



**STATE OF CONNECTICUT**  
Board of Examiners of Environmental Professionals

Board Members:  
Kenneth M. Collette, Esq., Chair  
John Adams, LEP  
Michelle Gamache  
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

COMPLAINT NO. 17-102

STATE BOARD OF EXAMINERS  
OF ENVIRONMENTAL PROFESSIONALS

v.

Robert J. Carr, LEP License No. 314

**CONSENT ORDER**

With the agreement of Robert J. Carr, LEP (hereinafter "Respondent"), and the State Board of Examiners of Environmental Professionals, the following shall enter as a consent order of the parties:

A. The State Board of Examiners of Environmental Professionals (hereinafter more commonly known as the "LEP Board") finds that:

1. The Respondent is the holder of Environmental Professional License # 314.
2. On February 2, 2017, the Respondent rendered a final verification for a property now or formerly known as Tolland Auto Body & Repair, LLC, located at 97 Tolland Street, East Hartford, Connecticut (hereinafter "the site"), pursuant to Conn. Gen. Stat. § 22a-134a(g). The final verification indicated that an investigation had been performed in accordance with prevailing standards and guidelines, and that all releases at the establishment had been remediated in accordance with the State of Connecticut Department of Energy and Environmental Protection's ("DEEP") remediation standards regulations ("RSRs").

3. The DEEP's Remediation Division of the Bureau of Water Protection and Land Reuse reviewed the verification prepared by the Respondent and the environmental land use restriction ("ELUR") used to support the verification.

4. On or about October 24, 2017, the DEEP referred to the LEP Board a complaint concerning the Respondent's investigation and ELUR.

5. By letter dated April 23, 2018, in reference to the DEEP complaint, the LEP Board Administrator gave notice to the Respondent that in accordance with Conn. Gen. Stat. § 4-182(c) he would be provided with an opportunity to respond to the complaint and show that he was in compliance with all applicable LEP Board regulations concerning his LEP license.

6. On May 17, 2018, an informal Compliance Meeting was convened. Present at the meeting were the Respondent and Pamela K. Elkow, attorney for the Respondent; Elsie Patton and Jeffrey Loureiro, who were members of the LEP Board designated by the Board to investigate the Complaint made by the DEEP; David H. Wrinn, Assistant Attorney General, legal counsel to the LEP Board; and Kim Maiorano, the LEP Board Administrator.

7. By letter dated June 7, 2019 (a copy of which is attached hereto as Exhibit 1), the LEP Board Administrator informed the Respondent that the investigating members had determined that he failed to show compliance with certain regulatory requirements associated with his LEP license consistent with the pending complaint.

8. During the pendency of the LEP Board investigation, and after discussion with the investigating members concerning the Respondent's February 2, 2017 filing, on March 26, 2020, the Respondent filed a second verification for the site, an approved ELUR, and subsequently provided an explanatory memorandum to the investigating members detailing the Respondent's justification for the second filing. On January 4, 2021, the DEEP Remediation Division issued a notice that it had audited and approved the Respondent's second verification.

9. The alleged violations of the Respondent are enumerated as follows:

a. The Respondent failed to comply with Regulations of Connecticut State Agencies (“RCSA”) § 22a-133v-6(c)(1), which requires in rendering professional services that an LEP act with reasonable care and diligence and apply the knowledge and skill of a licensee in good standing practicing in the applicable field at the time such services were performed, by failing to identify and investigate all pertinent areas of concern at the site in accordance with prevailing standards and guidelines.

b. The Respondent failed to comply with RCSA § 22a-133v-6(d)(2)(A), which requires in rendering professional services that an LEP exercise professional judgment, by performing an investigation that was not sufficient to support a conceptual model for groundwater flow and contaminant transport, and also by making use of the DEEP’s up-gradient policy without proper support from the results of the investigation undertaken at the site.

c. The Respondent failed to comply with RCSA § 22a-133v-6(d)(2)(B) by performing an investigation that was not sufficient to demonstrate compliance with the DEEP’s RSRs.

d. The Respondent failed to comply with RCSA § 22a-133v-6(d)(2)(C) by filing a verification that relied upon an ELUR that had not been previously approved by the DEEP and recorded on the land records of the town in which the site was located.

10. The Respondent admits the allegation contained in paragraph 9(d) but otherwise denies the alleged violations contained in paragraph 9.

B. Therefore, in accordance with Conn. Gen. Stat. § 22a-133v(g), the LEP Board shall authorize the Commissioner of Energy and Environmental Protection to:

1. Issue a letter of reprimand to the Respondent concerning his alleged failure to comply with the above-cited regulatory provisions. A copy of said letter of reprimand shall be placed in the Respondent's license file maintained by the LEP Board.

2. a. Order that from the date of entry of this Consent Order, for the next two (2) future final verifications, the Respondent shall have his work peer reviewed by an independent LEP prior to his issuance of the verification. Prior to the issuance of any of the two (2) future final verifications required by this paragraph, the Respondent shall notify the LEP Board Administrator in writing of the location of each parcel at which such peer review verification is to be provided. The Respondent shall provide to the LEP Board Administrator the name and license number of the independent LEP who will perform the peer review. The LEP who performs the peer review shall not be a current or previous co-worker in the Respondent's firm.

b. The peer review mandated by this paragraph shall be a review of the proposed final verification of the site and a review of the supporting documentation (reports). Such peer review shall be in writing; shall be signed by the reviewing LEP; and shall state that the peer reviewer concurs with the reports and the proposed final verification. The Respondent shall submit to the DEEP, Bureau of Water Protection and Land Reuse, Remediation Division, a copy of the peer review correspondence with the filing of the reports and the final verification. The Respondent shall simultaneously file a copy of the peer review correspondence with the LEP Board Administrator.

3. Order the Respondent within two (2) years of the entry of this Consent Order to take a minimum of twelve (12) credit hours of courses for Continuing Education Credits (CECs). Eight (8) of the required credit hours shall be devoted to the subject of compliance with the DEEP's RSRs and four (4) credit hours shall be devoted to the subject of ELURs. These courses shall be pre-approved by the LEP Board Administrator. The Respondent shall file with the LEP

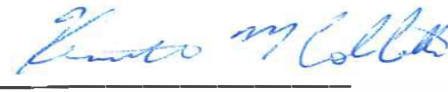
Board Administrator a notification of the courses proposed to be taken and their applicable credit hours, and obtain the pre-approval of the LEP Board Administrator, in writing, prior to the Respondent's attending the courses. The Respondent must provide proof of attendance at said courses within two weeks of completion thereof. If available courses do not meet the subject matter requirements outlined in this paragraph, the Respondent may apply to the LEP Board Administrator for an extension of time within which to complete the continuing education courses mandated by this paragraph. Such courses and credits set forth in this paragraph shall be in addition to, and shall not be counted toward, compliance with the twenty-four (24) CECs required for the maintenance of the LEP license during any biennial licensure period.

Date: 2/25/21

  
Robert J. Carr  
Respondent


Date: 4/7/21

The State Board of Examiners  
of Environmental Professionals

By:   
Kenneth Collette, Esq.  
Its Chairperson

**ENTERED AS A FINAL ORDER OF THE COMMISSIONER:**

Date: 4/12/2021

  
Katherine S. Dykes  
Commissioner of the Department of  
Energy and Environmental Protection

Attachment: Exhibit 1 (June 7, 2019 Letter of LEP Board Administrator).



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June 7, 2019

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Robert J. Carr  
Zuvic Carr and Associates  
40 Cold Spring Road  
Rocky Hill, CT 06067

**RE: Connecticut Licensed Environmental Professional  
License #314 - Complaint #17-102**

Dear Mr. Carr:

On May 17, 2018, a compliance meeting was held in accordance with Conn. Gen. Stat. § 4-182(c). Present at the compliance meeting were you, your attorney Pamela Elkow, and Elsie Patton and Jeffrey Loureiro, both members of the State Board of Examiners of Environmental Professionals (more commonly known as the "LEP Board") who had been designated to investigate Complaint No. 17-102, Assistant Attorney General David H. Wrinn and the undersigned. The compliance meeting was held on May 17, 2018 to afford you an opportunity to discuss with the investigating Board members your rationale for your actions with respect to a verification you rendered and your actions with respect to an ELUR on a property located at 97 Tolland Street in East Hartford, Connecticut ("the Site").

The meeting was held to discuss alleged violations of the Regulations of Connecticut State Agencies ("RCSA") relative to your professional conduct as an LEP and your LEP license relating to a verification you issued for Tolland Auto Body & Repair, LLC, which occupies the Site. The meeting also included your reliance on an ELUR that had not been recorded on the land records.

As a result of the compliance meeting and a review of all the reports and information with respect to the Site and the ELUR, including the information provided by you subsequent to the compliance meeting, it has been determined that you did not show compliance with the following regulatory provisions: RCSA § 22a-133v-6(c)(1); RCSA § 22a-133v-6(d)(2)(A); RCSA § 22a-133v-6(d)(2)(B); and RCSA § 22a-133v-6(d)(2)(C).

Your failure to show compliance with the above referenced regulatory requirements is based upon the following factors:

1. Areas of concern were not identified and investigated in accordance with prevailing standards and guidelines.
2. Investigation was not sufficient to support a conceptual model for groundwater flow and contaminant transport. Use of DEEP's up-gradient policy was not properly supported.
3. Investigation was not sufficient to support compliance with the Remediation Standard Regulations.
4. Verification relied on an ELUR which was not approved and recorded on the land records.

Therefore, Complaint No. 17-102 will be referred to the LEP Board for further action. Should you wish to discuss this matter further, it is requested that you contact Assistant Attorney General David H. Wrinn at (860) 808-5250.

Sincerely,



Kim Maiorano  
LEP Board Administrator

cc: Elsie Patton  
Jeffrey Loureiro, P.E., LEP  
David H. Wrinn, AAG  
Pamela Elkow, Attorney at Law