

STATE OF CONNECTICUT  
**REGULATION**  
OF  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL  
PROTECTION

**Statement of Purpose**

**STATE BOARD OF EXAMINERS OF ENVIRONMENTAL PROFESSIONALS**

The purpose of the proposed amendments to the regulations regarding the State Board of Examiners of Environmental Professionals (the LEP Board), sections 22a-133v-2 through 5 inclusive, and subsections 22a-133v-7(c), (l), (n), (o), (r), (s), (ee) of the Regulations of Connecticut State Agencies (“RCSA”) and new subsection 22a-133v-4(e) of the RCSA, is to update the regulations consistent with several statutory changes including Public Acts 03-6, 06-76, 07-81 and 09-3. Legislative fee increases from 2003 and 2009, as well as several technical revisions, are also included. The major revision incorporates statutory changes pursuant to Public Act 07-81 which allows the Board the flexibility within the disciplinary process to levy sanctions other than revocation, denial or suspension of a license. This gives the LEP Board the discretion to impose remedial types of discipline. In addition, pursuant to CGS section 4-168(g)(1) several technical amendments to the regulations are necessary due to a change in name of the agency and to correct clerical errors to the existing regulations.

The Department has worked closely with the LEP Board to develop the referenced amendments.

The proposed amendments will not affect any other existing laws or regulations.

The proposal contains the following regulatory amendments:

**Section 22a-133v-2**

Amendment to subsection 22a-133v-2(b) is proposed to allow the board of examiners the flexibility to consider all graduate and postgraduate coursework taken by an applicant for the purpose of determining whether an applicant’s education, combined with a bachelor’s or advanced degree is fundamentally equivalent to those degrees listed in section 22a-133v-2(b)(2)(A) of the regulations. The regulatory revisions are intended to reflect statutory changes enacted under Public Act 06-76. In addition, amendments to subsection 22a-133v-2(e) are intended to: 1) clarify that continuing education credits cannot fulfill the requirements of two biennial periods; 2) allow continuing education credits taken during one biennial period to be applied to the previous biennial period when such credits are required by the Board; 3) allow greater flexibility in the number of classroom hours required for short courses; and 4) allow for the periodic retaking of a course or seminar to count toward the fulfillment of continuing education requirements.

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**Section 22a-133v-3**

The purpose of this amendment is to clarify that the fee payment for the examination was increased pursuant to Public Acts 03-6 and 09-3, and is now \$235.00. This amendment also deletes regulatory language that is no longer relevant related to interim environmental professional status and eligibility to take the first or second exam. It also clarifies that anyone participating in developing the exam is ineligible to take the exam for a 2 year period, thereby eliminating any potential ethical conflicts. Currently there are enough LEPs available to assist as technical advisors in developing the examination.

**Section 22a-133v-4**

The purpose of this amendment is to clarify that the fee payment for renewals was increased pursuant to Public Acts 03-6 and 09-3, and is now \$425.00. The regulatory revisions are also intended to reflect statutory changes pursuant to Public Act 07-81. Public Act 07-81 amended Section 22a-133v of the Connecticut General Statutes regarding Licensed Environmental Professionals (LEP) and authorizes the LEP Board to levy sanctions other than revocation, denial or suspension of an environmental professional's license. This change gives the LEP Board additional disciplinary tools and discretion to impose remedial types of discipline.

**(NEW) Subsection 22a-133v-4(e)**

Public Act 06-76 amended Section 22a-133v(f) of the Connecticut General Statutes to address situations where a LEP license has expired and allows the LEP Board the flexibility to reissue a new license without requiring the individual to retake and pass the examination again provided a license renewal is submitted within six months after the expiration of the license. The regulatory revisions reflect those statutory changes and establish procedures and criteria for license reinstatement after expiration.

**Subsection 22a-133v-5(b)**

The purpose of this amendment is to clarify that a LEP cannot verify property that the licensee or licensee's employer has a financial interest in, other than professional services fees.

**Subsections (c), (l), (n), (o), (r), (s) and (ee) of Section 22a-133v-7**

The current regulations only allow for the revocation, denial or suspension of a license. The purpose of this amendment is to incorporate statutory changes pursuant to Public Act 07-81 which gives the LEP Board additional disciplinary tools and discretion to impose remedial types of discipline.