

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS



REGULATIONS GOVERNING CERTIFIED PROFESSIONAL SOIL SCIENTISTS

Last Updated September 1, 2010

STATUTES Title 54.1, Chapter 22

Virginia



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NOTICE

SUMMARY OF SIGNIFICANT CHANGES

These regulations are effective September 1, 2010, and replace all previous regulations of the Board for Professional Soil Scientists and Wetland Professionals. As a regulant of the Board, you are responsible for following all regulations and applicable statutes. Therefore, you should read and become familiar with all regulations printed in this booklet including the applicable excerpts from the *Code of Virginia* located in the back of the booklet.

These regulations have been revised and should be thoroughly reviewed. 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 reduced.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your certification as a professional soil scientist. The law that governs your profession is found in the *Code of Virginia*, 1950, as amended, in Chapter 22 of Title 54.1. 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 get and keep your license. **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 LICENSE, CERTIFICATE OR REGISTRATION.**

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 and Wetland Professionals
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

18VAC145-20-10. 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 as established by Chapter 22, (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

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

"Field study" means the investigation of a site to secure soils information by means of landscape analysis and soil borings, excavations or test pits which are plotted on a base map or other documents (e.g., aerial photographs, topographic maps, scaled site plans, subdivision plans, or narrative description of the location).

"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.

"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 map" means a map showing distribution of soil types or other soil mapping units in relation to the prominent landforms and cultural features of the earth surface.

"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.

"**Soil survey**" means a systematic field investigation of the survey area that provides a soil evaluation and a system of uniform definitions of soil characteristics for all the different kinds of soil found within the study area, all of which are incorporated into a soil report which includes a soil map.

Historical Notes:

Derived from VR627-02-01 §1.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

PART II.

ENTRY

18VAC145-20-60. Qualifications for certification.

Applicants for certification shall meet the education, eligibility, experience and examination requirements specified in Chapter 22 of Title 54.1 of the Code of Virginia.

Historical Notes:

Derived from VR627-02-01 §2.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993.

18VAC145-20-70. Qualification for examination.

An applicant shall satisfy one of the following criteria in order to qualify for the examination:

1. Hold a bachelor's degree from an accredited institution of higher education in a soil science curriculum (see 18 VAC 145-20-91) 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 soil science 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.

Historical Notes:

Derived from VR627-02-01 §2.2, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-90. Qualifying experience in soil evaluation.

An applicant shall demonstrate experience in two or more of the following areas:

1. Soil mapping. Compiling of soil maps representing at least 5,000 acres as a part of a soil survey or surveys with a formal mapping legend under the direct guidance of an experienced technical supervisor. Acceptable maps shall be maps in a published report, a report scheduled to be published or a report of a publishable quality;
2. Soil evaluation. Conducting at least 20 soil evaluations for specific land uses under the direct guidance of an experienced technical supervisor. Examples of such uses include, but are not limited to, on-site wastewater disposal, residential and commercial development, sanitary landfill sites, forestry or agriculture production, soil erosion and sediment control, shrink-swell or hydric soils. The finished product shall have been submitted to a client or government agency (e.g., Health Department, Environmental Protection Agency, Department of Environmental Quality, Department of Conservation and Recreation, local planning commission);
3. Field/Laboratory studies. Conducting at least 10 detailed field or laboratory studies under the direct guidance of an experienced technical supervisor. The field or laboratory study shall have resulted in a soil evaluation report that was accepted by the client or government agency;
4. Research/Teaching. Conducting at least one research project as part of a thesis or publication or teaching at least one full time course in a soil science curriculum at an accredited institution of higher education the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist;
5. Consulting (public/private). Assembling or compiling soil information either with existing data or field studies, and evaluating data for a specific land use. The work may be either done independently or under supervision. At least three written reports shall have been submitted to the client or government agency; or
6. Education. Each year of full-time undergraduate study in a soils curriculum or related natural science may count as one-half year of experience up to a maximum of two years. Each year of full-time graduate study in a soils curriculum may count as one year of experience up to a maximum of two years. With a passing grade, 30 semester credit hours or 45 quarter credit hours is considered to be one year. Credits used to meet education requirements may not be used to meet experience requirements.

Historical Notes:

Derived from VR627-02-01 §2.4, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-91. Core course requirements.

- A. At least 15 semester hours selected from the identified courses below or the equivalent are required for course work or a degree core to be considered a soil science degree or a soil science related degree.

Intro to Crop and Soil Environmental Sciences	Aluminum Chemistry in the Soil System
Soil Evaluation	Soil Physics or Physical Properties
Soils	Soil Genesis/Classification
Soils Lab	Soil Fertility/Management
Man and Environment	Soil Fertility/Management Lab
Soil Survey/Taxonomy	Soil/Groundwater Pollution
Soil Microbiology	Soils for Waste Disposal
Soil Resource Management	Soil Microbiology Lab
Soil Chemistry	Forest Soils/Hydrology
Topics in Soil Genesis	Clay Mineralogy
Soil Seminar	Soil Interpretations
Special Studies(Soils Based)	Advanced Concepts in Soil Genesis
Field Studies (Soils Based)	Independent Studies (Soil Based)
Soils and Land Use	Soil Biochemistry
Soil Physical and Colloidal Chemistry	Soil Geomorphology
Soil - Plant Relations	Soil Conservation
Soil - Plant - Animal Interrelationships in Grasslands	

- B. An applicant may petition the board in writing to review the syllabus and other supporting documents of a course not listed in subsection A of this section for academic credit. The course shall contain content to enhance the knowledge of the applicant in the study of soils. The applicant must demonstrate course equivalency in order to receive academic credit.

Historical Notes:

Derived from Virginia Register Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-100. Examination.

- A. A board-approved examination shall be administered at least twice a year, at a time designated by the department.

- B. An applicant must meet all eligibility requirements as of the date the application is filed with the department.
- C. 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.
- D. 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.
- E. Candidates will be notified of passing or failing the examination.
- F. Upon payment of the reexamination fee, a candidate who fails the examination or any part thereof shall be allowed to retake the failed examination or any part thereof within one year of the date of initial failure notification. After the one-year period has elapsed, an applicant shall be required to submit a new application and fee in accordance with this chapter in order to take the examination.

Historical Notes:

Derived from VR627-02-01 §2.5, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-111. Waiver from examination through reciprocity.

An applicant qualified to take the examination may be granted a Virginia certificate without written examination, provided that the applicant holds an unexpired professional soil scientist 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 and is not the subject of any disciplinary proceeding before such regulatory body that could result in the suspension or revocation of his certificate, and such other regulatory body recognizes the certificates issued by this board.

Historical Notes:

Derived from Virginia Register Volume 18, Issue 7, eff. January 16, 2002; amended, Virginia Register Volume 25, Issue 26, eff. October 1, 2009.

PART III.

RENEWAL/REINSTATEMENT AND FEES

18VAC145-20-120. 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:

Derived from VR627-02-01 §3.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-130. Procedures for Renewal.

- A. The department shall mail 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. 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.
- 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.
- E. A revoked certificate cannot be renewed. An individual whose certificate has been revoked must file a new application and obtain approval of the board to recover certification. Examination shall not be waived.
- F.

Historical Notes:

Derived from VR627-02-01 §3.2, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-140. 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 professional soil scientist. The applicant may apply by examination or by reciprocity. The board may require reexamination. The fee for reinstatement shall include the regular renewal fee plus the reinstatement fee.

- B. If the reinstatement fee is not received by the department within 360 days following the expiration date noted on the certificate, the applicant shall apply as a new applicant, meet all current education, experience, and examination requirements as may be required by the board.

Historical Notes:

Derived from VR627-02-01 §3.3, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-151. Fees.

The fees for certification are listed below. Checks or money orders shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge as authorized by § [2.2-614.1](#) C of the Code of Virginia.

Fee Type	When due	Amount due
New application	With application	\$90
Examination fee	Upon approval for exam	\$150
Reexamination fee	Upon request to be rescheduled for exam	\$75 for each part
Renewal fee	With renewal card	\$70
Late renewal fee	30 days after date of expiration	\$25
Reinstatement fee	180 days after date of expiration	\$90

Historical Notes

Derived from Virginia Register Volume 18, Issue 7, eff. January 16, 2002; amended, Virginia Register Volume 21, Issue 3, eff. December 1, 2004; Volume 26, Issue 22, eff. September 1, 2010.

PART IV.

STANDARDS OF PRACTICE AND CONDUCT

18VAC145-20-160. Professional conduct.

A certified professional soil scientist:

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, stamp, or seal 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 soil scientists.

Historical Notes:

Derived from VR627-02-01 §4.1, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

18VAC145-20-170. Grounds for suspension, revocation, denial of application, renewal or other disciplinary action.

- A. The board has the power to fine any certificate holder or to revoke or suspend any certificate at any time after a hearing conducted pursuant to the Administrative Process Act, § 2.2-4000 et seq. of the Code of Virginia, when the person is found to have:
1. Committed fraud or deceit in obtaining or attempting to obtain certification.
 2. Performed any act in the practice of his profession likely to deceive, defraud or harm the public.
 3. Committed any act of gross negligence, incompetence, or misconduct in the practice of soil science.
 4. Been convicted of a felony under the terms specified in § 54.1-204 of the Code of Virginia.

The board may suspend or revoke a certificate or may fine a certificate holder when the certificate holder has been found to have violated or cooperated with others in violating any provisions of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia or any regulation of the board.

- B. The board may, in its discretion, refuse to grant, renew or reinstate a certificate of any person for any of the reasons specified in subsection A of this section, § 54.1-2200 et seq. of the Code of Virginia and this chapter.

Historical Notes:

Derived from VR627-02-01 §4.2, eff. June 1, 1989; amended, Virginia Register Volume 9, Issue 14, eff. May 5, 1993; Volume 18, Issue 7, eff. January 16, 2002.

NOTICE

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 and Wetland Professionals. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2004 session. Any changes made during the 2004 session became effective July 1, 2004, 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 THROUGH 54.1-2208

§ 54.1-2200. (Effective July 1, 2004) Definitions.

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

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

"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.

"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.

"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 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 §§ 62.1-44.3 and 28.2-1300.

§ 54.1-2201. (Effective July 1, 2004) 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, certified 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 to use the title of landscape architect, unless such individual is licensed or certified pursuant to Chapter 4 (§ 54.1-400 et seq.) of this title.

§ 54.1-2202. Board; membership; quorum.

Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists and Wetland Professionals shall be composed of seven members as follows: three certified professional soil scientists, three certified professional wetland delineators and one citizen member. 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. For the initial appointments of the wetland professionals the terms shall be as follows: one member shall serve a term of two years, one member shall serve a term of three years, and one member shall serve a term of four years. Initial appointments of wetland professional members to the Board shall not be certified professional wetland delineators but shall have a record of at least ten years of experience in wetland delineation. Subsequent terms of the members shall be for four years.

The Board shall annually elect a chairman from its membership. Four board members, consisting of two soil scientists and two professional wetland delineators, shall constitute a quorum.

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.

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.

§ 54.1-2203. (Effective July 1, 2004) 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.

§ 54.1-2204. 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.

§ 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. (Effective July 1, 2004) 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 (i) 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 or (ii) has a record of at least 10 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. This provision shall expire two years after initiation of the program.

§ 54.1-2206.1. (Effective July 1, 2004) 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. (Effective July 1, 2004) 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 two years of the program.

§ 54.1-2207. (Effective July 1, 2004) 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.

§ 54.1-2208. (Effective July 1, 2004) 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.



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NOTICE

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