

Illinois Chapter of the American Institute of Professional Geologists (AIPG)
Meeting Minutes
Illinois Chapter Executive Committee and Advisory Board

Date Thursday, March 23, 2000

Time: 5:30 pm

Place: Clayton Environmental Offices – Downers Grove, IL

Attendance:

Executive Committee Officers

Ron St. John, President

Martin Hamper, Vice President/President Elect

Gerald Kraemer, Secretary

Advisory Board

William Green

Mike McCarrin

Ronald Dye (Springfield)

Alan Curtiss (Springfield)

Brian Montgomery (Springfield)

Rob Stanley (Herrin)

Ron St. John, Gerald Kraemer William Green and Mike McCarrin were present in the Clayton Offices. Marty Hamper, Ronald Dye, Alan Curtiss, Brian Montgomery and Rob Stanley were present via teleconferencing. Note: A technical difficulty with the phone system resulted in Rob Stanley being contacted late to no fault of his.

Meeting Called to Order: 5:40 p.m.

Old Business

The meeting minutes from the February 3, 2000 were not voted on and the issue was tabled for a motion to be presented under New Business. Jerry Kraemer stated that he submitted the comments on the technical changes to the 35 Ill Adm. Code Part 732 (as shown in February 3, 2000 Meeting Minutes) to Doug Clay of the IEPA. Ron said that the IEPA will not incorporate the technical changes in their proposed changes; however, they will forward them to the Illinois Pollution Control Board.

New Business

The agenda of this meeting was outlined as follows:

- Position Paper written by Ron St. John to set a “Standard of Practice” for Illinois Licensed Professional Geologists (LPGs) sealing and signing geological documents as outlined in the Professional Geologist Licensing Act (Act), 225 ILCS 745, Section 60 c and d.
- Proposed by-laws as submitted to the AIPG National (Institute).
- Draft letter to the IEPA regarding the proposed amendments to Part 732.409 Groundwater Monitoring and Corrective Action Completion Reports (CACRs) regarding the change to allow LPGs to certify the High Priority Corrective Action Completion Report.
- Il Chapter Web Page.

- Voting of meeting minutes.

1.) Position Paper

Ron St. John (Chapter President) had formulated a position paper to establish a Standard of Practice for the advancement of the geological profession. The position paper was established so that LPGs take a united position on the certification of geologic documents submitted for the public use. The position paper suggests that if we as practicing LPGs submit certified geologic work products in a consistent manner through time that, the Standard of Practice will establish itself. The position paper was essentially written because there are no regulatory requirements for the signing and sealing of geologic documents. Generally the position paper states that taking a position to establish a Standard of Practice is important for a variety of reasons, including but not limited to: 1) protection of the public health; 2) establishing regulatory expectations for the submittal of geologic work product and; 3) establishing legal Standards of Practice for the profession. The paper also states that the Act (Section 60 b and c) has identified the types of work that should be sealed; however the Act does not specifically identify what types of work product and the manner in which geologic work product should be certified. The Position Paper states that certification is required for geologic work product submitted for public use relating to the development of types of work product as described in Section 60b of the Act (preliminary, draft and final geologic reports, documents, permits, maps, boring logs, cross-sections, etc.). In order to make certification less cumbersome, the position paper recommends a more general certification statement placed on the cover of the document containing geologic work with the seal and signature of the LPG responsible for the work. An example of this general statement reads:

I hereby attest that the geologic portions of this report developed specifically by (name of company or entity) were conducted by me or under my direction, supervision, and/or review, and to the best of my knowledge and belief have been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

The reasoning for establishing this type of position is to clarify what types of geologic documents should be certified and in what manner. In addition, by incorporating a generalized statement on the cover of the document containing geologic portions, individual portions (boring logs, cross-sections, etc.) of the document would not need to be sealed as specified in the Act. The position is to define what documents need to be signed and sealed, how to do it and for LPGs to sign and seal documents as specified in the position so that over time a standard of practice is developed.

Consequently, the issue of the IL Chapter taking a position to set a Standard of Practice was the focus of this part of the IL Chapter Executive Committee (Committee) meeting. The following is a discussion of the concerns raised and the decisions made at the meeting regarding these issues.

Position Paper Discussion

The following questions and comments were made by one or more of the Committee members:

1. Should our (IL Chapter) responsibility be to develop a Standard of Practice individually or should we prompt the Board of Licensing Professional Geologists (Board) to set the Standard of Practice and use the IL Chapter in an advisory role?
2. If we solely take on this role, what liability do we take on by developing a standard? If it is misused, does the IL Chapter collectively or individually take on the liability? If the group does take the liability, who will fund the defense of the group (AIPG National, etc.?). Should we have an attorney review our position paper (or any other) regarding the legal ramifications?
3. Is using the words such as certifying or attesting to a good idea? What is the liability of this?
4. Are we asking LPGs to go beyond what the ACT already requires LPGs to do?

Over much discussion, the following conclusions were made:

- There would be too much liability for the IL Chapter to set a Standard of Practice on its own. Consequently, the IL Chapter will need to work with the Board as advisors on this issue.
- LPGs need to comply with Act and any position that the IL Chapter takes shall be in accordance with the Act. However, there needs to be a more definitive clarification of what needs to be signed and sealed; therefore, the following motion was made

Motion #1: Move to redraft the position paper or some variation thereof and submit it to the Board for comment.

Motion seconded.

Motion approved by a vote of 8 to 0 (note: Rob Stanley not yet connected for teleconferencing).

The next issue discussed was how to proceed with clarifying the requirements on signing and sealing geologic documents with the Board as it is interpreted by the Act. It was discussed whether the IL Chapter should suggest how to proceed with the signing and sealing of documents or to form a letter in question form that gives several options of the Chapter's interpretations. It was concluded that a letter be submitted to the Board in question form asking if one of several options for the sealing and signing of geologic documents is acceptable to the Board. Generally, the options were as follows:

1. Should the LPG sign and seal only the cover page of a document containing geologic work product, or
2. Should the LPG sign and seal the cover page of a document containing geologic work product and include a generalized statement, or
3. Should a LPG sign and seal the cover page of a document containing geologic work product and individual geologic work products (i.e, boring logs, cross-sections, etc.), and include a generalized statement.

The following motion was made:

Motion #2: Move to submit a letter to the Board in a question format clarifying the sealing and signing requirements, presenting them with the options as outlined above.

Motion seconded.

Motion approved by a vote of 9 to 0 (note: Rob Stanley now connected and present).

A discussion was then made regarding the use of words such as certify and attest, due to the liability this may cause. It was commented that the Act does not require the use of such words; therefore LPGs should not be subjected to use them by the IL Chapter position. Ron St. John said that he would write the letter to the Board and that he would craft a generalized statement (to potentially be added to the cover page of geologic documents) using wording similar to that found in Section 60c of the Act. When he completes the letter, he will send it out to the Committee for review. The letter will ask the Board if any of the interpretations are acceptable and if they will endorse them.

Another issue discussed relating to the position paper was the definition of specific terms with which the IL Chapter asks for clarification. It was decided to add a question in the letter to the Board defining the terms “public”, “public offering”, and “contract responsibility”. The concern is, who is interpreted as the public? A concern that was brought up is that is required by the Act to sign and seal documents offered to the public. Are LPGs’ clients considered as the public? Generally, in practice, draft reports are not signed or sealed when submitted to the client for review; however the Act states that draft and preliminary documents need to be signed and sealed. In addition, what does offering to the public mean? Finally, the term “contract responsibility” needs to be more clearly defined. Many LPGs are not individually contracted for work (their employers are).

It was also decided that the letter submitted to the Board would also be submitted to the Director of the Department of Professional Regulation.

2.) Proposed by-laws as submitted to the AIPG National (Institute)

- Ron St. John stated that the Institute has not completed review of the IL Chapter proposed by-laws; therefore this issue was tabled until the next meeting

3.) Draft letter to the IEPA regarding the proposed amendments to Part 732 .409 Groundwater Monitoring and Corrective Action Completion Reports (CACRs)

Ron St. John had received a letter from Doug Clay of the IEPA regarding the IL Chapters comments on the proposed changes to Part 732, which include LPG sign-off issues. Mr. Clay basically stated that the IL Chapter change to 732.409, which would require certification of a LPG on High Priority Corrective Action Completion Reports (CACRs), was rejected and would be included as part of their changes to the Illinois Pollution Control Board (IPCB) because there may be portions of a CACR that are outside of what a LPG can certify. Ron drafted a letter basically stating that there are sites where the corrective action activities are not limited to professional engineering expertise, for example a site where the

approved corrective action is monitored natural attenuation. In his letter, Ron suggested using the following statement in Part 732.409:

The High Priority corrective action completion report shall include.....relied upon by the Licensed Professional Engineer or, to the extent authorized by the Professional Geologist Licensing Act (225ILCS 725), the Licensed Professional Geologist in reaching the conclusion that the requirements of the Act.....

As a result of Ron's letter, the following motion was made:

Motion #3: Move to submit Ron's letter to the IEPA.

Motion seconded.

Motion approved by a vote of 9 to 0.

4.) IL Chapter Web Site

Ron St. John had informed the Committee that there is now an IL Chapter web site. The web site is currently free through the good graces of Clayton Environmental. He said that he offered Al Schmidt (President elect, IL-IN Section) to establish one for the section. The IL Chapter Committee discussed what items to put on the web site and came up with following:

- A link to Jerry Kraemer's (IL Chapter Secretary) e-mail address so that the Chapter can be informed of any member changes (i.e., e-mail address).
- Calendar of events.
- List of IL Chapter Officers and Advisory Board members and their e-mail addresses.
- Current issues, such as results of the Part 732 changes and upcoming IPCB public hearings.
- Meeting minutes.
- Links to important sites (i.e., IEPA IDOT, IPCB).
- IL Chapter motto (shown on our letterhead).

It was also suggested that several search engine keywords be added to make it easier for people to find the site (in the event they don't have the e-mail address). This will be looked into. Other information will likely be added in the future. The IL Chapter web site is currently under construction and can be connected at:

<http://sites.netscape.net/ilchapteraipg/homepage>.

5.) Voting of IL Chapter Meeting Minutes

Jerry K. brought up the issue of voting on meeting minutes for previously conducted meetings. It has been the practice to read the minutes during Old Business of the next meeting and voting whether to approve or change the minutes. This takes up a lot of time

and back and forth (if not first approved) to get this accomplished. Therefore, the following motion was made:

Motion: Move to submit the Draft minutes to the Committee via e-mail for review and also vote for acceptance of the minutes via e-mail.

Motion seconded.

Motion approved by a vote of 9 to 0.

From the Desk of the Secretary:

After the proposed changes to Part 732 are submitted by the IEPA to the IPCB, public opinion hearings will be conducted by the IPCB. These hearings will allow for the public to comment on the issues. The IL Chapter will keep you informed (likely at the web site) as to the scheduling of these meetings. The Committee strongly urges all IL Chapter members to attend these meetings in order to show strong advocacy support. You can bet that there will be some people against LPGs signing off on documents and we need to be strongly represented at each meeting.

Adjournment

The meeting was adjourned at 8:11 p.m. CST.

These minutes are officially submitted this day, the 16th of April, 2000.

Respectfully submitted,

Gerald M. Kraemer, Secretary

Approved this day, the 28th of April, 2000
(Minutes approved via e-mail)