

IN THIS ISSUE...

President's Message2

New Members3

AASHTO Guidelines3

Legal Bulletin - MDE Preparing to
Publish New Environmental
Reporting Regulations4

ACEC – Your Voice in Congress5

Transportation Funding at the
Forefront of ACEC/MD General
Membership Meeting6

Affiliate Member Rowles & Company
to Spearhead Toy Drive6

Member News7

Professional Development8

UPCOMING EVENTS!

LEGISLATIVE BREAKFAST

December 1, 2009

8:00 AM – 10:00 AM

The Engineers Club • 11 West Mount Vernon Place, Baltimore

HOLIDAY PARTY

December 3, 2009

6:00 PM - 9:00 PM

Baltimore Museum of Industry • 1415 Key Highway, Baltimore

GENERAL MEMBERSHIP MEETING

featuring Richard Clinch, PhD.

Director of Economic Research

Merrick School of Business

University of Baltimore

December 17, 2009

11:30 AM - 2:00 PM

The Engineers Club • 11 West Mount Vernon Place, Baltimore

For all of these events, to make reservations or for more information,
please contact the ACEC/MD office 410-539-1592.

visit us on the web! www.acecmd.org

EXECUTIVE COMMITTEE

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Rummel, Klepper & Kahl

Vice President

Joe Makar, P.E.
Whitman, Requardt &
Associates

Secretary

Leon Kriebel, P.E.
Whitney, Bailey, Cox &
Magnani

Treasurer

Jeffery P. McBride, P.E.
EBL Engineers

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George E. Wirth, P.E.
Schnabel Engineering

Alternate Director

Harry C. Stephen, P.E.
Century Engineering

ACEC/MD DIRECTORS

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McCormick Taylor

Jack Moeller, P.E. (2007-2010)
Johnson, Mirmiran & Thompson

Chris Griffith, P.E. (2008-2011)
KCI Technologies

Jerry Jannetti, P.E. (2008-2011)
PB Americas

Art Barrett, P.E. (2009-2012)
Gannett Fleming

Stuart Taub, P.E. (2009-2012)
Wallace, Montgomery & Associates

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ACEC

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PRESIDENT'S MESSAGE

by Michael W. Myers, P.E.

ACEC/MD is actively preparing for the upcoming Maryland legislative session, which is scheduled to begin January 13th, 2010. ACEC/MD's Legislative Committee is finalizing its Legislative Business Agenda; and yes, transportation infrastructure funding tops the list. The ACEC/MD CEPAC committee is actively distributing CEPAC funds to senators and delegates who support the ACEC/MD legislative agenda or sit on important subcommittees. Thanks to the contributions from the membership, the CEPAC fund was over \$16,000 this year, almost \$50,000 total for the past three years, allowing ACEC/MD's voice to be heard in Annapolis. Our annual Legislative Breakfast is scheduled for December 1, 2009 at the Engineers Club, officially kicking off ACEC/MD's legislative session. Please plan to attend this complimentary event for a preview and commentary of what we can expect this session. Finally, ACEC/MD's Legislative Action Day and Luncheon is scheduled for January 21, 2010 at the Calvert House in Annapolis. This is an excellent opportunity to meet with your representatives in Annapolis and discuss our legislative business agenda.

During the General Membership Meeting held on October 15, 2009 at the Engineers Club, the finalists for ACEC/MD's 2010 Engineering Excellence Awards were announced. The Engineering Excellence Grand Award Winner and winners for each category will be announced during the General Membership Meeting and Awards Banquet scheduled for February 18, 2010 at the Engineers Club. At this event, in addition to announcing the awards, several individuals are honored for their demonstrated support for our profession as well as ACEC/MD's scholarship winners. Please mark your calendars for these exciting and important events.

As I mentioned in the last newsletter, ACEC/MD has formed an ad-hoc



Transportation Funding Committee to foster support for adequate transportation funding in Maryland. In a short amount of time, that Committee has hit the ground running and is making progress. To summarize, this committee has:

- Developed a professionally-narrated powerpoint presentation for use by our member firms to inform and educate their employees about the transportation funding challenges, and to plant the seeds for greater grassroots support for our initiatives. This presentation will be made available to our member firms in the near future. I encourage your firm to take advantage of this resource.
- At our October General Membership Meeting, arranged for Delegate Ann Marie Doory, Vice Chair of the House Ways and Means Committee and Mr. Don Fry, President and CEO of the Greater Baltimore Committee to present their views on the transportation funding dilemma and potential solutions.
- Attended the Maryland Chamber of Commerce Transportation Committee Meeting and prepared pertinent language for their 2010 Business Agenda supporting an immediate increase in

gasoline taxes and opposing further raids of the state's Transportation Trust Fund. It is noted that the urgency and importance of transportation funding is spreading far and wide. For example, the U.S. Chamber of Commerce, the American Trucking Association, the National Association of Manufacturers and the American Automobile Association (AAA) have all endorsed increasing the federal gasoline and diesel excise tax to pay for infrastructure. This is absolutely groundbreaking and further demonstrates to the general business community the importance of rebuilding our nation's infrastructure.

- Along with members of ACEC/MD's executive and legislative committee members, met with several key Maryland senators and delegates to discuss the transportation funding dilemma and garner their future support.

Additional upcoming events you should mark on your calendar include:

- ACEC/MD's Holiday Party being held on December 3, 2009 at the Baltimore Museum of Industry. This is a great opportunity to meet with clients and colleagues in the engineering community in a festive holiday environment. If you have never visited the museum, this is the perfect opportunity to witness exhibits demonstrating the industrial history of Baltimore and Maryland, and the many contributions of the engineering community.

As you can see ACEC/MD and its committees are hard at work bringing value to our member firms. Please get involved, attend the scheduled events and do not hesitate to provide feedback regarding these programs and any other related issues you may encounter.



NEW MEMBERS

The following firms have been elected to Regular membership:

TIEPOINT ENGINEERING

Address: 810 Gleneagles Court, Suite 208, Baltimore, MD 21286

Telephone: 410-583-8820;

FAX: 410-583-8805

Size of Firm: 7

Website: www.tiepoint.com

Rep.: Richard N. Schlosser

Founded: 1994

Brief History and Activities of the Firm: Established in 1994 to provide multi-discipline professional engineering services, TiePoint Engineering, PC, specializes in application, design and testing of infrastructure systems for computer and computer-related facilities. The firm's involvement in national mission critical forums and seminars and their consulting and design experience for nearly a hundred major data centers provide TiePoint with an invaluable database of documented best practices and lessons learned. TiePoint Engineering's core competencies include identifying the uptime expectations of new and existing mission critical data centers. In the case of existing data centers, they evaluate existing systems against the uptime expectation, and provide strategic infrastructure planning. The professional engineers at TiePoint Engineering have participated in more than fifty reviews of data

centers throughout the United States and several international data centers. The firm uses these evaluations to create design development documents and specifications for major systems. TiePoint Engineering's services also include preparing construction documents, reviewing shop drawings, witnessing factory acceptance testing, witnessing site acceptance testing, developing site commissioning plans, and preparing system operating procedures. Typically, TiePoint Engineering serves as the prime source for full-service architectural and engineering services for data center projects.

MS ENGINEERS, INC.

Address: 9192 Red Branch Road, Suite 290, Columbia, MD 21045

Telephone: 410-997-1200;

FAX: 410-730-1785

Size of Firm: 6

Website: www.msengineers.net

Rep.: Pyare Diwana, PE

Founded: 1988 (sole proprietorship) & incorporated 1995

Brief History and Activities of the Firm: MS Engineers (MSE) was founded in 1988 to provide quality professional consulting MEP engineering services to clients in private and public sectors. The firm provides planning and design of mechanical and electrical systems for industrial, institutional, and com-

mercial facilities. Engineering activities include the design of air conditioning, communication, fire protection, heating, lighting, plumbing, power distribution, process piping, refrigeration, site utilities, temperature control, and ventilation systems.

The following firm has been elected to Joint Council membership:

O'CONNELL & LAWRENCE

Address: 17904 Georgia Avenue, Suite 302, Olney, MD 20832

Telephone: 301-924-4570;

FAX: 301-924-5872

Size of Firm: 38

Website: www.oclinc.com

Rep.: Kenneth J. O'Connell

Founded: 1994

Brief History and Activities of the Firm: O'Connell & Lawrence, Inc. is a multi-discipline engineering and consulting firm providing construction consulting, civil engineering, and surveying services to a broad range of both public and private sector clients. The firm also provides expert testimony and litigation support services.

We welcome these firms as members of ACEC/MD. Be sure to add their information to your records. The next time you see one of their representatives, please take the time to let them know we're glad that they have joined the Council!



AASHTO GUIDELINES

One of the highlights of the recent ACEC Fall Conference was the release of AASHTO's New Uniform Audit and Accounting Guide. Since the FHWA plans to incorporate this document into future regulations, this will dramatically change how engineering firms are compensated and audited.

To inform ACEC member firms about the content of this document, a series of webinars will be available. You may want to invite your CPA to take advantage of this opportunity.

This will affect every firm doing work with state DOTs, therefore, you will want to take advantage of these sessions being held:

ACEC Webinar Series - AASHTO's New Uniform Audit and Accounting Guide

Nov. 5th New Rules on Allowable and Reasonable Compensation

Nov. 10th New State DOT Compensation and Audit Rules That Will Affect Your Bottom Line

Nov. 12th Basic FAR Compliance in a Time of Increased Government Oversight
Nov. 18th New Guidance for Successful Overhead Audits

Dec. 3rd Basic FAR Compliance in a Time of Increased Government Oversight

To register for any of these webinars, contact ACEC (1-202-347-7474).



LEGAL BULLETIN

MDE PREPARING TO PUBLISH NEW ENVIRONMENTAL REPORTING REGULATIONS

In 2008, the Maryland General Assembly passed a law instructing the Maryland Department of the Environment (MDE) to develop regulations requiring property owners and others to disclose environmental sampling results to the State. We have now reviewed the draft regulations, which will be published later this month, and can confirm that the draft drastically changes the obligations of Maryland companies and individuals to report sample results to MDE. Here are answers to what we anticipate to be the most common questions:

How do I know whether a sample result must be reported?

You are required to report sample results under three circumstances: (1) a sample result exceeds the screening levels of Maryland's voluntary cleanup program; or (2) the sample results show a "hazardous substance" (as defined in the regulations) which is floating as "free product" in groundwater, is in excess or reportable quantities under federal law, was disposed without a permit or is in an abandoned container; or (3) unpermitted disposal of industrial waste has occurred on the site.

MDE's voluntary cleanup screening standards are very low. We anticipate that many Phase IIs and other sampling reports will show at least some sample results that exceed those numbers and therefore may need to be turned over to the State.

How do I know that I am the person required to submit the report?

The law applies to "responsible persons." Responsible person is a complicated legal term that has been the subject of much litigation, but for most sites this will usually mean an owner or operator of the property where the sample was taken. However, the obligation is not limited to current owners. A prior owner or operator who has retained a copy of a sampling

result meeting the criteria may be required to report the result to MDE.

It does not matter whether the owner or operator performed the test; the only issue is whether the owner or operator is in possession of the results. So, for example, a prospective purchaser who conducts sampling would not necessarily be required to report it to MDE unless or until the prospective purchaser acquired title. However, if that purchaser provides the current owner a copy of the results, the current owner likely will be required to submit it.

Am I required to disclose old reports?

Yes. The regulations do not include any "grandfathering" for prior sample results, and reports will be due immediately regardless of how long ago they were taken as long as you still possess the results. So, for example, a soil sample result from 1980 that a responsible person currently has in his or her possession must be disclosed. In fact, reporting is required even if the responsible person no longer owns the property.

When is reporting required?

Responsible persons are required to file a report upon the earlier of: (1) 48 hours after discovery that the criteria requiring reporting have been met, or (2) October 1, 2009 if the sample result was obtained before that date. We assume that MDE will change the October 1st date since it has already passed.

Are there any exemptions?

Yes, but they are limited and not likely to help most businesses. The regulations do not require reporting of properly-applied pesticides and fertilizers, de minimus residential use of hazardous substances, releases previously reported to MDE or the EPA, or oil releases already subject to other provisions of MDE regulations.

Is any provision made for naturally occurring substances?

Yes, but again it is limited and discretionary with MDE. The regulations say that MDE "may" exempt "metallic constituents" if MDE determines that the concentration "is a naturally occurring background concentration." This may be a frequent problem. Arsenic, for example, naturally occurs in the Baltimore region at levels that exceed MDE's screening levels.

If I am required to file a report, how is it submitted to MDE?

The regulations provide that MDE will create a form, but it is not included with the regulations. The form will require information regarding property location, the materials triggering the reporting obligation, a summary of historic and current operational activities, proximity to humans, and details regarding the impact of the release including on soil sediment, groundwater, surface water, and indoor air.

What are the threshold levels and how is the appropriate level determined? Does the property's current use determine the appropriate level?

Reporting thresholds are the existing MDE screening standards - which have previously existed solely as guidance. Those thresholds differ for residential and non-residential property but the current use of the property does not determine the appropriate standard. For example, the residential soil screening levels will apply to any site which is zoned for residential use, or is not otherwise restricted from being used for residential purposes. So even if the site is currently being used for commercial or industrial purposes, the fact that there is no legal restriction on residential use means that the residential standard applies.

After reporting occurs, how will MDE respond?

The regulations do not specify how MDE will respond or how quickly. There has been some discussion that where MDE determines that the reported release does

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LEGAL BULLETIN

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not represent a risk to public health or the environment, a No Further Action letter will be provided. However, no deadline is set for issuance of such a letter. If an NFA is not appropriate, the assumption is that MDE will compel participation in either the Voluntary Cleanup Program or the Controlled Hazardous Substance program.

Is it too late to challenge these regulations?

No, the regulations are only proposed, and are expected to be made available for public comment between October 23, 2009

and November 23, 2009. During this period interested parties will have the opportunity to submit comments to MDE prior to the finalization of the regulations. We expect to provide comments on behalf of clients before the regulations are finalized.

If you have questions regarding Maryland's new Environmental Reporting Regulations, the Gordon, Feinblatt Environmental and Energy Practice and Government Relations Group is ready to help you.

Michael C. Powell
410-576-4175
mpowell@gfrlaw.com

Todd R. Chason
410-576-4069
tchason@gfrlaw.com

This bulletin is designed to inform you of current legal developments and should not be construed as legal advice or opinion concerning specific factual situations.



ACEC – YOUR VOICE IN CONGRESS

Congress is now debating several measures that will dramatically affect the profitability of engineering firms: transportation funding to state DOTs, funding for infrastructure projects (including water and aviation), global warming, changes to the federal tax codes, and of course, health care reform. Each of these federal issues has far-reaching consequences for firms in Maryland as well as the entire industry.

That's the bad news. The good news is that ACEC members have a way to make sure their voices heard on Capitol Hill: the ACEC Political Action Committee. Now in the top 4% in the nation, ACEC/PAC is the primary weapon in our industry's political arsenal to help elect candidates to office that support pro-business, pro-engineering positions. In addition, these contributions play an important role in providing ACEC representatives with the opportunity to edu-

cate important committee members on issues that are important to your firm.

Since many of Maryland's Congressional Delegation members sit on important committees and have leadership roles, traditionally ACEC/PAC has actually contributed more to our elected officials than is donated by our firms. In just the past month the results have been encouraging, with Senator Cardin sponsoring a water infrastructure bill and Congressman Kratochvil signing on as a cosponsor of the bill to repeal the 3% withholding tax.

In order for ACEC to be successful in championing issues that are important to your firm they need your employees' financial support. As a reminder, in order to accept contributions, federal law requires ACEC to seek your approval before soliciting your firm's employees on behalf of ACEC/PAC. To grant that

approval, please go to ACEC's website or contact the ACEC/MD office.

ACEC/PAC is bipartisan and operates out in the open in full compliance with the Federal Election Campaign Act and applicable state laws. Each state is represented by PAC Champions to help meet its state's annual PAC goal. Your Champion, Schnabel Engineering's George Wirth has spearheaded the initiation of a raffle in Maryland that provides member firm employees with a financial incentive to contribute.

Supporting political programs like ACEC/PAC is the best thing we can do to make sure engineering firms have a voice at the table when key decisions are made affecting our future. If you have questions about ACEC/PAC, please contact the ACEC/MD office.



TRANSPORTATION FUNDING AT THE FOREFRONT OF ACEC/MD GENERAL MEMBERSHIP MEETING

Recognizing the transportation funding crisis impacting firms in the state of Maryland, ACEC/MD devoted the October General Membership Meeting to addressing the problem and identifying how member firm representatives can become part of the solution. Featured speakers Delegate Anne Marie Doory, Vice Chair of the House Ways and Means Committee, and Greater Baltimore Committee (GBC) President and CEO Donald Fry offered their unique perspective on the state of transportation funding in Maryland.

Facilitated by Rummel, Klepper & Kahl's Steve Zentz, during their presentation both presenters agreed that there is

no political will to pass a gas tax increase in the upcoming General Assembly session. Recognizing the fact that elected officials are not being pressured by their constituents to increase transportation funding, they complimented ACEC/MD on the initiative to educate member firm representatives on the problem facing the state and how to get involved in the political process.

Delegate Doory implored attendees to stay involved in the political process. She commented that since civics is no longer taught in schools, the public is generally uncomfortable trying to make an impact on elected officials. She cautioned against

communicating with elected officials via email, favoring more traditional correspondence with a hand written label. She also encouraged firm representatives to go to local media to highlight the problem.

The GBC will be releasing an in depth study of the funding issue by the end of the year. Investigating mechanisms in other states and countries, revealed that transportation including transit has a much higher priority in other countries. Identified solutions include indexing, closely tying together land use and transportation, congestion pricing, public private partnerships (PPP) and vehicles miles traveled (VMT).

Mr. Fry commented that PPP will play an important role. However, to reach its full potential there must be a greater acceptance in the legislature to not overly burden the process. VMT holds out a lot of promise in the future, but it will take time to garner public acceptance. To move forward on these solutions legislators must be willing to look at the big picture.

To gain wide support for a gas tax increase Mr. Fry commented that MDOT will probably need to identify specific projects that tie into the additional revenue. He encouraged members of the profession to ask their elected officials where they stand on the matter.

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AFFILIATE MEMBER ROWLES & COMPANY TO SPEARHEAD TOY DRIVE

It is hard to believe the holiday season is once again right around the corner. In these difficult times, for some kids, this will not be a time to celebrate. As has become tradition, Affiliate Member Firm Rowles & Company will once again spearhead an effort to collect toys for less fortunate children in the area.

You are invited to join the firm representatives December 1, 2009, 4:00pm – 7:00pm, for their Annual Wine & Cheese Social held at their office in Towson.

Please bring your unwrapped gifts for children from newborn to age 18. If you are unable to join the firm represen-

tatives but would like to make a donation, please drop off your toys before December 1st. To attend please call 410-583-6990 by November 20th.

■■■

MEMBER NEWS

- **DEVELOPMENT FACILITATORS, INC. (DFI)** announces that *Marc McCormick* (Design) and *Robert Vollmer* (Inspection) recently joined the firm.
- **GANNETT FLEMING** is pleased to announce that *Gene Koontz, PE* received the American Water Works Association's 2009 George Warren Fuller Award for his distinguished service to the water supply field.
- **GREENHORNE & O'MARA (G&O)** recently announced that *Jedd Narsavage, LEED AP*; *Kern Reilly, LEED AP*; and *Heather Swartz, LEED AP* recently earned the U.S. Green Building Certification Institutes LEED AP status.
- **JOHNSON, MIRMIRAN & THOMPSON (JMT)** is pleased to announce that *Joseph R. Miller, P.E.* has joined the firm as a Senior Associate in their Structures Transportation Department, and *Russell C. Ruffing* has joined the firm as Vice President of the Environment and Natural Resources Section.
- **KCI TECHNOLOGIES** is pleased to announce the following:
 - Engineering News Record magazine recently rated the firm 88th among the top 500 engineering design firms in the nation.
 - The firm provided schedule management and claims resolutions for the DELDOT I-95 mainline widening project that was recently selected by the Northeast Association of State Transportation Officials as the winner of the Regional America's Transportation Award for on-time projects in the medium-sized category.
- **McDONOUGH BOLYARD PECK** recently announced that the following individuals have joined the firm:
 - *Robert Poulton, Project Manager*
 - *Ken Shorter, Senior Consultant*
 - *Larry Anderson, Senior Program Manager*
 - *Rob Purvis, Project Manager*
 - *Rusty Ober, Project Manager*
 - *Lynn Whitenack, Project Manager*
 - *Alek Sergek, Senior Engineer*
 - *Sean Hanlon, Lead Consultant*
 - *Al-Nisa Anduwu, Senior Engineer*
 - *Anita Hsieh, Architect*
- **STV INCORPORATED** is pleased to announce that *George Papadopoulos* has joined the firm as Vice President and Deputy Director of the firm's Construction Management Division, and *Thomas Madison* has joined the firm as a Vice President and the Director of Transportation Policy.
- **WBCM** recently announced that ACEC/MD Secretary *Leon Kriebel, PE* is the new President of the firm. Leon has 34 years of experience in the planning and design of transportation projects throughout the state.



On October 26, 2009 the engineering community lost a valued member with the passing of

Devindar Singh Sidhu, P.E.

founder and President of Sidhu Associates, Inc.

Always ready with a smile and a willingness to support ACEC/MD in any way possible, Dev served as President of the organization in 1994-1995.

Even though he served as president 15 years ago, Dev continued his involvement in ACEC/MD.

He will be greatly missed.

Donations in Dev's name can be made to Uniting Against Lung Cancer Fund at the following address:

Uniting Against Lung Cancer
27 Union Square West, #304
New York, NY 10003

AMERICAN COUNCIL OF ENGINEERING COMPANIES/MARYLAND

312 N CHARLES STREET, SUITE 200

BALTIMORE, MARYLAND 21201-4310

POSTMASTER: ADDRESS CORRECTION REQUESTED

6

September-October, 2009

PROFESSIONAL DEVELOPMENT

- | | |
|----------------|--|
| November 3 | <i>Troubleshooting Concrete Construction.</i> Baltimore |
| December 3 | <i>Troubleshooting Concrete Forming and Shoring.</i> Williamsburg. Presented by the American Concrete Institute. For more information, call 248-848-3815 or go to www.concreteseminars.com |
| November 12-13 | <i>A/E/C Project Management Bootcamp.</i> Chicago. Presented by PSMJ Resources, Inc. For more information or to register call 800-537-PSMJ or go to www.psmj.com . |
| November 17 | <i>WTS Baltimore Chapter's Special Celebration of MDOT Secretary Beverley Swain-Staley's Appointment</i>

BWI Marshal Airport, 5-7pm. WTA members - \$10; nonmembers - \$20. RSVP to Denise Hagans (410-767-8359 or dhagans@mtamaryland.com) by November 10th. |
| December 3-4 | <i>PSMJ's Hot Markets Conference.</i> Washington, DC. Scholarships are available to qualified individuals. For information call 800-537-7765. |
| December 7-10 | <i>National High Performance Building Conference.</i> Washington, DC. Held in conjunction with ecobuild America. For information or to register go to highperformancebuildingexpo.com . |
| December 8-9 | <i>Exterior Walls Technology and Science</i> |
| December 10-11 | <i>Masonry Wall Systems.</i> Atlanta, GA. Presented by RCI, Inc. To register or for more information go to www.rci-online.org or call 800-828-1902. |