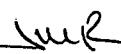


TO: Section Administrators of the Division of Waste Management
Directors of District Management
Waste Program Administrators

FROM: John M. Ruddell, Director 
Division of Waste Management

DATE: March 31, 2000

SUBJECT: Division of Waste Management Policy on Professional Certification
of Technical Documents

The implementation of the different environmental programs administered by the Division of Waste Management has resulted in the need for submittal to the Department of numerous types of technical documents by professional engineers and professional geologists representing the regulated public. These design documents and technical reports are subsequently reviewed, commented on, and considered for approval by Department staff members. For many of these technical documents, professional certification is necessary in accordance with Department rule requirements or due to the requirements of Chapters 471 and 492, Florida Statutes (F.S.), which regulate the activities of professional engineers and professional geologists. Professional certification may be necessary by both the individuals that prepare/review the reports for submittal to the Department and the Department staff members that review and ultimately approve the documents. It is appropriate for the Division to establish uniform procedures related to professional certification to ensure consistency among Department staff located in different program areas and district offices of the Department.

In order to accomplish this objective, two committees were formed to represent the perspectives of professional engineers and professional geologists in different program areas of the Division of Waste Management. Each committee identified issues related to professional certification and then the committee leaders met to coordinate issues and reconcile differences. The result of that process is this memorandum with attachments, which establishes standardization for several aspects of professional certification.

Attachment A is a spreadsheet which lists the technical documents, that are submitted to the Department under the Division's various waste cleanup and waste management programs, that require professional certification. For each document type the spreadsheet identifies whether a professional engineer or professional geologist certification is necessary by the submitting consultant and also whether a professional engineer or professional geologist certification of Department correspondence or an approval is necessary by Department staff members that review and recommend approval of the documents. The most important criteria that determine whether a Department staff

MEMORANDUM

March 31, 2000

Page Two

member needs to provide professional certification is whether the approval constitutes "proposed or final agency action", or if the comments or recommendations of the Department question or request changes to the professional recommendations of a private sector professional. As a result, some document types may or may not need a professional certification by a Department staff member. The documents that fall in this category are identified by the use of footnote 5 in the column on Department staff professional certification. All Department staff members are requested to abide by this uniform standard which identifies those documents which require professional certification.

It should be noted that Attachment A lists minimum professional certification requirements. More than one registered professional may need to sign and seal the applicable portions of a document under some circumstances. For example, as a minimum a PE normally needs to sign and seal a RAP that is submitted to the Department for approval, and this is what Attachment A indicates. However, depending on what professionals working at the company contributed to the preparation of the RAP, more than one PE, or a PG in addition to the PE, might need to sign and seal the applicable portions of the RAP. If this is the case, the document should specify which components of the document each professional's certification pertains to. Also, this is not necessarily a comprehensive list of every document that will be submitted to one of the division's programs that will need professional certification. There may be other documents submitted for special circumstances that may need professional certification by virtue of the content of the documents. Staff PEs and PGs will need to exercise judgement to properly identify those documents that do not appear in Attachment A but may require professional certification.

Attachment B includes standard generic professional certification language for Department staff PEs and PGs. For the purpose of illustration a PE certification of a petroleum program Remedial Action Plan was used as an example. The exact language presented in this example will not be appropriate for all documents in our various program areas due to the inherent differences in program requirements and the document types themselves; however, a variation of this certification language, which identifies the boundaries of the scope of the Department staff member's review, is recommended to be used. Qualification language such as this is not generally appropriate for the private sector PEs and PGs who certify documents for Department approval.

A third issue concerns the potential referral, by Department staff members, of professional engineers or professional geologists to the Department of Business and Professional Regulation (DBPR) for possible disciplinary action. Occasionally an instance may occur in which a staff member, in the course of his/her review of one or more technical documents certified by a private sector professional, formulates an

MEMORANDUM

March 31, 2000

Page Three

opinion that the PE or PG that certified the document(s) may have performed acts which are a violation of the PE or PG rules and that there may be grounds for disciplinary action in accordance with Section 471.033, F.S. or Section 492.113, F.S. Referral of a registered professional to the DBPR for alleged violation of the professional regulation rules of DBPR is a serious matter, which should not be taken lightly, however, after considering the nature and severity of the perceived unprofessional acts, the Department staff PE or PG may feel compelled by professional obligations as a registered professional to make a referral to the DBPR. If this is the case, the DEP staff professional is encouraged to make such referral as an individual concerned professional when he/she considers it to be their responsibility as a registered PE or PG. The Department of Business and Professional Regulation publishes procedures for an individual to file a complaint. A copy of the Uniform Complaint Form can be obtained at the DBPR web site at www.state.fl.us/dbpr. A PE specific version of this form can be obtained at www.fbpe.org.

Use of DEP letterhead in the submittal of such a referral to DBPR implies that the Department as well as the individual supports the referral. Such a referral that implies DEP concurrence in the referral should not be made without establishing a consensus within the Division of Waste Management that the action is warranted and the Department's programs may have been seriously compromised by the alleged actions of the person who certified the document(s).

A staff member should abide by the following procedures before making a referral to DBPR on DEP letterhead stationery. If the staff member making the referral is not a PE or PG, he/she should first find a staff PE or PG to co-sponsor the referral. The administrator of the work unit should be briefed on the proposed referral action. If the administrator supports the referral action, a memorandum should be prepared to Tom Conrardy, PE Administrator in the Bureau of Petroleum Storage Systems, for PE related referrals, or Mike Bland, PG Administrator in the Bureau of Petroleum Storage Systems, for PG related referrals. The memorandum should specifically describe the alleged acts committed by the submitting PE or PG and identify specifically within Section 471.033, F.S., or Section 492.113, F.S., which of the listed acts that are grounds for disciplinary action are applicable to the circumstances. Supporting documentation should be attached if appropriate to substantiate the allegations of wrongdoing. Tom Conrardy or Mike Bland will consult with other PE or PG staff members in the applicable program area as necessary to verify the seriousness of the alleged actions with regard to specific program considerations. Tom or Mike will make a recommendation through the Bureau Chief of the affected program area to me. If I concur with a recommendation for a referral, a letter to DBPR will be prepared for my signature.

MEMORANDUM

March 31, 2000

Page Four

This memorandum and attachments are considered to be living documents. Staff members may provide comments or suggestions at any time and the PE and PG committees may be reactivated as necessary to modify the policy. The procedures described in this memorandum for the Division of Waste Management staff are also applicable to registered professionals employed by local programs and who provide technical review services for the Department under contract agreements. Please distribute this memorandum with attachments to appropriate staff in your program areas. If you have any questions about this memorandum or the attachments, please contact Tom Conrardy at (850)488-3935 or Mike Bland at (850)487-3299 .

JMR/tc

Attachments

Attachment A.

<u>Document Type</u>	<u>Submitting consultant Certification⁽¹⁾</u>	<u>Department staff Certification</u>
Site Assessment Report (SAR) and addenda	QPE ⁽²⁾ or PG	QPE(2) or PG (5)
Limited Contamination Assessment Report (LCAR)	QPE ⁽²⁾ or PG	QPE ⁽²⁾ or PG
Preliminary Contamination Assessment Plan (PCAP)	QPE ⁽²⁾ or PG	(5)
Contamination Assessment Plan (CAP)	QPE ⁽²⁾ or PG	(5)
Preliminary Contamination Assessment Report (PCAR)	QPE ⁽²⁾ or PG	(5)
Natural Attenuation Monitoring Plan - level 1	PE or PG	PE or PG
Natural Attenuation Monitoring Plan - level 2	PE (PG optional)	PE (PG optional)
Remedial Action Plan (RAP) ⁽³⁾	PE (PG optional)	PE (PG optional)
Pilot Studies for Corrective Action Plans or RAPs	PE	PE
RAP Modification ⁽³⁾	PE (PG optional)	PE (PG optional)
Post Active Remediation Monitoring Plan	PE or PG	PE or PG
Post Active Remediation Monitoring Report	PE (PG optional)	PE (PG optional)
No Further Action Proposal (w/o eng. controls)	PE or PG	PE or PG
No Further Action Proposal (w/ eng controls)	PE or PG ⁽⁴⁾	PE or PG ⁽⁴⁾
Site Rehabilitation Completion Report (w/o eng. controls)	PE or PG	PE or PG
Site Rehabilitation Completion Report (w/ eng. controls)	PE or PG ⁽⁴⁾	PE or PG ⁽⁴⁾
As-Built Drawings	PE	
Alternative Procedure Request	PE or PG may be required	PE or PG may be required
Petroleum Remediation Annual Status Report	PE	(5)
Natural Attenuation Monitoring Reports	PE or PG	(5)
Interim Source Removal Proposal	PE only if eng. issues/PG only if geo. issues	PE only if eng. issues/PG only if geo. issues
Source Removal Proposal	PE only if eng. issues/PG only if geo. issues	PE only if eng. issues/PG only if geo. issues
Source Removal Report	PE or PG	(5)
Permit for construction of a Solid Waste Facility	PE	PE
Cert. of constr. completion of Solid Waste Facility	PE	
Construction quality assurance reports for landfill liner	PE	
Permits for Operation of all Solid Waste Facilities except as noted below:	PE	PE
Hydrogeological Investigation & GW Monitoring Plan	QPE ⁽²⁾ or PG	QPE ⁽²⁾ or PG
Solid Waste Operating Permit Modification w/o Constr.		
Permits for Used Oil Processor Facilities	PE	PE
Permits for Mercury Recovery/Reclamation Facilities	PE	PE
Solid Waste Operating Permit Mod. w/ Constr.	PE may be required	PE may be required. (District call)
Solid Waste Operating Permit - renewal w/o Constr. for: (a) Transfer Station	PE- required by FAC	
(b) Material Recovery Facility (MRF)	PE- required by FAC	

Attachment A.

<u>Document Type</u>	<u>Submitting consultant Certification⁽¹⁾</u>	<u>Department staff Certification</u>
(c) Waste Tire Collection Center	PE- required by FAC	
(d) Waste Processing Facility	PE- required by FAC	
(e) Composting	PE- required by FAC	
Solid Waste Closure Construction Permits	PE	PE
Solid Waste Long Term Care Permits ⁽⁶⁾	QPE ⁽²⁾ or PG	QPE ⁽²⁾ or PG
Solid Waste Quantity Reports		
Solid Waste Gas Monitoring Assessment ⁽⁷⁾	PE or PG	PE or PG
Solid Waste Gas Remedial Action Plan ⁽⁷⁾	PE	PE
Solid Waste gas monitoring results ⁽⁸⁾		PE necessary if we question findings
Solid Waste Groundwater contour maps with Compliance Rpt.	QPE ⁽²⁾ or PG	
Solid Waste biennial report	QPE ⁽²⁾ or PG	
Financial cost estimate	PE	
Solid Waste Permit exemption requests	PE or PG may be required	PE or PG may be required (District call)
Waste classification/reuse proposal	PE or PG may be required	PE or PG may be required
Soil Treatment Facility (STF) Permit Application	PE	PE
STF Hydrogeological Investigation & GW Monitoring Plan	PG or QPE ⁽²⁾	PG or QPE ⁽²⁾
Certification of STF Construction Completion	PE	PE
STF Closure Plan	PE	PE
STF Closure Certification	PE	PE
Certification that Long Term Care not required at STF	PE or PG	PE or PG
Cost Estimate for proof of financial assurance for Long Term Care at STF	PE	PE
Feasibility Studies	PE	(5)
Beneficial Use of Industrial by-product report	PE or PG may be required	PE or PG may be required
RCRA As-Built Drawings	PE	PE
Certification of Construction Completion of RCRA Solid Waste Facility	PE	PE
Construction quality assurance reports for RCRA landfill liners	PE	PE
RCRA Financial Cost Estimates (Closure/Post Closure/Corr.Action)	PE	PE
RCRA Corrective Action Plan	PE (PG optional)	PE (PG optional)
RCRA Interim Measures Plan	PE if eng. Issues/PG if geology issues	PE/PG (5)
RCRA Permit Modifications	PE	PE
RCRA Comprehensive Monitoring Evaluation		PE or PG (or as appropriate)
RCRA Corrective Measures Study	PE (PG optional)	PE (PG optional)
RCRA Facility Assessment Reports	PE and PG (or as appropriate)	PE and PG (or as appropriate)
RCRA Facility Investigation Reports	PE and PG (or as appropriate)	PE and PG (or as appropriate)
RCRA Permit Applications	PE, PG if section II.M applies	

Attachment A.

<u>Document Type</u>	<u>Submitting consultant Certification⁽¹⁾</u>	<u>Department staff Certification</u>
RCRA Permit Issuance		PE/PG only if geology issues
RCRA Certification of Closure or Post-Closure	PE, PG if land treatment units	PE, PG if land treatment units
RCRA Documents containing engineering	PE	PE
RCRA Documents containing interpretive geology	PG	PG

- (1) This attachment lists minimum professional certification requirements. More than one PE, or a PG in addition to a PE, might need to sign and seal the applicable portions of a document under some circumstances. If this is the case, the document should specify which components of the document each professional's certification pertains to.
- (2) A PE certifying this document must be qualified to practice geology through training and/or experience in accordance with requirements of Chapter 492, FS.
- (3) Some RAPs are for a relatively limited amount of soil excavation only and do not involve the need for slope stability calculations or the need to do an evaluation and cost-effective analysis comparison with engineered soil remediation methods; therefore, these limited volume, soil excavation only RAPs could be sealed by either a PE or PG.
- (4) If the engineering control is the maintenance of a permanent, impermeable surface or two feet of clean fill, then a PG certification would be sufficient.
- (5) No professional certification by staff is necessary if the document is reviewed and filed. A professional certification is only necessary if the result of the review includes professional recommendations for changes to the monitoring or remediation strategy or disagreement with the conclusions of another professional.
- (6) Long Term Care Permits should have a PE evaluate landfill systems such as cover, ponding, gas, and stormwater but a PG or qualified PE should evaluate the GWM plan and data.
- (7) These plans are typically prepared for old closed landfills that operated prior to solid waste regulations. The assessment typically involves installation of gas monitoring wells and indoor gas monitoring devices. The remedial action plans typically are active or passive venting systems designed to accommodate present and future land use.
- (8) Gas Monitoring data at all solid waste facilities is measured by the facilities and submitted by them. If there is a concern, a PE is required to submit a remediation proposal.

Attachment B
SAMPLE PROFESSIONAL CERTIFICATIONS FOR DEPARTMENT STAFF
P.G. CERTIFICATION

XXXXX for FAC ID# _____

I hereby certify that in my professional judgement, the components of this XXXX satisfy the requirements set forth in Chapter 62-770, F.A.C., and that the geological interpretations in this report provide reasonable assurances of achieving the assessment objectives stated in Chapter 62-770, F.A.C.

I personally completed this review.

This review was conducted by _____ working
under my direct supervision.

(NAME)
(TITLE)
_____ Waste Cleanup Program

Date

P. E. CERTIFICATION

Remedial Action Plan for _____

I hereby certify that in my professional judgement, the components of this remedial action plan satisfy the requirements set forth in Chapter 62-770, F.A.C., and that the engineering design features incorporated in this plan provide reasonable assurances of achieving the objectives stated in Chapter 62-770, F.A.C., for remedial action. However, I have not evaluated and do not certify aspects of this plan that are outside my area of expertise (including, but not limited to electrical, mechanical, and structural features).

I personally completed this review.

This review was conducted by _____
working under my direct supervision.

Signature, P.E.

Date