STATE OF CONNECTICUT

Board of Examiners of Environmental Professionals

NOTICE OF COMPLIANCE

November 16, 2017

Theodore Stevens
Stevens Engineering and Environmental Services
10 Carafa Terrace
North Haven, CT 06473

RE: Consent Order
Complaint No. 08-103

Dear Mr. Stevens:

The State Board of Examiners of Environmental Professionals ("the LEP Board") has received your letter with respect to your concerns over the LEP Board's website and your written confirmation of the recent Verification course that you had recently attended. Your concerns with respect to the LEP Board website will be addressed separately. This letter will serve to address the Consent Order that was entered into by you and the LEP Board on November 13, 2009, as a result of Complaint No. 08-103.

In accordance with the Consent Order, you agreed to a two year peer review, and to complete two courses with respect to remediation and verifications.

This letter serves to acknowledge full compliance with the State Board of Examiners of Environmental Professional's Consent Order for Complaint No. 08-103.

If you have any questions pertaining to this matter, please contact me at (860) 424-3788.

Sincerely,

Kim Matorano
LEP Board Administrator
Board of Examiners of Environmental Professionals

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Theodore Stevens, LEP
Stevens Engineering and Environmental Services
10 Carafa Terrace
North Haven, CT 06473

RE: *Letter of Reprimand – License No. 195, Complaint No. 08-103*

Dear Mr. Stevens:

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 363 Whaley Avenue, New Haven (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. 08-103, 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 twelve (12) Continuing Education Credits and the peer review 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 13th day of November, 2009.

Amey Marrella

Amey W. Marrella
Commissioner

Copy to file

COMPLAINT NO. 08-103

STATE BOARD OF EXAMINERS
OF ENVIRONMENTAL PROFESSIONALS

v.

THEODORE STEVENS, LEP

CONSENT ORDER

With the agreement of Theodore Stevens, 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 #195.

2. On July 15, 2005, Respondent rendered a verification to support a Form IV filing for an establishment known as Sylvan Cleaners, Incorporated, 363 Whalley Avenue, New Haven, 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 June 22, 2007, the DEP issued an Audit Findings Letter 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 achieved in compliance with the Remediation Standard Regulations.

5. On, February 24, 2009, the DEP referred a complaint concerning Respondent's verification of the Site to the LEP Board.

6. By letter dated July 22, 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 August 20, 2009, an informal Compliance Meeting was conducted. Present at the meeting were the Respondent, Russell Slayback, LEP, a member of the LEP Board who was designated by the LEP Board to investigate the Complaint made by the DEP, John Looney, Assistant Attorney General and Kim Maiorano, the LEP Board Coordinator.

8. By letter dated August 26, 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 August 26, 2009 letter is attached hereto as Exhibit 1).

9. Respondent failed to comply with RCSA § 22a-133v-6(d)(1) concerning the failure to perform a three-dimensional characterization of groundwater contamination.

10. 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 and the location of the likely PCE source.

11. 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.

12. 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.

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

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 an approved course provided by the Environmental Professionals Organization of Connecticut (EPOC) devoted to the subject of the Connecticut Remediation Standard Regulations (CTLEP#005(rev.)) and a total of four (4) CECs in an approved course provided by EPOC devoted to the subject of "Verification/Audit Short Course" (CTLEP#251) or their successor courses when next offered by EPOC or other similar or successor courses approved by the LEP Board Coordinator. Respondent shall file with the LEP Board Coordinator information describing the content of the courses taken and proof of attendance at said courses. 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.

3. Order that for two (2) years from the entry of this Consent Order and for each parcel at which the Respondent provides professional services pertaining to verifications issued by Respondent during that period, Respondent shall have his work peer reviewed by another LEP prior to the issuance of a verification. The Respondent shall notify the LEP Board Coordinator in writing the location of each parcel at which his professional services pertaining to a verification are provided and the name and license number of each LEP who performs the peer review for each such parcel during this time period.

Dated this 13, day of November, 2009

Theodore Stevens
Respondent

The State Board of Examiners
of Environmental Professionals

By: Denise Ruzicka
Denise Ruzicka
Its Chairperson

ENTERED AS AN ORDER OF THE COMMISSIONER

Dated this 13th day of Nov, 2009

Amey Marrella
~~Acting~~ Commissioner

AM

EXHIBIT 1

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE BOARD OF EXAMINERS OF ENVIRONMENTAL PROFESSIONALS

August 26, 2009

Theodore Stevens
Stevens Engineering and Environmental Services
10 Carafa Terrace
North Haven, CT 06478

RE: *Connecticut Licensed Environmental Professionals*
License No. 195 – Complaint No. 08-103

Dear Mr. Stevens:

On August 20, 2009, a compliance meeting was held in accordance with Conn. Gen. Stat. § 4-182(c). Present at the compliance meeting were you, Russell Slayback, LEP, a member of the State Board of Examiners of Environmental Professionals ("LEP Board") who has been delegated to investigate Complaint No. 08-103, Assistant Attorney General Jack Looney and the undersigned. As a result of the compliance meeting, it has been determined that:

1. Based upon the additional information provided relating to your knowledge of the area surrounding 363 Whalley Avenue, New Haven, Connecticut ("the Site"); your familiarity with the public water supply in the vicinity of the Site gained through your previous employment with the New Haven Water Company (now the South Central Connecticut Regional Water Authority), including the fact that the Site and properties in the surrounding area were connected to the public water supply for more than a century, you have shown that you were compliant with RCSA § 22a-133 v-6(d)(1) when you, in providing professional services, concluded that a sensitive receptor survey was not necessary.

It is also noted that you did perform a sensitive receptor survey after rendering your verification and following the Audit Report, which supported your earlier conclusion, based on your personal knowledge of the Site, that no occupied properties in the vicinity of the Site use groundwater for drinking.

You, however, did not show compliance with RCSA § 22a-133v-6(d)(1) concerning your failure to perform a three-dimensional characterization of groundwater contamination despite the presence of PCE in every overburden monitoring well.

2. You did not show compliance with RCSA § 22a-133v-6(d)(2)(A) concerning exercise of professional judgment when rendering your verification that the Site had been fully investigated and remediated. Specifically, you failed to exercise professional judgment by not

investigating all areas of concern at the Site, and you failed to investigate, identify or confirm the source of the PCE plume, despite available evidence of a likely PCE source. You did not investigate groundwater directly downgradient of the likely source and did not collect sufficient information to understand the hydrology or dimensions of the plume.

3. You failed to show compliance with Conn. Gen. Stat. § 22a-134a in that you failed to characterize the Site in accordance with prevailing standards and guidelines and failed to have an appropriate quantity or quality of data to demonstrate compliance with the applicable criteria of the Remediation Standard Regulations in violation of RCSA § 22a-133v-6(d)(2)(B).

4. You failed to show compliance with RCSA § 22a-133v-6(d)(2)(C). In rendering professional services, you failed to make good faith and reasonable efforts to identify and obtain relevant data and other information to discharge your obligations under C.G.S. § 22a-134a, in violation of RCSA § 22a-133v-6(d)(2)(C). You did not conduct any investigation of AOCs located in the basement of the dry cleaning facility based on the rationale that any release from AOCs in the basement would migrate over the surface of the floor and into the floor drain. However, PCE was detected in every shallow monitoring well on site, and the sources were not reasonably identified, and the discharge of the floor drain to the public sewer was based on the owner's representations and not confirmed.

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

cc: Russell Slayback
Jack Looney, AAG

Sent Certified Mail
Return Receipt Requested
#7007 0710 0004 1256 7575