wetland Professionals. The Governor may notify and request nominations from the Virginia Association of Wetland Professionals of any professional vacancy other than by expiration among the wetland professional members. (2012, cc. 803, 835.)

§ 54.1-2200.2. (Effective July 1, 2013) Board for Professional Soil Scientists, Wetland Professionals, and Geologists; membership; quorum.

A. Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists shall be composed of 13 members as follows: three licensed professional soil scientists, three certified professional wetland delineators, three geologists, and three citizen members. The State Geologist shall serve as an ex officio member of the Board. The geologist members shall be of varied backgrounds. The professional soil scientist members shall have experience in at least one of the following areas: (i) soil mapping and classification, (ii) soil suitability and land use, (iii) teaching and research in soil science, and (iv) environmental protection regulations. Of the wetland professional members, one shall have experience in wetland delineation and description, one shall have experience in teaching and research in wetland science, and one shall have experience with natural resource regulations. Terms of the members shall be for four years.

B. The Board shall annually elect a chairman from its membership. Seven board members, consisting of at least two soil scientists, two professional wetland delineators, two geologists, and one citizen, shall constitute a quorum.

C. The Governor may select the professional soil scientist members from a list of at least three names for each vacancy submitted by the Virginia Association of Professional Soil Scientists.

The Governor may notify the Virginia Association of Professional Soil Scientists of any professional vacancy other than by expiration among the professional soil scientist members of the Board and nominations may be made for the filling of the vacancy.

D. The Governor may select the wetland professionals from a list of at least three names for each vacancy submitted by the Virginia Association of Wetland Professionals. The Governor may notify and request nominations from the Virginia Association of Wetland Professionals of any professional vacancy other than by expiration among the wetland professional members. (2012, cc. 803, 835.)

§ 54.1-2201. (Effective until July 1, 2013) Exceptions.

A. The certification programs set forth in this chapter are voluntary and shall not be construed to prohibit:

1. The practice of soil evaluation or wetland delineation by individuals who are not certified soil scientists or certified professional wetland delineators as defined in this chapter;
2. The work of an employee or a subordinate of a certified soil scientist or of an individual who is practicing soil evaluation without being certified;
3. The work of an employee or a subordinate of a certified professional wetland delineator or of an individual who is practicing wetland delineation without being certified;
4. The work of any professional engineer, landscape architect, or land surveyor as defined by § 54.1-400 in rendering any of the services that constitute the practice of wetland delineation or the practice of soil evaluation; or
5. The practice of any profession or occupation which is regulated by another regulatory board within the Department of Professional and Occupational Regulation.

B. Nothing in this chapter shall authorize an individual to engage in the practice of engineering, the practice of land surveying or the practice of landscape architecture, unless such individual is licensed or certified pursuant to Chapter 4 (§ 54.1-400 et seq.) of this title. (1987, c. 626, § 54-970; 1988, c. 765; 1993, c. 499; 2002, c. 784; 2009, c. 309.)

§ 54.1-2201. (Effective July 1, 2013) Exceptions.

A. The certification program for wetland delineation set forth in this chapter shall be voluntary and shall not be construed to prohibit:

1. The practice of wetland delineation by individuals who are not certified professional wetland delineators as defined in this chapter;
2. The work of an employee or a subordinate of a certified professional wetland delineator or of an individual who is practicing wetland delineation without being certified;
3. The work of any professional engineer, landscape architect, or land surveyor as defined by § 54.1-400 in rendering any of the services that constitute the practice of wetland delineation or the practice of soil evaluation; or
4. The practice of any profession or occupation that is regulated by another regulatory board within the Department.

B. The licensing program for professional soil scientists shall not be construed to prohibit:

1. The work of an employee or a subordinate of a licensed soil scientist;

2. The work of any professional engineer, landscape architect, or land surveyor as defined in § 54.1-400 in rendering any services that constitute the practice of soil evaluation; or

3. The practice of any profession or occupation that is regulated by another regulatory board within the Department.

C. Nothing in this chapter shall authorize an individual to engage in the practice of engineering, the practice of land surveying or the practice of landscape architecture, unless such individual is licensed or certified pursuant to Chapter 4 (§ 54.1-400 et seq.).

(1987, c. 626, § 54-970; 1988, c. 765; 1993, c. 499; 2002, c. 784; 2009, c. 309; 2011, cc. 777, 859.)

§ 54.1-2202.

Repealed by Acts 2012, cc. 803 and 835, cl. 39.

§ 54.1-2203. (Effective until July 1, 2013) Eligibility for certification.

A. Any person practicing or offering to practice as a soil scientist in the Commonwealth may submit to the Board evidence of qualification to be certified as provided in this chapter. The Board may certify any applicant who has satisfactorily met the requirements of this chapter and its regulations and shall specify on the certificate the appropriate endorsement.

B. Any person practicing or offering to practice as a wetland professional in the Commonwealth may submit to the Board evidence of qualification to be a certified professional wetland delineator as provided in this chapter. The Board may certify any applicant who has satisfactorily met the requirements of this chapter and its regulations and shall specify on the certificate the appropriate endorsement.

C. Any individual who allows his certification to lapse by failing to renew the certificate or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon submission of satisfactory evidence that he is practicing in a competent manner and upon payment of the prescribed fee.

(1987, c. 626, § 54-973; 1988, c. 765; 2002, c. 784.)

§ 54.1-2203. (Effective July 1, 2013) Certification as wetland delineator.

A. Any person practicing or offering to practice as a wetland professional in the Commonwealth may submit to the Board evidence of qualification to be a certified professional wetland delineator as provided in this chapter. The Board may certify any applicant who has satisfactorily met the requirements of this chapter and its regulations and shall specify on the certificate the appropriate endorsement.

B. Any individual who allows his certification to lapse by failing to renew the certificate or failing to meet professional activity requirements stipulated in the regulations may be reinstated by the Board upon submission of satisfactory evidence that he is practicing in a competent manner and upon payment of the prescribed fee.

(1987, c. 626, § 54-973; 1988, c. 765; 2002, c. 784; 2011, cc. 777, 859.)

§ 54.1-2204. (Repealed effective July 1, 2013) Requirements for application for certification.

The Board may certify any applicant as a Virginia certified professional soil scientist who has submitted satisfactory evidence verified by affidavits that the applicant:

1. Is eighteen years of age or more;
2. Is of good moral character; and
3. Has successfully completed such educational and experiential requirements as are required by this chapter and the regulations of the Board.

(1987, c. 626, § 54-974; 1988, c. 765.)

§ 54.1-2205. (Effective until July 1, 2013) Requirements for certification.

A. In order to be certified as a professional soil scientist, an applicant shall achieve a score acceptable to the Board on an examination in the principles and practice of soil evaluation and satisfy one of the following criteria:

1. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which has been approved by the Board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
2. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
3. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or
4. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist.

B. Notwithstanding the requirements in subsection A, any person appointed to serve on the Board as a professional soil scientist member prior to July 1, 1991, shall be deemed certified for the purposes of this chapter.

(1987, c. 626, § 54-975; 1988, c. 765; 1991, c. 181.)

§ 54.1-2205. (Effective July 1, 2013) License required; application; requirements for licensure; continuing education.

A. No person shall engage in, or offer to engage in, the practice of soil evaluation in the Commonwealth unless he has been licensed under the provisions of this chapter.

B. In order to be licensed as a professional soil scientist, an applicant shall:

1. Submit satisfactory evidence verified by affidavits that the applicant:
 - a. Is 18 years of age or older;
 - b. Is of good moral character; and
 - c. Has successfully completed such educational and experiential requirements as are required by this chapter and the regulations of the Board.

2. Achieve a score acceptable to the Board on an examination in the principles and practice of soil evaluation and satisfy one of the following criteria:

a. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which has been approved by the Board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

b. Hold a bachelor's degree in one of the natural sciences and have at least five years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

c. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist; or

d. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which demonstrates to the Board that the applicant is competent to practice as a professional soil scientist.

C. The Board shall establish by regulation requirements for continuing education as a prerequisite to the maintenance and renewal of a license issued under this chapter, not to exceed eight contact hours per year.

D. Individuals applying for a license as a professional soil scientist between July 1, 2013, and July 1, 2015, who (i) have been certified as professional soil scientists by the Board or (ii) have achieved a score set by the Board on the examination required by this section shall be licensed by the Board if all other requirements of this chapter or Board regulations have been met, unless an applicant is found by the Board to have engaged in any act that would constitute grounds for disciplinary action.

(1987, c. 626, § 54-975; 1988, c. 765; 1991, c. 181; 2011, cc. 777, 859.)

§ 54.1-2206. (Effective until July 1, 2013) Waiver of examination.

A. The Board may waive the requirement for examination pursuant to § 54.1-2205 upon written application from an individual who holds an unexpired certificate or its equivalent issued by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate, if such other state, territory or possession recognizes the certificates issued by the Board.

B. The Board shall waive the requirement for examination pursuant to § 54.1-2206.2 upon the written application from an individual who holds an unexpired certificate or its equivalent issued by a regulatory body of another state, territory or possession of the United States or has been provisionally certified under the U.S. Army Corps of Engineers Wetland Delineator Certification Program of 1993 and is not the subject of any disciplinary proceeding before such regulatory body, which could result in the suspension or revocation of his certificate.

(1987, c. 626, § 54-976; 1988, c. 765; 1991, c. 181; 2002, c. 784; 2003, c. 447; 2010, c. 91.)

§ 54.1-2206. (Effective July 1, 2013) Waiver of examination.

A. The Board may waive the requirement for examination pursuant to § 54.1-2205 upon written application from an individual who holds an unexpired certificate or license, or its equivalent, issued by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate or license, if such other state, territory or possession recognizes the license issued by the Board.

B. The Board shall waive the requirement for examination pursuant to § 54.1-2206.2 upon the written application from an individual who holds an unexpired certificate or its equivalent issued by a regulatory body of another state, territory or possession of the United States or has been provisionally certified under the U.S. Army Corps of Engineers Wetland Delineator Certification Program of 1993 and is not the subject of any disciplinary proceeding before such regulatory body, which could result in the suspension or revocation of his certificate. (1987, c. 626, § 54-976; 1988, c. 765; 1991, c. 181; 2002, c. 784; 2003, c. 447; 2010, c. 91; 2011, cc. 777, 859.)

§ 54.1-2206.1. Requirements for application for professional wetland delineator certification.

The Board may certify any applicant as a Virginia certified professional wetland delineator who has submitted satisfactory evidence verified by affidavits that the applicant:

1. Is eighteen years of age or older;
2. Is of good moral character; and
3. Has successfully completed such educational and experiential requirements as are required by this chapter and the regulations of the Board.

(2002, c. 784.)

§ 54.1-2206.2. Requirements for professional wetland delineator certification.

A. In order to be certified as a professional wetland delineator, an applicant shall achieve a score acceptable to the Board on an examination, which may include a field practicum, in the principles and practice of wetland delineation, provide three written references from wetland professionals with at least one from a certified professional wetland delineator, and satisfy one of the following criteria:

1. Hold a bachelor's degree from an accredited institution of higher education in a wetland science, biology, biological engineering, civil and environmental engineering, ecology, soil science, geology, hydrology or any similar biological, physical, natural science or environmental engineering curriculum that has been approved by the Board; have successfully completed a course of instruction, in state and federal wetland delineation methods, that has been approved by the Board; and have at least four years of experience in wetland delineation under the supervision of a certified professional wetland delineator, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator;
2. Have a record of at least six years of experience in wetland delineation under the supervision of a certified professional wetland delineator, the quality of which demonstrates to

the Board that the applicant is competent to practice as a certified professional wetland delineator; or

3. Have a record of at least four years of experience in wetland science research or as a teacher of wetlands curriculum in an accredited institution of higher education, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator.

B. Notwithstanding the requirements of subsection A, the requirement for a reference from and supervision by a certified professional wetland delineator shall be waived for the first six years of the program.

(2002, c. 784; 2007, c. 334.)

§ 54.1-2207. (Effective until July 1, 2013) Unprofessional conduct.

Any professional soil scientist or wetland delineator who is certified as provided in this chapter shall be considered guilty of unprofessional conduct and subject to disciplinary action by the Board, if he:

1. Obtains his certification through fraud or deceit;
2. Violates or cooperates with others in violating any provision of this chapter, the Code of Professional Ethics and Conduct or any regulation of the Board;
3. Performs any act likely to deceive, defraud or harm the public;
4. Demonstrates gross negligence, incompetence or misconduct in the practice of soil evaluation or wetland delineation; or
5. Is convicted of a felony.

(1987, c. 626; 1988, c. 765; 2002, c. 784.)

§ 54.1-2207. (Effective July 1, 2013) Unprofessional conduct.

Any professional soil scientist who is licensed or any wetland delineator who is certified, as provided in this chapter, shall be considered guilty of unprofessional conduct and subject to disciplinary action by the Board, if he:

1. Obtains his certification or license through fraud or deceit;
2. Violates or cooperates with others in violating any provision of this chapter, the Code of Professional Ethics and Conduct or any regulation of the Board;
3. Performs any act likely to deceive, defraud or harm the public;
4. Demonstrates gross negligence, incompetence or misconduct in the practice of soil evaluation or wetland delineation; or
5. Is convicted of a felony.

(1987, c. 626; 1988, c. 765; 2002, c. 784; 2011, cc. 777, 859.)

§ 54.1-2208. (Effective until July 1, 2013) Unlawful representation as a certified professional soil scientist or wetland delineator.

A. No person shall represent himself as a certified professional soil scientist unless he has been so certified by the Board. Any person practicing or offering to practice soil evaluation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead,

represents himself as a certified professional soil scientist without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor.

B. No person shall represent himself as a certified professional wetland delineator unless he has been so certified by the Board. Any person practicing or offering to practice wetland delineation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a certified professional wetland delineator without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor. (1987, c. 626, § 54-971; 1988, c. 765; 2002, c. 784.)

§ 54.1-2208. (Effective July 1, 2013) Unlawful representation as a licensed professional soil scientist or certified wetland delineator.

A. No person shall represent himself as a licensed professional soil scientist unless he has been so licensed by the Board. Any person practicing or offering to practice soil evaluation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional soil scientist without holding a license from the Board shall be guilty of a Class 1 misdemeanor.

B. No person shall represent himself as a certified professional wetland delineator unless he has been so certified by the Board. Any person practicing or offering to practice wetland delineation within the meaning of this chapter who, through verbal claim, sign, advertisement, or letterhead, represents himself as a certified professional wetland delineator without holding such a certificate from the Board shall be guilty of a Class 1 misdemeanor. (1987, c. 626, § 54-971; 1988, c. 765; 2002, c. 784; 2011, cc. 777, 859.)

§ 54.1-2208.1. Exemptions.

A. The certification program set forth in this article is voluntary and shall not be construed to prevent or affect the practice of geology by uncertified geologists; however, no person may represent himself as a Virginia certified professional geologist unless he has been so certified by the Board.

B. This article shall not prevent or affect the practice of any profession or trade for which licensing, certification, or registration is required under any other Virginia law, including the practice of licensed professional engineers lawfully practicing engineering in its various specialized branches.

(1981, c. 132, § 54-968; 1988, c. 765, § 54.1-1401; 2012, cc. 803, 835.)

§ 54.1-2208.2. Certification; minimum qualifications.

A. Any person practicing or offering to practice as a geologist or in a geological specialty in this Commonwealth may submit reasonable evidence to the Board that he is qualified to practice and to be certified as provided in this article. The Board shall approve the application for certification of any person who, in the opinion of the Board, has satisfactorily met the requirements of this article and who has paid any applicable fees fixed by the Board.

Certifications shall expire at intervals as designated by the Board. A certification may be renewed by the Board upon receipt of a formal request accompanied by any applicable fees.

B. To be eligible for certification as a professional geologist, an applicant shall meet each of the following minimum qualifications:

1. Be of ethical character.
2. Have a baccalaureate or higher degree from an accredited college or university with either a major in geology, engineering geology, geological engineering, or related geological sciences; or have completed at least 30 semester hours or the equivalent in geological science courses leading to a major in geology.
3. Have at least seven years of geological work that shall include either a minimum of three years of geological work under the supervision of a qualified or certified professional geologist or a minimum of three years of experience in responsible charge of geological work. The adequacy of the position and the required supervision and experience shall be determined by the Board in accordance with standards set forth in its regulations. The following criteria of education and experience qualify toward the required seven years of geological work:
 - a. Each year of full-time undergraduate study in the geological sciences shall count as one-half year of experience up to a maximum of two years, and each year of full-time graduate study shall count as a year of experience up to a maximum of three years. Credit for undergraduate and graduate study shall in no case exceed a total of four years toward meeting the requirements for at least seven years of geological work.
 - b. The Board may consider, in lieu of the above-described geological work, the cumulative total of geological work or geological research of persons occupying research or post-graduate positions as well as those teaching geology courses at the college or university level, provided such work or research can be demonstrated to be of a sufficiently responsible nature to be equivalent to the geological work required in this section.
4. Have successfully passed an appropriate examination approved by the Board and designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.

At the discretion of the Board, separate examinations may be prepared for various subspecialties of geology; however, there will be no specialty certification, only certification as a professional geologist.

(1981, c. 132, §§ 54-964, 54-965; 1984, c. 51; 1988, c. 765, § 54.1-1403; 2012, cc. 803, 835.)

§ 54.1-2208.3. Waiver of examination.

The Board may waive the examination requirement for certification as a professional geologist for an applicant who otherwise meets the requirements of this article and who also meets any of the following conditions:

1. Makes written application to the Board and has at least 12 years of geological work that includes the geological work as specified in subsection B of § 54.1-1403.
2. Makes written application to the Board and holds an unexpired certificate of registration, certification, or license to engage in the practice of geology issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States or the District of Columbia.

(1981, c. 132, § 54-966; 1988, c. 765, § 54.1-1404; 1994, c. 247; 1996, c. 49; 2012, cc. 803, 835.)

§ 54.1-2208.4. Professional ethics and conduct.

A. The Board, in coordination with an ad hoc panel of certified professional geologists convened by the Board and representing various geological interests in Virginia, shall have prepared and adopted a Code of Professional Ethics and Conduct that shall be published and made known in writing to every Virginia certified professional geologist and applicant for certification under this article. The Board may revise and amend this code as needed and shall forthwith notify each certified professional geologist in writing of such revisions or amendments.

B. The full Board, by majority vote, shall have the power to suspend, revoke, or refuse to renew the certification of any professional geologist who, after an appropriate formal hearing, is found to have been involved in:

1. Any fraud or deceit in obtaining certification;
2. Any violation of the Code of Professional Ethics and Conduct or other regulations of the Board;
3. Demonstrated gross negligence, incompetence, or misconduct in the practice of geology as a professional geologist; or
4. Any conviction of a felony which, in the opinion of the Board, would adversely affect the practice of geology.

C. The Board, by majority vote of the quorum, may reinstate a revoked or suspended certification to any professional geologist who makes written application to the Board showing good cause for such action.

(1981, c. 132, § 54-967; 1988, c. 765, § 54.1-1405; 2012, cc. 803, 835.)



Department of Professional and Occupational Regulation

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PRE-SORT
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DRAFT AGENDA

DRAFT AGENDA

Materials contained in this agenda are proposed topics for discussion
And not to be construed as regulation or official board position



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

DRAFT AGENDA

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position