

MINUTES

State Board of Examiners of Environmental Professionals

Regular Meeting – April 4, 2013

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, April 4, 2013 at 9:05 a.m. in the Russell Room, 3rd Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board Members J. Adams, R. Potterton, A. Phillips-Griggs, J. Loureiro and S. Holtman were present. Also present were DEEP staff member K. Maiorano, Nelson Walter of EPOC and Ted Stevens. Graham Stevens of DEEP joined the meeting at 9:45 a.m. and departed at 10:35 a.m.

B. Reading and Approval of the Minutes

The draft minutes of the Board meetings of March 14, 2013 were read and approved as written; motion: R. Potterton; second: A. Phillips-Griggs passed unanimously other than S. Holtman who abstained.

C. Public Participation

N. Walter of EPOC stated that he had nothing new to report at this time

D. Unfinished Business and General Orders

Ltr from LEP regarding consent order 08-103, LEP to address the Board

Chair Ruzicka provided an exchange of letters between the LEP and her concerning Consent Order 08-103. The LEP spoke and questioned whether, once satisfied, the Board Web Site will be updated to remove the Consent Order. He indicated that Consent Orders were not posted on the Web Site at the time he entered into the Consent Order and it seemed inappropriate to continue the posting once the order is satisfied. Chair Ruzicka indicated that all DEEP Consent Orders are available on the Web Site and in the spirit of openness, more Department records are being posted. It was discussed that a letter of compliance would be posted with the consent order, once all provisions are satisfied. The LEP also commented that the Verification Course that was required to be taken as part of the Consent Order has not been offered in two years. R. Potterton commented that the LEP was free to request that an alternative course be substituted for the Verification Course. At the present time, it seems unlikely that the DEEP will offer the Verification Course considering the strains on resources presented by the transformation process.

R. Potterton suggested that the Board add an agenda item in May to discuss the ability to sunset the publication of consent orders on the web site. J. Loureiro suggested that Jack Looney be involved in that discussion.

Distance Learning

Chair Ruzicka thanked Mr. Walter for his comments. She identified outstanding issues as, what is the passing score for a final exam in a distance learning course? Alternatives considered ranged from 70% which is what the LEP exam requires to 100% if the student is permitted to retake the exam until a perfect score is achieved. J. Adams suggested a minimum passing score of 75% be considered. If a passing score was not achieved, the student needs to circle back and re-take the course before being able to re-take the end of course assessment. Chair Ruzicka commented that the regulations must clearly define the process and passing scores.

Chair Ruzicka also indicated that the Hardship provision requires clarification. Simply traveling should not be a qualifier for Hardship. Chair Ruzicka suggested military service be included and the language be strengthened to make the bar more clear. As an example, an LEP who waits till the final 2 months to take courses should not qualify.

The regulation will be forwarded to Jack Looney for review and comment.

Update on Transformation Process

Mr. G. Stevens reported that comments on the draft transformation document are being assimilated and thanked the Board for its thoughtful comments on multiple issues. The Department is considering the comments with respect to release reporting regulations and the unified remediation program. The plan to modify the RSRs will likely continue since there is agreement on most revisions.

Assumptions that are the basis for the numerical criteria may be revised, but numerical criteria will not be revised. Also, the ability to add self implementing provisions is being considered. The management of risks in multiple programs is a larger issue that the Department is considering. This may require the bringing together of a larger group of stakeholders.

The Board extended an open invitation to Graham Stevens to report on the Transformation Process and pending legislation.

Update on complaint 11-102 and 11-103

A compliance meeting has been rescheduled to May 7, 2013 with the complainants. K. Maiorano continues to work on satisfying the FOI request.

Applications to take exam

K. Maiorano reported that there were a total of 13 new applications, 2 applicants were denied admission to the exam by the Board (one denied outright and one who did

not respond to a request for an additional recommendation), 7 individuals have applied to retake the exam, bringing the total to 18 total applicants in this exam pool. There are currently 366 LEPs.

Proposed Bills 5825 & 1082

These bills continue to be considered by the Legislature. It was reported that HB 5825 regarding reciprocity was likely dead. The Board will continue to be alert to the developments of the legislature, particularly if a public hearing is held.

Graham Stevens reported that HB 1082 is the Department's bill and that there are many misconceptions on what the bill says. He indicated that there seems to be agreement on the municipal liability relief provisions of the Bill. The deed notice provision is not meant to replace the ELUR, but provide an alternative, less protective measure as a compliance mechanism. It was hoped that provisions of this deed notice would minimize the issues with utility companies.

DEEP staff met with the CT Bar Association. The Environmental Section appears to be supportive, but the Real Estate Section has concerns that the deed restriction provisions may represent a taking of property rights.

There were drafting errors that have been corrected. A Department draft of the bill is likely to be developed in the next week or two. This will clarify language and will address those properties where real risk is present.

The bill will address responses to high risk situations. The risks exist for periods greater than a single year and hence the exposure scenarios that were the basis of the significant hazard reporting program may not be protective enough.

Ubiquitous compounds (i.e. PAHs) would be treated differently than other more toxic compounds. The "ten times rule" may not be the right number for exposures on industrial properties. Many of the issues on industrial and commercial properties are not mitigated in short order and hence the criteria needs to be more protective.

Mr. Stevens reported that the Department receives an average of 8 Significant Hazards reports per year for soil exposures. Reports usually indicate that the offending soils are beneath pavement and/or inside of fenced areas. The language in the bill will require hot spots be mitigated to achieve compliance. In addition, if the cleanup is regulated in a program, schedules will be adhered to. The Department wants to highlight those Sites that are not addressed by listing them on the web site.

J. Loureiro requested that the memo outlining risk analysis from the DPH be provided to the Board. Mr. Stevens agreed and explained the origins of the request by the Department.

The bill will likely be a strike all amendment to the existing brownfields bill and will attempt to consolidate all Brownfields programs into a single program.

E. New Business

Course Approval Requests

Course approval request from The Hudson-Mohawk Professional Geologists' Association for course titled "**In-Situ Remedial Technologies**" for 6-8 CECs. Motion to approve for 8.0 CECs by R. Potterton, seconded by S. Holtman, passed unanimously.

Course approval request from LSPA for course titled "**Bioremediation: Principles, Techniques and Applications**" for 4.0 CECs. Motion to approve for 4.0 CECs by R. Potterton, seconded by J. Loureiro, passed unanimously.

Next Meeting is May 9, 2013 at 9:00am.

F. Adjournment

Upon a motion by R. Potterton; second by J. Loureiro; approved unanimously; Chair Ruzicka declared the meeting adjourned at 10:50am.

Minutes approved on May 9, 2013.

Respectfully submitted,



John E. Adams
Board Co-Secretary