

STATE OF CONNECTICUT

Board of Examiners of Environmental Professionals

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Daniel Wolfram, CHMM, LEP

NOTICE OF COMPLIANCE

February 23, 2021

Sent via electronic mail
MWujcik@fando.com

Charles "Matt" Wujcik
Fuss & O'Neill, Inc.
146 Hartford Road
Manchester, CT 06040

RE: Consent Order
Complaint No. 18-102

Dear Mr. Wujcik:

The State Board of Examiners of Environmental Professionals ("the LEP Board") has reviewed the documentation of continuing education credits submitted by you as the Respondent to the Consent Order entered into with the LEP Board and issued as a result of Complaint No. 18-102. The Consent Order was effective on June 16, 2020.

The alleged violations included failure to comply with RCSA §22a-133v-6(c)(1), RCSA §22a-133v-6(d)(1), RCSA §22a-133v-6(d)(2)(A) and RCSA §22a-133v-6(d)(2)(B). You denied all of these allegations.

In accordance with the Consent Order, you agreed to complete 16 hours of additional continuing education credits ("CECs") and document such credits within two years of entry of such Consent Order. The Consent Order also stated that you could not use such credits toward completion of the 24 CECs required during any biennial period, including the current period, which runs from July 1, 2019 to June 30, 2021.

This letter serves to acknowledge your full and timely compliance with the LEP Board's Consent Order for Complaint No. 18-102 and that the LEP Board's records will reflect this compliance.

If you have any questions pertaining to this matter, please contact Elizabeth McAuliffe, LEP Board Administrator at Elizabeth.mcauliffe@ct.gov or (860) 424-3458.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth M. Collette".

Kenneth M. Collette
Chairman

KC:EM
cc: Elizabeth C. Barton, Esq. ecbarton@daypitney.com

COMPLAINT NO. 18-102
STATE BOARD OF EXAMINERS
OF ENVIRONMENTAL PROFESSIONALS

v.

CHARLES M. WUJCIK, LEP

CONSENT ORDER

With the agreement of Charles M. Wujcik, 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 # 607.
2. On October 4, 2018, David Stokes, an Environmental Analyst of the Waste Engineering and Enforcement Division of the Department of Energy and Environmental Protection (“DEEP”), filed a complaint with the LEP Board that made allegations concerning the conduct of two employees of Fuss & O’Neill, Inc., one of whom was the Respondent. In his complaint, Mr. Stokes alleged that the Respondent, acting in his capacity as an LEP, had overseen activities involving the testing and handling of ignitable hazardous waste that were within his responsible charge and generated during a waste removal operation at the Eastern CT Fire Training School, 30-34 Lafayette Street, Willimantic, Connecticut (the “Site”), and that the Respondent’s oversight was not compliant with the Waste Analysis Plan (“WAP”) prepared by Fuss and O’Neill for the removal operation. The WAP had been submitted to the DEEP as a RCRA-sanctioned means of on-site emergency treatment in containers.

3. By letter dated August 9, 2019, the LEP Board Administrator gave notice to the Respondent that in accordance with the Uniform Administrative Procedure Act, specifically, Conn. Gen. Stat. § 4-182(c), he would be provided with an opportunity to show that his actions at the Site were in compliance with all regulations concerning his LEP license.

4. On September 12, 2019, an informal Compliance Meeting was conducted. Present at the meeting were the Respondent, his attorney, Elizabeth C. Barton, Christopher Ecsedy, Senior Vice President, Fuss & O'Neill, Inc., Robert Good and Carol Violette, 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 counsel to the LEP Board, and Jacques Gilbert, DEEP Supervising Environmental Analyst. As a result of the compliance meeting, additional information was requested of and submitted by the Respondent.

5. By letter dated March 5, 2020 (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 based upon a determination that representative sampling for hazardous waste determination of excavated soil and drums containing styrene in roll-off containers was not completed in accordance with prevailing standards, guidelines and the WAP; that incomplete deactivation of the ignitable waste characteristic for styrene liquid took place by draining of residual styrene liquids in drums and mixing with excavated soil within the roll-off containers when the wastes were first placed in containers in accordance with

the WAP; and that the roll-off containers and their excavated soil and drummed styrene contents were uncovered or open at times other than required for the addition or removal of waste and sampling as dictated by the WAP. The alleged LEP Board regulatory 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 comply with RCSA § 22a-133v-6(d)(2)(B) by failing to follow the requirements and procedures set forth in RCSA § 22a-449(c)-100 *et seq.*, the State of Connecticut’s hazardous waste management regulations.

d. Respondent failed to comply with RCSA § 22a-133v-6(d)(1) by rendering professional services that failed to hold paramount at all times the health, safety and welfare of the public and of the environment.

6. Respondent denies all of the alleged violations contained in paragraph 5.

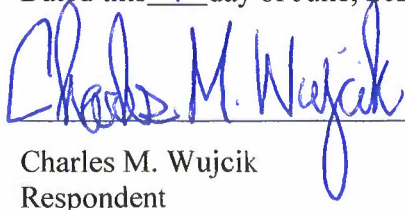
B. Therefore, in accordance with Conn. Gen. Stat. § 22a-133v(g), the LEP Board shall authorize the Commissioner of Energy and Environmental Protection to:

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 the Respondent within two (2) years of the entry of this Consent Order, to undertake a total of sixteen (16) credit hours of continuing education, including six (6) credit hours of course work devoted to the subject of characterization of hazardous waste materials in accordance with prevailing standards and guidelines and six (6) credit hours of course work devoted to the subject of RCRA regulations for hazardous waste management, treatment and permitting, including the preparation and implementation of waste analysis plans; and to undertake four (4) credit hours in professional ethics.

3. Direct the Respondent to comply with the course specifications contained in paragraph B.2 above by filing 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. If available courses do not meet the subject matter requirement concerning characterization of hazardous waste materials in accordance with prevailing standards and guidelines the Respondent may request an alternate six (6) credit hours of course work for that requirement. Such courses and credits as are set forth in this paragraph shall be in addition to, and shall not be counted towards, the twenty-four (24) CECs required for the maintenance of the LEP license during any biennial period.

Dated this 1 day of June, 2020



Charles M. Wujcik
Respondent

THE STATE BOARD OF EXAMINERS OF
ENVIRONMENTAL PROFESSIONALS

By:



Kenneth M. Collette, Esq.
Its Chairperson

Date: June 16, 2020

ENTERED AS AN ORDER OF THE COMMISSIONER

Dated this 16 day of June, 2020



Betsy Wingfield
Deputy Commissioner of Energy and Environmental Protection

Attachment: Exhibit 1, Letter of LEP Board Administrator, March 5, 2020



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

March 5, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles Wujcik
Fuss & O'Neill, Inc.
146 Hartford Road
Manchester, CT 06040

RE: Connecticut Licensed Environmental Professional
License #607 - Complaint #18-102

Dear Mr. Wujcik:

On October 10, 2019 a compliance meeting was held in accordance with Conn. Gen. Stat. § 4-182(c). Present at the compliance meeting were you, Elizabeth C. Barton, your attorney, Christopher Ecsedy, Senior Vice President Fuss & O'Neill, Carol Violette 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. 18-102, David H. Wrinn, Assistant Attorney General, and Jacques Gilbert, Department of Energy and Environmental Protection Supervising Environmental Analyst. The compliance meeting was held to afford you an opportunity to discuss your rationale for your actions with the investigating Board members with respect to hazardous waste handling and to show compliance with all lawful requirements for the retention of your license.

Specifically, 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 the testing and handling of ignitable hazardous waste generated during a remediation that took place at the Eastern CT Fire Training School located at 30-34 Lafayette Street, Willimantic, Connecticut.

As a result of the compliance meeting and on the basis of a review of all reports and information currently made available with respect to the relevant remediation and waste handling practices under your direct oversight, 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)(1).

Mr. Charles Wujcik
March 5, 2020
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Your failure to show compliance with the above referenced regulatory requirements is based on:

1. Representative sampling for hazardous waste determination of excavated soil and drums containing styrene in roll-off containers was not completed in accordance with prevailing standards, guidelines and regulatory waste analysis plan.
2. Incomplete deactivation of styrene ignitable waste characteristic liquid by draining of residual styrene liquids in drums and complete mixing with excavated soil inside roll off containers when wastes were first placed in containers in accordance with regulatory waste analysis plan.
3. Roll-off containers containing excavated soil and drum styrene contents were uncovered or open at times other than the addition or removal of waste in violation of regulatory waste analysis plan.

Therefore, Complaint No. 18-102 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: Carol Violette, Ph.D.
Robert F. Good, Jr., LEP
David H. Wrinn, AAG
Jacques Gilbert, Supervising E.A.
Elizabeth C. Barton, Esq.
Christopher Ecsedy, PE, LEP