



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Michael E. Hopkins  
Stantec Consulting Services  
2250 Brighton Henrietta Town Line Road  
Rochester, NY 14623

RE: *Letter of Reprimand – License No. 153, Complaint No. 08-101*

Dear Mr. Hopkins:

The above-referenced complaint was referred to the State Board of Examiners of Environmental Professionals (“the Board”) by the Remediation Division of the Department of Environmental Protection’s (“DEPs”) Bureau of Water Protection and Land Reuse. The Complaint, issued by DEP after an audit of your verification for the property located at 24 Doring Drive, Killingly, Connecticut (the Property), alleges that you had not characterized the site in accordance with prevailing standards and guidelines at the time you issued the verification.

In accordance with the terms of the Consent Order for Complaint No. 08-101, authorized by the Board and issued by the Commissioner of Environmental Protection, you are hereby reprimanded for the insufficient site characterization you performed on the Property.

It is with our sincerest hope that the additional eight (8) Continuing Education Credits required by the Consent Order will enhance your abilities and ensure that the services you render in the future will be to the highest professional standards of this profession.

Dated this 6<sup>th</sup> day of November, 2009

By: Amey W. Marrella  
Amey W. Marrella  
Commissioner

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COMPLAINT NO. 08-101

STATE BOARD OF EXAMINERS  
OF ENVIRONMENTAL PROFESSIONALS

v.

MICHAEL E. HOPKINS, LEP

**CONSENT ORDER**

With the agreement of Michael E. Hopkins, LEP (hereinafter "Respondent") the State Board of Examiners of Environmental Professionals (hereinafter "LEP Board") finds that:

- A. 1. The Respondent is the holder of Environmental Professional License #153.
2. On August 5, 2005, Respondent rendered a final verification to support a Form III filing for an establishment now or formerly known as MPI Label Systems, 24 Doring Drive, Killingly, CT. ("the Site").
3. The Remediation Division of the Connecticut Department of Environmental Protection ("DEP") Bureau of Water Protection and Land Reuse, in conjunction with the DEP's LEP Verification Audit Program, performed an audit of Respondent's verification of the Site.
4. On March 18, 2006, the DEP issued an Audit Report in which the DEP did not concur with Respondent's verification that the Site had been fully characterized in accordance with prevailing standards and guidelines and the Respondent's conclusion that remediation of the establishment was not required to achieve compliance with the Remediation Standard Regulations.

5. On August 5, 2008, the DEP referred a complaint concerning Respondent's verification of the Site to the LEP Board.

6. By letter dated May 15, 2009, the LEP Board Coordinator 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 statutes and regulations concerning his LEP license.

7. On June 3, 2009, an informal Compliance Meeting was conducted. Present at the meeting were Dennis Unites, LEP and Stephen Holtman, LEP, both members of the LEP Board who were designated by the LEP Board to investigate the Complaint made by the DEP.

8. By letter dated June 18, 2009, the LEP Board Coordinator informed the Respondent that he failed to show compliance with certain regulatory requirements associated with his LEP license. (A copy of the June 18, 2009 letter is attached hereto as Exhibit 1).

9. Respondent failed to comply with RCSA §22a-133v-6(d)(2)(A) concerning the adequacy of the investigation of all areas of concern at the Site.

10. Respondent failed to comply with RCSA §22a-133v-6(d)(2)(B) concerning characterization of the Site in accordance with prevailing standards and guidelines and by failing to have an appropriate quantity and quality of data to demonstrate compliance with the applicable criteria of the Remediation Standard Regulations.

11. Respondent failed to comply with RCSA §22a-133v-6(d)(2)(C) concerning good faith and reasonable efforts to identify and obtain relevant data and other information evidencing conditions at the Site.

12. Respondent denies the allegations contained in paragraphs 9, 10 and 11.

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

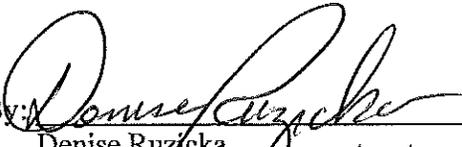
1. Issue a letter of reprimand to the Respondent concerning his alleged failure to comply with the above-noted regulatory and statutory provisions. A copy of said letter of reprimand shall be placed in Respondent's license file maintained by the LEP Board.

2. Order the Respondent to take a total of eight (8) Continuing Education Credits (CECs) in approved courses or seminars devoted to the subject of site characterization within one year of the entry of this Consent Order. Respondent shall file with the LEP Board Coordinator information describing the content of the courses or seminars taken and proof of attendance at said courses or seminars. Such courses and credits shall not be courses or credits Respondent has taken in any previous biennial period and such courses and credits shall be in addition to and shall not be counted toward compliance with the twenty four (24) CECs required during this biennial period or any future biennial period.

Dated this 7 day of October, 2009

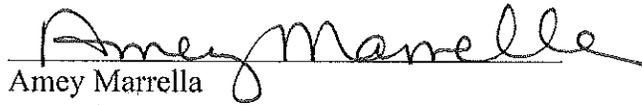
  
Michael E. Hopkins, LEP  
Respondent

The State Board of Examiners  
of Environmental Professionals

By:   
Denise Ruzicka  
Its Chairperson 11/13/09

ENTERED AS AN ORDER OF THE COMMISSIONER

Dated this 6<sup>th</sup> day of Nov., 2009



Amey Marrella  
Commissioner

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# EXHIBIT 1

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STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



June 18, 2009

**SENT CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Michael E. Hopkins, LEP  
Jacques Whitford Company, Inc.  
3447 Eddy Road  
Marian, NY 14505

**RE: Connecticut Licensed Environmental  
Professional License #153  
Complaint #08-101**

Dear Mr. Hopkins:

On June 3, 2009, a Compliance Meeting was held in accordance with Conn. Gen. Stat. §4-182(c). Present at the Compliance Meeting were you, your attorney, David Speranzini, Dennis Unites, LEP and Stephen Holtman, LEP, both members of the State Board of Examiners of Environmental Professionals ("LEP Board") who have been delegated to investigate Complaint #08-101, Assistant Attorney Jack Looney and the undersigned. As a result of the Compliance Meeting, it has been determined that:

1. Based upon the additional information that you provided relating to your knowledge that 24 Doring Drive, Killingly, CT ("the Site") and surrounding area was designated as GB on the state's water quality designation map; the existence and use of a public water supply in the surrounding area; and, your contacts with town officials in which you were repeatedly told that there were no drinking water wells in use in the surrounding area; you have shown that you were compliant with RCSA §22a-133v-6(d)(1) in the conduct of the receptor survey that you performed and compliant with RCSA §§22a-133k-3(d)(3) and 22a-133k-3(f)(1) concerning groundwater in a GB area and in applying the correct criteria for groundwater.

In making this decision we have also considered that the homes served by wells were surrounded by homes on public water supply, that they were cross gradient from the facility and were down gradient from monitoring wells showing no detectable levels of contamination.

2. You did not show compliance with RCSA §22a-133v-6(d)(2)(A) concerning the adequacy of the investigation of all areas of concern at the Site.

While ground water samples were collected downgradient of the operations area, no soil samples were collected in the vadose zone under the operations. There was therefore no evidence to show that soils were in compliance with RSR's

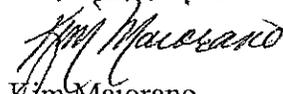
3. You did not show compliance with RCSA §22a-133v-6(d)(2)(B) concerning characterization of the Site in accordance with prevailing standards and guidelines and by failing to have an appropriate quantity and quality of data to demonstrate compliance with the applicable criteria of the Remediation Standard Regulations.

There were not a sufficient number of wells to determine the full extent of the plume in that no wells were located down gradient of wells showing measurable levels of contaminants, and/or the wells and resulting data did not demonstrate a decreasing ground water contamination gradient from a specific source.

4. You did not show compliance with Conn. Gen. Stat. §22a-133v-6(d)(2)(C) concerning good faith and reasonable efforts to identify and obtain relevant data and other information evidencing conditions at the Site.

The above listed items for which noncompliance with applicable law and regulations was found will be referred to the LEP Board for further action. Should you or your attorney wish to discuss this matter further, it is requested that you contact Assistant Attorney General Jack Looney at (860) 808-5250.

Very truly yours,



Kim Maiorano  
LEP Board Coordinator

JML/km

cc: Dennis Unites  
Stephen Holtman  
John Looney, AAG  
David Speranzini, Esq.