

# DRAFT MINUTES

## State Board of Examiners of Environmental Professionals

### Regular Meeting – February 16, 2012

#### 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, February 16, 2012 at 9:02 a.m. in the Russell Room, 3<sup>rd</sup> Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board Members J. Adams, R. Potterton, A. Phillips-Griggs, S. Holtman (left meeting at 11:00 AM), J. Loureiro, C. Violette and C. Buchholtz (joined meeting at 10:50 AM) were present. Also present were DEEP staff member K. Maiorano and R. Bell (joined meeting at 11:05 AM until 11:25 AM); and Nelson Walter of EPOC (left meeting at 11:30 AM).

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

The draft minutes of the Board meetings of January 12, 2012 were read and approved as written; motion: J. Loureiro; second: R. Potterton; passed unanimously other than Holtman and Phillips-Griggs who abstained.

#### C. Public Participation

N. Walter of EPOC stated that he had nothing to report on that would not be in the discussion during the distance learning agenda item.

#### D. Unfinished Business and General Orders

##### **Distance learning computation of time - EPOC**

N. Walter provided a distance learning presentation on behalf of EPOC. His presentation dealt with calculating the amount of time that would be appropriate for a distance learning course.

In most states, course provider assigns credit. Some states are very rigid (MA) and others do not control the allocation of time or content.

NJ created an enormous burden for its PE Board when it passed a requirement that the Board approve all distance learning course in 2010. The board received over 2,000 request in the first 6 months and ultimately gave up approving courses. N. Walter indicates there are presently more than 4,000 approved PE distance learning courses in NJ.

Practicing Institute of Engineering (PIE) is a licensed course reviewer in NY for PE courses. A course provider pays PIE to have their courses reviewed for content and

credit hours. The reviewers take a workshop every 2 years and manuals are provided to confirm consistency between reviewers.

CT Landscape Architects also permit distance learning. Course provider must go to 5 professionals and get affidavits concerning the amount of time that it took to take the course.

International Association for Continuing Education and Training (IACET) requires 5 pilot individuals to take the course and provide information concerning the amount of time it took to take the course. This serves as a basis for awarding credit for each course.

American Medical Association – uses a small sampling of professionals to determine the amount of time assigned to the course.

Most states do not require submittal of courses taken, but require the professional to certify that they have met the continuing education requirement. The state board may then perform audits to ensure compliance. A. Phillips-Griggs asked what the compliance rates were. N. Walter indicated that in NH and ME the vast majority of applicants are in compliance. In the initial year, there were some problems, but these seem to have been resolved through enforcement and better communication with professionals.

D. Ruzicka indicated that we seem to have a 2 step process; content approval then time/credit approval. Perhaps we need to establish criteria for determining the amount of time that should be awarded for a distance learning course. Based on this criteria, course reviewing organizations may be approved by the board as intermediaries. However content may still need to be approved by the board.

A subcommittee was formed with J. Loureiro and S. Holtman to review PIE's criteria and J. Adams and R. Potterton will review IACET's approval criteria. The subcommittee will report back at the next meeting.

### **Update on Transformation Process**

Grahm Stevens provided an update on the DEEP's "Transformation Process". DEEP is working on a comprehensive review and transformation of the remedial process from spills to site closure. The program would be a "release based system" that would require action if triggers are met, assessment and clean up would proceed. The program would be self implementing. The vision is that the program would be overseen by a board that can take action when LEPs do not hold paramount public health or the environment. Details document is in the work as well as legislation which must be raised by the Commerce Committee. There is a February 29, 2012 deadline to raise bills from the Commerce Committee. A skeleton of a bill will be raised as a place holder and it is the intent of the DEEP to update the language through out the session as the details become clearer and stakeholder groups weigh in. Regulations from spill reporting, to the RSRs to

LEP regs would require revision as a result of the Transformation Process and anticipated statutory/regulatory changes.

Concerns were raised by J. Adams and S. Holtman that the LEP Board could see a dramatic increase in referrals and other work based on the anticipated statutory and regulatory changes. With so many additional entrance and exit points in the programs, the audit and referral process could dominate the Board. D. Ruzicka indicated that staffing, including full time administrative and investigatory assistance may be required to meet the requirements placed on the Board.

C. Violette asked if every release will need LEP oversight. G. Stevens replied that the current thinking in the DEEP is that LEP involvement may be limited to releases that have the potential to impact the resources of the State, groundwater and surface waters. A Technical Environmental Professional (TEP) may be used for lesser releases with a lower potential to impact human health or the environment. In complex scenarios, an LEP would be required.

Spill contractors may be able to act as TEPs and handle most spills. Statutory changes may result in regulatory changes expanding the authority of the Board beyond just LEPs.

C. Violette suggests perhaps a general permit might be available for the clean up of small spills.

D. Ruzicka indicated that resources continue to be a significant issue. For example we receive legal assistance from Jack Looney at the AG's office based on his availability to the Board.

J. Loureiro expressed a need for a property wide verification to address large sites, such as brownfields that would have a great number of release areas which could burden the the new system. G. Stevens indicated the DEEP is considering a system that would include property wide verifications.

G. Stevens indicated he welcomed comments through the process and would be happy to report back to the Board as the session plays out. He indicated that legislation may be passed this year or the legislators may decide to postpone this until next year. Stay tuned.

### **Update on complaint 10-101**

Consent Order has been signed and the LEP was seeking board approval of a coursed required under the Order. J. Adams made a motion, seconded by J. Loureiro that the LEP who steps down would have the authority to approve a course without consultation with the Board. The motion passed unanimously.

### **Update on LEP Regulations**

Ruzicka reported that the hearing officer's report had been drafted and was reviewed internally. A few issues had been identified and there was hope that the final hearing officer's report will be issued soon and the regulations may still be promulgated the 1<sup>st</sup> in quarter 2012.

#### **Update on complaint 12-101**

A meeting has been set up in March with the complainants.

#### **Item Development Workshop**

Scheduled for April 4, 2012 – Evan Glass was volunteered by Kelly Meloy.

#### **Test Assembly Workshop**

Scheduled for May 2, 2012 - J. Loureiro, K. Meloy and S. Holtman volunteered to participate

A list of possible candidates was circulated by K. Maiorano. On a motion by C. Violette, seconded by S. Holtman, the list of candidates was approved unanimously. K. Maiorano was instructed to call candidates for the workshops until the she filled the necessary slots.

### **E. New Business**

#### **Course Approval Requests**

Course approval request from Geoscience Resources titled “**Vadose Zone Transport & Fate Modeling for Developing Site-Specific Soil Cleanup Levels Using SESOIL and AT123D**” for 16 CECs. Motion to approve for 16 CECs by A. Phillips-Griggs, seconded by R. Potterton, passed unanimously.

Course approval request from LSPA for course titled “**Long-Term Monitoring Optimization for Groundwater Remediation Using MAROS**” for 8 CECs. Motion to approve for 8.0 CECs by J. Adams, seconded by Phillips–Griggs, passed unanimously.

Course approval request from LSPA for course titled “**Applied Fluorescence Tracing Tools to Identify Preferential Groundwater Flow**” for 8 CECs. Motion to approve for 8.0 CECs by J. Adams, seconded by Phillips–Griggs, passed unanimously.

Course approval request from NEWMOA for course titled “**Light Nonaqueous-Phase Liquids: Science, Management and Technology**” for 15 CECs. Motion to approve for 16.0 CECs by S. Holtman, seconded by Phillips–Griggs, passed unanimously.

Motion to add the following to the agenda: Loureiro, second Holtman. The motion passed unanimously.

The Board was advised of a revision to a previously approved course titled **A Field course on the Pioneer Valley's Post-Glacial Landscape**. The course provider is seeking to offer the opportunity to substitute a homework assignment for the initial 1.5 hours of the class. On a motion by J. Adams and seconded by R. Potterton, the modification was approved unanimously.

**The UMass 28<sup>th</sup> Soils Conference** requested a change in procedure where LEPs would be permitted to sign in and out at a central registration desk rather than at the individual rooms where seminars and presentations may be held. A. Phillips-Griggs made a motion, seconded by S. Holtman that we continue to require proctors at the doors to events. The motion passed unanimously.

**MCP Risk Assessment Course** – Action of the course was tabled pending receipt of additional information. K. Maiorano was delegated to request the course notebook from the provider.

S. Holtman left the meeting at 11:00AM.

#### **Transformation from a Lender's Perspective**

R. Bell of DEEP joined the meeting at 11:05 AM.

C. Buchholz represents the lenders community on the Board and in this capacity was asked to review materials that have been produced describing the transformation process. He has a number of concerns/questions from a lenders perspective as they are providing capital to projects as investments in the community.

Verification and audit process is a lengthy process and the rejection of Verifications through the audit process has the potential to create concerns in the lending community. To have a document rejected a number of years post loan origination creates a concern over the value of the collateral. The Transformation needs processes in place to insure that the rejections of verifications are minimal so it does not create concerns with the lender community. Lengthy timelines for audits is also a concern. R. Bell requested that C. Buchholtz provide written comments on behalf of the lending community on the December 2011 Comprehensive Evaluation and Transformation of Connecticut's Cleanup Laws report.

The release based program is likely to involve a number of verifications for a site and the audit program is envisioned to review a percentage of those verifications.

Currently "No Audit Letters" are averaging 5 months. The Transformation process would look to establish a procedure that would do the same or better. DEEP

currently has a 3 year window to perform audits. Now 30-40 % of Verifications go through full audit.

C. Violette asked R. Bell where the audit deadline originated. Mr. Bell thought it was in 2007/2008 legislation that amended the Transfer Act. It was a compromise between a number of programs with timelines from 2 to 5 years for audits.

Approximately 11-15% of current verifications are rejected. The remainder of Verifications are not audited or pass the audit. Verifications are screened and if questions are raised, then an audit is performed. C. Violette asked if random audits are performed, R. Bell answered, not at this point, but this would likely be addressed in the transformed program.

The plan is for conceptual legislation to be submitted. As the legislature and the public weighs in, legislation may be revised or pulled from the calendar until next year.

**Review of Applications to be admitted to the May 2012 LEP Exam**

Motion to approve the following nine applicants for acceptance into the May 2012 examination made by J. Loureiro, seconded by C. Buchholtz; passed unanimously

2011 01052	2012 00510	2012 00511	2012 00334
2012 00574	2012 00544	2012 00577	2012 00548
2012 00581			

Applicant 2012 00571 was discussed by the Board. J. Loureiro and C. Buchholtz had reviewed the application and the applicant did not demonstrate sufficient experience to be admitted to the exam. Motion to deny admittance to applicant 2012 00571 made by J. Loureiro, second by R. Potterton; passed unanimously.

Additional information is being requested from the following six applicants:

2011 05246	2012 00573	2012 00537	2012 00485
2012 00508	2012 00580		

**F. Adjournment**

Upon a motion by J. Loureiro; second: R. Potterton; approved unanimously; Chair Ruzicka declared the meeting adjourned at 1:10 PM.

Minutes approved on March , 2012.

Respectfully submitted,

John E. Adams  
Board Co-Secretary