

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

MEETING MINUTES

The Board for Soil Scientists met on January 8, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia, with the following members present:

W. Lee Daniels
David L. Davis
Ann F. Jennings
William F. Sledjeski
Donald R. Young

Board members Alice L. Coles and Carl D. Peacock, Jr. were not present at the meeting.

Staff present for all or part of the meeting were:

Mark N. Courtney, Assistant Director
Marian H. Brooks, Assistant Administrator
Trisha L. Henshaw, Administrative Assistant
Karen W. O'Neal, Deputy Director of Regulatory Programs
Steven L. Arthur, Deputy Director of Administration and Finance
Sharon Sweet, Director, Office of Education and Examination
Dawn Waters, Policy, Planning and Public Relations Director
Mary Broz, Communications Director

No representative from the Office of the Attorney General was present.

Finding a quorum of the Board present, Mr. Sledjeski, Chair, called the meeting to order at 10:12 a.m.

Call to Order

Mr. Sledjeski introduced Mr. Young to the members of the Board, as Mr. Young was unable to attend the last meeting.

Introduction of New Member

Mr. Daniels moved to approve the agenda as written. Mr. Davis seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Sledjeski, and Young.

Approval of Agenda

Mr. Davis moved to approve the minutes from the October 1, 2002, Board meeting as written. Mr. Daniels seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Sledjeski, and Young.

Approval of Minutes

Robin Bedenbaugh introduced himself to the Board members as a representative of the Virginia Association of Wetland Professionals (VAWP). Mr. Bedenbaugh stated that he would serve as a liaison between VAWP and the Board in order to ensure that VAWP's members stay apprised of any actions taken by the Board.

Public Comment

Kirk Havens with the Virginia Institute of Marine Sciences spoke regarding a proposal that is being prepared for submittal to the Environmental Protection Agency (EPA) in order to secure a grant for funding an examination for wetland professional certification. Mr. Havens indicated that the proposal includes provisions to establish testing centers at universities around the state, with each university having a proctor qualified to administer written and field tests. Mr. Havens also stated that the budget proposal includes funding for a part-time position that would work in DPOR and would be responsible for overseeing and coordinating with others involved in the examination, including experts in the field, university proctors, and individuals involved from a regulatory standpoint. Mr. Havens proposed that those individuals who wish to get certified would submit an application to the Board for approval and, once approved, would contact the university where he wishes to take the examination to schedule the examination. Once the individual completes the test, the university proctor would then submit the test to the Board for scoring. Mr. Havens indicated that it would be necessary to establish a fee for testing once the grant expires.

Review of Examination
Proposal from VIMS

Ms. Sweet spoke to the Board regarding a suggested modification to the proposal provided by Mr. Havens. Ms. Sweet proposed that the Board modify the VIMS grant proposal so that VIMS would be responsible for creating an examination and submitting it to the Board for approval. VIMS would be responsible for developing and providing security and administration procedures to the Board. Candidates would apply to the Board for certification by examination and, once approved, would contact VIMS to schedule the examination and pay the examination fee directly to VIMS. VIMS would administer and score the examination and notify the candidate of the results, and then the candidate would submit proof of passing the examination to finalize the application for certification.

After discussion, Mr. Daniels moved that the Board agree to support VIMS in moving forward with the grant, provided any outstanding issues between DPOR and VIMS have been resolved. The grant will be for the development of a written examination and to determine if a

practical examination component is necessary to determine minimal competence for certification as a wetland professional. Mr. Daniels further moved to direct staff to prepare a letter of support for VIMS' grant proposal to the EPA for the Chair's signature. Ms. Jennings seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Sledjeski, and Young.

Mr. Arthur indicated that a letter of support would also be prepared by the Department.

The Board members were provided with an analysis of the fee structures and the fee position for soil scientists. After discussion, Mr. Daniels moved to authorize staff to begin the regulatory review process in order to establish new fees for soil scientists. Mr. Davis seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Sledjeski, and Young.

The Board members also discussed the proposed fees for wetlands professionals. After discussion, Mr. Daniels moved to adopt "Proposal B" which includes the following fee structure:

| <u>Fee Type</u> | <u>Proposal B</u> |
|-----------------|-------------------|
| Application | \$ 300 |
| Renewal | 260 |
| Late Renewal | 25 |
| Reinstatement | 300 |
| Examination | 150 |
| Re-Examination | 75 |

Mr. Davis seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Sledjeski, and Young.

Mr. Courtney discussed a meeting with Allen Knapp and Dwayne Roadcap with the Virginia Department of Health that came about as a result of correspondence sent at the direction of the Board regarding the Authorized On-Site Soil Evaluator (AOSE) Program. The Department of Health and DPOR met to discuss sharing information regarding complaints and disciplinary actions taken against AOSE's and certified soil scientists. Mr. Courtney indicated that it was a very positive meeting and both parties are interested in putting together an information-sharing plan. The parties agreed to wait until after the

**Review and Discuss Fees:
Professional Soil Scientist
Fees**

**Review and Discuss Fees:
Wetland Professional Fees**

**Update on Coordination
with VDH AOSE
Program**

current session of the General Assembly to finalize such a plan.

Ms. O'Neal provided an overview of the new Board member orientation presentation. The Board member orientation, which consists of several modules, including regulatory review, finance, enforcement, and public information, will be divided so that different information is discussed over several meetings, instead of everything discussed at one meeting.

Board Member Training

As part of the Board member orientation, Ms. Broz discussed various public relations information with the Board members, and also discussed the role of DPOR in relation to the boards. Ms. Waters provided the Board members with information regarding public records issues.

The Board members recessed for lunch from 12:00 noon to 12:15 p.m.

Lunch

The Board members reviewed the draft regulations as prepared by staff in accordance with the requirements of the Code of Virginia, and included amendments made at the last Board meeting. The Board members reviewed the draft regulations in their entirety and made amendments as needed. After discussion, Mr. Daniels moved to adopt the draft regulations, with amendments, as proposed and directed staff to file the regulations with the appropriate agencies as is necessary to have the regulations approved. Mr. Davis seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Sledjeski, and Young.

**Discussion of Wetland
Professional Regulations**

Mr. Davis moved to authorize Mr. Courtney, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Ms. Jennings seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Sledjeski, and Young.

The Board members were provided with copies of the 2000-2002 biennial report for the Department.

Other Business

Conflict of Interest forms were completed by all members present.

Conflict of Interest

There being no further business, the meeting was adjourned at 2:00 p.m. **Adjournment**

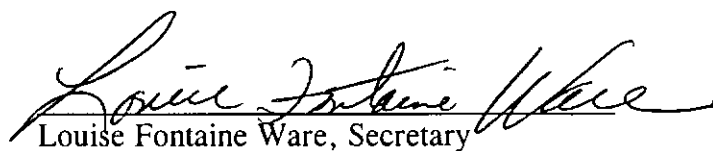


William F. Sledjeski, Chair

Board for Professional Soil Scientists

January 8, 2003

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Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: W. Lee Daniels
2. Title: Member
3. Agency: Board for Professional Soil Scientists
4. Transaction: Board Meeting on January 8, 2003
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VAPSS AND VAWP

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

W. Lee Daniels

Signature

1/08/03

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: David L. Davis
2. Title: Member
3. Agency: Board for Professional Soil Scientists
4. Transaction: Board Meeting on January 8, 2003
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature DAVID L. DAVIS

Date 01/08/2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Ann F. Jennings
2. Title: Member
3. Agency: Board for Professional Soil Scientists
4. Transaction: Board Meeting on January 8, 2003
5. Nature of Personal Interest Affected by Transaction: _____

I am a member of the VA. Assoc. of Wetland Professionals

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VA. Assoc. of Wetland Professionals

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Ann F. Jennings
Signature

1/8/03
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: William F. Sledjeski
2. Title: Member
3. Agency: Board for Professional Soil Scientists
4. Transaction: Board Meeting on January 8, 2003
5. Nature of Personal Interest Affected by Transaction: _____
CONSULTING SOIL SCIENCE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

01/08/03

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

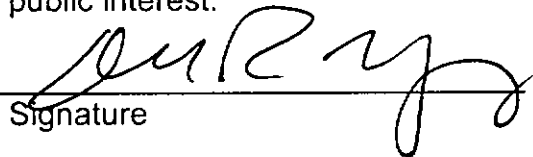
1. Name: Donald R. Young
2. Title: Member
3. Agency: Board for Professional Soil Scientists
4. Transaction: Board Meeting on January 8, 2003
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature



Date

1/8/02