

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS,
WETLAND PROFESSIONALS and GEOLOGISTS MEETING**
February 19, 2020
10:00 a.m. – Board Room 2 – 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. Approval of Agenda
4. Approval of Minutes: November 19, 2019
5. Public Comment Period*
6. Fee Increase
7. General Assembly Update
8. JLARC Study Update
9. Mandatory Regulatory Reduction Update
10. Licensed and Certified Population
11. Financial Statements
12. ASBOG
13. Other Business
14. Conflict of Interest / Travel Vouchers
15. Adjourn

NEXT MEETING TENTATIVELY SCHEDULED FOR MAY 20, 2020

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

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

Call to Order

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Emergency Evacuation Procedures

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Approval of Minutes

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

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on November 19, 2019, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Citizens

Bennette Burks
Robin Jones

Geologists

Warren "Ted" Dean
Michael Lawless
David Spears
Drew Thomas

Soil Scientists

Larry Giannasi
David Hall

Wetland Delineators

Robin Bedenbaugh
Justin Brown

Board members, Doug DeBerry, Alexis Jones, and Molly Parker, were not present at the meeting.

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director
Kathleen (Kate) R. Nusbisch, Executive Director
Bonnie Davis, Administrative Assistant
Conner Eads, Virginia Management Fellows Program

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

Mr. Thomas, Vice Chair, called the meeting to order at 10:04 a.m.

Call to Order

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

**Emergency Evacuation
Procedures**

Ms. Nusbisch stated that Mr. DeBerry, Ms. Jones, and Ms. Parker send their regrets. She introduced Ms. Broz-Vaughan, DPOR Director, and the Board members introduced themselves.

**Welcome and
Introductions**

There was no public comment.

Public Comment Period

Mr. Thomas stated he attended the fall ASBOG conference. New officers were elected, discussion of moving to computer testing for the ASBOG exam took place, as well as vetting of exam questions. He stated it was very rewarding work.

ASBOG

Ms. Nusbisch stated this was for informational purposes only. National

Pipeline Safety

Transportation Safety Board (NTSB) contacted thirty one states, including the Governor of Virginia, regarding recommendations following the Merrimack Valley explosion. Ms. Broz-Vaughan stated Virginia's Industrial Exemption exempts certain pipelines from requiring a Professional Engineer for public utility. This will limit that; it will require a PE to perform the design work.

Information

Mr. Thomas reviewed the licensee counts as of October 1, 2019:
Soil Scientists – 90; Wetland Delineators – 117; Geologists – 909

Licensed and Certified Population

Mr. Spears inquired if the number of geologists includes geologists in training. Mr. Thomas asked if the Board tracks who takes the Fundamentals Exam and do not take the Professional Geologists exam. Ms. Nosbisch stated she will research and report back at the next meeting.

Any regulant with an email address on file with DPOR should have received communication regarding Merit. Merit issues digital licenses or certificates to individuals with email addresses on file with DPOR. Merit can keep track of regulant's continuing education and provides an electronic version of license or certification. It will also send regulants a reminder to renew which still needs to be completed with DPOR.

Merit

Ms. Nosbisch stated five board members from the PSSWPG Board attended the Board Member Training in October. Board Members that attended stated the following about the training: very well timed; interesting how other boards work, gave a bigger perspective; board members are very passionate about their services.

Board Member Training Update

Ms. Nosbisch stated the financial statements were provided for informational purposes.

Financial Statements

Ms. Nosbisch informed the Board the Joint Legislative Audit and Review Commission (JLARC) Report recommended that the Board for Professional and Occupational Regulation (BPOR) review the need for regulation of certain occupations. The BPOR will be providing basic information on the Soil Scientists and the Wetland Delineators, as well as other identified professions. The initial report will be completed and filed by December 31, 2019.

Other Business

Mr. Giannasi arrived at 10:40 a.m.

Arrival of Chair

Chair of the meeting was passed from Mr. Thomas to Mr. Giannasi.

Ms. Nosbisch stated former Board Member, Angela Whitehead, commented on the fast track regulation that went into effect on August 1, 2019. The Board noted the comment and stated that the regulation is to

Other Business continued

prevent the use of work of another without written consent before it becomes public record. After the work becomes public record, it can be used without consent.

The Board discussed Wetland Delineator seals. Ms. Nobsch stated the regulations are silent on a seal so it is not required; however, the Geologists have a seal if a Wetland Delineator wanted to use it as a template.

Ms. Nobsch discussed the importance of a quorum. She noted that without a quorum the Board cannot conduct business. Meeting dates are provided a year in advance; however, she understands some instances are unpreventable. She appreciates the Board's service and realizes this work is voluntary, but it is important.

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

Approval of Agenda

Mr. Bedenbaugh moved to approve the amended minutes from the December 6, 2018, Board for Professional Soil Scientists, Wetland Professionals and Geologists meeting. Mr. Burks seconded the motion which was unanimously approved by members: Bedenbaugh, Brown, Burks, Dean, Giannasi, Hall, Jones, Lawless, Spears, and Thomas.

Approval of Minutes

Ms. Nobsch presented the 2020 meetings dates. Mr. Dean moved to adopt the following meeting dates for 2020:

Consideration of 2020 Meeting Dates

February 19, 2020

May 20, 2020

August 19, 2020

November 17, 2020

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

Ms. Jones moved to retain the current Chair and Vice Chair for the 2020 meetings. Mr. Spears seconded the motion which was unanimously approved by members: Bedenbaugh, Brown, Burks, Dean, Giannasi, Hall, Jones, Lawless, Spears, and Thomas. There were no nominations from the floor.

Election of Chair and Vice Chair

Ms. Nobsch informed the Board that every four years, the Board is required to conduct a periodic review of the regulations and public participation guidelines. The review is to ensure the regulations are supported by statutory authority; determine that the regulations are

Periodic regulator Review

necessary for the protection of the health, safety and welfare of the public; are clearly written and easily understood; and ensure the economic impact on small business is minimized as much as possible. The public comment period was September 16 through October 7, 2019. There were no comments. Mr. Dean moved to retain the regulations in their current form. Mr. Burks seconded the motion which was unanimously approved by members: Bedenbaugh, Brown, Burks, Dean, Giannasi, Hall, Jones, Lawless, Spears, and Thomas.

Conflict of Interest forms and travel vouchers were completed by all Board members present.

Conflict of Interest Forms

Travel Vouchers

There being no further business, the meeting was adjourned at 11:12 a.m. **Adjournment**

Larry Giannasi, Chair

Mary Broz-Vaughan, Secretary

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Public Comment

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**Soil Scientists, Wetland Professionals and Geologists
Analysis of Fee Structure and Financial Position**

Callahan Percentage Previous Biennium **113.0%**

Date of Last Fee Increase: 12/1/2004
Date of Last Fee Decrease: 9/1/2010

Fee Structure

Fee Type		Current Fees	Proposal A	Proposal B	Proposal C
Application	Soil Scientists	90	120	160	90
Application	Wetland Delineator	90	120	160	90
Application	Geologist	90	120	160	90
Application	Geologist in Training	20	40	40	20
Renewal	Soil Scientists	70	120	115	125
Renewal	Wetland Delineator	70	120	115	125
Renewal	Geologist	70	120	115	125
Late Renewal	Soil Scientists	25	35	35	35
Late Renewal	Wetland Delineator	25	35	35	35
Late Renewal	Geologist	25	35	35	35
Reinstatement	Soil Scientists	90	120	160	90
Reinstatement	Wetland Delineator	90	120	160	90
Reinstatement	Geologist	90	120	160	90
Exam-Reexam	Soil Scientists	150	150	150	150
Exam-Reexam	Wetland Delineator	150	150	150	150
Duplicate Wall Cert	all	0	0	0	0
Bad Check	all	50	50	50	50
Certification	all	35	35	35	35

Financial Position

	Actual 2016-18 Biennium	Projected 2018-20 Current Fees	Projected 2020-22 Current Fees	Projected 2022-24 Proposal A	Projected 2022-24 Proposal B	Projected 2022-24 Proposal C
Cash Carryforward	132,005	118,828	82,654	38,551	38,551	38,551
Revenues	92,010	84,958	84,813	139,795	138,834	140,607
Expenditures	105,187	121,126	128,916	130,872	130,872	130,872
Balance	118,828	82,654	38,551	47,474	46,512	48,286
Projected Callahan Percentage Close of Biennium			29.9%	36.3%	35.5%	36.9%

NOTES:

Proposal A - sets application fees and renewal fees equal

Proposal B - sets application fees higher than renewal fees.

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General Assembly Update

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JLARC Study Update

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Mandatory Regulatory Reduction

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Licensed and Certified Population

As of January 1, 2020

Soil Scientists	92
Wetland Delineators	116
Geologists	946

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Department of Professional and Occupational Regulation
Statement of Financial Activity

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

2018-2020 Biennium

December 2019

	December 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - December 2017	July 2018 - December 2019
Cash/Revenue Balance Brought Forward			118,829
Revenues	510	85,805	83,360
Cumulative Revenues			202,189
Cost Categories:			
Board Expenditures	183	20,238	25,218
Board Administration	1,470	21,561	27,505
Administration of Exams	209	2,810	4,102
Enforcement	1	26	17
Legal Services	0	130	54
Information Systems	452	14,819	20,507
Facilities and Support Services	317	5,077	7,413
Agency Administration	640	13,481	12,589
Other / Transfers	0	1,292	(1)
Total Expenses	3,271	79,433	97,402
Transfer To/(From) Cash Reserves	0	0	74,579
Ending Cash/Revenue Balance			30,208

Cash Reserve Beginning Balance	74,579	0	0
Change in Cash Reserve	0	0	74,579
Cash Reserve Ending Balance	74,579	0	74,579

Number of Regulants	
Current Month	1,154
Previous Biennium-to-Date	1,153

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

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	6,054	1,917	834	1,436	2,547	183	0	0	0	0	0	0	12,970	21,196	8,226	25,659	-4,463	-21.1%
Board Administration	2,401	1,614	1,427	1,248	1,486	1,470	0	0	0	0	0	0	9,645	22,385	12,740	17,494	4,891	21.9%
Administration of Exams	486	314	308	244	274	209	0	0	0	0	0	0	1,836	3,479	1,643	3,391	87	2.5%
Enforcement	1	1	1	1	1	1	0	0	0	0	0	0	5	11	6	8	3	24.1%
Legal Services	0	0	0	0	14	0	0	0	0	0	0	0	14	128	114	28	100	78.1%
Information Systems	678	995	903	1,445	1,007	452	0	0	0	0	0	0	5,480	15,688	10,208	10,525	5,164	32.9%
Facilities / Support Svcs	194	1,183	493	337	333	317	0	0	0	0	0	0	2,857	5,715	2,858	5,559	156	2.7%
Agency Administration	942	724	676	720	845	640	0	0	0	0	0	0	4,546	10,891	6,346	8,330	2,561	23.5%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	10,756	6,748	4,641	5,431	6,506	3,271	0	0	0	0	0	0	37,352	79,493	42,141	70,995	8,499	10.7%

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Other Business

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Conflict of Interest / Travel Vouchers

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Adjourn

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