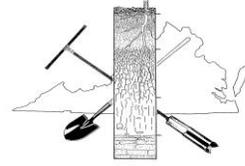


VIRGINIA ASSOCIATION OF PROFESSIONAL SOIL SCIENTISTS



VAPSS Quarterly Newsletter

Volume 35, number 3

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VAPSS founded in 1978

Congratulations to the CPSS, our Licensure has been approved and will transition those who are currently Certified Professional Soil Scientists via the DPOR Board. (See page 5)

Condolences to Nan Gray (Den mother of VAPSS) and her family for the loss of her mother in May.

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University of Virginia Institute for Environmental Negotiation will convene and facilitate the SHIFT stakeholder committee. The committee will develop a report of recommendations to advise VDH on how to maximize private sector participation in the onsite sewage program while providing adequate oversight to protect public health and the environment. To reflect this charge, the advisory committee process is being called "Safety and Health in Facilitating a Transition," or SHIFT.

Interests that will be represented include onsite sewage system professionals, agency staff, homeowners and citizens, builders and realtors, well drillers, local officials, environmental groups, manufacturers, and other experts in the field. SHIFT will meet approximately seven times by early December 2013 to develop a set of recommendations for VDH.

VAPSS's Jeff T. Walker has been nominated to participate in the advisory committee to the Virginia Department of Health (VDH). This will be a fast-track consensus building process that will start on Thursday, July 18 and end by early December 2013.

VAPSS Mission: *To recognize soils as a non-renewable natural resource and the practice of soil science as an interpretive science; to ensure a class of professionals exists that can properly utilize the large investment the Commonwealth of Virginia has made in the Soil Survey and to ensure the practice of soil science and evaluation meets established minimum standards of education, experience, ethical conduct and professional responsibility and to prevent abuses in the practice of soil science by untrained or unprincipled individuals.*

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Remember to call Miss Utilities (811 or 800-552-7001) before you dig and get a ticket number to protect you and everyone on the project. Safety first.

2013 ADVERTISING AND ARTICLE DEADLINES

FALL 2013 (September) due August 15

WINTER 2013 (December) due November 15

Professional Liability Insurance and Errors & Omissions Insurance are available for Professional Soil Scientists. One firm that I have used is Charles Lunsford Sons & Assoc. They can offer you a quote if you are interested in getting insurance. This is not an advertisement for them-this is so those of you who have asked me recently can just call them directly. Bob Swindell is a nice guy. His contact information is (540) 982-0200 or 800-777-5773 or bswindel@chaslunsford.com Good luck, stay safe.

Float Trip: July 20-21 come canoe + camp the Nottoway River in Greensville County {Purdy, Va - Cutbank to Double Bridges} over the fall line of the Piedmont with VAPSS. You will be required to bring own canoe or kayak, camp equipment, life jackets, paddles, food + beverages. Further details will be released via email soon. For questions or to RSVP email Lexi Jones at aamljones@gmail.com or call at 434.594.1390

Forum? Go to our VAPSS website, send Lexi Jones an email and she'll set up your access to the forum. VAPSS (spell it all out) also has a Facebook page, with photos, announcements and friendly banter. We want to learn about you, and these social media are great tools to interact amongst the field of professionals

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Soil Judges- will work for team, and VAPSS members:

During VAPSS's Spring meeting, we discussed offering soil judges to members for two-day internships.

Interns experience a sponsor's view of consulting soil science, meet professionals and earn possible job referral(s), and donations flow to Soil Judging accounts in the amount they which was earned. Feedback was good, and discussion ensued including offering board and housing for interns, and maybe a gratuity if the student is fortunate. Students volunteered and have transportation; and are prepared for the work, soil descriptions are part of soil judging, so this field practice contributes towards VT's next championship.

First candidates are listed below; you may make your own introductions. VAPSS would like to hear how this works out from all parties, and if enthusiasm follows will continue the program.

Dr. Galbraith says- "I do not know of a better opportunity to help the students, advance soil science, meet potential employees, or a better way to raise funds for soil judging. We must raise funds in order to attend contests and buy color books. It beats selling goats or hosting a golf tournament, but those activities are empty - they do not advance the student's resumes. This is an opportunity to help students by mentoring them. Feel free to contact them directly and arrange an opportunity.

Below are their requests for experience. Make donation checks out to "Foundation, Virginia Tech."

Julia Gillespie <juliag3@vt.edu>

I will be in the Blacksburg, VA area all summer and will be willing to volunteer anywhere within a reasonable distance. The first and last weeks of July are booked. I am working my job Mon-Fri but flexible scheduled, so as long as I had enough time in advance to plan I'm sure it would work out!

Emily Baer <emilyb9@vt.edu>

Most of my weekends are free this summer. I will be near Farmville all summer, an hour west of Richmond. Prince Edward & Cumberland Counties, I'll be interning at a farm.

Melanie Letalik <melaniel@vt.edu>

This sounds like a wonderful opportunity. I am definitely interested in work with a soil scientist. I would prefer to work in NOVA, and am willing to pay for food. If I'm needed during the week, I will try and accommodate. I am available the weekend of June 22nd or 29th. I am also available the first three weekends in July.

Miranda Livas <mplivas@vt.edu>

Sounds like a great opportunity for fundraising and experience. I would love to participate. I am available to work in Northern Virginia August 19 and 20th, I am also available to work August 22 and 23rd in the Blacksburg area.

The VPI Soil Judging Team always needs your support. They work hard and bring home the trophies. Their next excursion is in October for the National Collegiate Competition. Donations may be sent to John Galbraith, 239 Smyth Hall (0404), Blacksburg, VA 24061.

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Spring Technical Session - Fairfax County, Fairfax Soil and Water District, Reston Association, Virginia Tech's John Galbraith & Eric Severson, Mark Smith, Bill Sledjeski, with a little help from friends of VAPSS hosted a well attended training for PE working with storm water management. Sessions focused on interpretation of soil features attributed to seasonal water tables (SWT), of particular interest were examples distinguishing redoxymorphic from lithologic features. Among PE's comments about soil interpretation:

“This skill cannot be taught in a 2-day class, this is far more complicated”



John Galbraith and Dan Schwartz lead class to the field



Eric Severson & Bill Sledjeski demonstrate profile interpretation



Bill explains: Receiving areas are ideally downslope of improvements, however these areas are often affected by SWT and restrictions must be identified prior to developing designs which will contribute to hydraulic loading.

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Regulatory Up-date by Jeff T. Walker

Licensure for Professional Soil Scientists (LPSS):

Governor McDonnell has signed the Regulation, further developments will occur through the Board for Soil Wetland Scientists & Geologists meeting with the DPOR staff July 2nd, Regulations will be developed and published for public comment.

LPSS statute becomes effective July 1, 2013 regardless of whether the LPSS Regulations are finalized. The Public Comment Period is from July 1 to August 30. PSS Board is scheduled to meet again August 7th to consider Public Comments on the Regulation.

Formation of VAPSS OSE Technical Committee: Board is forming a Committee of members regarding issues including design and placement of materials into the soil for the purposes of dispersing sewage effluent; Jeff Walker is Chair of that Committee.

Volunteers should contact Jeff directly at walker@swva.net

TAC Report

In my opinion the practice of soil interpretation achieves a pinnacle in siting and designing systems for onsite sewage treatment and this is where much of my focus has been these past 6 months. As VAPSS's representative to the Technical Advisory Committee on Chambers and Extruded Polystyrene (CBEP TAC) I have advocated for the Licensed designers (OSE or PE) being the recognized design authority for improvements to real property. The practice of contractors or other parties substituting materials or footprints began under VDH policy before the action implementing the OSE license in 2009. Most of us have experienced sufficiently surprising results in this regard to appreciate the importance of identifying the design basis for taking substitutions under any circumstance, and certainly prior to scheduling a final inspection. This VDH policy should have expired with licensure in 2009, where only Licensed designers (OSE or PE) have responsibility for the design of improvements to real property.

One of the critical lessons I learned while participating in these meetings is the gap between DPOR and VDH Regulations. For instance, Mark Courtney who is DPOR Director of Regulatory Affairs indicated that unlicensed installers may not be disciplined since they are not licensed. On the other hand, VDH's Dwayne Roadcap stated that if the system installation is "substantially compliant" a contractor might not be cited for failing to hold a license. The gap I perceive is that someone is required to act as a Code Official under 54.1-410 *VA Code*, and by subsection 54.1-2302, where the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals is to ensure that all professionals working in sewage design, installation or operation hold a suitable license.

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SHADAC to Meet in July

VDH's Sewage Handling and Advisory Committee (SHADAC) will meet in July to discuss policy developments relating to the Onsite Sewage Division. This is a critical period in light of OSE requirements for a sewage design under the exemption to the PE license for engineering, §54.1-402. This is a similar exemption to that regulating Licensed Surveyors, who are also practicing engineering. Furthermore, in Virginia, only Professional Engineers or OSE may design sewage handling systems.

Reading the minutes from the OSE/PE working group we see a gap between the definitions of work product expectations and reviewing and processing requirements. The OSE/PE work expectations were originally defined under 12VAC5-615, which created the VDH "Authorized Onsite Soil Evaluator." VDH has prepared an Agency Background Document slating 12VAC5-615 for repeal. The Agency Statement alludes to significant work product expectations being the responsibility of DPOR. Most of these expectations have not been captured under the DPOR regulations. To date there is little precedent for expectations under DPOR except that delineated under the License Act and through disciplinary actions such as the Erin Bess complaint (both of which may be found under Town Hall or DPOR License Lookup). Some of the rudimentary expectations we work under are lost if the DPOR and VDH do not transition the standards for reviewing and approving construction or certification documents. Much of the existing AOSE Regulation is currently captured under GMP 126B (Standards for Applications with Supporting Documentation from the Private Sector), but GMP126B is limited and does not address design and processing expectations for the Licensure as a whole.

I offered the following agenda items for consideration during the July meeting:

1. Status of 12VAC 615, which is being orphaned without capturing the useful code which defines an OSE's work product, standards and ethics. This should be discussed with the goal of making a recommendation on the means for VDH staff to assist the DPOR OSE Board in enacting similar language into the OSE Licensure and relations between VDH, OSE and compliance with the Sewage Handling Regulations.
<http://www.townhall.virginia.gov/L/ViewStage.cfm?stageid=6592>
2. The Districts are required to capture certain data in the form of a QA/QC report which was intended to inform the Commissioner of the status of the Onsite program with regard to permits being issued, and compliance with the minimum design and permitting standards. While working with the VDH CBEP TAC we learned that VDH has not tracked the modification of permits by contractors for an area reduction, nor has data been captured relating to design and failure of systems by agency staff nor private sector OSE. I suggest that committee members be given a summary of QA/QC reports and devote a small portion of the meeting to finding the means to determine how to report discrepancies between sewage handling policy and reality, especially as relates to the indemnification or other liabilities incurred by the Commonwealth.

Excerpt from the Summary Statement:

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"The Committee's goal was to develop a map back to the basics for the permitting process. VDH, over time, has strayed from the basic practices that ensure quality work. In doing so, VDH has made mistakes that have created financial implications to home owners and tax payers, at the same time, reduced the level of trust. Examples of problems created by not documenting records, not taking proper measurements or taking short cuts are in abundance. The problems that are being created are not due to highly technical decisions. On the contrary, the problems are being created because staff did not take the time to do a complete site evaluation or properly document records. In some instances sewage systems are being installed and approved based on substandard work. Having a detailed process that utilizes best practices is paramount in achieving a quality program."

Quality Assurance Committee Summary (2007)

3. In light of Allen Knapp's e-mail declaring a transition away from VDH staff delivering design services to the citizens. The SHADAC has a role to play in advising VDH staff on the means of implementing the findings and recommendations of the Hamm Report in an orderly transition. None of the fundamental issues have changed since that report with the exception of the recommendation for OSE Licensure being fulfilled. The administrative and policy functions to be carried forward and proposing the means of evaluating and reporting the statistics of transition.

WWWOSSP Working Groups

Onsite Sewage System Professionals (OSSP) Workgroup was formed by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals. The Board has charged the OSSP Workgroup with identifying issues and concerns that have been raised by onsite sewage system professionals regarding specific requirements affecting their practice. The Workgroup is populated by representatives of the PE, OSE and VDH and had their first meeting April 25th and has reported back to their Boards.

I believe it is important for all Licensees to review the minutes and keep informed about the discussions which affect the obligations of the OSE license holders serving the public.

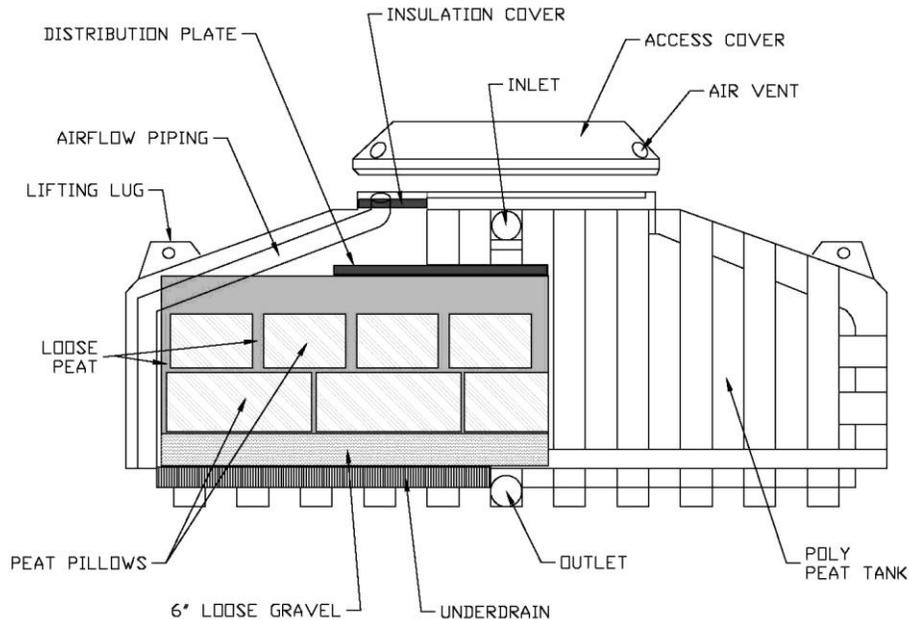
Some key points to follow amongst the discussion:

1. **Inconsistencies between private sector and VDH requirements,**
2. **Identifying the work of a professional, and**
3. **Responsibility to the client and other professionals.**

http://townhall.virginia.gov/GetFile.cfm?File=C:\TownHall\docroot\Meeting\17\19706\Minutes_DPOR_19706_v1.pdf

DPOR's OSE Board meets July 9th, 2013 Comments from the OSE or other interested parties may be submitted to the Board either in person during the public comment period, or through: Trisha L. Henshaw; Executive Director Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; *Department of Professional & Occupational Regulation, Perimeter Center, Suite 400, 9960 Mayland Drive, Richmond, VA 23233*
email: waterwasteoper@dpor.virginia.gov Direct phone: (804) 367-0389

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