



# STATE OF CONNECTICUT

## Board of Examiners of Environmental Professionals

Board Members:  
Denise Ruzicka, PE, Chairman  
John Adams, LEP  
Christopher Buchholz  
Robert F. Good, Jr., LEP  
Stephen Holtman PE, LEP  
Jeffrey Loureiro, PE, LEP  
Kelly Meloy, LEP  
Elsie Patton  
Alisa Phillips-Griggs  
Carol Violette, PhD, CHMM

### MINUTES

## State Board of Examiners of Environmental Professionals

### Regular Meeting – August 13, 2015

#### 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, August 13, 2015 at 10:35 am in the Russell Room, 3rd Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board members A. Phillips-Griggs, J. Loureiro, C. Buchholz, C. Violette, R. Good and K. Meloy were present. Robert Potterton, Assistant Attorneys General John Looney and David Wrinn, and Jacques Gilbert of DEEP were also present. Nelson Walter representing the EPOC was present by phone.

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

The draft minutes of the Regular Board meeting of July 9, 2015 were read and approved as written; motion by J. Loureiro, second: R. Good passed unanimously.

#### C. Public Participation

J. Looney was there to say good bye to the Board. Mr. Looney is leaving state service after 37 years and will be starting a position with Connecticut Fund for the Environment. Mr. Looney had been involved with the LEP program since its inception 20 years ago. The Board wished him well and thanked him for his many years of service as legal counsel for the Board. Mr. Looney departed after saying good bye and after the Board thanked him for his service and congratulated him on his new position. J. Looney departed at 10:45 am.

N. Walter informed the Board that the next EPOC meeting will be at Weslyan in Middletown and Alan Weisman would be the speaker. EPOC is forming a young environmental professional's group that would consist of junior staff that are not LEPs. EPOC would be offering quality training for the LEP exam. Mr. Walter had said that Seth Molofsky, executive director of EPOC would be contacting Chair Ruzicka at some time in the near future to discuss.

#### D. Unfinished Business and General Orders

##### **Distance learning – status of regs**

Maiorano reported that the regulations were final and filed with the Secretary of the State's Office on August 7, 2015. Maiorano stated that she and Chair Ruzicka had noticed things

that should be addressed in future revisions. Chair Ruzicka stated the regulations were a work in progress.

### **Update on complaints #11-102 & #11-103**

Assistant Attorney General David Wrin reported that an agreement had been reached with the LEPs. He presented two signed consent orders for the Board's consideration.

J. Loureiro explained that complaints #11-102 and #11-103 are two LEPs from the same firm regarding the same site. He reported that the issues related to the first complaint #11-102, were improper site investigation issues. The LEP was referred because he had been involved with and signed the Phase I Report, Phase II Scope of Study and the Phase II Report portions of the investigation at the site. The reports that were supplied to the DEEP were performed under a DEEP lead. In addition, staff at the DEEP became aware of the existence of extensive employee interview notes which had not been previously provided to DEEP during the relevant portion of the investigation (this is a DEEP lead site) and were concerned that information contained within these notes had not been considered, or not considered adequately in the performance of the site characterization. This was a large, complicated facility with a long history of intensive industrial activity.

In the compliance meeting, the LEP demonstrated to the satisfaction of the investigating Board members that consideration was given to the content of the employee interviews in the reports (albeit poorly documented) signed by such LEP. However, the investigating Board members determined that the consideration given to the interview notes (in conjunction with all of the other information collected) was inadequate, resulting in an insufficient characterization of the site.

The investigating Board members found the LEP to be in violation of the LEP regulations and are recommending in the signed consent order that the LEP be issued a letter of reprimand and be required to take two courses, one on investigating DNAPL sites and one on general site characterization, both of which need to be pre-approved by the LEP Board Administrator. This recommendation is consistent with other disciplinary actions of the Board regarding the level of inadequate site characterization.

Motion to accept the recommendation of the investigating members of the Board, C. Buchholz; second A. Phillips Griggs, passed unanimously.

J. Loureiro reported on complaint #11-103, that this LEP was involved with the same site, and with similar but more severe characterization issues. This person was involved as an LEP somewhat later in the characterization of the site, signed the Phase II Subsurface Investigation Scope of Study and Standard Operating Procedures document, Phase II Subsurface Investigation Report, Phase III Scope of Study and Quality Assurance Project Plan Report, and Phase III Subsurface Investigation Report and Remedial Feasibility for Soil Report. Among other deficiencies noted by the investigating Board members, this LEP had disregarded problems with PID screening intended to identify soil samples for analysis, which severely compromised the data quality in the reports he signed.

The investigating members of the Board found the LEP to be in violation of the LEP regulations, and via a signed consent order are recommending ten years peer review and three courses in addition to the issuance of a letter of reprimand. Such peer review must be from an independent LEP that is not a current or former coworker, and the peer review cannot be performed by an LEP from the same firm. The required courses would consist of one course in ethics, one course on assessing and remediating DNAPL releases and one course on site characterization, all of which must be pre-approved by the LEP Board Administrator.

Motion to accept the recommendations in the consent order C. Buchholz; second A. Phillips-Griggs, passed unanimously.

The Board discussed the role of an LEP under a DEEP lead site. It became apparent to the Board that there is a need for some clarification of this issue, as an LEP under the regulations is always an LEP regardless of who they are working for or with. The Board determined that this was an important topic for future discussion.

### **Parking reimbursement paperwork**

Maiorano requested that the Board members who wished to be reimbursed for parking and mileage complete the forms she had sent them in order to get the process started. A purchase order would need to be completed for each Board member who would then send an invoice to DEEP quarterly to be reimbursed. Maiorano stated she would resend the forms for the Board's convenience.

### **LEP License Renewal Booklet**

This was deferred to the September meeting.

### **E. New Business**

Course approval request from LSPA for course titled "***Estimating LNAPL Transmissivity: A Guide to Using Standard ASTM Guide E2856***" for 16.0 CECs. Motion to approve by K. Meloy for 13.75 CECs; seconded by J. Loureiro; passed unanimously. Time was deducted for Massachusetts oriented issues.

Course approval request from Montclair EDU for course titled "***Contaminated Urban Sediment Management for the 21<sup>st</sup> Century***" for 3.5 CECs. After brief discussion by the Board, the course provider will be asked for more information regarding the content and relevancy to determine if the course is LEP approvable.

Application for a new license. The individual had demonstrated compliance with the CEC requirements of the regulations, paid the \$1,062.50 fee payment and completed the application to apply for a new license. Motion to authorize the Commissioner to issue a new license to the applicant K. Meloy; second J. Loureiro; passed unanimously.

Chair Ruzicka also mentioned that there was one person who had submitted an untimely and insufficient application to renew their environmental professional license. The LEP was one CEC short. Since the application was both untimely and insufficient, there was no recourse other than the license expired as a matter of law. The individual was informed that the renewal fee was non-refundable and there is no process for appeal. Should he wish to apply for a new license, he could apply the renewal fee to the fee for a new license as long as he pays the additional fee and demonstrates compliance with the CEC requirements of the LEP regulations.

Chair Ruzicka presented Robert Potterton with a letter from the Commissioner thanking him for his years of dedication and service to the Board.

Next regular meeting is September 10, 2015.

**F. Adjournment**

Chair Ruzicka adjourned the meeting at 11:38 am.

Minutes approved September 10, 2015.

Respectfully submitted,



Kim Maiorano  
Board Administrator