

THE PRINCIPLE OF RESPONSIBLE CHARGE

What is the North Carolina licensed geologist's responsibility for sampling and reporting the results of surface or subsurface investigations of petroleum underground storage tanks in North Carolina?

From "Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement for UST Releases (NCDEQ):

All work performed pursuant to these **Guidelines** which involves site assessment, interpretation of subsurface geologic conditions, or preparation of corrective action plans or which requires detailed technical knowledge of site conditions must be performed by persons, firms, and corporations licensed by the North Carolina State Board of Professional Engineers or the North Carolina State Board of Licensed Geologists as required under **15A NCAC 2L .0103(e)**.

Note: The NCDEQ UST Section considers collecting a soil sample for a 20 Day Report to be "site assessment" under the **Guidelines**.

From 15A NCAC 02L .0111 (Classification and Water Quality Standards Applicable to the Groundwaters of North Carolina (NCDEQ):

(b) The report shall be prepared under the responsible charge of a Professional Engineer or Licensed Geologist and bear the seal of the same as required by Rule .0106(d) of this Section.

From 21 NCAC 21 .1101 (Rules of Professional Conduct for Geologists):

(b)(1) The geologist shall at all times recognize his or her primary obligation to protect the safety, health, and welfare of the public in the performance of his or her professional duties.

(b)(2) The geologist shall protect the public health safety and welfare by maintaining sufficient personal on-site involvement and continual direction and review of the activities of subordinates that constitute public practice of geology while such activities are in progress.

(c)(3) The geologist shall not affix his or her signature and seal to any document...not prepared under his or her direct supervisory control.

From Subcontractor Advisory Statement (NC Board for Licensing of Geologists):

If a corporation not registered with the Board to provide geological services and a licensed geologist provide work on a site, the geologist must contract directly with the client (not through the unregistered corporation). Any reports prepared by the licensed geologist must be on the geologist's own letterhead to the person or entity contracting with the geologist. Only a corporate entity registered with the Board to provide geological services may employ a licensed geologist to prepare, sign and seal geological reports on its behalf for a client.

Does a registered professional engineer in North Carolina have comparable responsibilities?

21 NCAC 56 .1101 (Rules of NCBEES):

It is misconduct for a Professional Engineer or Professional Land Surveyor to seal work done by another individual unless the work is performed under the "responsible charge" of the Professional Engineer or Professional Land Surveyor.

From 21 NCAC 56 .0701 (Rules of Professional Conduct for Engineers and Surveyors):

(c)(3) (A licensee) Shall not affix the signature or seal to any engineering or land surveying plan or document...not prepared under the licensee's direct supervisory control. Direct supervisory control (responsible charge) requires a licensee or employee to carry out all client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. Direct supervisory control may be accomplished face to face or by other means of communication. A licensee shall not contract with a non-licensed individual to provide these professional services.