



Dennis MacCaskie
Cambrian Geological
33 Fish Rock Road
Southbury, CT 06488

RE: *Letter of Reprimand – License No. 403, Complaint No. 17-101*

Dear Mr. MacCaskie:

The above-referenced complaint was referred to the State Board of Examiners of Environmental Professionals (“the Board”) by the Remediation Division, Bureau of Water Protection and Land Reuse, Department of Energy and Environmental Protection (“DEEP”). The Complaint alleged that you had not characterized a property in accordance with prevailing standards and guidelines at the time you rendered your verification. The property that was the subject of the complaint was located at 81 Silvermine Road in Seymour. The complaint also alleged that you had not obtained a temporary release of an environmental land use restriction from the Commissioner of the DEEP prior to collecting soil samples in the restricted area on a property located at 110 Mountain Grove in Bridgeport, Connecticut.

An investigation of the complaint was conducted by two members of the Board. A compliance meeting was convened for the purpose of providing you with an opportunity to demonstrate compliance with the allegations that were the subject of the complaint. Based upon the complaint, the compliance meeting and the recommendations of the investigating members, the Board has determined that the sanctions set forth in the consent order constitute an appropriate resolution to the complaint.

You are hereby reprimanded in accordance with the terms of the consent order for Complaint No. 17-101, which you agreed to enter into and which consent order has been authorized by the Board to be issued by me as Commissioner of Energy and Environmental Protection.

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

Dated this 25th day of May, 2018.

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
Alisa Phillips-Griggs
Carol Violette, PhD, CHMM

COMPLAINT NO. 17-101

STATE BOARD OF EXAMINERS
OF ENVIRONMENTAL PROFESSIONALS

v.

Dennis R. MacCaskie, LEP

CONSENT ORDER

With the agreement of Dennis R. MacCaskie, 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 #403.
2. On June 29, 2015, the Respondent rendered a final verification for the Hamden Tool and Die Company located at 81 Silvermine Road in Seymour, Connecticut ("Site 1") 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. On July 27, 2015, the Respondent performed sampling at the site now or formerly known as Bead Industries located at 110 Mountain Grove in Bridgeport, Connecticut ("Site 2").
4. The Remediation Division of the Connecticut Department of Energy and Environmental Protection, Bureau of Water Protection and Land Reuse ("DEEP"), reviewed the

verification prepared by the Respondent for Site 1 and the report documenting the sampling event conducted at Site 2.

5. On or about May 23, 2017, the DEEP referred to the LEP Board a complaint concerning the Respondent's investigation of Site 1 in Seymour and the sampling of Site 2 in Bridgeport (hereinafter collectively referred to as the "Sites").

6. By letter dated February 14, 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 show that he was in compliance with all regulations concerning his LEP license.

7. On March 1, 2018, an informal Compliance Meeting was convened. Present at the meeting were the Respondent and William C. Spencer, Esq., attorney for the Respondent; Kelly Meloy and Robert F. Good, Jr., 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.

8. By letter dated April 11, 2018 (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 failed to show compliance with certain regulatory requirements associated with his LEP license consistent with the pending complaint, and which alleged violations are enumerated as follows:

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

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

d. The 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 Sites.

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

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. Order that from the date of entry of this Consent Order, for two (2) future final verifications, excluding the verification of the site that is the subject of this Consent Order, for each parcel at which the Respondent provides a final verification, the Respondent shall have his work peer reviewed by an independent LEP prior to his issuance of the verification. Any future final verification of the Site that is the subject of this complaint shall be peer reviewed, but shall not count as one of the two (2) future final verifications required by this paragraph. Prior to the issuance of any final verification, the Respondent shall notify the LEP Board Administrator in writing of the location of each parcel at which any such peer reviewed verification, as required by this paragraph, 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.

The peer review mandated by this paragraph shall be a review of the proposed final verification of the site and the supporting documentation. Such peer review shall be in writing; shall be signed by the reviewing LEP; and shall state that the peer reviewer concurs with 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 final verification. The Respondent shall simultaneously file a copy of the peer review correspondence with the LEP Board Administrator.


3. Order the Respondent within three (3) years of the entry of this Consent Order to take a minimum of twenty (20) credit hours of courses for Continuing Education Credits (CECs). Sixteen (16) credit hours shall be devoted to the subject of site characterization in accordance with prevailing standards and guidelines and four (4) credit hours shall be devoted to the subject of environmental land use restrictions. These courses shall total a minimum of twenty (20) credit hours and they 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. The Respondent may apply for an extension of time within which to complete the continuing education courses mandated by this paragraph if available courses do not meet the subject matter requirements outlined in 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 period.

Dated this 9th day of May, 2018



Dennis R. MacCaskie
Respondent

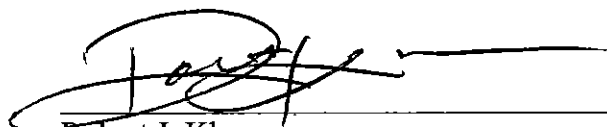
The State Board of Examiners
of Environmental Professionals

By: 

Denise Ruzicka
Its Chairperson

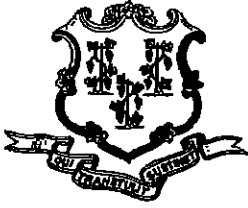
ENTERED AS AN ORDER OF THE COMMISSIONER

Dated this 25th day of May, 2018



Robert J. Klee
Commissioner of Energy and Environmental Protection

EXHIBIT 1



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
Alisa Phillips-Griggs
Carol Violette, PhD, CHMM

April 11, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dennis MacCaskie
Cambrian Environmental
339 Fish Rock Road
Southbury, CT 06488

**RE: Connecticut Licensed Environmental Professional
License #403 - Complaint #17-101**

Dear Mr. MacCaskie:

On March 1, 2018 a compliance meeting was held in accordance with Conn. Gen. Stat. §4-182(c). Present at the compliance meeting were you, your attorney William C. Spencer, Kelly Meloy and Robert F. Good, Jr., 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. 17-101, Assistant Attorney General David H. Wrinn and the undersigned. The compliance meeting was held on March 1, 2018 to afford you an opportunity to discuss your rationale for your actions with respect to a verification and your actions with respect to an ELUR with the investigating Board members.

As you know, the meeting was 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 Hamden Tool and Die Company located at 81 Silvermine Road in Seymour, Connecticut ("the Site"), and the failure to obtain a temporary release for an ELUR in a subject area located at 110 Mountain Grove in Bridgeport.

As a result of the compliance meeting and a review of all the reports and information with respect to the site and the ELUR, 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. Areas of concern (AOC) and constituents of concern (COC) were not identified and investigated in accordance with prevailing standards and guidelines.

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April 11, 2018

2. Investigation was not sufficient to support a conceptual model for groundwater flow and contaminant transport.
3. Investigation was not sufficient to support compliance with the Remediation Standard Regulations.
4. A temporary release for an ELUR was not secured prior to drilling within the ELUR.

Therefore, Complaint No. 17-101 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,


Kim Maiorano
LEP Board Administrator

cc: Kelly Meloy
Robert F. Good, Jr.
David H. Wrinn, AAG
William C. Spencer