

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
 PROPOSED AMENDMENTS TO) R01-26
 REGULATION OF PETROLEUM) (Rulemaking – Land)
 LEAKING UNDERGROUND STORAGE)
 TANKS: 35 ILL. ADM. CODE 732)

TESTIMONY OF KENNETH W. LISS

My name is Kenneth W. Liss. I am a geologist, licensed by the Illinois Department of Professional Regulation. I am here to provide testimony concerning the pairing of the title of Licensed Professional Engineer with the title of Licensed Professional Geologist through out the proposed amendments to 35 Ill. Adm. Code, Part 732.

For several years I worked on various drafts and testified in favor of the bill that ultimately became the Professional Geologists Licensing Act (Geologists Act). I was appointed to the first Board of Licensing (Board) under the Act. During my tenure on the Board, we formulated the rules required for the administration of the Act, including the recommendations and opinions regarding the qualifications of applicants for licensing.

Prior to enactment of the Geologists Act, the Illinois Environmental Protection Agency (Agency), Bureau of Land, relied on Licensed Professional Engineers (Professional Engineers) to certify technical submissions related to the management of wastes. The incorporation of Licensed Professional Geologist (Professional Geologists) to Part 732 as proposed by the IEPA, is viewed by many in this profession as a long awaited regulatory amendment to conform with the statutory requirements concerning the practice of professional geology.

However the proposed amendments, in a broad sense, grant license to all Professional Engineers, to engage in the practice of professional geology with out regard to qualification. If the majority of Professional Engineers were qualified to practice geology, the amendments may be appropriate as written. However during the entire

time period I reviewed applications for Professional Geologists as a member of the Board, geotechnical engineering was the only curriculum of engineering that came close to the minimum education requirements for geologists. This overlap in the two professions was recognized at the same time the Geologist Act was being moved through the state legislature. Modifications were made to the Professional Engineering Practice Act (Engineers Act) to avoid a potential dual licensing requirement for geotechnical engineers practicing within their expertise.

The Engineers Act includes a definition for “Professional engineering practice” in Section 4(o). The second paragraph of that definition lists examples of the practice of professional engineering including:

“... forensic engineering, geotechnical engineering including, subsurface investigations; *soil classification, geology and geohydrology, incidental to the practice of professional engineering*; energy analysis, environmental design, hazardous waste mitigation and control;...” (emphasis applied)

This wording was added to the Engineers Act to ensure that geotechnical engineers could continue practicing their profession independent of the forthcoming license requirements enacted for the practice of professional geology. Unfortunately this change has been interpreted by some to allow Professional Engineers to directly engage in the practice of professional geology, despite the limitations imposed by the competence and integrity requirements of the rules regulating that profession. Illinois Title 68, Section 1380.300, Standards of Professional Conduct, limit the Professional Engineer to perform services only in their area of competence as determined by their education and experience, and to affix their seal or signature only to documents dealing with subject matter within their competence and prepared by them or under their direct supervisory control. Leaving the amendments as proposed is misleading and will result in a rule which will be in direct conflict with the Geologists Act.

Therefore I am asking the Board to consider striking all references to Licensed Professional Engineer where it appears with Licensed Professional Geologist in Subparts C, D, E and F of the proposed amendments to Part 732.

Most professionals recognize that the environmental field is multidisciplinary and includes chemists, biologists and toxicologists to name a few. Any one of these professions can perform a majority of the tasks required under the Environmental Protection Act. While it may be beyond the scope of this docket, developing a certification for environmental professionals should be considered.

I want to thank the Board for the opportunity to present my testimony.

Respectfully,

Kenneth W. Liss
2601 Interlacken Drive
Springfield, Illinois 62704