

# ASSOCIATION OF ENGINEERING GEOLOGISTS

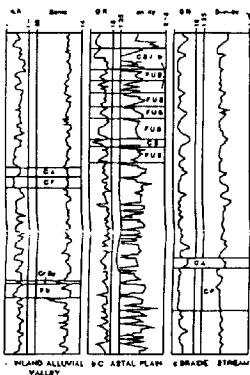
## Southern California Section

"Serving Professionals in Engineering, Environmental, and Groundwater  
Geology Since 1957"

### NEWSLETTER - JUNE 1999

#### MONTHLY DINNER MEETING

- Date:** Tuesday, June 8, 1999
- Location:** Atrium Hotel, 28700 MacArthur Blvd., Irvine, CA 949-833-2770 [Directly across from John Wayne Airport, Thomas Guide p. 859, G-6]
- Time:** Social Hour - 5:30 p.m. Dinner and Meeting - 6:30 p.m.
- Reservations:** Call (949) 253-5924 ext. 564
- Cost:** \$25.00 per person for reservations made by 12:00 noon Monday June 7, \$30.00 at the door, and \$15.00 for students w/ valid i.d.). "No-shows" will be billed \$10.00.
- Speaker:** *John Peck, Ph.D.*
- Topic:** *Perspectives On Radioactive Waste Disposal*



#### OFFICERS

##### CHAIR

Wendy Schell  
(949) 250-1421  
[schellbw@aol.com](mailto:schellbw@aol.com)

##### VICE CHAIR

David Seymour  
(714) 560-9016  
[dseymour@ch2m.com](mailto:dseymour@ch2m.com)

##### TREASURER

Doug Santo  
(562) 908-6205  
[dsanto@willdan.com](mailto:dsanto@willdan.com)

##### SECRETARY

Martin Lieurance  
(805) 499-5035

**Abstract** - Radioactive waste disposal in the United States is in disarray. Low level disposal sites established in the sixties have mostly been closed because of real or perceived leaks from shallow burial trenches. High-level radioactive waste from defense facilities remains on various reservations around the country built for the Manhattan Project in the forties. Spent fuel from commercial nuclear electric power production is stored at the reactor sites in temporary facilities. The Department of Energy asserts that no repository for high-level waste will be available until 2010 at the earliest.

The technical issues for shallow and deep geologic disposal of radioactive waste are principally those associated with ground water movement and surface water infiltration. Each site is geologically unique and has to be characterized as a disposal site based on the geologic and hydrologic properties present in the past, the present and predictably for the future under changed conditions associated with waste emplacement.

The technical issues are not the ones causing the delay and indecision in finding suitable places for geologic disposal of radioactive waste. The disposal process has been politicized to such a degree that we are essentially paralyzed into a no action scenario. The scientific community is part of the problem. Unfocussed research and junk science for political purposes have clouded the process to the extent that decision-makers are unable to feel comfortable with burial technology.

**Biographical Sketch** - Born in 1937 in Concord, Massachusetts. B.S. in Geology from Univ. of Massachusetts, 1960, M.A. in Geology from Dartmouth College, 1962. Geologist with the US Geological Survey from 1962 to 1974, Senior Geologist with Stone & Webster Engineering Corp., 1974 to 1976, Consultant Geologist with Stone & Webster 1976 to 1989, Geotechnical Manager and Senior Scientist with Science Applications International Corp., 1989 to 1997. Consulting Geologist, present.

Life Member, Association of Engineering Geologists; Currently, Past-President of AEG; Past Chairperson, Southwestern Section and New England Section AEG; Former Manager of the High-Level Radioactive Waste Disposal Committee AEG. Fellow, Geological Society of America. Active Member, American Association of Petroleum Geologists. Member of the Advisory Committee of the Nevada Bureau of Mines and Geology.

**BORPELS "FIELDS OF EXPERTISE" DOCUMENT RULED INVALID**

In a determination dated May 13, 1999, the State of California Office of Administrative Law (OAL) ruled that the "Fields of Expertise" memorandum is a "regulation" without legal effect *unless* [emphasis added] it is adopted in compliance with the Administrative Procedure Act. The "Fields of Expertise" document, prepared by the Board of Registration for Professional Engineers and Land Surveyors (BORPELS), sought to define the respective responsibilities and duties of registered geologists and registered geologists. Many geologists objected to the approach that was taken in formulating the "Fields of Expertise" document, and its attempt to relegate registered geologists to, among other things, largely non-quantitative functions. Following is an overview of the recent OAL determination courtesy of Section Member Buzz Spellman (reprinted with his permission). The letter also provides contacts at the OAL where complete copies of their determination can be obtained (not reprinted here due to its 20-page length).

May 18, 1999

Dr. Christopher Mathewson, Executive Director  
Association of Engineering Geologists  
Department of Geology & Geophysics  
Texas A&M University, MS 3115  
College Station, TX 77843-3115

Subject: CALIFORNIA CIVIL ENGINEERS' "FIELDS OF EXPERTISE" JUDGED INVALID

Dear Chris:

Enclosed is the May 13, 1999, 20-page Determination of the Office of Administrative Law (OAL) which:

**"concludes that the memorandum "Fields of Expertise" issued by the Board of Professional Engineers and Land Surveyors (BORPELS) is a "regulation" which is invalid because it should have been, but was not, adopted pursuant to the Administrative Procedure Act (APA)".**

This determination is very significant for the well being of all geologists licensed in California, as well as other states that register geologist. The Fields of Expertise, BORPELS Policy #96-10, has no legal standing in California, nor any other state, and as such, **should not be used**. It is currently being misused. For example, other States are known to be using the Fields of Expertise as a guide for Civil Engineers and Geologists duties.

Due to the widespread distribution of the document, attorneys involved in private dispute litigation are using Policy #96-10 to qualify, or disqualify, expert witnesses. Similarly, geologists submitting reports to some public agencies are being unfairly turned down based on the Fields of Expertise policy. Further, some geologists could not contract for geologic services due to this invalid Civil Engineers' policy. OAL found that "by listing some activities as suitable only for engineers, the Engineering Board's policy has an ostensible effect on the scope of geology practice".

Worth noting is the unanimous rejection of the "Fields of Expertise" policy by the Board of Registration for Geologists and Geophysicists as recorded in their October 1997 minutes.

Due to the importance of OAL's findings, and possibly the effect on geologists throughout the country, I suggest **publishing** this "cover letter", or more detailed letter by others, in the next deadline of "AEG News" as well as in the local California AEG Section Newsletters (Sacramento, San Francisco and Southern Calif.). Consideration might be given, if space permits, printing entire pages 2, 7, 8 and 10 (2 and 10 if little space). The entire document, "1999 OAL Determination No. 15", can be obtained from OAL, 555 Capitol Mall, Suite 1290, Sacramento, CA 95814 or E-mail: [staff@oal.ca.gov](mailto:staff@oal.ca.gov)

Sincerely,



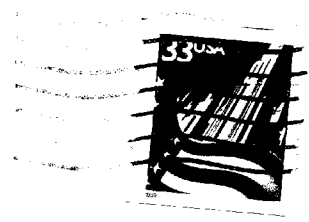
Howard A. "Buzz" Spellman, AEG No. 1698

cc: James May, Jeffrey Neathery, Janet Mathewson,  
Wendy Schell, Julia Turney, Gary Pischke  
bcc: Baldeman, Brown, Ebersold, Fife, Hersh, Wolfe, *schl's for Santa*





**Association of Engineering Geologists**  
*Southern California Section*



Stuart R. Michener  
AEG Newsletter Editor  
1669 Wilson Ave.  
Arcadia, CA 91006



FIRST CLASS POSTAGE

# **D & Construction Specialties, Inc.**

LIC. # 681416



**"Specializing In Hillside Drilling & Tough Hand Excavations"**

- \* Test Pits/Test Borings
- \* Foundation Underpinning & Repair
- \* Caissions/Grade Beams
- \* Slope Repairs/Recompaction
- \* Demolition & Hauling

*Friendly & Professional Service*

**(818) 767-8864**