

Geologist Licensing Board Meeting

Tab 1 Call to Order

September 13, 2016

8:00 AM

Capital Event Center

Tumwater, WA



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

GEOLOGIST LICENSING BOARD
AGENDA
REGULAR BOARD MEETING

DATE: September 13, 2016

TIME: 8:00 AM

LOCATION: ESD 113 / Capital Event Center
Mason Room
6005 Tyee Dr SW
Tumwater, WA 98512

AGENDA:

OPEN SESSION 8:00 AM

1. Call to Order

- 1.1 Introductions
- 1.2 Order of Agenda
- 1.3 Approval of Minutes: June 7, 2016
- 1.4 Review Communications
 - 1.4.1 Board response to EPA Coal Ash Disposal Rule

2. Public Comment Opportunity

3. New Business

- 3.1. Geologist Report Writing Guidelines
- 3.2. Outreach opportunities with the Oregon Board of Geologist Examiners
- 3.3. ASBOG Council of Examiners attendance

4. Old Business

- 4.1. Outreach document edits
- 4.2. Master Action Items List

5. Complaint Cases for Review*

6. Legal Issues for Deliberation***7. Disciplinary and Investigation Reports**

7.1. Closed Session Deliberation Report (only necessary if closed session is held)

7.2. Disciplinary Cases Report

8. Assistant Attorney General's report

8.1. Rule question: experience in lieu of education

9. Committee/Task Force Reports**10. Board Administrator's Report**

10.1. Program Operations

10.2. Department of Licensing

10.3. Other Items

11. Other Business

11.1. Action Items From This Meeting

11.2. Agenda Items For Next Meeting

11.3. Any Other Business

12. Adjourn Business Meeting

*The Board may enter into closed session to discuss disciplinary proceedings.



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

**GEOLOGIST LICENSING BOARD
MINUTES
REGULAR BOARD MEETING**

DATE: June 7, 2016
TIME: 8:00 AM
LOCATION: ESD 113 / Capital Event Center
Lewis Room
6005 Tyee Drive SW
Tumwater, WA 98512

BOARD MEMBERS PRESENT: Robert Mitchell, LHG; Chair
Dave Norman, LEG, LHG; Vice Chair
Brian Beaman, LEG, LHG Secretary
Greg Wessel, LEG; Member
Eileen Webb, LG, Member
Thomas Tebb, LHG, LEG; Member

STAFF PRESENT: Lorin Doyle, Administrator
Rick Storvick, Assistant Administrator
Lily Reinecke, Administrative Assistant
Jenni Lingle, Administrative Assistant
Michael Villnave, Assistant Administrator
Shanan Gillespie, Regulatory Program Manager
Julia Gambrel, Program Licensing Manager
Vonna Rakestraw, Program Representative

1. Call to Order 8:00 AM

1.1 Introductions

Board members and staff introduced themselves. New board members Ms. Webb and Mr. Tebb were appointed to replace Mr. Ernst and Mr. St. Godard, whose terms expired.

1.2 Order of Agenda

Mr. Norman made a MOTION to approve the agenda as presented. Mr. Wessel seconded the MOTION, and it passed.

1.3 Approval of Minutes: March 8, 2016

The March 8, 2016 minutes were amended as follows:

- Brian Beaman was listed as “Chair” and should be listed as “Member”.

Mr. Norman made a MOTION to accept the minutes as amended. Mr. Beaman seconded the MOTION and it passed.

Action Item: Staff will correct the final meeting minutes from March 8, 2016.

1.4 Review Communications

The National Association of State Boards of Geology (ASBOG) is soliciting nominations for the position of Secretary on the ASBOG Executive Committee. The board can nominate someone, or any licensee can nominate themselves. Nominations are due by June 30, 2016.

2. Public Comment Opportunity

No public comment.

3. New Business

3.1. Policy Discussion: General data collection/observation and interpretation

Board members discussed data collection/observation and interpretation, and when an activity becomes the practice of hydrogeology. The board agreed to treat individual incidents on a case-by-case basis.

3.1.1. Groundwater Gradient Interpretation

At the recommendations of the board case managers, staff met with respondents in two complaints where the unlicensed practice of hydrogeology was alleged, due to an interpretation of groundwater gradient. The board considered the general facts of these cases in its policy discussion under 3.1.

3.2. Language Used in Geologic Documents

Referring to the document the board developed for local governments, Mr. Beaman pointed out the need for consistency when using such words as “groundwater”, “surface water” and “storm water”, since there are no firm rules about whether they are one word or two words.

Mr. Tebb recommended citations to specific statute and rule within the document be replaced with language referring generally to “laws and rules.”

Mr. Tebb made a MOTION to distribute the Geologist Licensing Guidelines to board members for general edits. Mr. Norman seconded the MOTION, and it passed.

Action Item: Staff will make changes in the Geologist Licensing Guidelines document replacing specifics with general verbiage and then distribute it to the board for edits.

4. Old Business

4.1. Well Drillers and Pump Action

Board members discussed whether the information well drillers put on their well logs is the practice of hydrogeology. No action was taken.

4.2. Master Action Items List

The master action items list was reviewed and progress updated.

5. Complaint Cases for Review*

No business.

6. Legal Issues for Deliberation*

No business.

7. Disciplinary and Investigation Reports

7.1. Closed Session Deliberation Report (only necessary if closed session is held)

No business.

7.2. Disciplinary Cases Report

Packet item; no action.

8. Assistant Attorney General's report

Eric Sonju, AAG, reported on the issue of the liability of stamping work on a state project, which was brought up at a previous meeting. He said no liability exists if the geologist is employed or contracted by a state agency, because the agency is responsible as the employer. However, a licensee could still be subject to discipline by the board if unprofessional conduct occurs.

9. Committee/Task Force Report

Staff reported a vacancy on the Rules Committee, due to one member terming off the board. Ms. Webb volunteered to fill the vacancy. Staff reported the rule-writing is generally done and ready for review. The board discussed whether work experience should be considered in lieu of education in licensure/reciprocity requirements. Staff reported there is not a standard in place at the national level, so it is at the board's discretion.

Action Item: Mr. Mitchell will work with the Rules Committee on language for work experience in lieu of education pertaining to licensure requirements.

Action Item: Staff will email the draft rules to board members for review and comment. The Rules Committee (Ms. Webb, Mr. Beaman, Ms. Gillespie) will determine the next steps for the rule update.

10. Board Administrator’s Report

10.1. Program Operations

No business.

10.2. Department of Licensing

Staff reviewed the Financial Report and reported the fee suspension currently in place will expire at the end of the fiscal year and will not be renewed, because of the need to maintain a minimum working capital reserve, and the expectation of expenses tied to a technology upgrade to improve the online licensing renewal and application systems.

10.3. Other Items

Mr. Beaman recommended updating the Guidelines for Preparing Engineering Geology Reports in Washington document. He will have a list of suggested changes at the next meeting.

Action Item: Mr. Beaman will provide a list of suggested changes to the Guidelines for Preparing Engineering Geology Reports in Washington document at the next meeting, and Mr. Beaman and Mr. Tebb will work on next steps to update the document

11. Other Business

11.1. Action Items From This Meeting

Action items were reviewed and will be added to the master action items list.

11.2. Agenda Items For Next Meeting

Agenda items for the next meeting include:

- Geologist Report Writing Guidelines

11.3. Any Other Business

12. Adjourn Business Meeting 9:50 AM

Submitted by: _____
Lorin Doyle, Administrator

Date

Approved by: _____
Robert Mitchell, Board Chair

Date



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9012 • Olympia, Washington 98507-9012

June 8, 2016

Gina McCarthy, EPA Administrator
Environmental Protection Agency (EPA)
Office of the Administrator, mail code 1101A
1200 Pennsylvania Avenue NW
Washington DC 20460

RE: April 17, 2015 EPA-CCR Coal Ash Disposal Rule (40 CFR Parts 257 and 261).

Dear Ms. McCarthy:

The Washington State Geologist Licensing Board has concerns about the licensure requirements presented in the April 17, 2015 EPA-CCR Coal Ash Disposal Rule (40 CFR Parts 257 and 261).

To be licensed, geologists undergo an evaluation process comparable to engineers: they must meet state-specific standards of experience and education, and pass a national licensing examination. That national licensing examination is developed by the National Association of State Boards of Geology through a rigorous process to ensure a reliable, valid and defensible exam. Please see the attached position statement for a detailed explanation of this process.

Sincerely,

Robert Mitchell, Chair
Geologist Licensing Board

Enclosures

cc: see enclosure

Gina McCarthy, EPA Administrator
June 8, 2016
Page 2

Stan Meiburg, Acting Deputy Administrator
Environmental Protection Agency
Office of the Administrator, mail code 1102A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Laura Vaught, Associate Administrator
Environmental Protection Agency
Office of Policy, mail code 1804A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Curt Spalding, Regional Administrator
Environmental Protection Agency, Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Judith A. Enck, Regional Administrator
Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

Shawn M. Garvin, Regional Administrator
Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Heather McTeer Toney, Regional
Administrator
Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Robert A. Kaplan, Acting Regional
Administrator
Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Ron Curry, Regional Administrator
Environmental Protection Agency, Region 6
Fountain Place 12th Floor, Suite 1200
1445 Ross Avenue
Dallas, TX 75202-2733

Mark J. Hague, Acting Regional
Administrator
Environmental Protection Agency, Region 7
11201 Renner Blvd.
Lenexa, KS 66219

Shaun McGrath, Regional Administrator
Environmental Protection Agency, Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

Jared Blumenfeld, Regional Administrator
Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dennis McLerran, Regional Administrator
Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

PROFESSIONAL GEOLOGY LICENSURE EXAMINATION DEVELOPMENT PROCEDURES NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY

The Environmental Protection Agency (EPA) developed the Coal Ash Disposal Rule (Rule, 40 CFR Parts 257 and 261), published on April 17, 2015, to protect, in part, groundwater and air from impacts related to disposal of coal ash. The Rule states that only qualified professional engineers possess the expertise and authority to certify compliance with the technical requirements of the rule. The rule further states that, “EPA is not convinced that hydrologists or geologists licensed by a state are held to the same standards as a professional engineer licensed by a state licensing board. For example, it is unclear whether geologists are subject to the rigorous testing required by professional engineers or that state licensing boards can investigate complaints of negligence or incompetence....”

The National Association of State Boards of Geology (ASBOG®) is the organization that develops and maintains standardized written examinations for determining qualifications of applicants seeking licensure as professional geologists. It is ASBOG®’s belief that EPA has been misinformed regarding: 1) the rigor and high standards behind development of the examinations required of applicants for licensure; and 2) the mechanisms in place at each state with a regulatory licensing program for recourse for complaints against licensed geologists. The intent of this position statement is to demonstrate that professional geologists, by virtue of having a license, have been subjected to rigorous testing at least equal to that required by engineering applicants, and that states address complaints against geologists and engineers through equivalent administrative mechanisms. On the latter point, every state in which licensure is required provides some level of enforcement against the malpractice of geology, which may include civil penalties and license revocation.

ASBOG® exists to serve its member state licensing boards that, through authorizing legislation, impose education, experience and ethical requirement on applicants for geology licensure in their states. After a licensure applicant satisfies state core requirements, the state approves applicants considered qualified to take the ASBOG® national examinations. ASBOG® develops the Fundamentals of Geology (FG) and Practice of Geology (PG) examinations following rigorous guidelines established in the Standards for Educational and Psychological Testing (1999) published by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education. The test development procedures are designed to maximize the rigor across all aspects of the geology profession as it relates to public protection and quality of the examinations. The FG and PG examinations are constructed using a multiple-choice format (four options) and contain 140 and 110 items, respectively. Participating states proctor each examination over a four-hour period, with the examinations administered in the spring and fall each year. State regulatory programs vary somewhat but the FG examination is generally taken after undergraduate courses required by a state are completed. The PG examination is generally taken after a requisite number of years of experience (typically five) in the practice of geology under the direction of a Professional Geologist is completed and verified.

ASBOG® convenes two Council of Examiners (COE) examination development and validation workshops each year following administration of the national examinations. The COE Workshop is comprised of a committee of professional geologists from throughout the United States, including many representing state geology licensing

boards, that serve as Subject Matter Experts (SMEs) who supply the range of expertise that is essential in developing fair and impartial examinations for measuring competency within the profession. ASBOG® conducts a Task Analysis Survey (TAS) of the profession every 5 to 8 years to ensure the relevance of the examinations for candidates seeking licensure as professional geologists. The TAS is used to verify that those tasks performed by the profession are consistent with the public protection objectives of the authorizing legislation in the 31 participating states. The findings are used to develop test blueprints (test specifications, content and scope) for constructing balanced and regionally diverse examinations and writing new questions. Examination questions are based on the results of the TAS and are, therefore, representative of the important tasks and knowledge required for competent practice within the profession.

During the COE Workshops, examination questions are written and reviewed by the SMEs, and the statistical performance of applicants that have taken each administered examination is also evaluated. Each exam question is subjected to a minimum of four peer reviews designed to verify that the question: 1) has only one correct answer; 2) is related to the practice of the profession; 3) is related to public protection; 4) possesses language that is clear and direct; 5) is written at an appropriate level of difficulty; and 6) adequately describes a real-life problem or situation. Each examination is reviewed in its entirety prior to actual administration and then again following each administration. The COE reviews all new questions and also any questions that exhibit unusual statistical properties (e.g., confusing or unclear items and items with negative correlations between high scorers and the test item). Based on this review, substandard test questions can be eliminated before generating the candidates' final score and an adjusted scaled score is determined for each examination. The statistical approach to the construction of examinations and the evaluation of examination results by seasoned practicing geologists is state-of-the-art in regulatory licensing.

The passing scores on the ASBOG® FG and PG examinations reflect a level of professional competency determined using a criterion-referenced procedure that measures a candidate's performance based on a standard established by the COE. ASBOG® does not use "fixed-percentage" passing scores because they fail to consider the difficulty levels of the questions in a particular examination and their relationship to professional competency. Similarly, ASBOG® does not grade on the "curve" because registration/licensure is designed to ensure that practitioners possess sufficient knowledge and experience to perform professional activities in a way that protects the public health and safety.

The practice of following these rigorous testing standards, established by ASBOG in the 1990s, enhances public protection by ensuring to regulating states that their exam applicants undergo a rigorous and accountable battery of examinations and result in competent practitioners. Based on this process, Professional Geologists licensed in a state should be treated as equivalent to Professional Engineers in that state for EPA's purpose in establishing a compliance program for the Coal Ash Disposal Rule. A detailed description of the examination development, rigorous testing procedure, and TAS used to develop the scope and content of each examination is available upon request.

Board Meeting

Tab 2

Public Comment

The board has the option to allow comment from the public on agenda items or other topics, unless the comment is related to an open investigation.

The board may limit the comment period, and will provide instructions if it chooses to do so.

Board Meeting

Tab 3

New Business

Topics for action or discussion by the board that were identified at or since the last board meeting.

Board Meeting

Tab 4

Old Business

Topics from past meetings, presented for update, action or further discussion by the board.

Washington State Department of Licensing Geologist Licensing Board Guidelines for Local Washington Governments (Cities and Counties)

Formatted: No Spacing, Centered

Geologist Licensing Guidelines for Local Governments (Cities and Counties)

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

[Note for throughout the document: Governmental bodies in the USA (Washington not exempted) have tried for years to eliminate gender-based language in rule and statute by simply rewording text to avoid gender-based language altogether. We should drag ourselves into the 21st century and do the same. Please.]

Formatted: Highlight

Formatted: Superscript, Highlight

Formatted: Highlight

Introduction to Washington State Law Regulating the Practice of Geology

Formatted: Font: Bold, Underline

[Note: We cannot have only one heading in the middle of the document. Let's add a heading here or remove the second one. I suggest this heading and another, as offered below.]

Formatted: Indent: Left: 0", Hanging: 0.25", Space Before: 14 pt, After: 8 pt, Keep with next

Geologists must be licensed to
practice in Washington State.

Formatted: Font: Not Bold, No underline

Formatted: Font: Not Bold, No underline

Formatted: Font: Bold, Underline

The purpose of this White Paper is to improve the understanding of geologist licensing and practice requirements for geologic work conducted by county and city employees in Washington, as applicable to regulation by the Washington State Department of Licensing Geologist Licensing Board (Board). [Note: We needed a purpose statement and also a way of introducing the "Board". Thus, the callout.]

Formatted: Highlight

Formatted: Highlight

County and city and county governmental agencies in Washington typically commonly engage in activities that involve support by geologists, including both engineering geologists and hydrogeologists. As with other geologists who are privately employed or working within state agencies, the public practice of geology conducted by county- and city-employed geologists county and city geologists are also is regulated under the Revised Code of Washington and the Washington Administrative Code State (see References law and rule).

Comment [ELW1]: "hydrogeologist" and "engineering geologist" are not the same thing or equivalent, so we need a comma to separate them:
1) geologist,
2) hydrogeologist,
3) engineering geologist.
These are three items, not:
1) geologist,
2) hydrogeologist/engineering geologist.

Licensure under the Board includes geologists and those who practice as hydrogeologists and engineering geologists in Washington State.

Washington State law (see References) requires that geologists, hydrogeologists, and engineering geologists who perform the "practice of geology for others" in Washington state, must be appropriately licensed (unless otherwise legally exempted) regardless of how they are employed or by whom for whom they work, if a geologist, hydrogeologist or engineering geologist does geologic work in the State of Washington as defined in law and is not otherwise exempted, he/she is required to

Comment [ELW2]: Please, please...let's not do this archaic, awkward think. Just rewrite the sentence such that the weird gender-based pronoun issue goes away. ☺

be licensed. Based on Washington State's Geologist Licensing Board definition as the practice of geology for others, this requirement includes:

Formatted: Strikethrough

Formatted: Strikethrough

- Practicing any discipline branch of geology (including the specialties of hydrogeology and engineering geology);
- Claiming to be a geologist;
- Professing having a title suggesting he or she is a geologist or a that he or she is licensed geologist; or

Formatted: Strikethrough

Comment [ELW3]: Redundant.

Formatted: Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Centered

Washington State Department of Licensing Geologist Licensing Board Guidelines for Local Washington Governments (Cities and Counties)

- ~~or Alleging the ability holding himself or herself out as able to perform or does perform~~ any geological services or work ~~for others recognized by Washington State's Geologist Licensing Board as the practice of geology for others.~~

The "pPractice of geology for others" includes, but is not limited to, geologic services or work for:

-“any commission, board, department, district, or division of the state or any political subdivision thereof or of any **county, city,** or other public body, or by the employees or staff members of the commission, board, department, district, or division of the state or any political subdivision thereof or of any county, city, or other public body when the reports, documents, or exhibits are disseminated or made available to the public in such a manner that the public may reasonably be expected to rely thereon or be affected thereby...””

When Geologist Licensing is Required of Local Government Employees

Activities being conducted by county and city government employees. Activities by Local Government Employees That May Include the practice of gGeology, Hhydrogeology, or Eengineering Ggeology. Such practice Work Rrequirements a Llicense:

Such activities- by such employees that perform the following may activities, include (among others):

1. Critically reviewing and approving geotechnical and geologyical practice reports that accompany land-use and building permit applications.;
2. Applying regulations regarding geologically hazardous areas (landslides, steep slopes, erosion, coal mine, and seismic hazard areas) in cases where code-prescribed standards are altered following after a site assessment, such as when hazardous area buffers are reduced.;
3. Mapping the presence and distribution of geologically hazardous areas.;
4. Collection, description, and interpretation of subsurface data such as soil types, rock types, and associated engineering properties.;
5. Collection, description, and interpretation of the saturated and unsaturated environments relative to the presence and movement of groundwater.;
6. Compiling reports that address geologyical or geotechnical issues, and that may include field observations and testing, literature review, and laboratory testing of soil characteristics conducted by or under the supervision of the geologist, in accordance with professional standards.;

Unless otherwise exempt from licensure, county and city employees who practice geology must be licensed by the Board.

Formatted: No Spacing, Centered

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

Comment [ELW4]: Recommend bulleting this laundry list. Also, if we want anyone to read it, bullets are better than a paragraph for 3 or more listed items. Grabs the eye better too.

Formatted: Indent: Left: 0.5", Right: 0.5"

Formatted: Indent: Left: 0", Hanging: 0.25", Space Before: 14 pt, After: 8 pt, Keep with next

Formatted: Font: Bold, Underline

Formatted: Font: Not Bold, No underline

Comment [ELW5]:

Comment [ELW6]: Not sure what this means, "professional standards". Our licensed geologist professional standards in rule? Professional standards in accordance with what or whom?

Formatted: Centered

**Washington State Department of Licensing
Geologist Licensing Board Guidelines for Local Washington Governments
(Cities and Counties)**

- 7. ~~Conduct~~ Soils studies and ~~prepare~~ associated geotechnical engineering support for capital improvements (such as roadways ~~[I think we mean rights-of-way here, not just the pavement, i.e., roadways.]~~);
- 8. Investigate ~~ing~~ sites contaminated by hazardous materials ~~or wastes~~, including ~~assessing the impact to the environment from contamination~~ ~~providing information concerning the level in soil and groundwater~~ ~~[Note: I don't think that just "providing information" constitutes geology only, as laboratories also provide such information. We need to consider the assessment or evaluation of contamination in the environment.]~~ ~~of contamination, interpreting direction of contamination~~ migration in soil and groundwater, ~~delineating~~ the approximate ~~nature and extent of the contamination~~ ~~plume~~, and ~~proposed~~ ~~recommending~~ mitigation ~~or corrective actions~~, if appropriate;
- 9. ~~Prepare stream~~ Studies ~~regarding of and channel migration~~ mitigation ~~for river~~ ~~[Note: Generally, "stream" is used to cover flowing waterways (i.e., creeks, rivers, brook, runnel, streamlet, rill, etc.) without implying size, which "rivers" does.]~~ ~~channel migration~~, and geomorphologic ~~[geomorphic? Shorter word. Less FOGG.]~~ studies associated with flood mitigation and stream/river ~~[Note: Is the use of "stream" or "river" specific to a certain practice? Or does "stream" cover what we need to say?]~~ channel restoration or relocation;
- 10. ~~Abatement of~~ existing drainage ~~and~~ ~~storm water problems~~, if geotechnical input is required;
- 11. ~~Conduct~~ Studies of groundwater occurrence, characteristics, yields, and use for ~~beneficial use~~ ~~water supplies~~ through surface or subsurface investigations, or determination and regulation of impacts to groundwater reservoirs from development;
- 12. ~~Assessment of the full~~ ~~[Note: I would be VERY careful about using "full". Lawyers have heydays with these kinds of words, including "all", "every", "always", "never". They advising never using them.]~~ nature and significance of local geologic hazards (seismic hazards, landslide hazards, coal mine hazards, etc.) to proposed developments, including ~~assessment of~~ proposed mitigation to eliminate or minimize such hazards;
- 13. ~~Assessment of the~~ risk to existing structures from developing or existing geologic hazards;
- 14. ~~Assessment of some~~ ~~[Note: Just delete "some". Just say that we assess damages...., no qualifier needed.]~~ damages and hazards resulting from catastrophic geologic events (earthquakes, landslides, etc.);
- 15. ~~Construct~~ ~~ion~~ monitor ~~ing~~ or review ~~of~~ plan revisions, as required, ~~[Note: MUST say what kind of plans. Wedding plans? Travel plans". Hahaha, just need a bit more information here.]~~;
- 16. ~~Authoring~~, co-authoring, or revising land ~~use~~, zoning, and building codes that regulate geologic hazards (at a minimum, participation in a team effort is recommended.) ~~[Note: The text in parentheses is not needed, as it does not follow the flavor of the list. It is advice recommended for other communications or conversations.]~~;

Formatted: No Spacing, Centered

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Font color: Red, Strikethrough

Formatted: Highlight

Formatted: Strikethrough

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Indent: Left: 0", Hanging: 0.25", Space Before: 14 pt, After: 8 pt

Formatted: Centered

**When Geologist Licensing is not Required of
Local Government Employees**

Washington State Department of Licensing Geologist Licensing Board Guidelines for Local Washington Governments (Cities and Counties)

Formatted: No Spacing, Centered

In general, geologist licensing (and associated specialty licenses) would not be necessary for performance of the following types of work:

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

1. Receive [WHAT??? We are allowing them to collect documents? Do we really need to say this, tell them it is okay to "receive" a document? Please, let's not do this. pt of geologic or hydrogeologic studies or engineering designs completed by others for permit applications or under contract, provided a critical review [Note: Define "critical review" specifically.] is not undertaken. [Note: I would find this insulting as a municipal employee, as stated. How about replacing this sentence with "Use as presented the information provided in geologic or hydrogeologic studies or engineering designs completed by others for permit applications or under contract".] Completion of a critical review suggests that the reviewer is qualified to approve or deny the conclusions presented in the study, which were presumably submitted by another licensed geologist or engineer. A critical review can only be justified if the reviewer is also qualified and licensed. [Note: I am a bit uncomfortable with this item number 1. You have my input. I leave it to the experts.]
2. Application of code-prescribed setbacks (such as confirming that new structures meet code requirements and that no alteration of requirements is needed.);
3. Identify and delineate of topography-related critical areas (such as to confirming the presence and gradient (specific characteristics) of a slope that a >40% grade slope is present and collect slope height measurementsmeasuring its height.);
4. Conduct Non-geologic activitieswork in critical areas defined by characteristics that are not considered geologic in nature (such as wetlands).
5. Perform Wetland delineations and other work that areis not by definition geologic in nature or that areis the responsibility of other licensed or unlicensed occupations (see Board policies). [Note: If we refer the reader to "Board policies", we should either provide those policies here or provide a URLs or citations.]

The law is clear on what related activities, such as using geologic information, may be acceptable when performed by unlicensed county and city employees.

Formatted: Highlight

Formatted: Underline, Highlight

Formatted: Highlight

Formatted: Font: Not Italic, Highlight

Formatted: Font: Not Italic, Highlight

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic, Highlight

Formatted: Highlight

Formatted: Font: Not Italic, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Not Italic

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Please note that if a person performs does work that is considered geologic~~iey~~, hydrogeologic~~ie~~, or engineering geologic~~iey~~ in nature, as defined in law, that such personse must be licensed by the state of Washington as a geologist and carry the appropriate specialty license, if applicable. Geologists operating in theis state without benefit of such a license, unless said geologists they are specifically exempted from licensure requirements, are in violation of state law and may be subject to disciplinary action by the Board. Similarly, people who are not geologists but who nevertheless perform geologic work, as defined in state law, are also in violation of law and subject to disciplinary action.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

For further information, contact the Geologist Licensing Board ~~program~~ staff at the Department of Licensing: geologist@dol.wa.gov or (360) 664-1497.

References:
RCW 18.220 Geologist Licensing Law

Formatted: Centered

Washington State Department of Licensing
Geologist Licensing Board Guidelines for Local Washington Governments
(Cities and Counties)

WAC 308-15 Geologist Licensing Rule

Formatted: No Spacing, Centered

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

Formatted: Centered

Geologist Licensing Guidelines for Local Governments (Cities and Counties)

City and county government agencies in Washington typically engage in activities that involve geologists, including both engineering geologists and hydrogeologists. As with other geologists who are privately employed or working in state agencies, county and city geologists are regulated under Washington State law and rule.

Regardless of how they are employed or for whom they work, if a geologist, hydrogeologist or engineering geologist does geologic work in the State of Washington as defined in law and is not otherwise exempted, he/she is required to be licensed. This includes practicing any branch of geology (including the specialties of hydrogeology and engineering geology), claiming to be a geologist, having a title suggestive that he or she is a geologist or that he or she is licensed, or holding himself or herself out as able to perform or does perform any geological services or work recognized by Washington State's Geologist Licensing Board as the practice of geology for others. "Practice of geology for others" includes, but is not limited to, geologic services or work for "any commission, board, department, district, or division of the state or any political subdivision thereof or of any county, city, or other public body, or by the employees or staff members of the commission, board, department, district, or division of the state or any political subdivision thereof or of any county, city, or other public body when the reports, documents, or exhibits are disseminated or made available to the public in such a manner that the public may reasonably be expected to rely thereon or be affected thereby..."

Comment [TW1]: The "permitted activities" mostly depend on whom you work for. This sentence is much stronger than the actual language of the statute. If you work for a licensed geologist who is in responsible charge, for the feds, for an oil company, for a mining company, for a university, or as a school teacher, you don't need a license. This document walks back the statement only by saying this doesn't count if they are exempted without saying what that means.

Comment [TW2]: The statute doesn't call them exemptions, it calls them "permitted activities".

Comment [TW3]: This is poorly defined. What about geophysicists, paleontologists, or seismologists, who have asked me about this.

Activities by Local Government Employees That May Include Geologic, Hydrogeologic, or Engineering Geologic Work Requiring a License:

Such activities may include (among others):

1. Critically reviewing and approving geotechnical/geological reports that accompany land use and building permit applications;
2. Applying regulations regarding geologically hazardous areas (landslides, steep slopes, erosion, coal mine and seismic hazard areas) in cases where code-prescribed standards are altered following a site assessment, such as when hazardous area buffers are reduced;
3. Mapping the presence and distribution of geologically hazardous areas;
4. Collection, description, and interpretation of subsurface data such as soil types, rock types, and associated engineering properties;
5. Collection, description and interpretation of the saturated and unsaturated environments relative to the presence and movement of groundwater;
6. Compiling reports that address geological or geotechnical issues and that may include field observations and testing, literature review, and laboratory testing of soil characteristics conducted by or under the supervision of the geologist in accordance with professional standards;
7. Soils studies and associated geotechnical engineering support for capital improvements (such as roads);
8. Investigating sites contaminated by hazardous materials, including providing information concerning the level of contamination, direction of contamination migration in soil and groundwater, the approximate extent of the plume and proposed mitigation if appropriate;
9. Studies of and mitigation for river channel migration, and geomorphologic studies associated with flood mitigation and stream/river channel restoration or relocation;

10. Abatement of existing drainage/storm water problems if geotechnical input is required;
11. Studies of groundwater occurrence, characteristics, yields, and use for water supplies through surface or subsurface investigations, or determination and regulation of impacts to groundwater reservoirs from development;
12. Assessment of the full nature and significance of local geologic hazards (seismic hazards, landslide hazards, coal mine hazards, etc.) to proposed developments, including assessment of proposed mitigation to eliminate or minimize such hazards;
13. Assessment of risk to existing structures from developing or existing geologic hazards;
14. Assessment of some damages and hazards resulting from catastrophic geologic events (earthquakes, landslides, etc.);
15. Construction monitoring or review of plan revisions, as required.
16. Authoring, co-authoring, or revising land use, zoning, and building codes that regulate geologic hazards (at a minimum, participation in a team effort is recommended).

In general, geologist licensing (and associated specialty licenses) would not be necessary for the following types of work:

1. Receipt of geologic or hydrogeologic studies or engineering designs completed by others for permit applications or under contract, *provided a critical review is not undertaken*. Completion of a critical review suggests that the reviewer is qualified to approve or deny the conclusions presented in the study, which were presumably submitted by another licensed geologist or engineer. A critical review can only be justified if the reviewer is also qualified and licensed;
2. Application of code-prescribed setbacks (such as confirming that new structures meet code requirements and that no alteration of requirements is needed);
3. Identification and delineation of topography-related critical areas (such as confirming that a >40%-grade slope is present and measuring its height);
4. Non-geologic work in critical areas that are not considered geologic in nature (such as wetlands).
5. Wetland delineations and other work that is not by definition geologic in nature or that is the responsibility of other licensed or unlicensed occupations (see Board policies).

Please note that if a person does work that is considered geologic, hydrogeologic, or engineering geologic in nature, as defined in law, they must be licensed by the state of Washington as a geologist and carry the appropriate specialty license if applicable. Geologists operating in the state without a license, unless they are specifically exempted, are in violation of state law and may be subject to disciplinary action. Similarly, people who are not geologists but who nevertheless perform geologic work as defined in state law are also in violation of law and subject to disciplinary action.

For further information, contact the Geology program staff at the Department of Licensing: geologist@dol.wa.gov or (360) 664-1497.

References:

RCW 18.220 Geologist Licensing Law
WAC 308-15 Geologist Licensing Rule

Geologist Licensing Board

Board or Staff Assignments

Date Assigned

<i>Agenda Item</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>	<i>Due Date</i>
6/7/2016 ..	Provide a list of suggested changes to the Guideines for Engineering Geology Reports in Washington document at the next meeting.	Beaman	In process	<i>Due Date</i> <input type="checkbox"/> <i>Completed</i> <input type="checkbox"/> <i>Out dated</i>
6/7/2016 ..	Work with the Rules Committee on language regarding work experience in lieu of education pertaining to licensure requirements.	Mitchell	In process	<i>Due Date</i> <input type="checkbox"/> <i>Completed</i> <input type="checkbox"/> <i>Out dated</i>
6/7/2016 ..	Email the draft rules to board members for review and comment.	Doyle	done 6/7/2016	<i>Due Date</i> <input checked="" type="checkbox"/> <i>Completed</i> <input type="checkbox"/> <i>Out dated</i>
6/7/2016 ..	Staff will make changes in the Geologist Licensing Guidelines document replacing specifics with general verbiage and then distribute it to the board for edits.	Doyle	done 6/7/2016	<i>Due Date</i> <input checked="" type="checkbox"/> <i>Completed</i> <input type="checkbox"/> <i>Out dated</i>
6/7/2016 ..	Staff will make the recommended correction to final meeting minutes from March 8, 2016.	Reinecke		<i>Due Date</i> <input checked="" type="checkbox"/> <i>Completed</i> <input type="checkbox"/> <i>Out dated</i>
3/8/2016 ..	Mr. Mitchell and Ms. Doyle will draft a letter to the EPA regarding the Coal Ash Disposal Rule and the geologist licensing process in the state of Washington. Mr. Ernst will research who to send the letter to at the EPA.	Mitchell, Ernst, Doyle	done, mailed 6/8/2016	<i>Due Date</i> <input checked="" type="checkbox"/> <i>Completed</i> <input type="checkbox"/> <i>Out dated</i>

Board Meeting

Tab 5

Complaint Cases for Review

Complaint closure recommendations
presented by the assigned case manager.

Board action is required on each case.

Board Meeting

Tab 6

Legal Issues for Deliberation

Negotiated settlement orders or default orders presented by the board's prosecution team.

Board action is required on each order.

Board Meeting

Tab 7

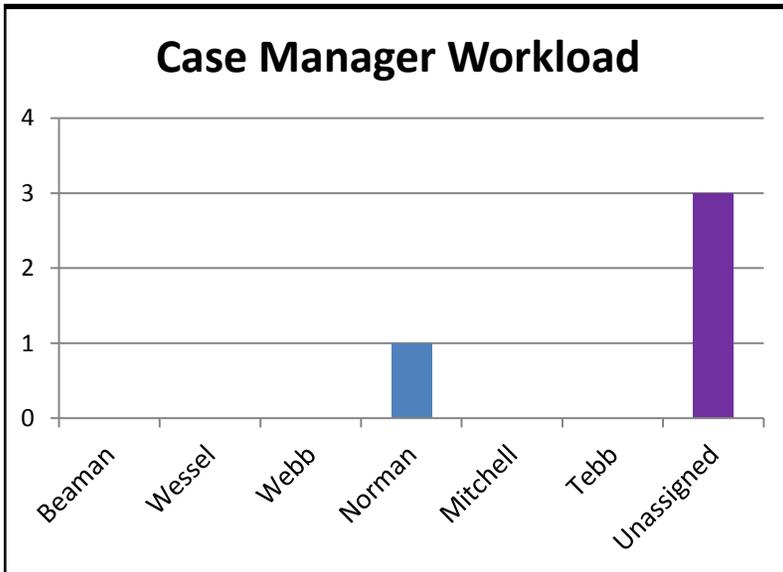
Disciplinary & Investigation Reports

Standard disciplinary reports and a list of any administratively-closed complaints.

Provided for information only – typically no board action is needed.

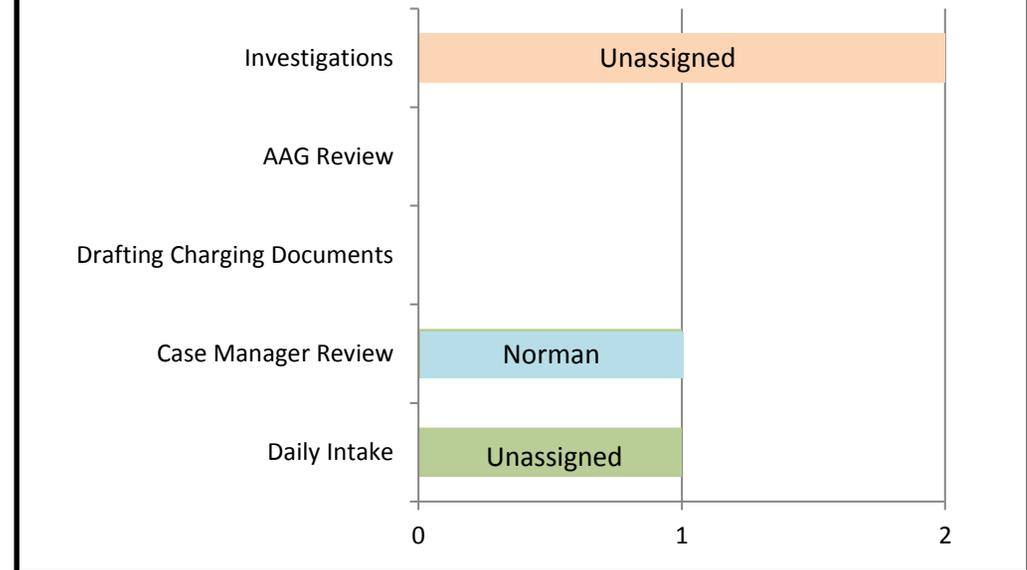
Geologists - Open Cases

Open Cases: nature of complaint	
Unprofessional conduct	0
Practice with an invalid license	0
Practice outside of scope of license	2
Aiding/Abetting unlicensed practice	0
Unlicensed practice (U/L)	1
Undetermined	1
Total	4



Recent Case History	2016	2015	2014
Beginning amount	2	2	4
Opened	5	4	3
Closed	3	4	5
Ending Amount	4	2	2

Open Case Status



Typical Complaint Process (Open Case Status)

- o Staff receive complaint (*Daily intake*)
- o Staff evaluate complaint (*Daily intake*)
- o Staff use BAP if appropriate (*BAP*)
- o Staff assign to Case Manager (CM) (*Case Manager Review*)
- o CM review; determine whether to investigate (*Case Manager Review*)
- o Staff investigate complaint (*Investigations*)

- o If no evidence supports allegation, CM recommend closure (*Case Manager Review*)

- o If evidence supports allegation, CM determine sanctions (*Case Manager Review*)
- o Staff drafts charging documents (*Legal*)
- o Board Attorney reviews charges, moves forward with prosecution (*AAG review*)

Geologists - Closed Cases

Maximum fine allow per violation:

Unprofessional conduct - \$5,000 / per occurrence

Unlicensed practice - \$1,000 / per day

Range of other sanctions available (not inclusive)

Revoke license

Severe

Suspension (not stayed)

Suspension (stayed)

Reprimand

Law summary



Mild

Common Resolution Methods (2013-2016)

Allegation	Admin. Closure	Closed with no action *	Default orders	Negotiated settlements	Hearing
Unprofessional conduct	0	6	1	0	0
Practice with an invalid license	n/a	0	0	1	0
Practice outside of scope of license	n/a	0	0	0	0
Aiding/Abetting unlicensed practice	n/a	0	0	0	0
Unlicensed practice	n/a	7	2	0	0
Other	0	0	0	0	0

Administratively close if outside of board's jurisdiction

Closed with no further action if 1) compliance; 2) no violation; 3) no evidence of violation

Compliance Monitoring

Cases monitored for compliance	2
Cases sent to collections	1
Monetary sanctions due (fines)	\$ 2,000.00
Fines recovered to date	\$ 1,000.00
Outstanding fines	\$ 1,000.00

Past Board Sanctions

Sanction	Unlicensed Activity	Unprofessional Conduct
Cease and Desist	2	0
Fine	3	0
Reprimand	3	0
Revocation	0	1

Board Meeting

Tab 8

Assistant Attorney General's Report

Presentation of general legal issues
of interest to the board.

Provided for information only –
typically no board action is needed

Board Meeting

Tab 9

Committee/Task Force Reports

Reports and updates from the board's
standing committees or task forces.

Board action may be needed.

Board Meeting

Tab 10

Board Administrator's Report

Operational reports and information
about legislative matters of interest to the board.

Provided for information only –
typically no board action is needed.

Geologist Board Financial Report

2015-2017 Biennium
Sept 2016

2015-2017 Revenue Summary

PERIOD ENDING

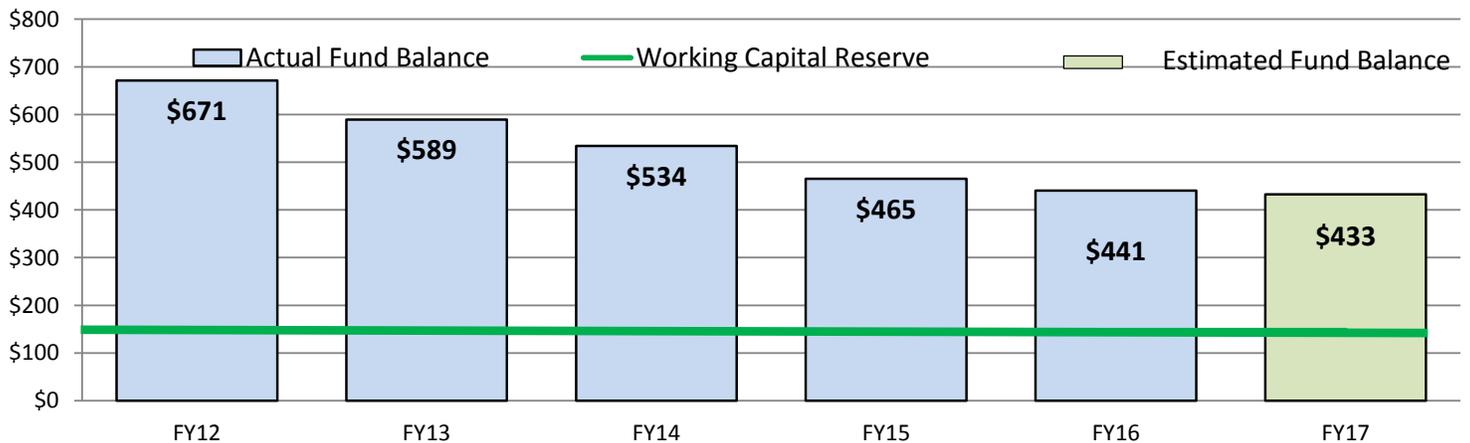
7/31/2016

Current Revenue Data based on Actuals

Projected Revenue Data based on Six-Year Plan

Beginning FY 17 Fund Balance	\$ 440,534	FEB 17 Fund Balance	\$ 355,287
Add: Current Biennium Revenue to Date	\$ 206,645	Add: Projected Revenue Remainder FY16	\$ 125,021
Less: Actual Expenditures to Date	\$ (291,892)	Less: Projected Expenditures Remainder FY 16	\$ (47,706)
Current Fund Balance	\$ 355,287	Estimated Fund Balance	\$ 432,602

Beginning FY Fund Balance (in thousands)



Working Capital Reserve: \$147,000

2015-2017 Expenditure Summary

Period ending 07/31/2016

Expenditure	Biennium-to-Date Actual				
	Allotment	Expenditure	Variance	FY1 Allotment	\$313,630
FTE	2.62	2.17	17%	FY2 Allotment	\$313,370
Geologist Account	\$343,094	\$291,892	15%	Total BIEN Allotment	\$627,000
Staff		\$210,379			
Operations	No	\$11,545			
Meeting Facilities	Specific	\$1,393			
ASBOG	Allotment	\$10,097			
Attorney General	Information	\$12,055			
Travel	Available	\$8,990			
Other		\$37,434			
Total		\$291,892			

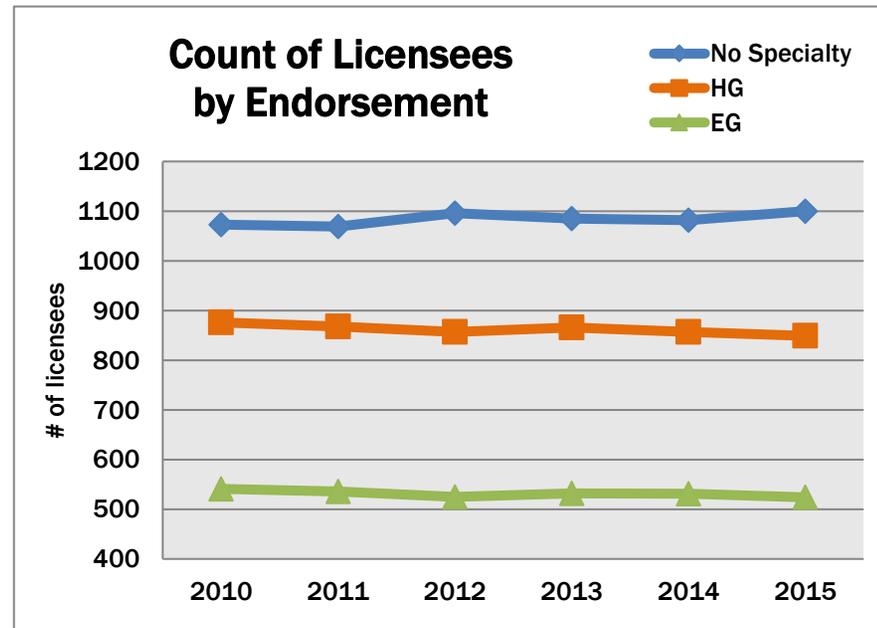
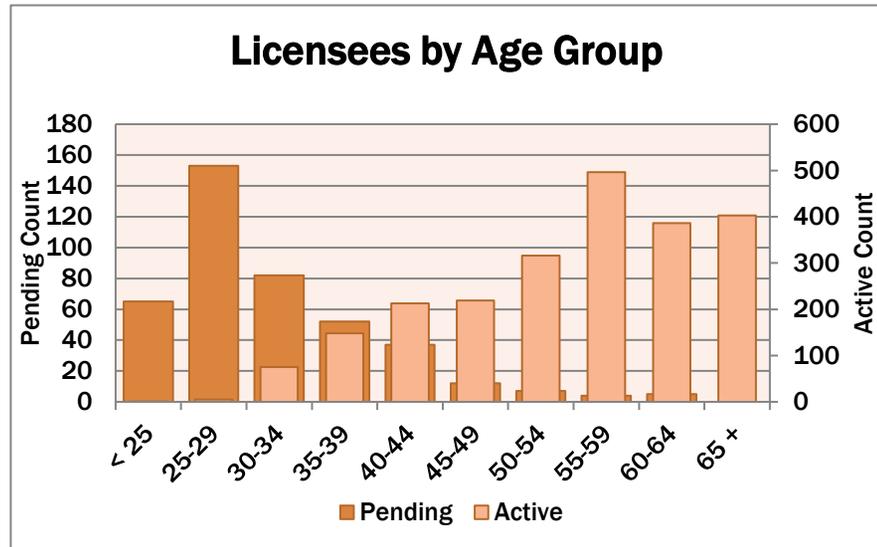
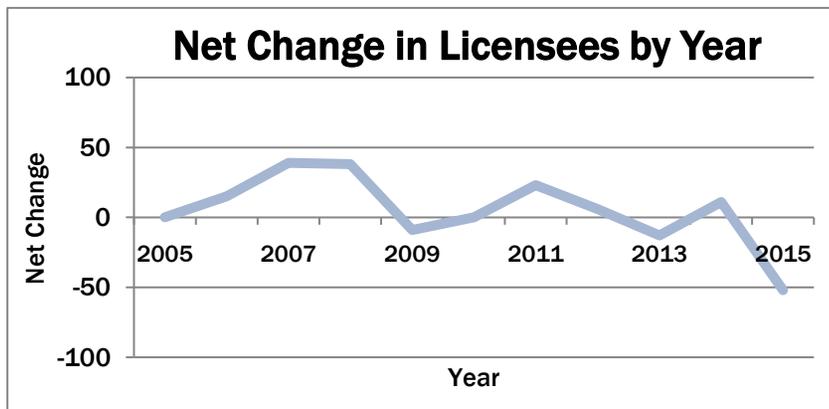
Geologists - Licensee Demographics and Trends

Active Licensee Counts	Male	Female	Undeclared
No Endorsements	851	248	7
HG Only	531	118	2
EG Only	299	45	5
Both Endorsements	150	6	0
Pending*	265	149	3
Newly Licensed	4	3	0
Total	1245	318	10
			1573

*Pending counts are for pending initial and reciprocity licenses, not pending endorsements.

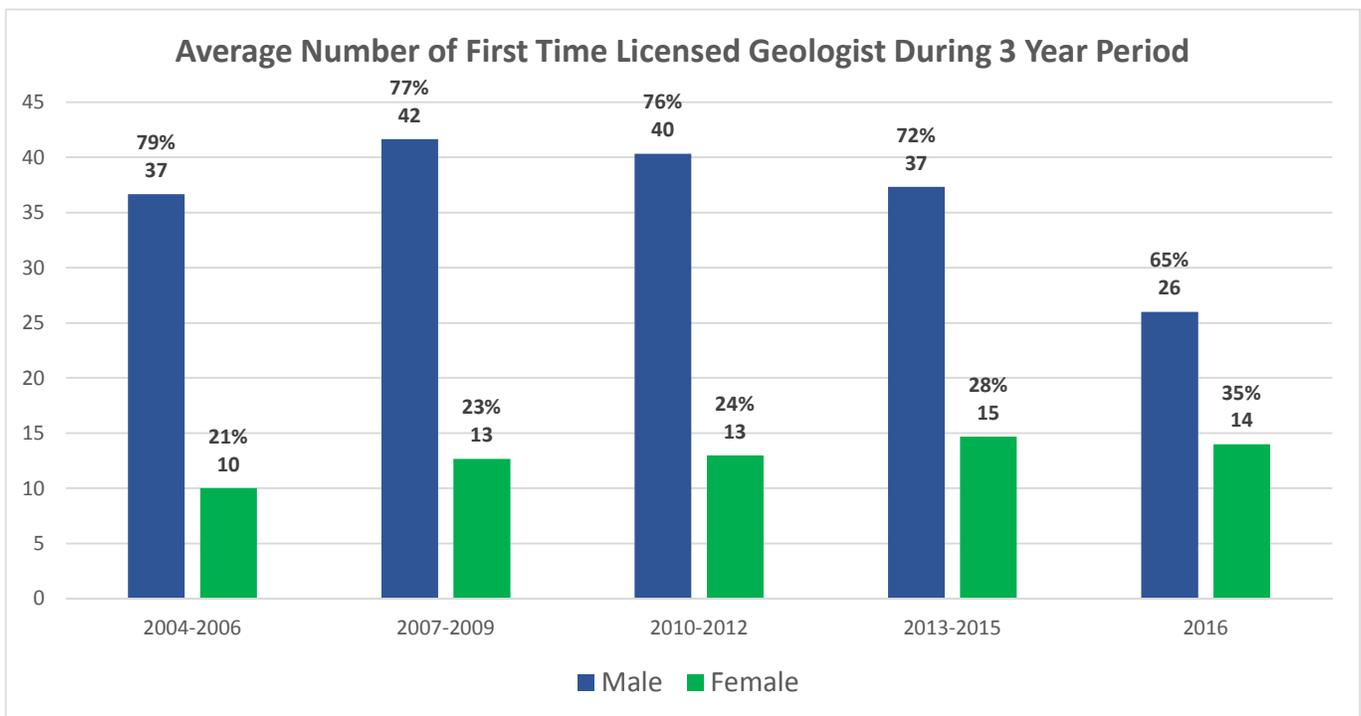
Geologist In Training (passed FG)				
Age	Mode vs. Average **	Male	Female	Undeclared
26	- 28.3	85	55	3
				143

**most frequent value vs average value



Geologists - New Licensees since 5/6/2016

Name	City, State	Qualified By
Aaren Fiedler	Tumwater, WA	Reciprocity
Adrian Holmes	Oregon city, OR	Reciprocity
Gregory Martin	Milwaukie, OR	Reciprocity
Katherine Mickelson	Olympia, WA	Reciprocity
Nasrin Erdelyi	Seattle, WA	Reciprocity
Robert Wyatt	Lake Oswego, OR	Reciprocity
Stephen Omo	Wilsonville, OR	Reciprocity



Board Meeting

Tab 11

Other Business

Review of action items from this meeting, agenda items for the next meeting, and discussion of topics added under the Order of the Agenda.

Board Meeting

Tab 12

Adjournment