

Robert Grabarek
Osprey Environmental Engineering, LLC
146 East Main Street
Clinton, CT 06413

RE: *Letter of Reprimand – License No. 300, Complaint No. 15-101*

Dear Mr. Grabarek:

The above-referenced complaint was referred to the State Board of Examiners of Environmental Professionals (“the Board”) by the Remediation Division of the Department of Energy and Environmental Protection’s (“DEEP”) Bureau of Water Protection and Land Reuse. The Complaint, issued by DEEP for the property located at 119-127 Amity Road in Bethany (“the Site”), alleges that you had not characterized the site in accordance with prevailing standards and guidelines at the time you rendered your verification.

You are hereby reprimanded in accordance with the terms of the Consent Order for Complaint No. 15-101, which was authorized by the Board and issued by me, the Commissioner of Energy and Environmental Protection.

It is with our sincerest hope that the additional coursework and the peer review required by the Consent Order will enhance your abilities and ensure that the services you render in the future will be to the highest professional standards of this profession.

Dated this 7th day of August, 2017.

A large, stylized handwritten signature in black ink, appearing to read "Robert J. Klee".

Robert J. Klee
Commissioner

Copy to file



STATE OF CONNECTICUT
Board of Examiners of Environmental Professionals

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

COMPLAINT NO. 15-101

STATE BOARD OF EXAMINERS
OF ENVIRONMENTAL PROFESSIONALS

v.

Robert Grabarek, LEP

CONSENT ORDER

With the agreement of Robert Grabarek, LEP (hereinafter "Respondent") and the State Board of Examiners of Environmental Professionals;

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 #300.
2. On March 9, 2015, Respondent rendered a final verification for the Pleasant View Garage site located at 119-127 Amity Road in Bethany, Connecticut ("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 remediation standard regulations ("RSRs").
3. The Remediation Division of the Connecticut Department of Energy and Environmental Protection ("DEEP"), Bureau of Water Protection and Land Reuse, reviewed the verification prepared by Respondent.

4. A DEEP complaint dated December 8, 2015 concerning Respondent's investigation of the Site was referred to the LEP Board.

5. By letter dated May 6, 2016, 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 show that he was in compliance with all regulations concerning his LEP license.

6. On June 2, 2016 an informal Compliance Meeting was conducted. Present at the meeting were the Respondent, John Adams and Elsie Patton, both members of the LEP Board designated by the Board to investigate the Complaint made by the DEEP, David H. Wrinn, Assistant Attorney General, and Kim Maiorano, the LEP Board Administrator. As a result of the compliance meeting, additional information submitted by Respondent was reviewed and discussed at a supplemental meeting held on February 21, 2017,

7. By letter dated April 7, 2017 (a copy of which letter is attached hereto as Exhibit 1), the LEP Board Administrator informed the Respondent that the investigating members had determined that he had failed to show compliance with certain regulatory requirements associated with his LEP license, and which alleged violations are enumerated as follows:

a. Respondent failed to comply with Regulations of Connecticut State Agencies ("RCSA") §22a-133v-6(c)(1), by failing to act with reasonable care and diligence, and by failing to apply the knowledge and skill of a licensee in good standing practicing in the applicable field at the time such services were performed.

b. Respondent failed to comply with RCSA §22a-133v-6(d)(2)(A) by failing to exercise professional judgment.

c. Respondent failed to follow requirements and procedures set forth in the applicable provisions of Conn. Gen. Stat. §22a-134a and the RSRs in violation of §22a-133v-6(d)(2)(B).

d. Respondent failed to comply with RCSA §22a-133v-6(d)(2)(C) by failing to make good faith and reasonable efforts to identify and obtain relevant data and other information evidencing conditions at the Site.

8. Respondent denies all of the alleged violations contained in paragraph 7.

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 Respondent's license file maintained by the LEP Board.

2. Order that for two (2) future final verifications, from the date of entry of this Consent Order, and for each parcel at which the Respondent provides professional services pertaining to verifications issued by Respondent during that period, Respondent shall have his work peer reviewed by an independent LEP prior to the issuance of the verification. Verification of the Site which is the subject of this complaint shall be peer reviewed, but shall not count as one of the two (2) future final verifications. The Respondent shall notify the LEP Board Administrator in writing of the location of each parcel at which his professional services pertaining to such verifications to be provided and the name and license number of each independent LEP who will perform the peer review for each such parcel during this time period. Such independent LEP shall not be a current or previous co-worker in Respondent's firm.

3. Order the Respondent within two (2) years of the entry of this Consent Order, to take a minimum of two (2) courses for Continuing Education Credits (CECs). At least one course shall be devoted to the subject of site characterization in accordance with prevailing standards and guidelines, and at least one course shall be devoted to the subject of hydrogeology. These courses shall total a minimum of (16) credit hours and they shall be pre-approved by the

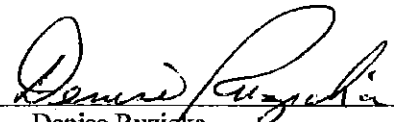
LEP Board Administrator. Respondent shall file with the LEP Board Administrator information describing the content of the courses proposed to be taken and, subsequently, proof of attendance at said courses. Such courses and credits shall be in addition to and shall not be counted toward compliance with the twenty four (24) CECs required during any biennial period.

Dated this 28 day of July, 2017



Robert Grabarek
Respondent

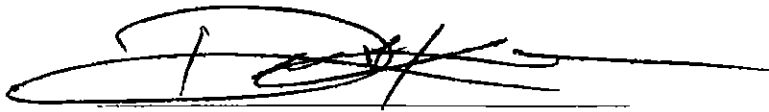
The State Board of Examiners
of Environmental Professionals

By: 

Denise Ruzicka
Its Chairperson

ENTERED AS AN ORDER OF THE COMMISSIONER

Dated this 7th day of August, 2017



Robert J. Klee
Commissioner of Energy and Environmental Protection

EXHIBIT 1

(April 7, 2017 letter)



STATE OF CONNECTICUT
Board of Examiners of Environmental Professionals

April 7, 2017

Board Members:
Denise Ruzicka, PE, Chairman
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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Grabarek
Osprey Environmental Engineering, LLC
146 Main Street
Clinton, CT 06413

**RE: Connecticut Licensed Environmental Professional
License #300 - Complaint #15-101**

Dear Mr. Grabarek:

On June 2, 2016 a compliance meeting was held in accordance with Conn. Gen. Stat. §4-182(c). Present at the compliance meeting were you, John Adams and Elsie Patton, both members of the State Board of Examiners of Environmental Professionals ("LEP Board") who had been designated to investigate Complaint No. 15-101, Assistant Attorney General David H. Wrinn and the undersigned. As a result of the compliance meeting, additional information that you provided was reviewed and a supplemental meeting was held on February 21, 2017 to afford you an opportunity to discuss the additional information with the investigating Board members.

As you know, these meetings were held to discuss the 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 Pleasant View Garage located at 119-127 Amity Road in Bethany, Connecticut ("the Site").

As a result of the compliance meetings and a review of all the reports and additional information that you had provided, it has been determined that you did not show compliance with 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 on:

1. AOCs were not identified and investigated in accordance with prevailing standards and guidelines.
2. A conceptual model for groundwater flow and contaminant transport was not developed due in part to the absence of sufficient investigation to support the findings.
3. Groundwater monitoring was not completed in accordance with provisions specified in the RSRs.
4. Confirmation soil samples were not collected at the site of excavation to demonstrate compliance with the soil remediation standards.

Therefore, Complaint No. 15-101 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

Handwritten signature of Kim Matorano.
Kim Matorano
LEP Board Administrator

cc: John Adams
Elsie Patton
David H. Wrinn, AAG