

# MINUTES

## State Board of Examiners of Environmental Professionals

### Regular Meeting – December 13, 2012

#### A. Call to Order and Sign-In

A regular meeting of the State Board of Examiners of Environmental Professionals (“the Board”) was called to order on Thursday, December 13, 2012 at 9:00 AM in the Russell Room, 3<sup>rd</sup> Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board members J. Adams, R. Potterton, S. Holtman, J. Loureiro, K. Meloy, C. Violette, and A. Phillips-Griggs were present. Also K. Maiorano of DEEP, Nelson Walter representing EPOC and Robert Bell and Graham Stevens from DEEP were in attendance.

#### B. Reading and Approval of the Minutes

The draft minutes of the Board meeting of October 11, 2012 were read and approved with no revisions; motion: J. Loureiro; second: R. Potterton; passed unanimously.

#### C. Public Participation

N. Walter of EPOC deferred input at this time.

#### D. Unfinished Business and General Orders

##### **Distance Learning**

Board members S. Holtman and J. Adams met with representatives of the EPOC Distance Learning Committee on November 14, 2012. Nelson Walter participated in this discussion with the Board, the topics of discussion are presented below.

Fee for Course Approval – EPOC recommended not charging for course approval requests. They do not believe that a change in the regulations will result in a significant number of course approval requests. It was discussed that even though a sponsor could be limited to applying for 10 requests per year, an LEP has the ability to apply for credit for courses that they have taken or plan to take.

Proof of Attendance/Assessment of Learning - EPOC recommended that all distance learning courses have a mechanism to prove attendance and/or an assessment of learning during and after the course is taken in order to receive credit. The Board concurred with this opinion.

Limit for Distance Learning Credits in Any Bienium - The number of distance learning credits should be restricted to 8 or 12 hours per biennium. Should a hardship occur, an LEP could request a waiver of such restriction in order to come into compliance with the requisite number of credits needed.

Course Credit Determining Factors – Use of Sponsors, Beta Test, Content - The Board considered each of these methods as a mechanism to determine the number of credits to award to a course but looked to the subcommittee to provide more details.

Ability to Repeat After a Number of Years - This has already been addressed and is allowed as a result of the regulatory changes that were recently adopted.

The subcommittee will meet again, make revisions to the regulatory outline and will provide an update at the January Board meeting.

### **Transformation Update**

An update on the transformation process was provided by Graham Stevens and Rob Bell of DEEP. The transformation process has been ongoing for over a year. A white paper on the transformation process has been developed. In September an outline of the proposal was provided to the public for comment. Six work groups were established and have provided reports. These include reportable releases, early exits, revisions to the RSRs for soil and groundwater, transition, and liability. The department believes that it has a greater likelihood to capture more moderate to high risk properties through a release based reporting scenario. Next step will be a January 1 report that will go to the Governor and the Legislature with proposed regulatory and statutory changes.

The Board expressed concern that depending on the end result of the transformation process, there will be significant time commitments for additional disciplinary actions that may be referred to the Board. The Board sees the Uniform Administrative Procedures Act as a roadblock to the ability to promptly render disciplinary action. The current process is very time consuming. Board members step down to perform an investigation and make a determination as to whether a complaint/referral is valid, hold a compliance meeting and recommend an action to the Board. This process is time-consuming for the Board and LEP's.

Mr. Bell indicated that the September outline did include a proposal for LEP Board Staff. He also indicated that the legislative process may have to look at the authority of the Board and at the Uniform Administrative Procedures Act. Mr. Stevens suggested that the Board speak with Jack Looney and also evaluate other Connecticut licenses as to how those boards manage disciplinary actions.

Mr. Stevens asked that the Board prepare written recommendations so that he may include these recommendations in the January 1<sup>st</sup> report. The Board had significant discussions with Mr. Stephens and Mr. Bell concerning the use of a qualified environmental professional, whether a separate license would be required, whether the

LEP Board would be responsible for overseeing these licensees and whether the independence of these other environmental professionals may be called into question. Mr. Stephens and Mr. Bell indicated that self implementing variances are an important proposal to this program so that smaller spills could be cleaned up and the documentation could be maintained on-site without burdening DEEP with the reporting of these spills.

Mr. Stephens and Mr. Bell left the meeting at 10:25 AM.

The Board continued discussion on this topic for inclusion in a letter of recommendation. Of particular concern to the Board was the discussion that if the department wants an RSR level cleanup of a spill, then an LEP should be involved in documenting that cleanup process. Chairman Ruzicka agreed to draft a recommendation letter and distribute to Board members. A conference call was planned to discuss the letter at the end of the week of December 17th to finalize.

### **Board Letterhead**

The Board letterhead was distributed. Revisions to some Board member titles were noted and the letterhead was approved by consensus.

### **Update on complaint 12-101**

C. Violette reported that she and C Buchholz did not believe this to be a valid complaint and they anticipated the final letter would be written and the matter would be closed in January 2013.

### **Complaints 11-102 and 11-103**

R. Potterton and J. Loureiro reported that the matter continues under review. The compliance meeting was being scheduled.

J. Loureiro departed the meeting at 11:00 AM. Chair Ruzicka departed at 11:06 AM and K. Maiorano assumed the Chairmanship.

## **E. New Business**

### **Course Approval Requests**

Course approval request from Ram's Horn for online course titled "**Slug Test Course**" for 4 CECs. Motion to approve for 4.0 CECs by K. Meloy, seconded by A. Phillips-Griggs, passed unanimously.

Course approval request from LSPA for course titled "**Aqueous Organic and Metals Geochemistry**" for 8 CECs. Motion by K. Meloy and seconded by S. Holtman for 8.0 CECs, passed unanimously.

Course approval request from LSPA for course titled “**PCBs for Environmental Professionals**” for 8 CECs. Motion by S. Holtman and seconded by R. Potterton for 7.0 CECs, passed unanimously.


Next regular meeting of the Board is January 17, 2013.

**F. Adjournment**

Upon a motion by A. Phillips-Griggs, seconded by R. Potterton; Chair Maiorano declared the meeting adjourned at 11:14 AM.

Minutes approved January 17, 2013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Adams". The signature is fluid and cursive, with the first name "John" being the most prominent.

John E. Adams  
Board Co-Secretary