

MINUTES

State Board of Examiners of Environmental Professionals

Regular Meeting – January 17, 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, January 17, 2013 at 9:00 AM in the Russell Room, 3rd Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board members J. Adams, R. Potterton, S. Holtman (on phone at start of meeting and arrived in person at 9:20 AM), J. Loureiro, C. Buchholz and A. Phillips-Griggs were present. Graham Stevens of DEEP arrived at 9:05 and departed at 10:08 AM. Also Board member K. Meloy and Nelson Walter representing EPOC were in attendance via phone.

B. Reading and Approval of the Minutes

The draft minutes of the Regular Board meeting of December 13, 2012 were read and approved with revisions; motion J. Loureiro; second: A. Phillips-Griggs; passed unanimously.

The draft minutes of the Special Board Meeting of December 20, 2012 were read and approved with no revisions; motion A. Phillips-Griggs second: J. Loureiro passed unanimously.

C. Public Participation

N. Walter of EPOC deferred input at this time.

D. Unfinished Business and General Orders

Transformation Update

Graham Stevens provided an update on the transformation process and entered into discussions with the Board.

The Board asked Mr. Stevens what the objections of the various stakeholders were to using LEPs to close out spills. Mr. Stevens indicated that the primary objections were that the costs could be higher and LEPs may not be available when spills occur. The Board expressed the view that having a professional supervise the process may ultimately result in savings.

The process of “Spill Reporting” was discussed and there was an indication that the DEEP Spill Response staff may ultimately be the “Certifying Party” that the spill had been cleaned up to “Background Conditions”.

One suggestion to DEEP from some stakeholders is that the Project Managers of the Spill Cleanup Crews would become the Certified Release Assessor (CRAs). The CRA’s would not be licensed, but would be required to take a course concerning certain aspects of spill cleanup, spill reporting, job safety and have a level of experience to support the certification. No test is envisioned and the certification would be based on the Pesticide Applicators License requirements.

Mr. Stevens indicated that the LEPs would have the ability to provide the same certification as the CRAs.

J. Loureiro expressed concerns that CRAs are being created out of a belief that there are not enough LEPs or that the cost to use LEPs may be excessive, and such beliefs are unfounded. The MCP process works well and there has not been a necessity to license or register lesser qualified individuals to provide certifications. In the event this does become an issue in the future, DEEP could always revisit the process and seek to license or register lesser qualified individuals to provide spill certifications. Additionally, Mr. Loureiro expressed concerns that the use of the lesser qualified individuals may devalue the LEP “profession”. The Board has worked hard to establish professional guidelines and maintain the independent judgment of LEPs. This same level of professionalism, liability and independence would not exist with the CRAs.

A. Phillips-Griggs expressed the concerns of the environmental community that non-professionals would be making these certifications and that they may not have the necessary knowledge or training to confirm the cleanup was properly completed. The independence of LEPs provides a level of comfort to the environmental community that the clean-up crew manager does not. She used the analogy of the fox guarding the chicken coop.

C. Buchholz expressed the concerns of the lending community that the work done by the cleanup crews would not be viewed as sufficient by the lending community to confirm a Site complies with the RSRs. LEPs may need to be hired, after the fact, to verify the cleanup at additional expense to a borrower. This would be a greater expense than if the LEP community had been involved from the start.

Mr. Stevens expressed concerns that the Spill Cleanup Contractors would not support the transformed program unless they had the ability to certify the cleanups. He reiterated the concerns of the spill and business community that costs would increase and LEPs would not be available to oversee cleanups.

Mr. Stevens provided an overview as to how the transformed RSRs would fit into other components of the program.

Distance Learning

Board members J. Loureiro and J. Adams participated in a telephone call with Nelson Walter of the EPOC Distance Learning Committee on January 15, 2013. As a result of the conversation, Mr. Walter volunteered to convert the draft policy into regulatory language for discussion at today's meeting. Nelson Walter participated in this discussion with the Board.

The language was discussed briefly. Board members were urged to review the suggested regulatory language and make comments to K. Maiorano by January 25, 2013. Ms. Maiorano will consolidate the comments and provide the proposed language to Jack Looney at the Attorneys General Office for an initial review.

Chair Ruzicka will contact the Governor's Office and inform them of pending regulatory revisions in an effort to shorten the time frame for approval.

Mr. Walter volunteered to answer any questions the Board may have.

A motion was made by J. Loureiro and seconded by S. Holtman to re-order the agenda placing the update on complaints following the Executive Session after item E. New Business. The motion passed unanimously.

E. New Business

Course Approval Requests

Course approval request from Directional Technologies Inc. for course titled **"Horizontal Remediation Wells Workshop"** for 8 CECs. Motion to approve for 7.5 CECs by K. Meloy seconded by A. Phillips-Griggs passed unanimously.

Course approval request from LEP for course titled **"EQUIS Power User Training"** for 24 CECs. Motion by J. Loureiro and seconded by A. Phillips-Griggs for denial of credit due to inappropriate content, passed unanimously.

Course approval request from Microbial Insights Inc. for course titled **"Integrating Molecular Biological Tools Into Site Management"** for 4 CECs. Motion by K. Meloy and seconded by J. Loureiro for 4.0 CECs, passed unanimously.

Course approval request from LSPA for course titled **"DNAPL Source Zones; Contaminant Distribution and Remediation Challenges"** for 4 CECs. Motion by K. Meloy and seconded by R. Potterton for 4.0 CECs, passed unanimously.

Course approval request from Gary Robbins for **"Connecticut Conference on Natural Resources"** for 8 CECs. The Board requests additional information regarding content to confirm it is applicable to an LEP and whether an LEP would have the ability to attend applicable content due to multiple sessions taking place simultaneously.

On a motion by S. Holtman and seconded by S. Holtman, the Board entered executive session at 10:20 AM to discuss a pending complaint. The Board came out of executive session at 10:27 AM. No votes were taken during the executive session.

Update on complaint 12-101

C Buchholz reported that the complaint was not valid. No information was provided by the complainant that the LEP in question had ever entered into a contract to perform services that were the subject of the complaint. A motion was made by C. Buchholz and seconded by S. Holtman, to authorize K. Maiorano to sign and send a letter to the complainant dismissing the matter. The Board approved the motion unanimously with R. Potterton recusing himself.

Complaints 11-102 and 11-103

R. Potterton and J. Loureiro reported that the matter continues under review. The compliance meeting was re-scheduled to a later time at the request of the LEPs' attorney. A FOI request for significant documents was made to the Board and DEEP staff are in the process of preparing the materials for review. The LEPs had also asked that the matters be combined into a single complaint. This request had been denied by the Board members investigating and the Attorneys General Office.

Next regular meeting of the Board is February 21, 2013.

F. Adjournment

Upon a motion by C. Buchholz, seconded by A. Phillips-Griggs, Chair Ruzicka declared the meeting adjourned at 10:40 AM.

Minutes approved February 21, 2013.

Respectfully submitted,



John E. Adams
Board Co-Secretary