

# STATE OF CONNECTICUT

## Board of Examiners of Environmental Professionals

Board Members:  
Elizabeth McAuliffe, Esq., Acting Chair  
John Adams, LEP  
Russell J. Dirienzo, LEP  
David Fiereck, LEP  
Michelle Gamache  
Robert F. Good, Jr., LEP  
Louis H. Muratore, LEP  
Carol Violette, PhD, CHMM  
Daniel Wolfram, LEP, CHMM

### MINUTES

#### State Board of Examiners of Environmental Professionals

#### Regular Meeting – July 13, 2023

##### 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, July 13, 2023 at 9:35 AM in Conference Room 6A, 79 Elm Street, Hartford, Connecticut and via a Zoom conference call, by Acting Chair and Board Administrator Liz McAuliffe. Board member L. Muratore, J. Adams and D. Wolfram were present in person and D. Fiereck, R. Dirienzo and M. Gamache were present via Zoom. Selena Thornhill-Moody from DEEP, Lori DiBella from the Attorney General’s Office representing the Board and Dan Nelson and Seth Molofsky representing EPOC were present virtually for the meeting. Ray Frigon from DEEP was present in person for the meeting.

##### B. Reading and Approval of the Minutes

The draft minutes of the Regular Board meeting of June 8, 2023 were read and approved with minor corrections; motion by M. Gamache, seconded by D. Wolfram, passed unanimously.

##### C. Public Participation

Seth Molofsky reported that he is interested in the additional information concerning the exam item on the agenda. He offered to send out an inquiry to EPOC membership to obtain interested parties for the Item Development and Test Assembly workshops. Mr. Molofsky also inquired whether the domain evaluation would be completed before the next exam. Acting Chair Liz McAuliffe responded that the domain review was anticipated to take place in the fourth year of the contract. The delay is primarily due to the desire to wait until the release-based program is up and running.

##### D. Unfinished Business and General Orders

1. Nonrenewing LEP inquiry, “Do you know anything about statute of limitations that applies to LEP work and/or environmental consulting in general, [including,] how long to keep project records, and how long to maintain professional liability insurance?” Note provided to the LEP from Seth Molofsky: Sec. 22a-133v-5 (b)(4) of the RCSA - A licensee may seal, or sign and seal, a verification or other document pertaining to a verification, provided such licensee shall prepare, and retain for a period of not less than six (6) years, records pertaining to such verification sufficient to reconstruct the basis for such verification including all alternatives

considered. Such records shall clearly identify the project and the documents to which it relates, and the name of the person or organization for which the verification was conducted and the date of such verification.

Attorney DiBella confirmed the six-year requirement per the regulatory requirement for records retention. She indicated that regarding the additional questions that the LEP should seek advice from their private counsel or insurance professional.

2. LEP #116 Sam Butcher from the first class has corresponded that he is not renewing. His retirement brings the number of active LEPs to 325 for the 2023-2024 Roster.
3. Additional data regarding the May 11th LEP examination.

For the 8 applicants that passed the exam, 6 were first time exam takers and 2 were returning exam takers. For the seven applicants that failed the exam, 2 were first time exam takers and 5 were returning exam takers.

Board member D. Fiereck asked how the roster compared with previous years. J. Adams responded that from 2011 through 2019 the roster had held relatively steady with 357 to 366 active LEPs. The numbers dropped in 2020 to 350 and again in 2021 to 330 active LEPs. The number continue to decrease in 2023 with 325 LEPs on the current roster. He identified the years when CEC reporting is required as the years when most decreases in the roster numbers occurred.

J. Adams suggested that the Board consider possible revisions to the regulations to stem the loss of older LEPs. He suggested that a Senior Status be created that would allow LEPs to continue to practice without having to take continuing education classes. To obtain the status, the individual would have to practice for at least 25 years and the combined years of practice and age (in years) of the person would need to be equal to or greater than 85. This may keep LEPs in their 60's and 70's active in the profession. In addition, the Board may consider adding an inactive status at a substantially reduced rate, perhaps limiting the years of inactivity to 5 years. D. Fiereck indicated the inactive status would be consistent with other CT licenses including surveyor's licenses.

Mr. Molofsky suggested revisions that would permit LEPs to roll over some number of credits and that the regulatory revisions consider possible modifications created by the implementation of the release-based program.

Acting Chair McAuliffe agreed to keep a running list of possible revisions suggesting that an item be added to the agenda for next meeting where the Board might discuss these and other possible regulatory revisions.

#### **E. New Business**

1. Request from renewing LEP. Would the board approve accepting CEC certificates via email to minimize the paper waste?

Acting Chair McAuliffe reported that the CECs summary form and one page application would still be required via hardcopy mail along with the check until the DEEP Central Permit Processing Unit has approved electronic submission capability for this application. A portal could be established to permit the uploading of Certificates. She further indicated that an

electronic renewal program was under development, but the person working on that program had left state service before it was completed. She continues to press for the process to be modernized.

Attorney Dibella provided a citation of CGS §1-283 of the Uniform Electronic Transaction Act that permits agencies to determine what documents they will allow to be submitted electronically. She indicated that since the Board is housed within DEEP, the Department would also have to agree that electronic submittal of these documents would be permitted. She advised that since we were dealing with licenses, the submittal of the renewal application in paper and signed with a wet signature would be necessary to document the time of receipt and the completeness of the application until a formal electronic system is in place.

D. Wolfram added that permitting an electronic submittal of the payment would also be a favorable change.

2. Request for volunteers for item development (Sept) and test assembly (Oct).

Each team will be made up of 2 Board Members, 2 DEEP staff members and 2 LEPs. L. Muratore and D. Wolfram volunteered for the test assembly workshop and D. Fioreck volunteered for item development. Mr. Molofsky will send an email requesting volunteers from the LEP community.

3. There is a total of 325 LEPs as of July 1st. Congratulations to our newest LEPs!

649 John Ellis	653 Christy Lee Quagliaroli
650 Mark Lovejoy	654 John Edward Schwartz
651 Daniel Pinho	655 Donald Serement
652 Donald Pomeroy	656 Edward Weagle

The Board extended congratulations to the New LEPs. J. Adams asked if DEEP could issue a press release as a possible mechanism for the program to gain publicity and excite candidates to become LEPs.

#### **Additional Information**

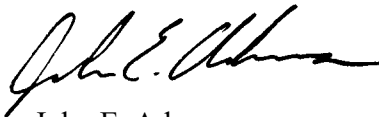
Next meeting is August 10, 2023 at 9:30AM.

#### **F. Adjournment**

On a motion by J. Adams, seconded by D. Wolfram, Acting Chair McAuliffe declared the meeting adjourned at 10:00 AM.

Minutes were approved on August 10, 2023.

Respectfully submitted,



John E. Adams  
Board Secretary