



North Carolina Board for Licensing of Geologists NEWSLETTER

Winter 2010 • P.O. Box 41225 • Raleigh, North Carolina 27629 • 919-850-9669 • ncblg@bellsouth.net

Rules of Professional Conduct

The Licensing Board reminds each licensee that it is his/her responsibility to read, understand, and follow the Rules of Professional Conduct for Geologists. These rules are presented in section 0.1100 of 21 NCAC 21 and can be accessed through the NCBLG website. The Board has also decided to print the Rules in their entirety in installments in four consecutive newsletters.

In this second installment, sections .1101 (d), (e), and (f) are presented. Section (d) charges each licensee to issue public statements only in an objective and truthful manner. Section (e) charges each licensee not to supplant another licensee once they are selected in an employment situation. Section (f) charges each licensee to avoid conflicts of interest. Each section is presented in its entirety below.

21 NCAC 21 .1101 RULES OF PROFESSIONAL CONDUCT (continued)

(d) The geologist shall issue public statements only in an objective and truthful manner:

1. The geologist shall be completely objective and truthful in all professional reports, statements, or testimony. He shall include all relevant and pertinent information in such reports, statements or testimony.
2. The geologist when serving as an expert or technical witness before any court, commission, or other tribunal shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.
3. The geologist will issue no statements, criticisms, or arguments on geologic matters connected with public policy which are inspired or paid for by an interested party or parties unless he has prefaced his comments by explicitly identifying himself, by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.
4. The geologist shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another geologist, nor shall he maliciously criticize another geologist's work in public. If he believes that another geologist is guilty of misconduct or illegal practice, he shall present such information to the Board for action.

(e) The geologist shall not attempt to supplant another geologist in a particular employment after becoming aware that the other has been selected for the employment.

(f) The geologist shall avoid conflicts of interest:

1. The geologist shall conscientiously avoid conflicts of interest with his employer or client, but when unavoidable, the geologist shall forthwith disclose the circumstances to his employer or client.
2. The geologist shall avoid all known conflicts of interest with his employer or client, and shall promptly inform his employer or client of any business association, interest, or circumstances which could influence his judgment or the quality of his services.
3. The geologist shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all those parties.
4. The geologist shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
5. The geologist shall not solicit or accept substantial gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.
6. When in public service as a member, advisor, or employee of a governmental body or department, the geologist shall not participate in considerations or actions with respect to services provided by him or his organization in private geological practices.
7. The geologist shall not solicit or accept a geologic contract from a governmental body on which a principal or officer of his business serves as a member.

Chairman's Message

As the Academic Board Member, I want to identify two items that are of importance to me. The first concerns the Board's stance on continuing education for our licensees. NCBLG does not require our licensees to complete continuing education credits to maintain their professional license. However, the Board expects that each licensee understands the importance of continuing education in staying up-to-date in your area of expertise. Educational activities are excellent opportunities to support or expand your experience in your area(s) of expertise.

Section 1101-2C of the Rules of Professional Conduct (21 NCAC 21), which was reproduced in the Fall 2009 Board Newsletter, addresses the importance of education. That section states that:

"The geologist shall undertake to perform geologic assignments only when qualified by education or experience in the specific technical field of geology involved", and

"The geologist shall not affix his signature and seal to any document dealing with subject matter for which he lacks competence by virtue of education or experience...or document not prepared under his direct supervisory control..."

While these statements include the words "education or experience" not "education and experience", the Board generally does not view education, without experience, as sufficient to qualify someone as being proficient in an area of expertise. Education alone is generally not sufficient to produce a work product that would protect the safety, health, and welfare of the public. Yet, it is the view of the Board that successful completion of continuing education courses can support and expand the licensee's experience in their area(s) of expertise, resulting in a superior work product that serves to protect the public.

The second item I want to point out is that my term on the NCBLG will expire this summer. We are searching for an academic licensed Geologist to replace me on the Board. If you are interested, or know of a professor who may be interested, please contact Barbara Geiger.

NC Division of Waste Management (DWM) News Briefs

Ann Borden and Bill Lyke spoke with Dexter Matthews, Director of the NC Division of Waste Management, in December 2009 to hear an update on the Division, including bills passed in the General Assembly in 2009 that may be of interest to licensed Geologists. A summary of that discussion follows.

Moving

In 2011, the state employees in the Archdale, Parker Lincoln and Oberlin buildings will be consolidated into the Green Square and Archdale buildings. Green Square is behind the Edenton Street Methodist Church.

Funding

The Division of Waste Management has been impacted by the economy, but appears to be in better shape than some other programs. DWM lost six positions and some operational monies and is operating under a 5% budget cut this fiscal year. Although these issues significantly impact DWM, the Division has a number of funding sources in addition to general appropriations. General appropriations only account for about 23 to 24% of DWM's budget. Additional funding comes from the UST and DCSA Trust Funds, permit fees from hazardous waste, permit and tip fees from solid waste (a funding source to cleanup old landfills), REC fees, Brownfield fees, other special funds, and federal grants.

Budget Bill

Two special provisions in last year's budget bill effected division programs. A three million dollar cap on remediation costs for voluntary cleanups under the Inactive Hazardous Sites Program was raised to five million and a five percent shift of revenue received for the scrap tire account to the Inactive Hazardous Sites cleanup fund and the Bernard Allen Fund occurred.

Program Focus

The following program areas are expected to have increased focus in the next few years: environmental justice, vapor intrusion, dry cleaning sites, inactive sites, brownfields, and natural resource damage claims. In addition a recent audit of the UST program by the Program Evaluation division determined that the UST program needs \$549 M to address the current backlog of sites.

2009 Bills Passed by the General Assembly:

Senate Bill 700 amended the Dry-Cleaning Solvent Act. Amendments include allowing state or local land-use controls rather than recorded land-use restrictions, allowing a state-owned facility to access the fund and reauthorizing DSCA through 2022

Senate Bill 1004 removed the exemption of the Dam Safety Act for utility company coal ash ponds. USEPA is expected to propose new rules for coal ash, which will fall under Hazardous Waste or Solid Waste authority early this year.

House Bill 1100 directed DENR to establish storm water and waste water best management practices for composting operations to protect water quality.

House Bill 1388 made changes in the public notice requirement for brownfields redevelopment. Now, the developer will be required not only to notify the public but also contiguous property owners of the remediation and redevelopment plans instead of publishing notices in the state register.

Senate Bill 141 requires newly constructed drinking water wells to be tested for certain volatile organic compounds. "In developing these rules, the Commission for Public Health shall incorporate the following factors: (i) known current and historic land uses around well sites and associated contaminants; (ii) known contaminated sites within a given radius of a well and any known data regarding dates of contamination, geology, and other relevant factors; (iii) any GIS based information on known contamination sources from databases available to the Department of Environment and Natural Resources; and (iv) visual on-site inspections of well sites." The rules will provide criteria for local health departments to use in determining what contaminants will be tested for at a particular site.

House Bill 1575 proposed expanding risk-based remediation, but the bill was not heard in committee in the last session.

Ann Borden, PG



North Carolina Board for Licensing of Geologists

Richard Spruill, Chairman

Term expires June 30, 2010

Academic Geologist

Ann Borden, Vice Chairman

Term expires June 30, 2011

Independent Geologist

James Simons, Secretary-Treasurer

Serves Ex-Officio

State Geologist

Dennis LaPoint, Member

Term expires June 30, 2011

Mining Geologist

Lindsey Walata, Member

Term expires June 30, 2012

Company Geologist

K.O. Randel, Member

Term expires June 30, 2010

Public Member

Jennie Hauser, Legal Counsel

Robert M. Upton, Administrator

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Report on ASBOG Annual Meeting Birmingham, Alabama • November 2-8, 2009

The Annual meeting in Birmingham, AL consisted of two days of meetings by Council of Examiners (COE) and the annual business meeting.

Of interest in the COE session was the participation by members of the Canadian Council of Professional Geoscientists (CCPG). ASBOG is in discussions with CCPG on the possible use of the Fundamental Geologic Exam by the Canadian Professional Associations that regulate geologists. The possible infusion of new exam takers and new insight by new Subject Matter Experts (SME's) would be welcomed for both the financial health of ASBOG and the continued quality of the exams.

The primary topic of the annual meeting was the financial status of ASBOG. Richard Spruill, as Treasurer, presented proposed budgets for the next two years that showed deficient budgets for 2010 and 2011. Exam takers are down significantly over this last two years from a high of 2,207 exams in 2007, to 2,027 exams taken in 2008, and 1,663 exams taken this year (2009). This is a significant loss of income and thus the deficient spending likely in 2010 and 2011.

The following actions were approved to reduce the possible deficits:

- Increase annual fees paid by states from \$2,950/year (Last increased in 1997) to \$4,500/year starting in 2012.
- Increase test fees for Practical Exam (PG) from \$200 to \$250 starting in 2011.
- No increase in Fundamental Exam Fees, but this should be discussed with individual boards for 2010 meeting. One option would be to keep FG fees at the current level of \$150 for students taking exam as exit exam (or for a period of one year after graduation) and increasing fees for those taking exam after this time period.

Further actions will focus on increasing sources of revenue. Tennessee joined ASBOG in 2009 and paid a \$25,000 entrance fee, but adding other new states in the next

few years is unlikely and a bigger risk is the loss of States due to reduced budgets or new Legislation. A better source of increased revenue is increasing the number of exam takers and thus revenue. Possible pools of new exam takers are:

- Using the FG exam as an exit exam by Universities for new graduates.
- Promoting taking the FG exam to recent graduates.
- Canadian boards using FG exam.
- Encourage large pools of unlicensed geologists to become registered. Depending on state, this includes Oil and Gas Geologists, State and Federal employees, and university faculty.

ASBOG established an excellent foundation in 2008 (www.asbogfoundation.org) to support ASBOG. The foundation focuses on corporate support to assist ASBOG. However they have picked the worst time with the financial crisis to seek funds. Any contacts would be of value for seeking donations.

Spearheaded by Richard Spruill, within the coming months ASBOG will provide information gathered by ASBOG during the exams that can be used by university geology departments to review the performance of their students that take the FG exam. The objective is to get university faculty to require students to take the exam as an exit exam. Longer term objectives are to use the FG exam to replace the GRE exams in geology, which are no longer given, to be used to evaluate students for admission to graduate school.

The 2010 Task Assessment Study (TAS) is near completion and is used to determine the importance of various tasks performed by geologists to protect the public. The results are used to adjust the exams to continue to relate the exams to the practice of geology. The final TAS workshop and next COE meeting will be in Raleigh on April 8-10, 2010.

Dennis LaPoint, PG

New Publications Related to North Carolina Geology

The following is a listing of new publications from the North Carolina Geological Survey (NCGS) and the U.S. Geological Survey – Water Resources Division (USGS-WRD). More information is available at the following websites: <http://www.geology.enr.state.nc.us/> and <http://nc.water.usgs.gov/>.

New Publications from the NCGS:

Shale Gas Potential in Triassic Strata of the Deep River Basin, Lee and Chatham Counties, North Carolina with pipeline and infrastructure data, North Carolina Geological Survey Open-file Report 2009-01 (September 2009).

Landslide Hazard Maps for Buncombe County, NC, North Carolina Geological Survey Geologic Hazards Map Series 4 (GHMS-4) (August 2009).

North Carolina Geological Survey Information Circular 36, Natural Gas and Oil in North Carolina (8 page document available for download as Adobe PDF document), March 2009.

Landslide Hazard Maps for Watauga County, NC - (NCGS GHMS-3). These 4 maps are available for download as Adobe PDF documents, or as hard-copy plots through the NCGS Sales Office; March 2008.

New Publications from the USGS-WRD in North Carolina:

Harden, S.L., 2009, Reconnaissance of organic wastewater compounds at a concentrated swine feeding operation in the North Carolina Coastal Plain, 2008: U.S. Geological Survey Open-File Report 2009-1128, 14 p.

Harden, S.L., Chapman, M.J., and Harned, D.A., 2009, Characterization of groundwater quality based on regional geologic setting in the Piedmont and Blue Ridge Physiographic Provinces, North Carolina: U.S. Geological Survey Scientific Investigations Report 2009-5149, 32 p.

ASBOG Foundation Needs Support

The ASBOG Foundation was formed in 2007 to provide the opportunity for sponsorships that are fully deductible as an ordinary business or trade expense in support of quality national geology examinations. This foundation provides support for the National Association of State Boards of Geology (ASBOG) and its activities.

The goal of the ASBOG Foundation is to establish a multi-million dollar endowment. The endowment earnings support the development and administration of the national geology examinations that are currently required for licensure in twenty-eight states and one United States territory.

The ASBOG Foundation provides financial support for Subject Matter Experts (SME's) to develop, review, and evaluate the examinations. SME's are professional geologists that have the appropriate specific geological expertise in a representative area of practice and geographic location. The SME's who prepare the examination questions must be the very best in the profession. In the past, travel costs have limited the availability of these experts. The first objective of the foundation is to provide money to ASBOG to pay the travel costs for individual SME's to attend the workshops where the examination questions are written. As the endowment grows, financial assistance may be available to those candidates taking the exam. The Foundation will be successful when the cost of the examination to the candidate is stable and not a barrier to new candidates entering the geological profession.

You can help support the geological profession, the public, ASBOG, and yourself by sponsoring the ASBOG Foundation in one or more of the following ways:

- Become an ASBOG Foundation sponsor.
- Recruit potential sponsors for the ASBOG Foundation.
- Volunteer time and effort to support the ASBOG Foundation.

If you are interested in more information regarding the ASBOG Foundation please contact them at:

The ASBOG Foundation
Post Office Box 12711
Columbia, SC 29211
803/799-1890
803/252-3739 fax
www.asbogfoundation.org

You may also contact the following officers for additional information:

Duane A. Eversoll, Treasurer
402/489-1690
402/499-4640
970/577-1368

John W. Williams, President
408/924-5011



Upton Associates

For many years, the North Carolina Board for Licensing of Geologists has been managed by the staff at Upton Associates.

Staff members include Robert Upton, Administrator and Barbara U. Geiger, Assistant to the Administrator. Additional assistance from Upton staff is provided by Sharon Sally, Lisa Deubler, and Jean Kirk.

Upton's responsibilities to the Board include daily management, answering phone calls, maintaining accurate records for licensees by computer and in hard copy, administering the examination twice each year, and accounting.

Upton Associates began working with the Board in 1992 and was responsible for installing modern computer-based methods. This progressive style continues today.

Update your Record

From the rules of the Geology Board, Chapter 21 NCAC 21 .0203

"Every individual licensee has the continuing responsibility of keeping the Board currently advised of the licensee's proper and current mailing address and the name or names under which the licensee is practicing. Each licensee shall immediately notify the Board of any and all changes of association or address."

Please check the information on your address at the Board's website at ncblg.org.

Send changes of address and employment to ncblg@bellsouth.net.

Dates of Interest

Board Meetings

January 7, 2010

April 22, 2010

August 12, 2010

November 18, 2010

All meetings of the Board will be held at the Board office, located at 3733 Benson Drive, Raleigh NC 27609.

ASBOG Exam

March 5, 2010

October 1, 2010

Each section of the ASBOG exam will be held at the Jane S. McKimmon Center, located at 1101 Gorman Street, Raleigh NC 27606.

Naturally Occurring Asbestos

The North Carolina Division of Public Health (NCDPH) has asked that the Board distribute the following information regarding Naturally Occurring Asbestos (NOA) to our licensees. The two-page fact sheet that follows provides general information about NOAs and provides recommendations on how to minimize exposure. As the public becomes more aware of the presence of NOAs and its health implications, Geologists may experience more calls from the public. The information on the Fact Sheet will provide Geologists some background on the health issues associated with NOAs.

Facts about Naturally Occurring Asbestos (NOA) in North Carolina

What is naturally occurring asbestos (NOA)?

Naturally occurring asbestos is the name for a group of fibrous minerals that occur naturally in soil and ultramafic rock formations.

Is NOA present in North Carolina?

The United States Geological Survey (USGS) has currently identified NOA locations in the western part of the state. Although there are no current active asbestos mines in North Carolina today, there are other active sites that mine other minerals which could contain asbestos. These areas are identified as either a mine, a potential mine, or naturally exposed rock formations.

How can naturally occurring asbestos affect my health?

Exposure to asbestos can cause some types of lung cancer as well as mesothelioma (cancer of the tissue covering the internal organs). Asbestos enters your body by breathing in asbestos fibers. Once asbestos fibers are caught in the lungs, they remain there permanently.

If naturally occurring asbestos is not disturbed and fibers are not released into the air, then it is not a health risk.

What are some ways in which I might disturb naturally occurring asbestos material?

- Leaf blowing in areas where bare soil is known to contain NOA.
- Hammering, chiseling, and sifting while gem hunting in areas known to contain NOA.
- Using machinery to plow or plant large tracts of land with NOA in the soil.
- Drilling into asbestos rock formations with heavy equipment.
- Grading, landscaping or excavating soil containing NOA.
- Removing known NOA material and transporting the material to other locations.

What are some steps I can take to prevent exposure to naturally occurring asbestos?

- Leave NOA in place and undisturbed.
- Limit dust generating activities by wetting the area with water prior to and during the activity.
- Cover or cap NOA material with three to six inches of soil that contains less than 0.25 percent asbestos (Note: other materials may be also substituted in place of soil).
- Maintain the area covered with plants to prevent erosion.

How can I determine if naturally occurring asbestos is in my area?

- Refer to the US Geological Survey's Report on Naturally Occurring Asbestos at <http://pubs.usgs.gov/of/2005/1189/>.
- Consider contacting a licensed professional geologist in your area at <http://www.ncblg.org/IndivLicensees.cfm>.

For more information:

Contact the Department of Health and Human Services (DHHS), Division of Public Health, Occupational and Environmental Epidemiology at 919-707-5900. To learn more about NOA see the following websites:

Information for the General Public:

<http://www.atsdr.cdc.gov/noa/basicinfo.html>

<http://www.epa.gov/asbestos/pubs/clean.html>

Information for Contractors:

www.fairfaxcounty.gov/hd/asb/

www.arb.ca.gov/cap/handbooks/asbestosnoafinal.pdf



State of North Carolina, Department of Health and Human Services, Division of Public Health
Occupational and Environmental Epidemiology Branch
www.ncdhhs.gov www.ncpublichealth.com
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