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The Official Publication of the Mississippi State Board of Registered Professional Geologists

Protecting the Public's Health, Safety, and Welfare

Spring, 2005 - Volume 1

Members of the Board: Charles Swann, President (At Large); Winston Russell, Vice President (Environmental); Ed Hollingsworth (Mining - Mineral Extraction); David Patrick (Academia); and Patricia Phillips (Government).

For Your Information

*From the Director,
Rick Ericksen*

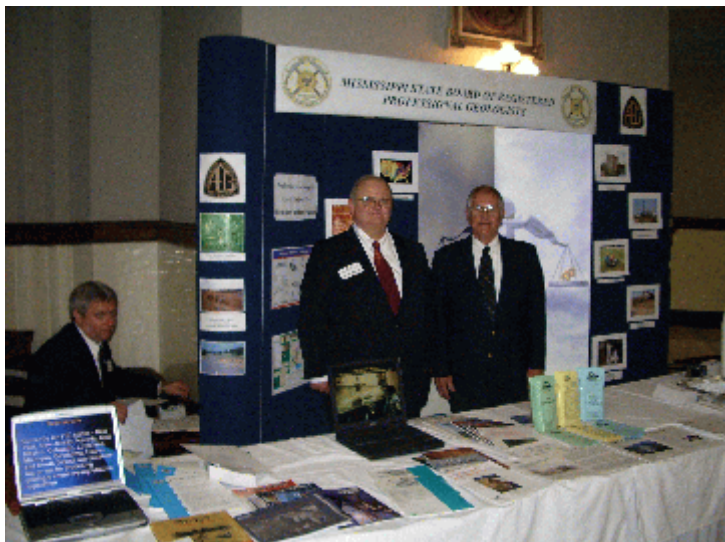
Legislative Day? This undertaking was not really a new concept but one that has never been done to my knowledge by professional geologists in the state of Mississippi. On January 12, 2005 representatives from the Board, its Advisory Committee, and the Lower Mississippi Valley Section of the Association of Engineering Geologists (AEG) hosted a booth on the first floor rotunda area of the state's Capitol and met with state legislators and interested members of the public. The mission was to inform legislators and others of what exactly geologists can do as it relates to the areas of professional geologic practice and how that practice influences and impacts the public - from teaching to environmental to geotechnical to energy and mineral resource activities. Also joining in support and underwriting a significant portion of these outreach efforts were Environmental Management Services of Hattiesburg and MACTEC Engineering and Consulting, Inc. of Jackson.

Based on the overwhelmingly positive responses we received while there at the Capitol we have already reserved the rotunda for next year to speak to legislators about the impact of geology on the public's health, safety, and welfare of the citizens of not only Mississippi but the nation. The following photograph was taken during our first "Legislative Day."



From left to right, Ken Ruckstuhl and Mike Wright (MSBRPG Advisory Cmte)

Lastly, please note the upcoming seminar being hosted jointly with the Eastern Gulf Region's PTTC and the Division of Professional Affairs of the American Association of Petroleum Geologists (DPA/AAPG). For those of you who are members of our continuing education program and others of you who have mandatory continuing education requirements, please note that this seminar will also have at least one presentation covering the topic of ethics. All one has to do is look at the front page of any newspaper on any given day to see where ethics have either not been followed or questionable practices/activities have led to the perception that ethical violations have occurred. Now that we have the Sarbanes/Oxley Act that may help alleviate some of the more glaring issues but not all.



Another photo from our Legislative Day, from left to right, Mike Wright (MSBRPG Advisory Cmte), Milton Myers and Bob Larson (AEG)

Upcoming Seminar, April 7th, 2005

Please make plans to attend a day long seminar being jointly hosted by the Eastern Gulf Region of the Petroleum Technology Transfer Council, the MSBRPG, and the DPA/AAPG. The first hour and a half will feature a presentation on ethics by Dr. Terry Panhorst, Associate Professor from the Department of Geology and Geological Engineering at the University of Mississippi. Next there will be a presentation by Mr. Ken Ruckstuhl, with Environmental Management Services, who will highlight environmental compliance considerations for oil and gas activities. Mr. Ruckstuhl will present an overview of current environmental regulations affecting oil and gas exploration and production facilities and provide a forecast on emerging environmental issues.

Following Mr. Ruckstuhl's presentation, Mr. Jere "Trey" Hess will discuss the elements of the new "All Appropriate Inquiry" (AAI), including its comparison to environmental site assessments conducted under the guidelines of ASTM 1527 (also known as Phase 1 Site Assessments). Mr. Hess will also address some currently unanswered questions regarding this new rule (AAI). This portion of the seminar will include an overview of risk-based cleanup of petroleum-contaminated media. The seminar will be

on April 7, 2005 starting at 8:30 am at the Capital City Club in Jackson, MS. The cost of the seminar is only \$25.00, which includes a buffet-style lunch. To register for this seminar please go to the following URL:

<http://egrpttc.geo.ua.edu/form/registration.html>

This seminar has been assigned 6.0 PDHs by the MSBRPG of which 1.5 are in ethics. Both the PTTC and the MSBRPG will have certificates of attendance available at the end of the seminar for those who need to document their PDHs. Hope to see some of you there!

Board Nominees Announced

The Board's Nominating Committee is pleased to announce its slate of nominees for the board positions which will become vacant on July 1, 2005.

For the academic and governmental sectors the following nominees have been chosen:

Academic

Del Gann
James May
Darrel Schmitz

Government

Everett J. "Jay" Ferris
Mike Seal
John Warner

You will be receiving biographies of each and a ballot within the next several weeks for your selection. The votes will be tabulated and sent to Governor Haley Barbour for his consideration and final nomination of those who will ultimately serve on the Board.

Enforcement/Disciplinary Actions and A Standing Request

After many months it appears that the MSBRPG has finally resolved four complaints that had been filed with the Board concerning stamping/signing issues of geologic documents. The resolution of these cases was done in a reasoned and professional manner. On the heels of the resolution of these four complaints the Board is currently investigating three other complaints.

In addition to these three complaints currently under investigation, the Board was also informed by a registrant of another potential complaint concerning the violation of Rule 3, which is the Code of Ethics/Professional Conduct. The Board heard this complaint at its March 3, 2005 Board meeting and has taken the matter under advisement. Also at that same Board meeting, and responding to information which the Board of Registration for Professional Engineers and Land Surveyors had previously supplied to the MSBRPG, the Board directed that a letter of concern be issued to an environmental consulting firm regarding the requirement that a Mississippi Registered Professional Geologist must be employed by firms and/or others who are submitting geologic reports or portions of reports in compliance with any federal, state, county, or municipal law, rule, or regulation.

All of these recent complaints, save one, were initiated through the Board's registrants and with that said remember that it is a standing request and obligation of you as Registered Professional Geologists, Geologists-In-Training and the Public to report to the Board through formal complaints or verbal notifications if you feel that there is or has been a violation of the RPG Act of 1997.

Remember, you are the eyes and the ears of the Board. If you are aware of any practice violation do not hesitate to either file a complaint (found at the Board's web site or by calling for a copy) or by contacting the Board's Director. The Board is responsible for these matters and initiates investigations almost immediately once they are received. Remember that the public practice of geology must be done by or under the supervision of a Mississippi Registered Professional Geologist who takes full responsibility for that work. Please notify the Board of any appearance of or documentable evidence of violations to the RPG Act of 1997.

ASBOG Annual Meeting

The Annual 2004 meeting of the Association of State Boards of Geology (ASBOG) was held in Boise, ID from November 1 -7, 2004. In attendance was the Board's director and also Dr. Darrel W. Schmitz who co-chairs the Task Analysis Survey (TAS) team which is reaching the conclusion on its work on the TAS which was sent out last year. The TAS, as you may know, is used in determining the blueprint of both the Fundamentals of Geology and Practice of Geology examinations.

During the annual meeting Director Ericksen met with the ASBOG Executive Committee to discuss the work that had been accomplished on updating three ASBOG public information brochures and other associated matters. The MSBRPG Director currently serves on four ASBOG committees (Public Relations, Finance, Uniform Procedures, and Strategic Planning). Despite Mississippi, Arkansas, and other states' non-support, the other ASBOG member states voted to set the FG exam fee back to its original amount of \$150.00. It is anticipated that the MSBRPG will introduce a motion to set the ASBOG fee to \$125.00/exam for those states that use the FG as an exit exam and only when the exam is used in that capacity at the next annual meeting.

In other related news concerning ASBOG, the Board has chosen Dr. James Harris, Chair, Department of Geology at Millsaps College as its next Subject Matter Expert who will be responsible for reviewing the ASBOG examinations during exam reviews with the ASBOG Council of Examiners. The Council meets twice yearly to review the exams which have been just administered and to review the upcoming exams to be administered six months in the future. Prior to Dr. Harris' appointment by the Board, Dr. David Patrick served as the Board's SME and the Board extends its thanks to him for his dedicated service in that capacity.

Underground Storage Tank (UST) Regulations

For those of you have not heard, and yes - some have not - UST activities may now be performed by either engineers or geologists.

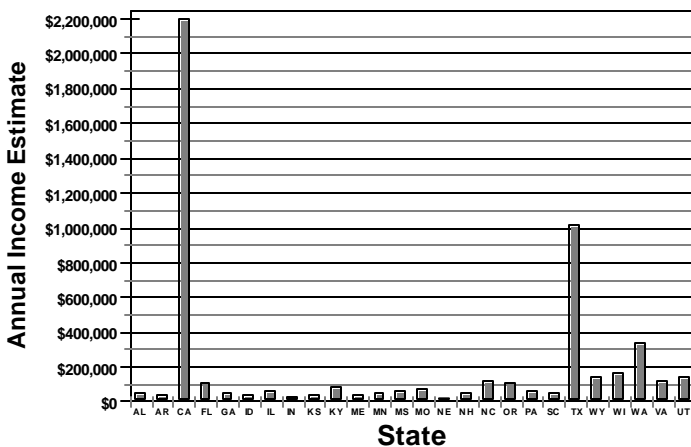
Each is subject to their area of qualifications, expertise, and governing laws and rules. If you have any questions feel free to contact the MSBRPG or UST Division at the Mississippi Department of Environmental Quality for additional information.

Financial Data of the MSBRPG and Other Board's of Licensure/Registration

After being in existence for eight years now, how are the finances of the Board? This issue was discussed at the last meeting of the Board on March 3, 2005. During that meeting the Board's Director briefed the Board concerning trends and projections of the revenues and expenses of the Board. A portion of that briefing is included in this newsletter through a series of graphs. These graphs and corresponding explanations of what they mean are provided here because we (the Board) understand that a significant number of its registrants reside out-of-state and cannot attend the Board's meetings. It is also being provided so that those that live in Mississippi who are simply too busy to attend a Board meeting may also be informed.

The first graph depicts the income, on an annualized registration-licensure fee basis, currently in place for all of the states which have true registration-licensure laws. Several of these states have programs which are subsidized by other state agencies and hence their actual estimated, annualized income are not representative of the actual costs which are incurred.

Estimated Annual Income by State

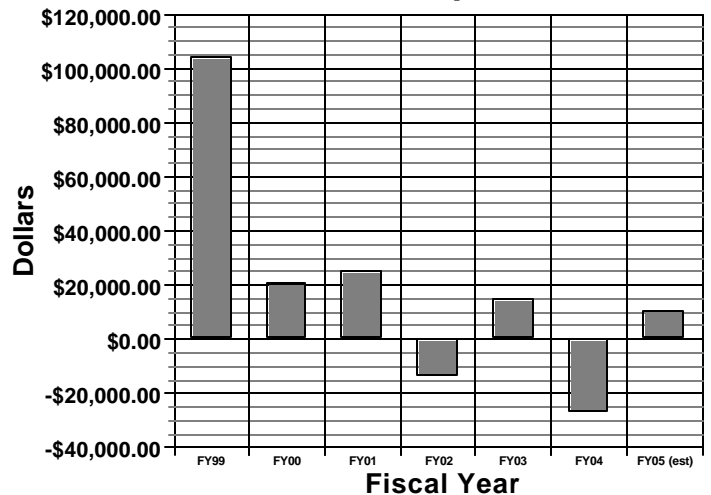


For those of you unfamiliar with the beginnings of the Board the following is provided to give some background concerning the fee structure of the registration renewal fee.

In 1996 the Geologic Task Force was required to develop a budget for the MSBRPG prior to its legislation being approved. It was "estimated" that with the creation of the MSBRPG it would have approximately 800 to 1,000 registrants. This forecast, developed by the Geologic Task Force, was heavily based on the results of registration in Alabama, our sister state, that had just ended its "grandfathering" period. Later, in 1999, it became obvious to the Board that it would not reach those numbers of registrants and as a result it reset the RPG biennial renewal fee at the level it has been now since 1999, \$200.00 biennially (\$100/year on an annualized basis).

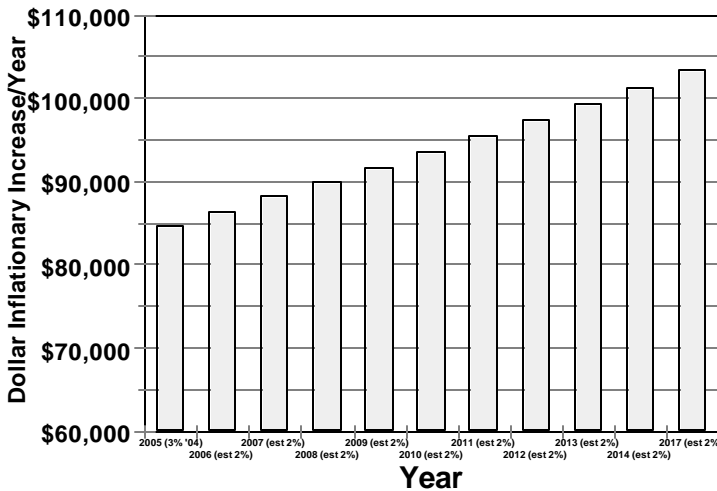
The following graph depicts the MSBRPG's expenses versus income. Overall it appears that the MSBRPG has been operating with no significant cumulative losses but will in the future unless adjustments are made.

Income Less Expense



The following graph shows the effect of inflation on the expenses of the MSBRPG. Inflation figures were obtained from the US Bureau of Labor Statistics through the calendar year 2004. For future years, where there are no statistics, the overall inflation rate has been conservatively (and perhaps optimistically) projected at an annual rate of two percent per year.

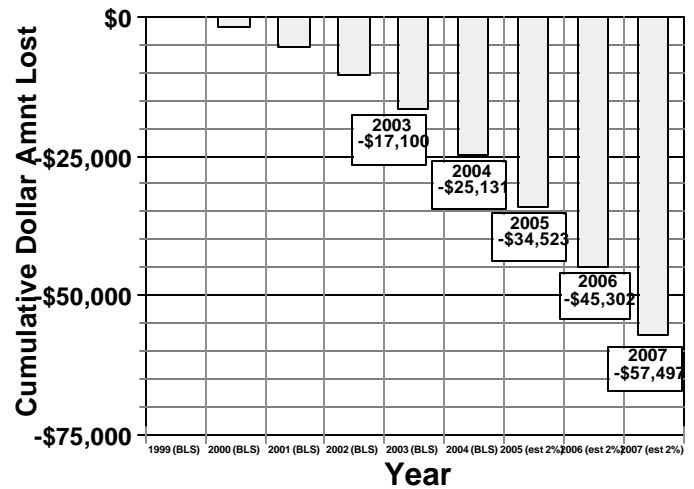
Inflation Effect on Expenses



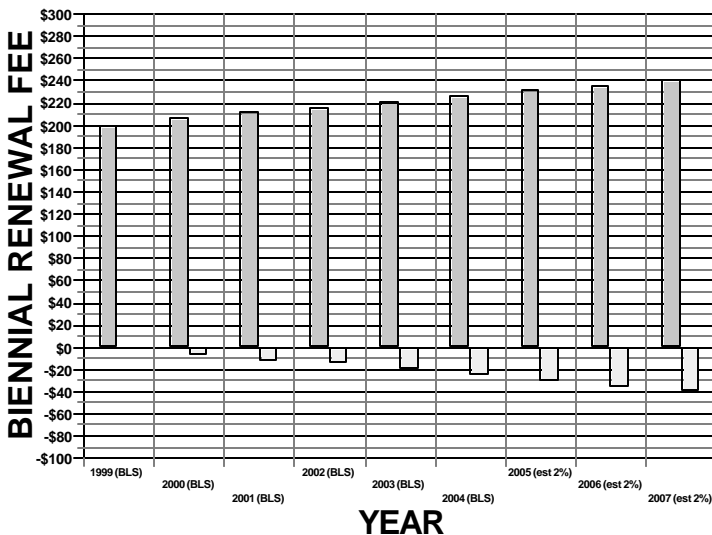
The last graph shows this effective decrease due to inflation as it relates in a cumulative fashion to the revenues of the MSBRPG. For example in 2005, the effect of inflation has reduced the value of 1999 dollars to the degree that the cumulative inflationary loss is nearly \$35,000.00.

Inflation Effect on Fees (Cumulative)

Biennial Renewal Fees Only



INFLATIONARY EFFECTS ON RENEWAL FEE



The above graph depicts the effect of inflation on the biennial fee charged by the MSBRPG. As shown the \$200 biennial fee in 1999, adjusted for inflation, would now be \$231 in 2005.

The Board does anticipate an increase in registration fees and will be considering that issue in the future when it is appropriate.

Remember Benchmark Awards - Mississippi State Employees

For many of you please take advantage of receiving a benchmark award from those state agencies who have been offering this now for the past several years. Once you have received your registration as a RPG you may qualify for a five percent salary increase. For example if you are receiving a salary of \$30,000/year a five percent benchmark would increase your salary by \$1,500.00 — not an intended purpose of registration nor you choosing this career path!

But for those of you where this may apply, and for those of you who have taken advantage of it (using the example) — for a mere investment of \$100/year (annualized renewal fee amount) you get \$1,500.00/year in return. Think about applying for a benchmark increase or becoming a RPG if you

haven't done so yet. A big reward for a small investment!

Pending Legislation of Interest

Likely by the time you get this newsletter the Mississippi State Legislature will be approaching the end of its current legislative session. Although we do not have any bills pending on behalf of the Board during this session we do have a significant interest in SB 2538, which concerns waste water in Mississippi. SB 2538 is a rewrite of the existing waste water law which was done by the Waste Water Advisory Committee (an advisory committee to the Department of Health which as one of its members is the MSBRPG).

With the rewriting of the existing legislation, there are some significant changes and additions that were added by the Waste Water Advisory Committee. Proposed in this legislation is a certification program that includes geologists, soil scientists, and engineers who all must be certified as a "Certified Professional Evaluators." A Certified Professional Evaluator may perform site evaluations and almost all other activities associated with on-site waste water issues and activities. Keep an eye on this important legislation!

Voluntary Continuing Education and Professional Development Program

As previously noted the Board adopted guidelines for participation in its "Voluntary Continuing Education and Professional Development Program." The Board initiated offerings of seminars and presentations several years ago and formally adopted the guidelines by which the program is structured. The program enrollment letter can be found on the Board's web site at www.msbrpg.state.ms.us. Once enrolled in the program the registrant's participation will be noted in the Official Roster of the Board - an acknowledgment of those who are participants in the Program.

Are You Signing and Stamping Your Work? Board Addresses the Issue Again and Again!

We continue to receive verbal complaints related to registrants not stamping (or sealing) and signing reports, maps, cross-sections, etc. Any document involving the public practice of geology, submission of documents to or by a state agency which contains geologic information, reports, maps, etc. are required by law to be prepared by or under the supervision of a Registered Professional Geologist who must stamp and sign the document(s). Alternatively, if the document does not lend itself to be individually signed and stamped/embossed the Board issued a guidance document on June 19, 2000. That document is readily available on the Board's website at www.msbrpg.state.ms.us - please review it!

Please take the few minutes required to be in compliance with this requirement of public practice, you really don't want to attend a Board meeting to explain why you haven't been stamping and signing your work, or do you? Remember, this is not an option — it's the law!!!!

Some New Information

As always, please visit the Board's web site from time to time. You can find items such as Memorandum of Understandings (MOUs); Attorney General and Board Opinions; Board meeting dates, times, and agenda; continuing education information; order forms for stamps/embossers, complaint and exam forms, etc. It also has archived issues of this newsletter - the RPG News, as well as other useful information. The web site address is: www.msbrpg.state.ms.us and the Board's e-mail address is: geology@msbrpg.state.ms.us

Also, the Board's phone number is 601/354-6370; fax 601/354-6032; mailing address: P.O. Box 22742, Jackson, MS 39225-2742; and physical address is: Jackson Enterprise Center, Suite 206-A, 931 Hwy 80 West, Jackson, MS 39204.

ASBOG Examinations - An Update

Fall ASBOG exam date is set for October 7, 2005 with August 17, 2005 deadline for payment of exam fees. Please be aware that you may only take one exam during a scheduled exam offering. In order to take the FG exam, you must have a complete application on file with the Board as an enrollee (GIT) and have been cited to sit for the exam. To sit for the PG exam you must have: 1) four years of geological work experience; 2) previously passed the FG exam; and 3) have a complete RPG application on file with the Board. Failure to have the necessary information on file will disallow you from sitting for either exam. If you have any questions contact the Board! If you are taking the FG exam as an "exit" exam with the University of Mississippi, Mississippi State University, the University of Southern Mississippi, or Millsaps College, the requirement for the Board's receipt of an application as an enrollee (GIT) is waived.

REMEMBER THE DEADLINE FOR EXAM ORDERS IS AUGUST 17, 2005. Please visit the Board's web site for an exam application or call the Board for additional information.

REPORT VIOLATIONS, IT'S YOUR ETHICAL OBLIGATION

Ad Hoc Advisory Committee Report

The Advisory Committee has a critical role in supporting the Mississippi State Board of Registered Professional Geologists. As Past National President of the Association of Engineering Geologists (AEG) I am aware that the future of these organizations are closely entwined. As the current Chair of the Advisory Committee, I have emphasized the contributions of AEG in bringing professional geology registration to Mississippi. Just because we now have registration the battle is far from over. The Advisory Committee has initiated several important initiatives to inform the public, in general, and our state legislators and other leaders in particular, what geologists contribute to the world.

Last month we set up a booth at the Capital in Jackson to inform lawmakers of the wide range of contributions made by geologists. This "historical first" was a very successful endeavor resulting in numerous important contacts. We also set our booth up again at the Gem and Mineral Show and were well received there as well.

The Board's director, Rick Ericksen, and I have been meeting with the Waste Water Advisory Committee and have constructively provided input concerning pending legislation in the Mississippi Legislature to ensure that geologists have a role in determining issues involving geologic materials and groundwater. The Advisory Committee also has ongoing initiatives to educate students across not only Mississippi but all states where our registrants reside about geology. Unfortunately, this initiative has not been as successful as hoped and it has exposed a weakness in our role as professional geologists. When the Board included in its' mail-outs a request for volunteers to speak at local schools the only response received was resounding silence. As I mentioned earlier, I feel that the future of not only registered geologists and the Association of Engineering Geologists but also other geological organizations are dependant on one another and I invite others and their members to participate.

We have some very hard working people on our current advisory committee. We are looking for more people who are interested in promoting our profession. If anyone is interested in getting involved please call me at 601-634-3395 or e-mail me at jmay1942@aol.com

Dr. James H. May, PhD, RPG
Ad Hoc Advisory Committee Chair

PS - The annual meeting of AEG for 2008 will be held in New Orleans. Dr. Darrell Schmitz and I will be co-chairing this meeting which will afford us, as professional geologists, the opportunity to showcase our talents to the Nation and the World. I look forward to seeing you there!

LIAISON COMMITTEE FORMED - MSBRPG AND PEPLS

After last year's legislative session, the Board of Registered Professional Geologists and the Board of Registration for Professional Engineers and Land Surveyors formed a Liaison Committee to address and discuss matters of common concern. The committee consists of two board members and executive directors of each respective board. The committee has since met on two (2) occasions and another meeting is scheduled for the near future. With the formation of this group it is anticipated that through ongoing dialogue that there will be better communication between our professions. If you have any suggestions or any professional practice issues that you think may be of importance to this committee please contact the MSBRPG so it may address the matter through this group.

MEETING ANNOUNCEMENT

LMVS Association of Engineering Geologists

Meeting: Thursday, April 7th, 5:30 pm,
Jackson Enterprise Center



MSBRPG
P.O. Box 22742
Jackson, MS 39225-2742

"Geology of the Great Wine Regions of France"

Presented by
John Malanchak

The French word *terroir* (pronounced *tehr-wahr*) is used to describe all the ecological factors that make a particular type of wine special to the region of its origin. France's geological foundation; its soil, is considered the "soul" of a vineyard. Decades of research by French geologists and other scientists has shown that property boundaries, dating back centuries in many cases, mirror underlying faults, facies changes and other variations in geological properties. Geology can be used to understand and explain the mysteries of the grape.

Attendees will have the opportunity to taste wines from selected regions of France, i.e., Rhone River Valley, Loire River Valley, Champagne, and Alsace. Soft drinks and cheese will also be available. It is required that we know the number of attendees prior to the meeting, so you must RSVP by March 25, 2005. The space available is limited to 30 people.

Contact Rick Ericksen to let him know that you (and your guests) plan to attend. If you leave a voice mail, please include in the message, your phone number, your name, and the number of attendees. Rick will provide you with directions and/or a map to the Enterprise Center if you need that information. His phone number is 601/354-6370.

Please notify the Board if you have recently moved or changed employment - include your e-mail address with your new information!

In This Issue.... Geologists with MSBRPG and AEG Host First State Capitol Legislative Day, Annual ASBOG meeting; Nominees to the Board; etc.