

STATE REGISTRATION BOARD FOR  
**Professional Engineers,  
Land Surveyors and Geologists**

NEWSLETTER

Winter 2005/2006



*Inside:*

Commonwealth of Pennsylvania

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# Message from the Board President

by Theodore Tesler, P.G.

A little more than a year ago, the Board had to overcome the adversity of conducting business with as few as eight members. I am very pleased to report that with the exception of a single public member vacancy, the Board is once again running at maximum strength with a full complement of professional members. I would specifically like to mention the appointment of Thomas D. Gillespie, P.G., and the reappointments of Robert C. Grubic, P.E., P.L.S., Albert M. Tantala, Sr., P.E., and David H. Widmer, P.L.S., who collectively offer valuable insights into furthering the Board's mission to define and support the ethical and qualified practice of engineering, land surveying, and geology.

In September the Board voted to submit for proposed rulemaking a complete set of general revisions to its regulations. These proposed changes have been more than two years in the making and incorporate needed revisions to update and clarify Board requirements. Before authorizing the submission of proposed rulemaking, the Board released an exposure draft of the proposed changes to the Pennsylvania Society of Professional Engineers, the Pennsylvania Society of Land Surveyors, and the Pennsylvania Council of Professional Geologists for comment.

Of special note, I would like to commend the PSPE for advancing proposed amendments to the Engineer, Land Surveyor and Geologist Registration Law that would address the need to provide additional protection for professional titles in light of how the Registration Law has been interpreted by the courts. While many enjoy the cachet of the term "engineer," only those licensed and registered as professional engineers are permitted to offer engineering services to the public. Although crafting the final language of this proposed legislation (Senate Bill 655) will be delicate, we hope that it ultimately can be structured to prevent the implied offering of engineering services from unlicensed individuals or firms. Along this same line, Board members Grubic and Hiram C. Ribblett, P.E., serve on a recently formed committee of the Board that thoroughly reviews the services offered by firms seeking to register corporate or fictitious names that include the word "engineer" or one of its variations.

The Board has designated members Ribblett, Tantala and George Roman, P.E., P.L.S., to attend the 2005 annual meeting of the National Council of Examiners for Engineering and Surveying as the Board's official delegates. The Board

greatly values the services provided by NCEES, and the involvement of our members at the national level enables the Board to keep an eye on the big picture of professional licensing.

Finally, I am grateful for the opportunity to serve as your president and wish to remind you, as a licensed professional, to help "mind the store" by reporting unlicensed or unethical practice; to conduct your work with integrity befitting the profession; and to actively support your professional society or council. Our professional organizations (e.g., PSPE, PSLs and PCPG) really are the backbone of our licensing programs.

## Right-to-Know Act and Home Addresses

The Bureau of Professional and Occupational Affairs is sensitive to its licensees' concerns about personal privacy. However, the Pennsylvania Right-to-Know Act, 65 P.S. § 66.1, mandates release of information contained in a "public record" stored by that agency if a member of the public requests it.

The Bureau will take all reasonable steps to safeguard personal information contained in your licensure records. We realize that many of you use your home address on the licensure records maintained by the Bureau. However, given the uncertainty over what the Right-to-Know Act requires, neither the Bureau nor the board that issues your license can guarantee the confidentiality of the address shown on your licensing record. Therefore, we recommend that if you have a personal security concern, you might want to consider what many of our licensees have already done: use a business address or box number as the official address on licensure records.

Also, with the arrival of the License 2000 computer system, you may indicate to the Board an address for release to the public that may be different from your home address.

To further protect your privacy and identity, the Bureau will only accept a request to change a licensee's address if it is submitted in writing and includes the licensee's social security number, license number and both the old and new addresses.

# Meet Our New Board Members

## **Albert M. Tantala, Sr., P.E.**

Al is president of Tantala Associates, a consulting firm in Philadelphia that he founded in 1966. Tantala Associates concentrates its services in the areas of civil and structural engineering, geotechnical services, site development and risk management.

The holder of bachelor's and master's degrees in civil engineering from the University of Pennsylvania and Villanova University, respectively, Al became licensed as a professional engineer in Pennsylvania in 1969 and currently maintains active licensure as a professional engineer in five other states. He has served as a lecturer on engineering-related subjects at the University of Pennsylvania and Temple University. In 1997 he was appointed to the Board to serve a six-year term as a professional engineer member. He served as the Board's vice president in 2000 and as its president in 2001 and 2002.

Al was on active duty in the U.S. Army from 1961 to 1963 and retired from the U.S. Army Reserve in 1989 with the rank of Lieutenant Colonel. He is a member of numerous professional organizations, including the American Society of Civil Engineers, for which he has served as president, vice president and secretary of the Philadelphia section. He has been a member of the board of directors of Holy Family University in Philadelphia since 1982 and a director of the Third Federal Savings Bank in Newtown since 1984. Al and his wife Olga reside in Newtown. They have three grown sons.

Al was reappointed to the Board on July 2, 2004, to serve a six-year term as a professional engineer member.

## **Robert C. Grubic, P.E., P.L.S.**

Bob is president of Herbert, Rowland & Grubic, Inc., an Engineering News-Record Top 500 consulting engineering firm headquartered in Harrisburg. Under his direction, HRG has significantly expanded its services and currently operates nine offices throughout Pennsylvania. He manages all activities for HRG including engineering, organizational and financial administration, and business development.

Bob became licensed as a professional engineer in Pennsylvania in 1977 and as a professional land surveyor in 1980. He maintains current licensure as a professional engineer in eight other states. In 2001 he was appointed to the Board to fill the remaining two years of the six-year term of the late Louis A. Guzzi, P.E. He holds a bachelor's degree in civil engineering from Villanova University and a master's degree in business administration from Pennsylvania State University.

An active member of the engineering and business community for over 30 years, Bob has held positions in several organizations, including the Harrisburg chapter of the Pennsylvania Society of Professional Engineers, the Harrisburg Regional Chamber of Commerce, and the Harrisburg Builders Exchange. He is also an active member of the American Society of Civil Engineers, the National Society of Professional Engineers, and the American Council of Engineering Companies. He was recently appointed to the board of directors of Central Pennsylvania College.

Bob was reappointed to the Board on July 2, 2004, to serve a full six-year term as a professional engineer member.

## **Thomas D. Gillespie, P.G.**

Tom is a principal in Environmental Liability Management, Inc., an environmental risk management and engineering consulting firm with offices in PA, NJ and NY, as well as a principal in Environmental Planning Consultants, Inc., an ELM subsidiary that provides industrial site redevelopment consulting services.

A licensed professional geologist since 1994, Tom has more than 20 years' experience in groundwater resource management, protection and restoration, industrial site redevelopment, environmental investigation and remediation, engineering geology / geologic hazards, environmental impact and planning, and natural resource management. He also has extensive experience as an expert witness and consultant on such matters as land use, geologic hazards and environmental cost recovery. He has published more than 20 technical papers on geologic matters; has taught as an adjunct professor of geology at Rutgers University, Trenton State College and Bucks County Community College; and has served as a principal instructor of refresher courses offered through the Pennsylvania Council of Professional Geologists. He holds a master's degree in geology from Rutgers University and performed graduate research in structural geology.

An accomplished musician, Tom is a member of two Celtic traditional music bands – Blackwater and Gilly's Hedge – and was a member of the Renaissance music ensemble for the 2005 Pennsylvania Shakespeare Festival. Tom and his wife Alison have three daughters and reside in Coopersburg.

Tom was appointed to the Board on April 4, 2005, to serve a six-year term as a professional geologist member.

## **David H. Widmer, P.L.S.**

Dave is president of Widmer Engineering, Inc., a consulting firm based in Beaver Falls that was founded in 1974 by his father, Joseph H. Widmer, P.E., P.L.S. The firm provides engineering and surveying services throughout western Pennsylvania and maintains branch offices in Butler, Kittanning, Connellsville, and Washington.

The holder of a bachelor's degree in human resource management from Geneva College, Dave began his surveying career in 1975 and became licensed as a professional land surveyor in 1985. In 1991 he was appointed to the Board to serve a six-year term as a professional land surveyor member. He served as the Board's vice president in 1993 and as its president in 1994 and 1995. In 1995 he coordinated the annual meeting of the National Council of Examiners for Engineering and Surveying, which met that year in Pittsburgh. In 1997 he was reappointed to the Board to serve another six-year term as a professional land surveyor member.

Dave has served in the capacity of Rochester Township Commissioner and as a member of the Rochester Area School Board. An avid outdoorsman and motorcyclist, he is a life member of the Rocky Mountain Elk Foundation as well as a member of the Midland Sportsmans Club, the National Wild Turkey Federation, and the local Harley Owners Group. Dave and his wife Linda have three daughters and reside in Rochester.

Dave was reappointed to the Board on April 4, 2005, to serve his third six-year term as a professional land surveyor member.

# Disciplinary Actions

*The following is a chronological listing of disciplinary actions taken by the Board from November 17, 2004, through October 6, 2005. Each entry includes the disciplined party's name, last known address and license number (if any); the disciplinary sanction imposed; a brief description of the basis for the disciplinary action; the effective date of the disciplinary action; and whether the disciplinary action was taken pursuant to an Order (O), Adjudication and Order (A&O), or Consent Agreement and Order (C&O).*

*Every effort has been made to ensure that this information is correct. However, this information should not be relied upon without verification from the Prothonotary of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the Board.*

**DAVID C. ROTHERMEL, P.E.**, license no. **PE-052783-E**, of Lebanon, Lebanon County, had his license and current registration suspended for 30 days, which was immediately stayed in favor of his completing a course in professional ethics, and was also reprimanded and assessed a \$1,200 civil penalty, for failing to timely and competently perform agreed-upon services for a client and attempting to injure the business prospects of another licensee. (11/17/04) (C&O)

**DANNY EUGENE DOSS, P.E.**, license no. **PE-035483-E**, of Rogers, AR, was reprimanded and assessed a \$100 civil penalty based on disciplinary action imposed against him in Nevada and Maine for practicing engineering in a discipline in which he was not registered and making a misrepresentation on his application for licensure, respectively. (11/17/04) (C&O)

**JOHN LARKIN WILSON, P.E.**, license no. **PE-035612-E**, of San Antonio, TX, had his license and current registration suspended until June 11, 2005, which was immediately stayed in favor of administrative probation, and was also reprimanded and assessed a

\$1,200 civil penalty, based on disciplinary action imposed against him in Texas for offering services through a firm that did not employ a professional engineer and preparing a flawed design for a building canopy. (11/22/04) (A&O)

**MATTHEW J. McMILLEN**, of Plumsteadville, Bucks County, was assessed a \$3,500 civil penalty for offering to perform geological services without being licensed and registered as a professional geologist. (1/19/05) (C&O)

**JOHN B. DIMOND, P.L.S.**, license no. **SU-035553-E**, of Colorado Springs, CO, had his license and current registration suspended for nonpayment of child support, as authorized by court order under the Domestic Relations Code. (1/20/05) (O)

**KENNETH L. SCHULZE, P.L.S.**, license no. **SU-016593-E**, of Everett, Bedford County, had his license and current registration suspended for six months, all but 28 days of which were stayed in favor of administrative probation, and was also assessed a \$1,000 civil penalty, for offering to perform engineering services without being licensed and registered as a professional engineer. (1/21/05, effective 2/22/05) (A&O)

**MARK D. DIETER, P.E.**, license no. **PE-040522-E**, of Dalton, Lackawanna County, was assessed a \$4,000 civil penalty and directed to complete a course in professional ethics for practicing as a professional engineer with an expired registration and failing to make payment on behalf of a client to another professional licensee. (1/28/05) (A&O)

**CARL E. THOMPSON, JR., P.E.**, license no. **PE-053922-E**, of Athens, TN, was reprimanded based on disciplinary action taken against him in Tennessee for affixing his seal to architectural drawings. (3/16/05) (C&O)

**CURTIS L. FRANTZ, P.E., P.L.S.**, license nos. **PE-024496-E** and **SU-000689-A**, of West Lawn, Berks County, had his professional land surveyor's license and current registration suspended for a minimum of two years, and was also reprimanded,

assessed a \$2,000 civil penalty and directed to complete a course in professional ethics, for retaining a fee from a client without performing the agreed-upon services. (5/23/05, effective 6/22/05) (A&O)

**R. WILLIAM KICHMAN, P.E.**, license no. **PE-050573-E**, of Cornwall, Lebanon County, was assessed a \$1,000 civil penalty and directed to complete a course in professional ethics for failing to timely perform agreed-upon services for a client and practicing in a field of engineering in which he is not proficient. (5/31/05) (A&O)

**JAMES ALLEN KOPPENHAVER, P.E.**, license no. **PE-035748-E**, of Wyomissing, Berks County, had his license and current registration suspended for a minimum of 60 days, was assessed a \$250 civil penalty and directed to complete a course in professional ethics for affixing his seal to building plans that he neither prepared nor properly reviewed. (10/5/05, effective 11/4/05) (A&O)

**GREGORY HARDNER**, of Erie, Erie County, was assessed a \$250 civil penalty for offering to perform engineering services without being licensed and registered as a professional engineer. (10/6/05) (A&O)

## UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or beyond the scope of the profession, or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

**In Pennsylvania: 1-800-822-2113**  
**Out of State: 1-717-783-4854**

A complaint form is available on the Department of State's internet site.

**www.dos.state.pa.us**

# The Balance of GIS and Land Surveying

by David G. Smith, P.E., P.L.S.

In the last 50 years, there have been tremendous technological advances that have affected the land surveying profession. Some of these advances have provided substantial benefits, and deeper insight and understanding, but in some instances they have also come fraught with some misunderstandings, such as in the applications of Geographic Information Systems (GIS). As a professional who has been actively involved in both land surveying and GIS since 1986, I have had the advantage of additional insight, but I also have seen that some of the changes pose certain dilemmas.

Land surveyors typically can see the utility and value of GIS as a tool that can provide a variety of map data; for instance, tax mapping and cadastral data can provide information about such matters as topography, soils and wetlands for subdivision submissions and other types of map preparation. However, many land surveyors, as mensuration professionals, also tend to regard the quality, source and accuracy of GIS data with some suspicion.

GIS is not a new technology. In fact, the *principle* of GIS goes back hundreds of years. In the Battle of Yorktown (1781), Louis-Alexandre Berthier, a cartographer and aide-de-camp to General Rochambeau, used hinged overlays to analyze maps and troop data to provide an advantage to the French and American troops against the British. In the 1800s, the Irish Railway Commission developed thematic maps to analyze population, traffic flow, geology and topography. In 1854, Dr. John Snow used geographic analysis to trace the source of cholera victims to a single contaminated well. Clear acetates and map overlays were in common use as an analytical and engineering tool throughout the 20<sup>th</sup> century. The modern *digital* implementation of GIS dates back to the late 1950s and early 1960s.

Historically, GIS has been the domain of geographers, working on a macro scale to examine issues at a global, national or regional level, or analyzing spatial relationships schematically or in a generalized fashion. As such, positional accuracy had not until recently been exploited and made a consideration for surveying, specifically geodetic or other high-accuracy applications of GIS. GIS practitioners sometimes get caught up in the analytical technology or in map representation and lose sight of these issues of appropriateness, particularly in accuracy and precision. Additionally, GIS practitioners may not have the surveying domain expertise and thus may be unaware of inherent limitations of the data or legal issues involved in the entities that are represented in the GIS database. For my part, I have always tried to bring the two disciplines together in an ongoing practice of mutual education, change and harmonization, as each discipline can clearly complement and leverage the other.

Some of the major misunderstandings and disagreements occur where land ownership is involved. A land surveyor regularly encounters issues in the field and in the courthouse involving such matters as gaps, overlapping deed descriptions, errors in deed descriptions, multiple monuments purporting to represent the same corner, representations of road and other rights-of-way, and encroachments and adverse possession. On the other hand, the typical parcel layer in a GIS usually contains clean parcel polygons — in many instances digitized from tax maps, or entered with a COGO routine or CAD drawings and rotated/adjusted to fit — while carefully dodging those warty gaps, overlaps and conflicts.

The biggest issue as a result is whether or not a cadastral GIS can represent a legal boundary. Here is an opportunity for understanding to be reconciled between the land surveying and GIS community, as well as for other professionals in real estate, title insurance, and law and for the landowner community at large. We must first remember that there are a number of controlling factors in determining land boundaries and ownership, both written and unwritten. These factors include physical evidence in the field — the presence of natural or artificial monuments — typically followed by references to adjoining, references to distances and directions, description of parcel acreage, and finally coordinates. While there may be some variation in interpretation from one court's jurisdiction to the next, there is typically a hierarchy where one type of call may have more weight and take precedence over another, such as the one described. The evidence and calls must also be reconciled against the chain of title, such as in situations where the parcels were conveyed out of an older parent tract or where other rightful claims and conveyances have impact. The role of GIS in matters of actual property ownership, then, is not one of becoming a final legal authority representing property boundaries; rather, it serves as a well-documented, multi-purpose repository of data on the position, reliability and significance of points, lines and polygons to support and facilitate decision-making by qualified professionals and the courts.

Another consideration regarding GIS and coordinates representing monuments and boundaries is Pennsylvania statutory law. Act 161 of 1992 provides, in part, as follows with respect to coordinates: “No coordinates based on the Pennsylvania Coordinate System, purporting to define the position of a point on a land boundary, shall be presented to be recorded in public land records or deed records unless the licensed land surveyor in charge attaches a certificate regarding the beginning coordinate source, and adheres to third-order geodetic surveying procedures or better, in effect at the time of the survey as outlined by the Federal Geodetic Control Committee.” (See, Title 68, Purdon's Statutes, §956)

## The Balance of GIS and Land Surveying, con't

From a technological standpoint, GIS is essentially a database fused with CAD and other analytical and graphical capabilities. With the advent of GPS surveys, which allow feature positions to be captured at submeter- and even millimeter-level, and to be geodetically tied to a spatial reference system, GIS can become a high-end repository for these features and, accordingly, a useful and collaborative tool for the land surveying and GIS community, as well as for a wide variety of other professionals. Additionally, a GIS database, if properly set up, can accommodate not only conventional SPC coordinates but also, for high-end geodetic applications, ITRF (International Terrestrial Reference Frame) and 4D coordinates as well; in the later circumstance, it allows for not just x, y and z, but also for a temporal component to account for tectonic movement or other issues of gradual movement, such as subsidence.

Typically, a GIS point feature would represent an actual feature in the field, such as a property corner, natural monument, benchmark or other control point. In a GIS, the feature record also would contain a variety of other attribute data, including the source of the coordinate data, reliability, stability, and confidence interval of horizontal and vertical accuracy. Some of these types of data are more typically referred to as *metadata* (i.e., data describing the data) and in many instances it may be appropriate to have two distinct levels of metadata, one describing the individual features and one describing the entire dataset. If feature-level metadata attributes are implemented in a standardized and automatable fashion, the metadata can be aggregated to provide a dynamic overview of data quality even as the dataset is being iteratively refined. Metadata describing the entire dataset are an industry standard in GIS, with established specifications from the Federal Geographic Data Committee (FGDC – <http://www.fgdc.gov>). Many organizations and agencies supplement the FGDC metadata with their own profiles and thesauri of standardized keywords.

For direct access to useful GIS data, the following sources are recommended:

- <http://www.ngs.noaa.gov/cgi-bin/datasheet.prl> : Provides GIS data and datasheets for NGS benchmarks.
- <http://www.penndotpams.org>: PENNDOT Photogrammetry Asset Management System - provides data on PENNDOT aerial photography missions and PENNDOT geodetic control points.
- <http://www.ngs.noaa.gov/CORS> : Provides GIS data and datasheets for Continuously Operating Reference Stations (CORS).
- <http://www.pasda.psu.edu/> : Pennsylvania Spatial Data

Access – operated by Penn State University and provides access to a vast repository of thematic GIS data for Pennsylvania.

Some current GIS resources for standards and interoperability that may be of particular interest to Pennsylvania land surveyors are the Pennsylvania Geospatial Data Sharing Standard (PGDSS), available at <http://www.pamagic.org/>. This document provides some basic standards and guidance on GIS for common surveying-related applications, such as cadastre, elevation, orthophotography and geodetic data, as well as for representation of buildings, hydrography, place names, roads and other transportation features, and political boundaries. These are intended not as a penultimate and comprehensive standard, but as a broad specification that will suit the majority of applications and facilitate collaboration and interchange among data generators, data stewards and data consumers.

In the long run, I anticipate that the disparate technologies and methodologies currently employed by GIS practitioners and land surveyors will continue to evolve and at many points fuse, with the result that the two disciplines will more directly interact and support each other. While a coordinated cadastral GIS of the sort currently utilized in countries like Australia, and shown as a possibility in this article, may still be a long way off, land surveyors will undoubtedly continue to contribute invaluable locational data on monuments and parcels, and through an iterative process, this data will become more and more tied to a consistent reference framework, and such a cadastral GIS may ultimately evolve as a natural process.

### License Statistics Effective September 2005

PROFESSION	ACTIVE
Professional Engineer	32,671
Professional Land Surveyor	3,152
Professional Geologist	2,613
<b>Board Totals</b>	<b>38,436</b>

Note: These counts do not include approximately 60,000 Engineers-in-Training and Surveyors-in-Training maintained by the Board.

# The Role of Professional Engineers and Professional Geologists in the DEP Land Recycling Program

by Thomas D. Gillespie, P.G.

In April 2004, the Pennsylvania Department of Environmental Protection (PADEP) published the Enhancements to the Land Recycling Program as a means of streamlining the regulatory process related to Brownfields redevelopment. Of interest to professional engineers and geologists among the provisions and initiatives of the Enhancements is the “Low-Risk Sites” program. Under that program, Pennsylvania-licensed professional engineers and professional geologists can self-certify the remediation of sites that qualify as “low risk,” thereby eliminating the lengthy and sometimes costly PADEP review process.

A site is, as defined in the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995): “The extent of contamination originating within the property boundaries and all areas in close proximity to the contamination necessary for the implementation of remediation activities to be conducted under this act.” Consequently, a *property* can consist of one or multiple *sites*. For any site, a property redeveloper can select which of several remediation standards, established within the framework of Act 2 of 1995, will be achieved for each of the potentially affected environmental media (i.e., soil, groundwater, sediment, surface water and indoor air). Achievement of the proposed remediation standards results in a release-of-liability from PADEP for the current and all future property owners with respect to the regulated substance(s) for which the remediation was conducted. A redeveloper can decide to change which remediation standard will be achieved and can remove either the entire site or specific environmental media from the program at any time, although the release of liability will not be provided from PADEP in the latter case. All work is conducted pursuant to PADEP technical guidelines promulgated in the regulations (Title 25 Pa. Code, Chapter 250) or in the Land Recycling Technical Guidance Manual.

The Low-Risk Sites program provides for the closure of a defined category of sites without PADEP technical review and for obtaining PADEP approval of the closure within 10 days of the filing of a Notice of Intent to Remediate. The following criteria are necessary to qualify for a low-risk site closure:

- The total impacted area must be less than 10,000 sq. ft.
- The site must be contained completely within the property boundaries.
- Applicable remediation standards must be attained.
- Groundwater cannot be impacted above the statewide health standard.
- The public notice requirements must be met.
- The property must be developed or planned for development or re-use.
- The reports must be sealed by a Pennsylvania-licensed professional engineer or professional geologist who has attended Land Recycling Program client workshops within the previous two years.

PADEP will conduct biennial audits to assess the performance of the licensed professionals who conduct the low-risk site remediations. PADEP is considering referring those licensed professionals who consistently do not meet PADEP expectations for site closure to the prosecution division of Bureau of Professional and Occupational Affairs (BPOA) for consideration of the filing of disciplinary charges before the Board.

The Engineer, Land Surveyor and Geologist Registration Law and the Board’s implementing regulations define the basis for which disciplinary action can be taken under four broad categories: gross negligence, incompetency, misconduct in professional practice, and violation of the Code of Ethics. Instances of gross negligence and incompetency might be discernable to PADEP reviewers conducting cursory biennial audits of randomly selected reports (i.e., the history of any particular licensed professional over the two-year period is not being currently proposed), but it could be difficult to make a case. There are many types of misconduct in professional practice covered in the regulations, but only one that might apply to self-certified low-risk site closure: “Making misleading, deceptive, untrue or fraudulent representations . . .” Within the Registration Law’s Code of Ethics, there is only one provision that might apply: “To attempt to practice in any field of engineering, land surveying or geology in which the registrant is not proficient.” In the context of the low-risk sites program, it would be difficult to support such a contention. Because there can be no impact to groundwater at a low-risk site (by the definition of a low-risk site), the roster of conditions for which PADEP already requires the use of a professional engineer’s or professional geologists’s seal on complex sites is reduced significantly (see [Policy on Meeting the Requirements of the 1996 Amendments to Engineer, Land Surveyor and Geologist Registration Law PA DEP \(June, 1998\)](#) [http://www.pcpog.org/pcpg\\_useseal-2.html](http://www.pcpog.org/pcpg_useseal-2.html)).

Although the deference to licensed professionals to self-certify low-risk site closures is a decision that should be supported by the community of professional engineers and professional geologists, it is nevertheless desirable that dialogue should be encouraged between the BPOA and PADEP. Such dialogue should seek (1) to eliminate an undue burden on professional engineers and professional geologists as a result of referrals for disciplinary action even though they were practicing within the scope of authority of their respective licenses and (2) to ensure that PADEP can rely on the community of professional engineers and professional geologists to conduct environmental remediation without oversight by identifying the conditions and procedures by which audited licensees who do not perform to a minimum standard established by PADEP can be evaluated and disciplined, if necessary, within the constructs of the Registration Law and the Board’s regulations.

P E N N S Y L V A N I A

State Registration Board for  
**Professional Engineers, Land  
Surveyors and Geologists**

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