

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

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on April 28, 2015, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

J. Meade R. Anderson
Robert B. Atkinson
Bennette Burks (arrived 10:53 a.m.)
Douglas S. Davis
Warren (Ted) Dean
J. James Liu
Harry T. (Tom) Saxton
David Spears
R. Drew Thomas
Angela Whitehead

Board members Nancy Barker and Angie Hall were not present at the meeting.

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nusbisch, Executive Director
Tonia Harrison, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Senior Director, Regulatory & Public Affairs

Elizabeth Peay, Assistant Attorney General, was present for the meeting.

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

Call to Order

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

**Emergency Evacuation
Procedures**

Mr. Dean welcomed and introduced new Board member Drew Thomas; new Board member Bennette Burks had notified Board staff that he would be late.

**Welcome & Introduction
of New Board members**

Ms. Nusbisch informed the Board that Ms. Whitehead and Mr. Saxton were both reappointed to the Board. Ms. Nusbisch introduced Elizabeth Peay, Assistant Attorney General, who was attending for Board counsel Joshua Laws.

Mr. Davis moved to approve the agenda. Dr. Atkinson seconded the

Approval of Agenda

motion which was unanimously approved by members: Anderson, Atkinson, Davis, Dean, Liu, Saxton, Spears, Thomas & Whitehead.

Mr. Saxton moved to approve the minutes from the following meeting:

Approval of Minutes

- January 9, 2014, Board for Professional Soil Scientists, Wetland Professionals and Geologists meeting

Mr. Anderson seconded the motion which was unanimously approved by members: Anderson, Atkinson, Davis, Dean, Liu, Saxton, Spears, Thomas & Whitehead.

Mr. James Slusser, AOSE, was present to address the Board. Mr. Slusser provided handouts to the Board regarding an issue with Fauquier County and their requirement that the soil evaluation portion for treatment works be performed by a Professional Soil Scientist. Mr. Slusser stated that onsite soil evaluators, as well as, Professional Engineers, are able to perform soil evaluations pursuant to §32.1-163.5 of the *Code of Virginia*. Mr. Slusser expressed concerns with localities setting their own rules regarding licensed professionals.

Public Comment Period

Ms. Nosbisch stated that according to §54.1-410 of the *Code of Virginia*, the Board has no statutory authority to limit the authority of localities in connection of improvements with real property. She further indicated that several other professions have expressed similar views regarding various localities requirements.

Mr. Bob Marshall, AOSE, was present to address the Board. Mr. Marshall also expressed his concerns with Fauquier County and their requirement for a professional soil scientist to perform soil evaluations for treatment works.

Mr. Robin Bedenbaugh, PWD, Virginia Association of Wetland Professionals, was present to address the Board. Mr. Bedenbaugh stated that he was in attendance for the discussion of the wetland delineator exam.

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

Resolutions for Former Board Members – Kasey White and Robin Reed

RESOLUTION TO
Katherine S. White

WHEREAS, Katherine S. White, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals and Geologists from 2004 to 2015;

WHEREAS, Katherine S. White, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Katherine S. White, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

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

NOW THEREFORE BE IT RESOLVED, by the Board for Professional Soil Scientists, Wetland Professionals and Geologists this 28th day of April 2015, that Katherine S. White, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

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

RESOLUTION TO
Robin E. Reed

WHEREAS, Robin E. Reed, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists, Wetland Professionals and Geologists from 2004 to 2015;

WHEREAS, Robin E. Reed, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Robin E. Reed, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

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

NOW THEREFORE BE IT RESOLVED, by the Board for Professional Soil Scientists, Wetland Professionals and Geologists this 28th day of April 2015, that Robin E. Reed, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

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

The Board members agreed to the resolutions by consensus.

Board members reviewed financial statements for informational purposes.

Review of Financial Statements

Ms. Nosbisch reported that in lieu of new wetland delineator supplements from the Army Corps of Engineers, the wetland delineator exam would need to be reviewed. Ms. Nosbisch stated that a committee would need to be formed to review the current exam and determine what changes should be made. Ms. Nosbisch added that current Wetland Professional Board members and subject matter experts would be needed for the committee and that Mr. Robin Bedenbaugh, Virginia Association of Wetland Professionals (VAWP), has offered to serve. Dr. Atkinson moved to form an exam review committee. Mr. Davis seconded the motion which was unanimously approved by members: Anderson, Atkinson, Davis, Dean, Liu, Saxton, Spears, Thomas & Whitehead. Mr. Davis and Dr. Atkinson volunteered to serve on the committee, Ms. Nosbisch will follow up with Ms. Barker as to whether she could serve as well. Ms. Nosbisch asked Board members to submit names of any subject matter experts they may know that would be interested for consideration. Ms. Nosbisch stated that if the committee could meet in May, the Board could vote to accept at the tentatively scheduled June 10 meeting, and have the exam in place by the August exam date.

Discussion of Wetland Delineator Exam and Committee

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

Discussion of Professional Seals

Ms. Nosbisch informed the Board that Sam Christiano, who had served as the National Association State Boards of Geology (ASBOG) Executive Director, had stepped down. Deana Sneyd is the interim executive director. Mr. Dean reported that he attended the ASBOG Council of Examiners workshop April 10-11, in Tampa, FL.

ASBOG Update

Ms. Nosbisch reported that Virginia offered the national soil scientist exam, from the Council of Soil Science Examiners, for the first time in November. She further reported that the exam was converted to pass/fail in 2015.

PSS National Exam Update

Board members considered meeting dates for the remainder of 2015. Ms. Whitehead moved to approve the following meeting dates:

- June 10
- September 2
- December 1

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

Consideration of 2015 Meeting Dates

Ms. Nosbisch provided a brief update on the regulations. The Geology regulations containing a fee increase became effective January 1, 2015; the Wetland Delineator regulations removing the requirement for applicant's experience to be under a Certified Wetland Delineator, became effective March 1, 2015; and the regulations for Professional Soil Scientists' transition from certification to licensure was also effective March 1, 2015.

Regulatory Update

Ms. Nosbisch informed the Board that a Board Member Orientation was tentatively scheduled for October 8-9.

Board Member Orientation

Ms. Nosbisch provided regulant counts as of April 1 for informational purposes:

- Professional Soil Scientists – 130
- Wetland Professionals – 111
- Geologists – 930

Regulant Counts

Ms. Nosbisch informed Board members that Chuck Nelson, PSS, resigned from the Board. She further reminded the Board that quorum requirements are two soil scientists, two wetland professionals, two geologists and one citizen member, and to please alert Board staff if you are unable to attend a meeting. Quorum requirements must be met to conduct Board business.

Other Business

Ms. Nosbisch reviewed the board appointment process. Ms. Whitehead requested staff provide the link to the information on the Secretary of the Commonwealth's office website.

Mr. Davis requested staff provide the link to the Governor's Executive Order 17. Mr. DeBoer added that Executive Order 17 is the Governor's statement of philosophy on regulations, and is typically a minimalistic view, with no undue burdens on regulants.

Ms. Nosbisch provided 2014 exam statistics to the Board:

- Soil Scientist – 1 applicant, 1 passed – 100%
- Wetland Professional – 8 applicants - 8 passed – 100%

- Geologist – 17 applicants – 11 passed – 64.7%

Further discussion was held on the committee to review the Wetland Delineator exam. Ms. Nobsch informed the Board that the meeting would be a publicly noticed meeting, as are all Board meetings.

Mr. Burks arrived at 10:52 a.m.

Arrival of Mr. Burks

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

Other Business

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

There being no further business, the meeting was adjourned at 10:58 a.m.

Adjournment

Warren (Ted) Dean, Chair

Jay W. DeBoer, Secretary