

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

MINUTES

State Board of Examiners of Environmental Professionals

Regular Meeting – June 11, 2020

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, June 11, 2020 at 9:42 via a Zoom conference call, by Chair Kenneth Collette. Board members J. Adams, R. Good (joined at 09:55), S. Holtman, A. Phillips-Griggs, M. Gamache, K. Meloy, C. Violette and J. Loureiro were present via Zoom. Board Administrator K. Maiorano and Mike Cote representing EPOC and Jacques Gilbert of DEEP were also present on the Zoom call for the meeting. This meeting is being held via Zoom due to the Covid-19 pandemic and the Governor’s Executive Orders prohibiting the physical gathering of persons.

B. Reading and Approval of the Minutes

The draft minutes of the Regular Board meeting of May 14, 2020 were read and approved with minor corrections; motion by J. Loureiro, seconded by S. Holtman, passed unanimously.

C. Public Participation

Mike Cote from EPOC indicated that a few courses are up for approval today. He thanked the Board for their consideration of EPOC’s courses.

D. Unfinished Business and General Orders

Update on complaint #17-102

J. Loureiro reported that they had come to agreement with the LEP and a consent order had been prepared. It had recently come to the attention of the Board members that a second Verification had been filed by the LEP on the same parcel with few modifications. DEEP is auditing the Verification and the Board members have decided to wait until the results of the audit are available to finalize the consent order.

Update on complaints #18-102

R. Good and C. Violette reported that a consent order was signed by the LEP and the matter is being presented to the Board today for their consideration.

The matter concerns a waste removal action involving the excavation of several hundred drums containing styrene in 2018. The liquid waste in the drums is characteristically hazardous due to flammability. Styrene becomes solid upon exposure to the atmosphere and is no longer characteristically hazardous. A waste analysis plan was developed pursuant to RCRA to direct the management of the waste and disposal. The plan was reviewed by DEEP giving them an exclusion from managing the waste as hazardous. The plan required that the drums be placed in roll offs, drained and the contents be mixed thoroughly with soils. The mixed materials would then be removed from the roll offs and placed in piles for ultimate disposal off site as non-hazardous. The waste analysis plan required that the materials in the roll offs be sampled to confirm it was non-hazardous. DEEP observed the process from time to time and determined there were problems with adhering to the mixing and sampling plan.

The firm had a senior LEP overseeing a more junior LEP. The senior LEP let his license lapse after the complaint was filed. The complaint was that the handling of the waste was not done in compliance with the waste analysis/management plan. There were three primary issues.

1. Representative sampling of the waste mixture was not completed to verify the waste was non-hazardous. Sampling was only conducted across the top of each roll off and did not account for vertical distribution of the styrene.
2. The waste was not adequately deactivated prior to removal of the material from the roll offs. Free draining liquids were observed by DEEP staff when the roll offs were dumped on the ground. The sampling completed did not account for the free draining liquids since no vertical sampling was completed to the base of the roll offs where free draining liquids would accumulate.
3. There were several instances where roll offs were filled, mixed and staged on-site uncovered. The inference was that the waste was not completely deactivated by the mixing process and the exposure to the atmosphere was being used to further deactivate the waste in violation of the waste analysis/management plan.

The consent order focuses on the failure to act with reasonable care and diligence, failure to utilize sound professional judgement, failure to comply with policies and procedures under RCRA, and failure to hold human health and safety paramount.

The consent order proposes a letter of reprimand and 16 additional CECs to be completed within 2 years focusing on characterization of hazardous waste, RCRA hazardous waste management and professional ethics. The CECs can not be used to further the LEPs license.

K. Meloy asked if the courses needed to be LEP Board approved courses considering the focus is outside the area that would normally be approvable by the Board for CECs. J. Gilbert

responded that the consent order followed previous precedence requiring the Board Administrator approve the courses. K. Maiorano added that it is her policy to seek consensus from the Board members that stepped down that the courses are satisfactory to meet the objectives of the consent order.

On a motion by J. Loureiro, seconded by A. Phillips-Griggs, the Board voted unanimously to approve the investigating Board members recommendations and forward the consent order to the Commissioner for signature. R. Good and C. Violette abstained.

Update on complaint #18-103

J. Adams and M. Gamache reported that a response from the LEP is under review.

LEP Renewals

K. Maiorano reported that as of the date of the meeting 277 of 357 renewals had been received and processed. There continues to be a delay in receiving renewals from Central Permits. They are reporting receipt of approximately 300 renewals to date. Ms. Maiorano stated that applications received between June 1 and June 14th must request a waiver of the deadline, applications received between June 15th and July 1st would need to include a 10% late fee and request a waiver of the deadline. Chair Collette reported that there is no waiver of late fees granted in the various Executive Orders issued by Governor Lamont.

LEP Examination

Chair Collette reported that the LEP Exam is scheduled for October 7th. Notice will be given to the applicants so that they may select the October date or take the examination in May 2021. K. Maiorano will inquire what lead time is necessary potentially cancel the exam if there are a minimal number of applicants that decide to take the examination in October. The lead time will be communicated to the applicants for their determination.

E. New Business

Course Approvals

Course approval request from EPOC to offer course CTLEP-482 “***Identification and Delineation of NAPL Source Term Using Laser Induced Fluorescence Screening Tools***” webinar training 4-hour course possibly split into two 2-hour classes offered on different days. The course has prior Board approval and no additional action is required.

Course approval request from EPOC for webinar titled “***Putting High-Resolution Data to Work: Targeted Conventional and Multi-Level Monitoring Well Design***” for 2 CECs. On a motion by J. Adams, seconded by S. Holtman, the course was approved for 2.0 credits, passed unanimously

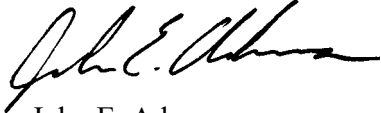
Next meeting is July 9, 2020 at 9:30AM.

F. Adjournment

On a motion by J. Adams, seconded by J. Loureiro and passed unanimously, Chair Collette declared the meeting adjourned at 10:22AM.

Minutes were approved on July 9, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Adams". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John E. Adams
Board Secretary