




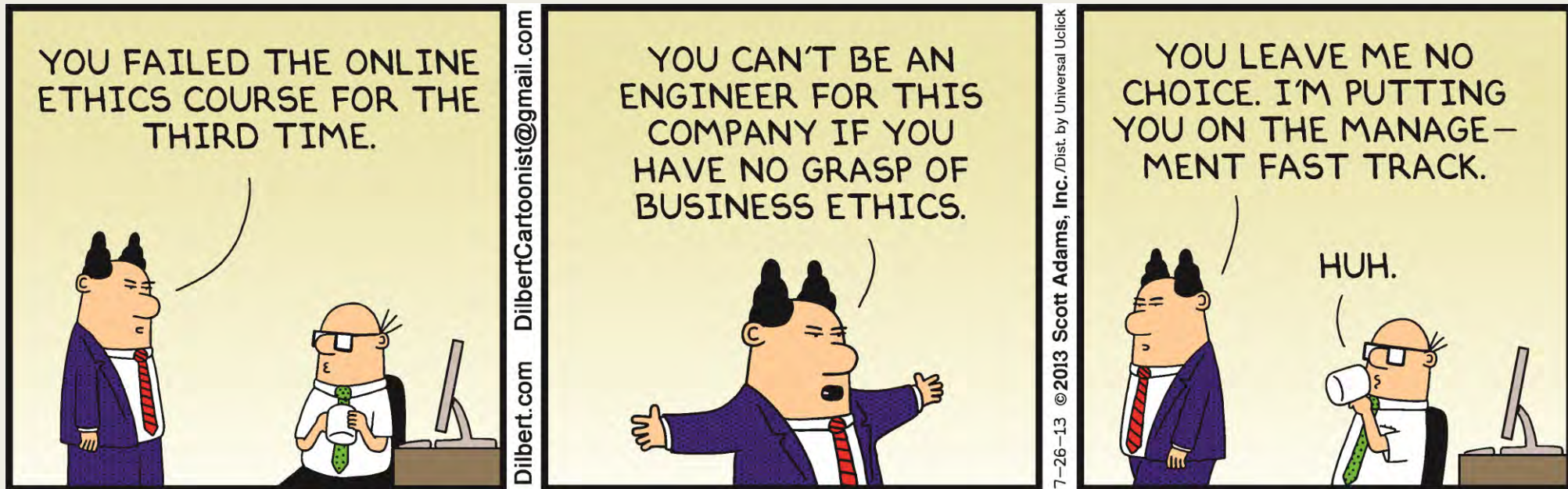
ENVIRONMENTAL ETHICS

A&WMA Florida Conference
29 October 2019
Tallahassee FL



Introductions

- Greg Terry, Gulf Power Company
- Chris Russell, Environmental Protection Agency
- Robert Manning, Hopping Green & Sams



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Engineer's Code of Ethics

- Engineering ethics are the rules and standards that govern the conduct and interactions of engineers as professionals.
- Code of Ethics <https://www.nspe.org/resources/ethics/code-ethics>
 - Hold paramount the safety, health, and welfare of the public.
 - Only work in area of competence.
 - Issue public statements only in an objective and truthful manner.
 - Avoid deceptive acts.
- An engineer cannot be disciplined for being “unethical” but many ethical situations are covered under the definition of misconduct in 61G15, F.A.C.

Which Florida Statutes cover PE professional obligations?

- a) 471.033
- b) 471.025
- c) 403.061
- d) 455.227
- e) All of the above
- f) a, b, and d.



What is the Florida rule chapter for PE obligations?

- a) 62-4
- b) 61G15
- c) 61G5
- d) 5J18

Which of the following are NOT prohibited by law?

- a) misleading advertising
- b) lying
- c) negligence
- d) stupidity
- e) incompetence
- f) misconduct
- g) misleading statement NOT under oath
- h) bribe
- i) conflict of interest
- j) sealing document prepared by someone else NOT under sealer's supervision.

Ethics Case Studies



Case #1

PB Oil Storage, Sopchoppy FL

■ Background

- Facility Response Plan inspection
- Elaine is a PE at PB Oil Storage, on-site for the inspection
- Reggie is the EPA inspector
- Bob is the PE on the FRP, off-site during the inspection

■ Issues

- FRP is not signed or sealed by a PE
- Bob developed the FRP
- Reggie suggests Elaine sign the plan



Case #1 continued

PB Oil Storage, Sopchoppy FL

- Discussion
- Questions
 - T/F Does Elaine’s knowledge qualify her to sign the FRP?
 - T/F Would Elaine signing the FRP be a “win-win”?
 - T/F Should Elaine contact the Region IV Office?
- What If?
 - The FRP found on the shelf is wrong?
 - Reggie is testing Elaine?
 - Will PB Oil face more scrutiny from EPA in the future?

Case #2

Planning for a 100-year storm

■ Background

- Engineer “A” is private engineer
- Client “A” is a residential project developer
- Engineer “A” believes that the project should be built for a 100-year storm
- The proposed development area has no current building code
- Based on new data, Engineer “A” estimated a 100-year storm elevation
- Construction for a 100-year storm is significantly more expensive
- PE identified public safety risks at lower elevations



Case #2 continued

Planning for a 100-year storm

- Discussion
- Questions
 - T/F Is project cost a consideration?
 - T/F Should Engineer “A” dismiss himself from the project?
 - Engineer “A” ethical responsibility is
 - a) Advise Client “A” of the data and the need to protect public safety.
 - b) Report the situation to the local building code authorities.
 - c) Present his findings to local groups.
 - d) All the above



Case #3

Intern's Summer School Report



■ Background

- Irene is interning for a large construction company, Crane-R-Us
- At the end of the summer she spends a day in the field
- She sees an oil stain at a site and exaggerates her experience for a school report to portray her as a hero for her company
- Her supervisor did not review the report.

Case #3 continued

Intern's Summer School Report



■ Questions

- T/F The intern was correct to make sure the cleanup crew was performing all required cleanup and reporting.
- T/F The intern should have had her supervisor review the school report before submitting it.
- The best next step for Irene is:
 - a) Nothing. She does not want to work for a lame construction company.
 - b) Contact her supervisor and make her aware of the report and seek her guidance.
 - c) Contact her school and insist on revising her work report.
 - d) Contact FDEP and notify them of her heroic actions.

Case #4

Construction Start Date



■ Background

- Joe is an engineer for XYZ Consultants, an environmental engineering firm.
- His client, Midnight Auto Sales, is purchasing another automotive repair shop with a number of drums located in a back storeroom.
- Joe has samples taken of the drums but decides not to perform any analysis, fearing that the samples would characterize the waste as hazardous and costing his client a lot of money and time.
- Joe next informs the client of the presence of the drums and suggest they be removed by a local disposal firm (preferably at night).

Case #4 continued

Construction Start Date



■ Questions

- T/F Joe Engineer is acting ethically because he is bound by a non-disclosure, confidential information agreement with his client.
- The best next step for Joe Engineer is:
 - a) Destroy the samples
 - b) Perform analysis of the samples. No need to inform the client.
 - c) Recommend to the client that the samples should be analyzed.

Case #5

Construction Start Date



■ Background

- Milo is an environmental engineer for Megawatts, a resort island utility.
- Megawatts operates a system of RICE engines.
- An recent EPA rule requires diesel exhaust fluid (DEF) by December 31.
- Megawatts has ordered the materials for the DEF systems and is on track to easily meet the deadline.
- Milo applied for an air construction permit to install the DEF systems in May, but FDEP had a RAI that delayed issuing the permit and FDEP has yet to issue the final permit.
- To have the DEF system in place prior to the December 31 deadline, construction must start next week.

Case #5 continued

Construction Start Date



■ Questions

- T/F The EPA deadline trumps the FDEP permit requirement, and Megawatts can start construction next week if that is required to meet the December 31 schedule.
- The best next step for Milo is:
 - a) Whatever work is done prior to the FDEP permit, Milo should call that “pre-construction” work.
 - b) Review with an attorney, what work can be done without a permit and hold off all other work until a FDEP permit is received.
 - c) Go ahead with the current schedule, and contact an attorney to help with your defense when you are found guilty of starting construction without a permit.