

# MINUTES

## State Board of Examiners of Environmental Professionals

### Regular Meeting – June 13, 2013

#### 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 13, 2013 at 9:10 AM in the Russell Room, 3<sup>rd</sup> Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board Members K. Meloy, J. Adams, R. Potterton, A. Phillips-Griggs, S. Holtman and C. Buchholz were present. Also present was DEEP staff member K. Maiorano and Nelson Walter representing EPOC.

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

The draft minutes of the Board meeting of May 3, 2013 were read and approved as written; motion. R. Potterton, second: S. Holtman, passed unanimously.

#### C. Public Participation

Nelson Walter was present but had nothing to add at this time.

#### D. Unfinished Business and General Orders

##### **Distance Learning**

Chair Ruzicka reported on a meeting with Jack Looney concerning the draft regulations. He will review the draft and make revisions to be consistent with regulatory procedures. He expects to have a draft by our next meeting.

##### **Update on complaint 11-102 and 11-103**

A compliance meeting has been rescheduled to August 2013 with the complainants. K. Maiorano continues to work on satisfying the FOI request.

##### **Update on Transformation Process**

No new information was available.

##### **Legislative Update on HB 1082/6651**

Rob Bell joined us at 9:35 AM. HB 1082 died and most of the provisions of 1082 were incorporated into HB 6651 that was approved by the legislature. Most of HB 6651 is made up of various brownfield provisions.

Major theme of DEEP is to target high risk sites and enable lower risk sites lower cost and faster options to move them through the remediation process.

Wave One of the RSR revisions have been revised pursuant to the requests from the legislature's Regulations Review Committee. The Revised RSRs are on the agenda for the June 25, 2013 Regulations Review Committee meeting and it is hoped that the RSRs will be approved at the meeting and become law in July or August.

Wave Two of RSR revisions, including spill reporting, are in process and a discussion draft is being prepared and will be available starting at the end of June 2013. The documents may be rolled out piece meal to enable prompt discussion. These documents are not in regulatory format, but will contain the concepts and sufficient information to enable an informed discussion.

A number of self-implementing revisions for pollutant mobility criteria, Ground Water Protection Criteria and Engineered Controls will be included in Wave Two. The focus is on making as much of the regulation as possible self-implementing so DEEP resources may focus on high risk sites. The concepts for Wave Two are presented in the February 2013 Transformation Document, available on DEEP's web site.

HB 6651 includes no new requirements for LEPs. However a new institutional control (deed notice) referred to as an Activity and Use Limitation (AUL) will enable LEPs to place certain restrictions on properties. This will be a new mechanism to lock in an assumption of future use. An example would be to place a restriction against residential use thereby enabling the use of Commercial/Industrial Direct Exposure Criteria. This will be a faster and less expensive mechanism than the ELUR mechanism. There will be no subordination requirements and the AUL will be self-implementing. The AUL cannot be used in certain situations where an easement holder has the right to come onto a property and excavate in a contaminated area. The effective date is October 1, 2013, however the statute requires the DEEP to develop regulations to implement the Statute.

Sites restricted to use the AUL are limited to five categories. They include:

1. Restricting use to industrial/commercial in an area already zoned for that purpose and no residential uses are already in the restricted area
2. Using a building or permanent structure to create environmentally isolated soils (may permit greater than 10 times the standard if the quantity of impacted soils is less than 10 cubic yards)
3. Using a building or permanent structure to create inaccessible soils
4. Use of an Environmental Control to limit exposure.
5. Otherwise approved by the Commissioner

Each of these situations (1-4) is restricted to soils not more than 10 times the current criteria.

Significant Environmental Hazard Reporting was amended and will be effective in 2015. Notification provisions revised include a plume within 200 feet (in any direction) of a private drinking water well. Industrial/Commercial properties will be required to notify if there are 30 times the standard, but if the location of the surface soils are within 300 feet of residential properties, schools, parks or playgrounds, reporting will be required if soils are found to contain metals or PCBs that exceed 15 times the standard. There is an exception if the soils are under pavement or within a fenced area. This law change will only apply to data developed after the effective date. The law applies to soils within 2 feet of the ground surface, but may apply to sediments in a wetland if the exposure to those sediments would be similar to soils.

Other Significant Environmental Hazard Reporting revisions include reporting for 15 times residential criteria at residential properties, 10 times applicable volatilization criteria (unless the building is unoccupied or if VOCs are used in an industrial activity and OSHA regulates the VOC), NAPL in a drinking water well and, NAPL in groundwater breaking out to surface water will require reporting. The Significant Environmental Hazard Reporting will be incorporated into the broad transformation of the remediation program resulting in a single regulation/program.

HB 6651 will undertake a full assessment of risk based criteria. The Department in cooperation with the Department of Health, will hire an outside consultant to look at best practices, evaluate other Federal and State programs and be completed by October 2014. Other provisions include shorter audit timeframes and the issuance of no further action letters.

The creation of an Environmental Response Professional has not been moved forward, however it remains under consideration. It would only be applicable to new releases or older releases if enough is known about it.

The Board thanked Mr. Bell for his time. Mr. Bell departed at 10:10 am.

### **Complaints and Investigations flow chart**

R. Potterton suggested that the chart be marked up and provided to Jack Looney. Discussion was tabled until the next meeting.

### **E. New Business**

#### **Course Approval Requests**

Course approval request from an LEP for course titled “**EPA Brownfields Conference 2013**” for 4.0 CECs. Motion to approve for 4.0 CECs by K. Meloy seconded by A. Phillips-Griggs passed unanimously.

### **LEP License Renewals**

Motion to authorize Commissioner to issue licenses to those who filed timely and sufficient renewal applications by C. Buchholz, second by S. Holtman; approved unanimously.

Motion to authorize Commissioner to waive the deadline and issue licenses to those who requested a waiver of the deadline and filed a sufficient renewal application after June 1, 2013 but before June 14, 2013 A. Phillips-Griggs, second S. Holtman; approved unanimously.

Motion to authorize Commissioner to waive the deadline to those who requested a waiver, apply a 10% late fee, and issue licenses to those who filed a sufficient renewal application on or after June 14, 2013 but before July 1, 2013 A. Phillips-Griggs, second S. Holtman; approved unanimously.

Any renewal applications submitted untimely and insufficient expire as a matter of law.

### **Issuance of New Licenses**

Motion by C. Buchholz, seconded by S. Holtman to recommend to the Commissioner that those individuals receiving a passing score on the LEP Exam be issued licenses. Passed unanimously.

### **Review of Test Questions**

Move into executive session to review test questions, motion by S. Holtman, seconded by R. Potterton, passed unanimously. Entered executive session at 10:10 AM and came out of executive session at 10:45 AM. No votes or actions were taken during the executive session.

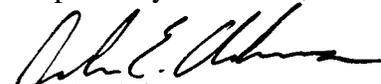
Next Meeting is July 11, 2013 at 9:00 AM.

### **F. Adjournment**

Upon a motion by R. Potterton; second by K. Meloy; approved unanimously; Chair Ruzicka declared the meeting adjourned at 10:46 AM.

Minutes approved on August 15, 2013.

Respectfully submitted,



John E. Adams  
Board Co-Secretary