Oregon

STATE BOARD OF EXAMINERS
FOR ENGINEERING &
LAND SURVEYING

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PROFESSIONAL PRACTICES COMMITTEE

Minutes of Meeting
August 14, 2015

Members present:
Ken Hoffine, Chair
Chris Aldridge
Shelly Duquette
Oscar Zuniga

Staff present:
Mari Lopez, Board Administrator
Jenn Gilbert, Executive Assistant

Others present:
Katharine Lozano, Assistant Attorney General
Scott Smith, Oregon Department of Environmental Quality (DEQ)

The meeting of the Professional Practices Committee was called to order at 3:15 p.m. in the OSBEELS Conference Room at 670 Hawthorne Avenue SE, Suite 220, Salem, OR 97301.

Public Comment
There was no public comment.

Unfinished Business
There was no unfinished business to address.

New Business
Is a PE required to be licensed in Oregon to certify a Site Risk Analysis for a petroleum terminal – Scott Smith
Scott Smith attended the meeting to answer any questions of the Committee relating to the Question form he submitted. Mr. Smith is an Oil Spill Contingency Planner for Oregon. He introduced the issue with a brief summary of his duties, the process, and the rules he is guided by. He is responsible for 19 sites that conduct the transfer of oil over water. The statute requires a seal of a PE on oil spill contingency plans submitted for petroleum facilities and pipelines. Mr. Smith would like clarification on if the PE must be licensed in Oregon as he has seen seals from other states. AAG Lozano reminded the PPC of the options to move forward; 1) issue an advisory opinion which is considered a declaratory ruling; 2) seek advice of counsel that can

then be waived or kept confidential; 3) decline to address the question; or 3) seek further clarification. Regardless of the option PPC chooses, Mr. Smith may seek his own legal counsel.

Ms. Duquette asked Mr. Smith to define "site risk analysis" a little better. He brought an example to share that shows an SPCC plan with a site risk analysis. Mr. Smith went on to state that it contains a simple declaratory statement. The requirement is that the plan is thorough and comprehensive but with no other criteria. The analysis examines the geology, age of construction material, corrosion detection and is fairly simple. Ms. Duquette followed up with a question on if the state of the facility is given or does the analysis make a recommendation. Mr. Smith replied that consideration is made to a lot of factors and then the facility is put on a schedule for preventative maintenance. Mr. Zuniga asked if the requirements state what type of engineer is required. He replied no, they do not.

It was moved and seconded (Aldridge/Duquette) to request AAG advice that would assist Mr. Smith. The PPC has had several inquiries in the past related to SPCC and the Board has a few opinions that have not been waived. Ms. Lopez commented that other states have provisions in their laws; Oregon does not. As a result of the extensive discussion and in order to further assist Mr. Smith, he was asked to provide the documents submitted in an oil spill contingency plan, a statement on whether DEQ is acting as an agent of the EPA, and any internal procedures on evaluating submittals. The information should represent the majority of submittals he receives for consideration. Mr. Smith will work with staff to provide the information for the October meeting. Mr. Aldridge withdrew his motion.

Requirements to seal with PE and/or PLS utility pole/line survey – David Moyano
A Question form was received from David Moyano, inquiring if a scenario he posed required an Oregon professional engineer or professional land surveyor. He provides that an engineering firm retained by a private company performs visual inspections of physical conditions of existing timber utility poles (structural condition, existing attachments, what is connected to the pole – power, communication, transformers, and the location of the attachments including distance measured from ground level). Field data is collected and serves as the basis to perform office engineering to determine further work. The field work does not include engineering evaluation or development of opinions of the adequacy of existing poles. Mr. Moyano asks if the field survey data requires a PE, a PLS, or both a PE and a PLS seals. After discussion, the Committee commented that as long as "structural condition" does not include activities contained in ORS 672.005(1) or (2), and if no recommendation or conclusions are drawn by the field crew, then a PE or a PLS is not needed. It was moved and seconded (Aldridge/Duquette) for staff to draft a response for review. The motion passed unanimously. There was no further discussion.

Energy Modeling and Analysis of Buildings and Building Systems – Jared Frazier
A Question form was received from Jared Frazier, inquiring if final analysis, calculations, and reports related to the energy performance of a building or building system is considered the practice of engineering. He questions this in particular when these energy analyses propose changes to the building use, systems, and/or function of either existing yet to be constructed. The Committee noted that this work may or may not include engineering, depending upon the specific details of the work and referred to ORS 672.005(1) which contains the work that does constitute the practice of engineering and would require a professional engineer. After

discussion, it was moved and seconded (Duquette/Zuniga) for staff to draft a response for review. The motion passed unanimously. There was no further discussion.

LEC referral regarding Franchise Utilities – Memo from staff
Due to the time, it was moved and seconded (Hoffine/Duquette) to forward this discussion to the next meeting in October. The motion passed unanimously. There was no further discussion.

The meeting adjourned at 4:32 p.m.