

Nebraska Board of Geologists  
**Board Meeting Minutes**  
January 21, 2016  
215 Centennial Mall South, Large Conference Room, Lincoln, NE

**CALL TO ORDER**

The meeting was held at 215 Centennial Mall South, Lincoln, Nebraska. Chairperson Martin called the meeting to order at 1:03pm and noted the location of the Open Meetings Act.

Notice of the meeting was published in the Lincoln Journal Star and on the Board's website.

**Roll Call:** Thomas Correll, Andrew Grimm, Charles Joyce, Martha Link, Harmon Maher, Ralph Martin, David Svingen

**Staff Present:** Jean Lais, Administrative Assistant (AA), Sandra Weaver, Administrator (AD), Jon Wilbeck, Compliance Officer (CO)

**Public Comment/Appointments**

No members of the public were present.

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**A Consent Agenda**

**Meeting Minutes**

**October 8, 2015, Meeting Minutes** were approved as presented

**Certificates of Authorization Approvals** - *None*

**Renewal Disclosures** - *None*

**Action** Motion by Correll, second by Svingen to approve the Consent Agenda as presented. Voting Yes: Link, Maher, Svingen, Correll, Grimm, Joyce, Martin; Voting No: None

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**B Committee Reports**

Officers Report - *None*

**ASBOG**

**Extract from ASBOG President's Letter** regarding EPA Ruling pertaining to the disposal of Coal Combustion Residue from Electrical Plants

A copy of an extract from the ASBOG President's Letter from the Annual Meeting in November 2015 was provided for review. The extract addressed a recent ruling from the EPA regarding disposal of Coal Combustion Residue from Electric Plants (40 CFR Parts 257 and 261). The EPA stated it disagrees that professional geologists or geoscientists should be added to the list of professionals that have expertise and authority to certify compliance with certain RCRA subtitle D regulatory requirements. They believe that professional geologists and hydrologists are not held to the same standards as a professional engineer (i.e. testing and investigation of complaints). It further stated that professional engineers have licensing boards in all 50 states, which has not been achieved by the other professional disciplines. Therefore, hydrologists, geologists, or other professional disciplines may only perform analyses that underlie the certification, but it is the responsibility of a qualified professional engineer to make the actual certification.

Discussion was held at the meeting as to how to address this issue and the fact that it was not brought to the boards' attention during the comment phase of the ruling. It was determined that ASBOG would create a position statement that could be used by the state boards to respond to the EPA.

**ASBOG Memo regarding Grandfathered Licensees**

There have been numerous questions regarding grandfathered licensees and whether they are required to have further testing when applying for reciprocity with another state. An Inter-Committee Memo generated in 1993 was provided as a reminder of the requirements agreed upon when ASBOG was created. ASBOG still holds to the same language today.

Nebraska Board of Geologists  
**Board Meeting Minutes**  
January 21, 2016  
215 Centennial Mall South, Large Conference Room, Lincoln, NE

**ASBOG Cooperative License Agreement Model Language**

With the establishment of the Louisiana regulation and New York and the possibility of one or two others in the near future, ASBOG provided a copy of the Cooperative Licensure Agreement Model Language.

**PG Designation on Correspondence**

Discussion was held as to when a professional geologists is and isn't allowed to use the designation PG in correspondence to other jurisdictions. The members felt this was not an issue, but licensees should clarify where they are licensed on out of state correspondence. CO Wilbeck agreed to draft a policy and bring to the April meeting to help clarify the matter.

**Office/Staff**

AA Lais reported that Jon Wilbeck has been re-hired to replace Lisa Mathews as the Compliance Officer for the Board of Engineers and Architects (NBEA). She also informed the Board that Rachel Fetterman resigned as the Public Information Officer as of December 11, 2015. A replacement has been hired and will start on February 8, 2016.

In addition, the NBEA has hired a replacement for Jeanne Vliet, who retired as of December 1, 2015. Betty Frausto started December 28, 2015.

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**C Old Business**

**Governance Issues - None**

Pursuant to an inquiry received by the Board in 2015, Link followed up with the Nebraska Department of Environmental Quality (NDEQ) to seek information on statutory and/or regulations that may require the use of a professional geologists (PG) on submitted reports, plans, or applications. The result was there are no requirements currently in place for any of the programs the NDEQ oversees. The closest requirement is in Title 132 (landfills) and Title 128 (hazardous waste) which have Federal Statute requirement referencing "Qualified Ground Water Scientist". A professional engineer (PE) is required for landfill applications and RCRA closure applications.

Title 130 (livestock) – no PG requirement; PE required for large CAFO and NPDES applications.

Title 124 (on-site waste water, i.e. septic tanks) – no PG; PE required for large capacity or non-domestic septic tanks

Title 122 (underground injection control) – same as Title 124

Title 119 (NPDES; Title 117 (SW Standards); Title GW Standards) – no PG or PE requirements

Title 123 (wastewater construction) – no PG requirement for plans and specs, WWTF

There is a requirement for both a PG and PE in the contracts NDEQ manages under the SPARC (State Petroleum Assessment and Remediation Contract) and for environmental engineering services for Superfund and Brownfields.

The board had previously discussed that the work involved to prepare some of the reports required by the NDEQ was the practice of geology and according to the Geologists Regulation Act is required to be sealed and signed. The members discussed the possibility of working with the NDEQ on an inter-agency agreement whereas NDEQ would agree to report to the Board any instances where a report was received that was not sealed, but should have been. AA Lais and CO Wilbeck discussed the Nebraska Board of Engineers and Architects (NBEA) are currently working on a similar agreement with the State Fire Marshall and could possibly use that agreement as a template with

Nebraska Board of Geologists  
**Board Meeting Minutes**  
January 21, 2016  
215 Centennial Mall South, Large Conference Room, Lincoln, NE

NDEQ. Svingen agreed to work on a draft and CO Wilbeck will forward a copy of the NBEA and Fire Marshall agreement to him for review.

The members also discussed the other state agencies that the Board may want to consider approaching for similar agreements.

**Geologist Items**

**Website Redesign Discussion**

Pricing from Nebraska Interactive was provided from Nebraska Interactive for redesigning the current website.

Initial discussion was held on the possibility of starting this work this fiscal year or holding off until next year to see if there will be any appropriation rollover that may be able to be used for this purpose. AA Lais showed the members several other state websites that have recently been redesigned showing the possibilities available. The members will look at other agency's sites and come back to the April meeting with layout suggestions. No action was taken.

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**D New Business**

**Governance Issues - None**

**Geologist Items**

**Approval of Delegates to the ASBOG Spring COE, Baton Rouge, LA – April 7-8, 2016**

The Board approved Joyce and one other member to attend the ASBOG Spring COE. Martin and Maher expressed interest in attending. Martin will check his schedule and if unable to attend will defer preference to Maher.

**Action** Motion by Svingen, second by Correll to approve Joyce and one additional member to be decided to attend the ASBOG Spring COE. Voting Yes: Link, Maher, Svingen, Correll, Grimm, Joyce, Martin; Voting No: None

**Statement of Understanding of Reciprocity Request from Louisiana**

Discussion was held as to the necessity of the agreement. There are already provisions in the statutes and rules for licensees coming in from other states. Paragraph 5 of the agreement does give the Board the right and authority to decline an application if the licensee does not meet our licensing requirements. It was the determination of the members that the agreement was not needed and would decline the request. Chairperson Martin will write a letter to the Louisiana board stating the Board's decision.

**Action** Motion by Link, second by Maher to decline the request for Reciprocity agreement with Louisiana. Voting Yes: Link, Maher, Svingen, Correll, Grimm, Joyce, Martin; Voting No: None

**Strategic Plan**

Copies of both the NSBLA and NBEA Strategic Plans were provided for review. Discussion was held as to the background of wanting to establish a more formal strategic plan to recognize future goals and objectives of the Board. It was the consensus of the members that a formal plan is needed. Chairperson Martin requested the members to begin thinking of goals and ideas they would like to see in the plan and to submit those to AA Lais for review and discussion at the April meeting. AA Lais mentioned that CLARB, the landscape architect counterpart to ASBOG, is currently working on a "Model Board" Matrix which could be used as a tool in determining the objectives a board may want to include in a strategic plan. She will forward the current draft to the members for their review. The members also requested AA Lais to contact

Nebraska Board of Geologists  
Board Meeting Minutes  
January 21, 2016  
215 Centennial Mall South, Large Conference Room, Lincoln, NE

ASBOG to see if they may have any materials that may be useful in the Board's planning. No action taken.

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**E Compliance**

**Pending Cases** – *None*

**New Cases** - *None*

*CO Wilbeck left the meeting at 2:10pm.*

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**F Applications**

**Licensure/Examination**

Core Course Equivalency Chart and Rationale for Core Courses were provide for review.

Applications for **Licensure by Reciprocity**

**Approved:** Jared Abraham, CO; Edward H Barefield, PA

Applications for **Licensure by Experience** - *None*

Applications for **Licensure Reinstatement** - *None*

Applications to sit for the **ASBOG FG Exam**

**Approved:** Broc R Burmeister, NE; Jeffrey A Carritt, NE; Bronson K Gerken, NE; Andrew J Kelly, NE; Jeremy R Kendel, NE; Joseph J Reedy, NE; Sarah N Sweeney, NE

Applications to sit for the **FG/PG ASBOG Exams**

**Approved:** Bryce A Pietzyk, SD

Applications to sit for the **PG ASBOG Exam**

**Approved:** David M Masciale, NE

**Action** Motion by Correll, second by Link to approve the applications as reviewed and discussed. Voting Yes: Link, Maher, Svingen, Correll, Grimm, Joyce, Martin; Voting No: None

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*AD Weaver entered the meeting at 2:15pm.*

**G Financial Matters**

**Budget Status Report** – October, November, December 2015

**MTD General Ledger Detail Report** – October, November, December 2015

**Fund Summary Report** – October, November, December 2015

**Financial Profile FY 2015/2016** – October, November, December 2015

AD Weaver reported that at the end of December with just over 50% of the time elapsed, 59% of the appropriations have been used and 82% of the expected revenue has been received. AA Lais reported 310 renewals have been received to date of which 272 or 87.7% renewed online. The Cash Fund level was \$85,187 on December 31, which is a record high even though fees were lowered in June 2015. Joyce questioned the difference between the beginning cash fund and ending balance for the previous year. AD Weaver will look at the numbers and get back to the members. Discussion was held on the projected rollover to possibly be used toward the cost of redesigning the website. AD Weaver is projecting the rollover to be lower than the needed \$800. Depending on expenses for the rest of the year (i.e. travel for the ASBOG Spring COE) it may differ. She will have a clearer picture for projected expenditures by the April meeting. If there is not enough rollover to cover the cost of the website redesign, it could be added to the next fiscal year budget.

Nebraska Board of Geologists  
**Board Meeting Minutes**  
January 21, 2016  
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**Other Financial Matters**

**Memo from State Treasurer** regarding agency bank accounts was provided for review.

**Action** Motion by Joyce, second by Maher to approve the Financial Matters as discussed.  
Voting Yes: Link, Maher, Svingen, Correll, Grimm, Joyce, Martin; Voting No: None

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**H General Information**

**Public Notice** publication provided for review.

**Board meetings and schedule** provided for review.

**Roster of Board members** provided for review. AA Lais informed the Board that Link and Svingen have been reappointed by the Governor.

**Licensing Trends**

Trends in Licensure and Fiscal Activity Report provide for review

**Other**

**October 2015 ASBOG Exams Results & Statistics** provided for review

**Approved Board Policies** provided for review

**Travel Policy** provided for review

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**Adjournment:** Motion by Correll, second by Link to adjourn the meeting at 2:42pm.

The next Board of Geologist board meeting will be held on April 21, 2016, at 1:00pm at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, large conference room.

  
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Board Member

4/20/2016  
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Date