

The National Society of Professional Engineers' Public Comment on Docket ID No. EPA-HQ-OAR-2014-0451

The National Society of Professional Engineers (NSPE) commends the Environmental Protection Agency for proposing additional safety measures requiring a professional engineer to prepare site-specific gas collection and control system (GCCS) plans as part of the proposed rule ***Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills***. NSPE greatly appreciates the EPA's recognition of the professional engineer's important role in protecting the public health, safety, and welfare.

As part of the proposed rule, EPA requests comments regarding the appropriate professional and educational requirements for auditors. For example, should auditors be licensed professional engineers?

NSPE strongly asserts that the auditing process is best performed by licensed professional engineers. As acknowledged in this very proposed rule, licensed professional engineers are uniquely qualified to perform the underlying compliance work. Consequently, it makes the most sense that the professional best qualified to review such work would also be a licensed professional engineer.

The EPA additionally states that it is considering allowing a person at the facility who is a registered professional engineer to conduct the audit at the facility, i.e., first party/self-auditing, instead of requiring independent third-party audits. If self-auditing is authorized, the EPA seeks comment on how best to structure it to maximize auditor independence and accurate auditing outcomes.

NSPE would strongly encourage the EPA to maintain the current system of independent third-party audits. While we understand that cost concerns are a factor, self-auditing can present a true conundrum and the short term gains are vastly outweighed by the potential downsides of abuse of such a system. Placing such a requirement on a landfill employee will inevitably create problematic conflict of interest situations. For example, consider a professional engineer assigned such an audit who also is responsible for air compliance. This could put the individual in the extremely awkward position of telling their superiors that they were not as successful in achieving their compliance goals as they would have liked. Independent third party audits are a proven method that works best and provides the best protection of the public safety and our environment.

In the future, if a self-auditing process is added to the regulation, it is NSPE's position that the report be prepared by a licensed professional engineer and follow the appropriate stamping and sealing regulations of the state where the engineer is registered.

The National Society of Professional Engineers appreciates the opportunity to comment on this proposed rule and welcomes any opportunity to provide further input or information.

The National Society of Professional Engineers is a member-centric, nimble, future-focused, and responsive organization, serving as the recognized voice and advocate of licensed Professional Engineers. Through education, licensure advocacy, leadership training, multidisciplinary networking, and outreach, NSPE enhances the image of its members and their ability to ethically and professionally practice engineering. Founded in 1934, NSPE serves more than 32,000 members and the public through 53 state and territorial societies and just over 400 chapters.