

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,
WETLAND PROFESSIONALS and GEOLOGISTS
Wetland Delineator Section Meeting**

May 23, 2023

**10:00 a.m. – DPOR Conference Room – 1st 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 Wetland Delineator Program
8. Other Business
9. Conflict of Interest / Travel Vouchers
10. Adjourn

NEXT MEETING SCHEDULED FOR May 31, 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

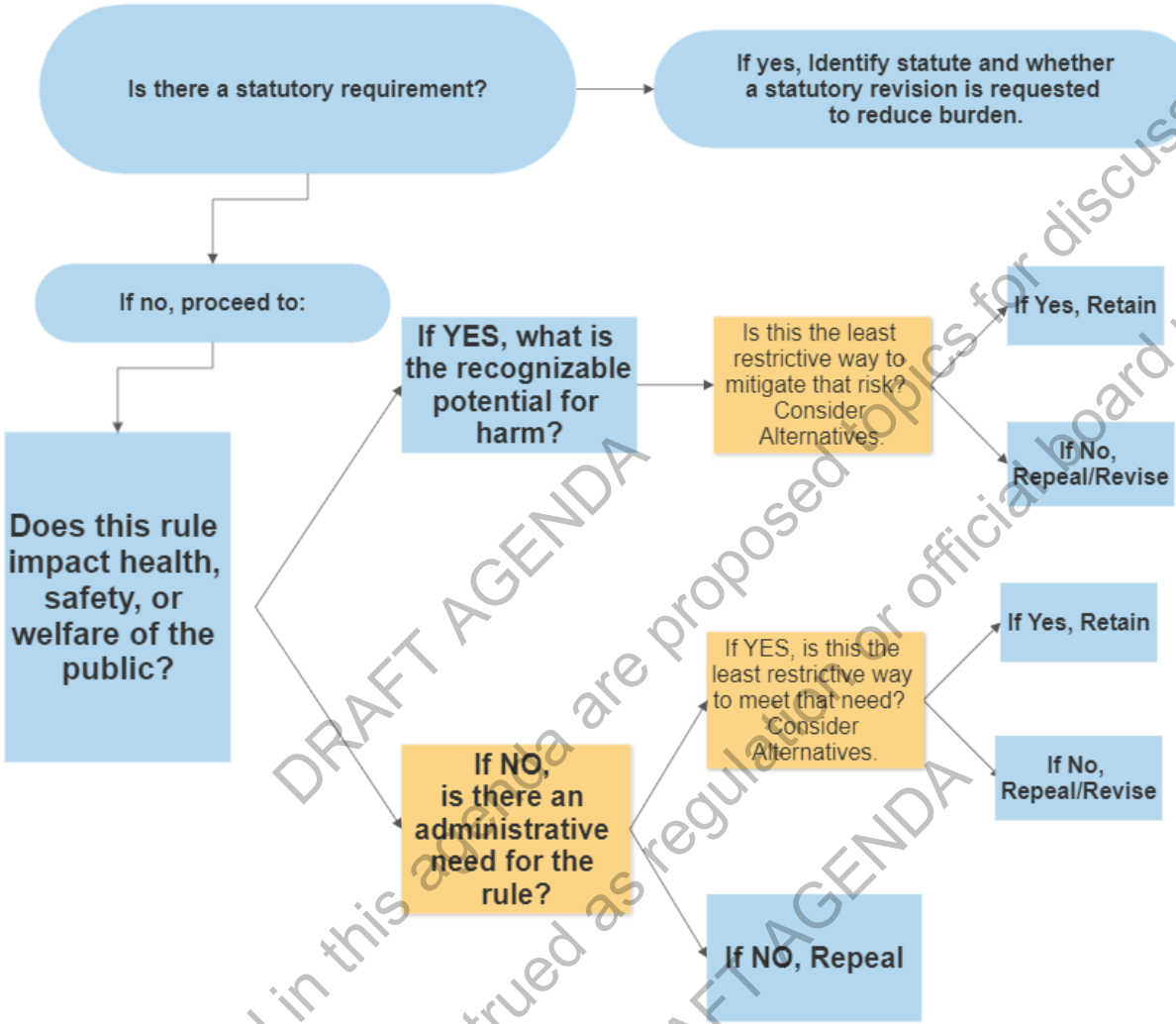
➤ **Public Comment**

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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 Governing
Certified Professional
Wetland Delineators**

Last Updated August 1, 2019

STATUTES
Title 54.1, Chapter 22



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400
Richmond, VA 23233
(804) 367-8500
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**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 August 1, 2019 Regulations (18 VAC 145-30). 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 August 1, 2019, but does not include all changes that were made to the Certified Professional Wetland Delineator Regulations.

- Makes explicit that a Virginia Certified Professional Wetland Delineator is prohibited from using the work of another without written consent.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your certification as a wetland delineator. 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 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, Virginia 23233

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

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PART I.

GENERAL

18VAC145-30-10. Definitions.

All terms defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as amended, are incorporated in this chapter.

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

“Tidal wetlands” means those wetlands as defined by § 28.2-1300 of the Code of Virginia, as amended.

“Non-tidal wetlands” means wetlands except those as defined by § 28.2-1300 of the Code of Virginia, as amended.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

PART II.

ENTRY

18VAC145-30-20. Qualifications for certification.

Applicants for certification shall meet the requirements specified in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as amended, and this chapter.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-30. Receipt of application.

The date the completely documented application and fee are received in the board's office shall determine if the application has been received by the established deadline.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-40. Qualification for examination.

A. In order to qualify for the examination, an applicant shall provide three written references that comply with subsection B 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, which meets the requirements of 18 VAC 145-30-50.1 or 18 VAC 145-30-50.2, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator; or
2. Have a record of at least six years of experience in wetland delineation, which meets the requirements of 18 VAC 145-30-50.1 or 18 VAC 145-30-50.2, 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, which meets the requirements of 18 VAC 145-30-50.3, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator.

B. Every applicant shall provide three written references, on a form provided by the board, from wetland professionals with at least one from a certified professional wetland delineator. Individuals who provide references shall not be related to the applicant and shall have known the applicant for at least one year. Individuals who provide references may not also verify experience, including research or teaching experience.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004; amended Virginia Register Volume 23, Issue 20, eff. July 12, 2007; Virginia Register Volume 31, Issue 10, eff. March 1, 2015

18VAC145-30-50. Qualifying experience in wetland delineation.

An applicant shall demonstrate experience in one of the following areas:

1. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40.A.1 or 18 VAC 145-30-40.A.2, the experience in wetland delineation must be as a wetland professional and include the preparation of no less than ten delineations, which must be no more than ten years old at time of receipt by the board office, delineating wetlands in accordance with applicable state and federal regulations which include the proper identification of vegetation, soil and hydrology indicators. At least six of the ten delineations must be for non-tidal wetlands; or
2. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40.A.1 or 18 VAC 145-30-40.A.2, the experience in wetland delineation must be as a wetland professional and include the inspection, review or confirmation of no less than thirty delineations as an employee of a federal, state or local governmental body which is authorized to review or approve such delineations, which must be no more than ten years old at time of receipt by the board office, delineating wetlands in accordance with applicable state and federal regulations which include the proper identification of vegetation, soil and hydrology indicators. Such experience must include the performance of field verifications of a portion of those wetland delineations which were inspected, reviewed or confirmed. At least six of the thirty delineations must be for non-tidal wetlands, or
3. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40.A.3, the experience as a wetland science researcher must include the preparation of a minimum of three field studies focused on wetland delineation practice and issues, which includes

the proper identification of vegetation, soil and hydrology indicators, and the experience as a teacher of wetlands curriculum must have been acquired in an accredited institution of higher education as a field or laboratory instructor of quarter or semester length classes for a minimum of six semester hours, or equivalent, within the past ten years prior to the receipt of the application by the board office, and the curriculum must have included the proper identification of vegetation, soil and hydrology indicators.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-60. Course requirements.

The education required pursuant to 18VAC145-30-40.A.1 of this chapter must include the following:

A. For a bachelors degree in any similar biological, physical, natural science or environmental engineering curriculum to be approved by the board, it shall, at a minimum, contain the following:

1. Fifteen semester hours, or equivalent, in biological sciences including courses such as general biology, botany or zoology; general ecology; plant, animal, aquatic or wetlands ecology; invertebrate zoology; taxonomy; marine science; fisheries biology; plant physiology, plant taxonomy, plant pathology, plant morphology; relevant environmental sciences, and similar courses;
2. Fifteen semester hours, or equivalent, in physical sciences including courses in soils, chemistry, hydrology, physics, geology, sedimentology, oceanography, coastal processes, environmental engineering, and similar courses; and
3. Six semester hours, or equivalent, in quantitative sciences including courses in math, computer sciences, basic statistics, population dynamics, experimental statistics, and similar courses.

B. The applicant must have successfully completed a course of instruction, of a minimum of thirty-two hours, in state and federal wetland delineation methods which includes the proper identification of vegetation, soil and hydrology indicators and a field component.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-70. Examination.

- A. Once approved by the board, an applicant shall be eligible to sit for a board approved examination.
- B. An applicant must meet all eligibility requirements as of the date the completely documented application and fee is received by the board's office. For examination candidates, the completely documented application and fee must be received by the board's office at least 90 days prior to the examination.
- C. A candidate approved to take an examination shall do so within one year of the date of approval or submit a new application and fee in accordance with these regulations. If an applicant should not pass the board approved examination within one year of being approved, the applicant shall be required to submit a new application and fee in accordance with this chapter in order to take the examination.
- D. A candidate who is unable to take the examination at the time scheduled must notify the department in writing prior to the date of the examination; such a candidate will be rescheduled for the next examination without additional fee. Failure to so notify the department will result in forfeiture of the examination or reexamination fee.
- E. Candidates will be notified of passing or failing the examination.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-80. Waiver from examination.

An applicant shall be granted a Virginia certificate without examination, provided that:

1. The applicant holds an unexpired professional wetland delineator certificate or equivalent issued on the basis of equivalent requirements for certification in Virginia, 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, nor has been, the subject of any disciplinary proceeding before such regulatory body, and such other regulatory body recognizes the certificates issued by this board provided all other requirements of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as amended, and this chapter are satisfied; or
2. Applicants who submit a complete application so that it is received by the board on or before June 30, 2006, and are found to be qualified pursuant to § 54.1-2206.B (effective July 1, 2004) of the Code of Virginia, as amended, provided all

other requirements of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as amended, and this chapter are satisfied.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

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PART III.

FEEs, RENEWAL AND REINSTATEMENT REQUIREMENTS

18VAC145-30-90. Fees.

All fees required by the board are nonrefundable and shall not be prorated.

Fee Type	Amount
Application	\$90
Renewal fee	\$70
Late renewal fee	\$25
Reinstatement fee	\$90
Examination fee	\$150

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004; amended, Virginia Register Volume 26, Issue 22, eff. September 1, 2010.

18VAC145-30-100. Expiration.

Certificates issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the certificate.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-110. Renewal.

A. The department shall send a renewal notice to the certificate holder at the last known address of record at least 30 days prior to expiration. Failure to receive this notice does not relieve the certificate holder from the requirement to renew the certificate. If the certificate holder fails to receive the renewal notice, a copy of the certificate shall be submitted with the required fee in lieu of the renewal notice.

B. If the renewal fee is not received by the department within 30 calendar days following the expiration date noted on the certificate, a late renewal fee of \$25 shall be required in addition to the regular renewal fee. If the certificate is renewed after 30 days from the

expiration date and prior to 180 days of the expiration date, the effective date of the renewal shall be the original renewal date. No certificate may be renewed more than 180 days following the date of expiration noted on the certificate.

- C. The date a fee is received by the department or its agent shall determine whether a late renewal fee or the requirement for reinstatement or reapplication is applicable.
- D. A certificate suspended by board order shall not be renewed until the period of suspension has ended and all terms and conditions of the board's order have been met. Individuals renewing certificates within 30 days after the suspension is lifted will not be required to pay a late fee.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-120. Reinstatement.

- A. If the renewal fee and late renewal fee are not received by the department within 180 days following the expiration date noted on the certificate, the certificate holder shall no longer be considered a certificate holder and will be required to apply for certificate reinstatement. The applicant shall meet the current eligibility standards for certification as a Virginia certified professional wetland delineator. The board may require examination or reexamination. The fee for reinstatement shall include the regular renewal fee plus the reinstatement fee.
- B. If the reinstatement application and fee are not received by the department within one year following the expiration date noted on the certificate, the applicant shall apply as a new applicant and shall meet all current entry requirements as may be required by the board.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-130. Denial of application or renewal.

The board may, in its discretion, refuse to grant, renew or reinstate a certificate of any person for any of the reasons specified in Chapters 1, 2 or 22 of Title 54.1 of the Code of Virginia, as amended, and this chapter, including, but not limited to, Part IV of this chapter.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

PART IV.

STANDARDS OF PRACTICE AND CONDUCT

18VAC145-30-140. Standards of practice and conduct.

A Virginia certified professional wetland delineator:

1. Shall not submit any false statements, make any misrepresentations or fail to disclose any facts requested concerning any application for certification or recertification.
2. Shall not engage in any fraud, deceit or misrepresentation in advertising, in soliciting or in providing professional services.
3. Shall not knowingly sign any plans, drawings, blueprints, surveys, reports, specifications, maps or other documents not prepared or reviewed and approved by the certificate holder.
4. Shall not knowingly represent a client or employer on a project on which the certificate holder represents or has represented another client or employer without making full disclosure thereof.
5. Shall express a professional opinion only when it is founded on adequate knowledge of established facts at issue and based on a background of technical competence in the subject matter.
6. Shall not knowingly misrepresent factual information in expressing a professional opinion.
7. Shall immediately notify the client or employer and the appropriate regulatory agency if the certificate holder's professional judgment is overruled and not adhered to when advising appropriate parties of any circumstances of a substantial threat to the public health, safety, or welfare.
8. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge, skill and terminology ordinarily applied by practicing wetland professionals.
9. Shall sign and date all plans, drawings, blueprints, surveys, reports, specifications, maps, or other documents prepared or reviewed and approved by the certificate holder. The certified professional wetland delineator shall also indicate that he is a Virginia certified professional wetland delineator on all plans, drawings, blueprints,

surveys, reports, specifications, maps, or other documents prepared or reviewed and approved by the certificate holder and include his certificate number.

10. Shall not utilize the design, drawings, specifications, or work of another regulant to complete or to replicate any work without the written consent of the person who or organization that owns the design, drawings, specifications, or work.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004, Volume 35, Issue 21, eff. August 1, 2019

18VAC145-30-150. Grounds for suspension, revocation or other disciplinary action.

The board has the power to fine any certificate holder, and to suspend or revoke any certificate issued under the provisions of Title 54.1, Chapter 22 of the Code of Virginia, as amended, and the regulations of the board, where the certificate holder has been found to have violated or cooperated with others in violating any provision of Chapters 1, 2 or 22 of Title 54.1 of the Code of Virginia, as amended, or any regulation of the board.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

18VAC145-30-160. Change of address

A certificate holder shall keep the department informed of his current mailing address. Change of address shall be reported to the department in writing within 30 calendar days of the change.

Historical Notes:

Virginia Register Volume 20, Issue 20, eff. July 14, 2004

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 2013 session. Any changes made during the 2007 session became effective July 1, 2013, 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. 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](#).

§ 54.1-2200.2. 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.

§ 54.1-2201. 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.).

§ 54.1-2203. 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.

§ 54.1-2205. 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.

§ 54.1-2206. 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.

§ 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.

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

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, 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, 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.

§ 54.1-2207. 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.

§ 54.1-2208. 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.

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Department of Professional and Occupational Regulation

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NOTICE

PLEASE REFER TO FIRST PAGE OF BOOKLET FOR NOTES ON IMPORTANT CHANGES.

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

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