

FINAL MINUTES

State Board of Examiners of Environmental Professionals

Regular Meeting – September 8, 2011

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, September 8, 2011, at 9:25 a.m. in the Russell Room, 3rd Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board Members J. Adams, J. Loureiro, R. Potterton, K. Meloy, A. Phillips-Griggs, S. Holtman, and C. Violette were present. Also present were DEP staff member K. Maiorano; and N. Walter of EPOC.

Reading and Approval of the Minutes

The draft minutes of the Board meetings of June 9 and June 17, 2011, were read and approved as written; motion: Adams; second: Loureiro; passed unanimously.

Public Participation

N. Walter of EPOC stated that the EPOC subcommittee was still working on its white paper on distance learning (e.g., web-based continuing education courses).

Unfinished Business and General Orders

Update on complaint 10-101

Potterton reported that a proposed Consent Order was being reviewed by the attorney for the LEP involved in this matter.

Update on complaint 10-102

Maiorano reported that the LEP that is the subject of this complaint has allowed his license to lapse. As a result, the Board cannot take any disciplinary action at this time, but will memorialize the handling of this complaint in the Board’s records so that such alleged compliance issues will be properly considered in the future should the LEP ever choose to reapply for an LEP license in Connecticut.

Proposed LEP Regulation Revisions

Ruzicka reported that the proposed regulations are not a current agency priority, and therefore, there is no tentative completion date at this time.

Update on LEP Exam and Renewals

For this year's LEP exam, there were 26 applicants, of which 2 applicants were denied entrance to the exam and 1 applicant submitted a late application. As a result, 23 applicants were entered to take the exam, 1 of which did not show up for the exam. Of the remaining 22 applicants who took the exam, 9 applicants passed the exam and 13 failed the exam. Adding these new LEPs to the universe of LEPs who renewed his/her licenses, we now have 361 LEPs in Connecticut.

One LEP who applied to renew his license will be receiving a letter from the Board indicating that his license has expired as a matter of law due to his application being insufficient with respect to the number of CECs taken during the past biannual period. This LEP was notified of the insufficiency on July 6, 2011 and allowed 30 days to cure such insufficiency, however, the LEP did not cure the insufficiency on or before August 5, 2011, the end of the allowed 30 day period.

Update on Contingent Fees/ Conflict of Interest Issue

The Board discussed the periodic requests from LEPs or certifying party's legal counsel regarding the intent and meaning of the language in the LEP regulations involving "contingent fee arrangements". Jack Looney of the Attorney General's Office has previously advised the Board that the Board cannot issue any written clarifications or guidance on this topic without following the legal declaratory ruling process. The Board agreed to continue discussion on this topic in the future to determine if any actions should be initiated in this regard, and to have a subcommittee comprised of J. Loureiro, R. Potterton and C. Violette further evaluate this matter (e.g., initial intent of regulation, real world applications considering various contract types as compared to pertinent LEP regulatory language) in preparation for such Board discussion.

New Business

Board Resignation

The Board was informed of receipt of a letter from Board member and Board Secretary Russell Slayback of his intention to resign from the Board for health reasons. The Board discussed plans to request special recognition of Russ for his meaningful professional contributions and service to the Board. The Governor will appoint a replacement to fill Slayback's LEP/hydrogeologist position on the Board. The Board named K. Meloy as the new Board Secretary, with J. Adams to serve in her place as needed.

LEP Workgroup Draft Report and Complaint Summary

The Board discussed the draft report being produced by the Workgroup on "Evaluation of LEP Program Performance and Utilization" as part of the DEEP's Comprehensive Evaluation and Transformation of Connecticut's Cleanup Laws. R.

Potterton of the Board is a member of the workgroup, and he briefly informed the full Board of some of the draft report's content (e.g., audit statistics, authorized LEP duties vs. duties authorized for similar professionals in other states) and key findings (e.g., a recommendation for more widespread LEP utilization with appropriate checks and balances built into the privatized program). Potterton also supplied the Board with a draft spreadsheet summarizing key statistics regarding the disciplinary actions taken by the Board to date, for our review. The Board approved providing this spreadsheet to the workgroup only after the LEP license numbers have been removed from the spreadsheet.

Course Approval Requests

Course approval request from NEWMOA for course titled "*Ecological Risk Assessment*" for 5.5 CECs

Motion to approve for 5.75 CECs Adams; second Meloy, passed unanimously.

Course approval request from NGWA for conference titled "*NGWA Focus Conference on Fractured Rock and Eastern Groundwater Regional Issues*" for 12.1 CECs

Motion to approve at 50% for up to 13.5 CECs to be provided (i.e., maximum allowed CECs of 6.75 for full attendance), with minimum 4 contact hours also required Meloy; second Phillips-Griggs, passed unanimously.

Course approval request from AEHS Foundation for conference titled "*The 27th Annual International Conference on Soils, Sediments, Water and Energy*" for CECs

Motion to approve at 50% for attendance at conference and 100% for attendance at workshops Meloy; second Adams, passed unanimously.

Course approval request from LSPA for course titled "*Introduction to Short Forms for Human Health Risk Assessment*" for 4 CECs

Due to lack of relevance, motion to deny Adams; second Loureiro, passed unanimously.

Course approval request from National Water Program for symposium titled "*2011 Northeast Private Well Symposium*" for CECs

Motion to approve at 50% for up to 9.5 CECs to be provided (i.e., maximum allowed CECs of 4.75 for full attendance), with minimum 4 contact hours also required Meloy; second Holtman, passed unanimously.

Review of change in syllabus for course #CTLEP-311 titled "*Optimizing Site Assessment to Expedite Site Closure*"

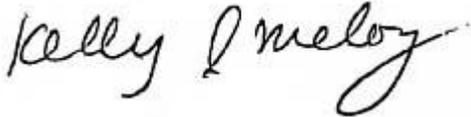
The Board agreed that the requested change is insignificant, and the prior course approval stands.

Adjournment

Upon a motion by J. Adams; second: K. Meloy; approved unanimously; Chair Ruzicka declared the meeting adjourned at 11:15 a.m.

Minutes approved on December 8, 2011.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kelly Meloy". The signature is written in black ink and is positioned to the right of the typed name.

Kelly Meloy
Board Representative