

# STATE OF CONNECTICUT

## Board of Examiners of Environmental Professionals

Board Members:  
Denise Ruzicka, PE, Chairman  
John Adams, LEP  
Michelle Gamache  
Robert F. Good, Jr., LEP  
Stephen Holtman PE, LEP  
Jeffrey Loureiro, PE, LEP  
Kelly Meloy, LEP  
Elsie Patton  
Alisa Phillips-Griggs  
Carol Violette, PhD, CHMM

### MINUTES

#### State Board of Examiners of Environmental Professionals

#### Regular Meeting – December 8, 2016

##### 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, December 8, 2016 at 10:13 AM in the Russell Hearing Room on the 3<sup>rd</sup> floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board members J. Adams, J. Loureiro, A. Phillips-Griggs, E. Patton, R. Good, S. Holtman and C. Violette were present. Board Administrator Kim Maiorano, David Wrinn representing the Board/Attorneys General Office and Nelson Walter representing the EPOC were present.

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

The draft minutes of the Regular Board meeting of October 13, 2016 were read and approved with minor corrections; motion by J. Loureiro, seconded by S. Holtman, passed unanimously.

##### C. Public Participation

Nelson Walter representing EPOC reported that the EPOC Board had discussed the Request for Declaratory Ruling that was pending with the Department. S. Holtman reported that the matter involved a complaint against regulatory guidance, similar to the additional polluting substance issues that may not be memorialized in the RSRs but addressed through guidance. E. Patton and D. Wrinn provided an outline of the process for Declaratory Ruling. A discussion followed as to the meaning of the “hold paramount” language and how this interfaced with existing regulations and situations that may represent a public health concern but are not specifically covered by a regulation. Chair Ruzicka indicated that examples included PFAS and PFOS where regulations do not have numerical criteria but the constituents represent a substantial danger to the public.

##### D. Unfinished Business and General Orders

###### Update on complaint #16-101

S. Holtman and D. Wrinn reported that the matter had been completed, the Consent Order had been signed by the Commissioner and the LEP.

### **Update on complaint #15-101**

E. Patton and J. Adams reported that additional information was received from the LEP and that a meeting would be scheduled to discuss possible actions.

### **Update on complaint #16-102**

J. Loureiro reported that S. Holtman will join the review team and they will report back next meeting.

### **Test Assembly**

J. Loureiro, R. Good, J. Adams, S. Holtman, Evan Glass, Bob Potterton and Maurice Hamel attended the workshop on October 26, 2016. The next exam was successfully developed.

### **Discussion of complaint flowchart**

A discussion concerning the Complaint Investigation Process Flow Chart took place resulting in a few additional suggested revisions to the chart. Chair Ruzicka also provided a summary of past disciplinary actions taken by the board.

## **E. New Business**

### **Course Approvals**

Course approval request from LEP for course titled “*Environmental Awareness Bootcamp*” for 28.0 CECs. On a motion by S. Holtman, seconded by C. Violette the request was denied as the content was not appropriate in accordance with the LEP regulations. The motion passed unanimously.

### **Question - May an LEP attend a course live via Skype?**

The Board discussed whether an LEP(s) may attend a course via Skype and receive credit. The person would be visible on the screen and participate in the course discussion. If the individuals may be held accountable credit may be received. These issues may be resolved on a case-by-case basis and credit may be issued as e-credit for the Skype attendant. More information was to be requested.

Course approval request from LEP for conference titled “*Bringing Water Together*” for CECs. On a motion by J. Loureiro, seconded by C. Violette the request was denied as the content was not appropriate in accordance with the LEP regulations. The motion passed unanimously.

Course approval request from LEP for course titled “*Orange County Remediation Workshop*” for 5 CECs. On a motion by S. Holtman, seconded by R. Good, passed unanimously for 4.0 CECs.

## **Discussion of PE Board**

C. Ruzicka and K. Maiorano reported on a visit with the administrator for the PE Board. The administrator is retiring and the hope was that policies and procedures that may be of use to the LEP Board could be adapted from the PE Board. Questions included what were retention policies, procedures for licensing, disciplinary procedures, meeting schedules and interaction with the national licensing board.

J. Adams asked whether personal notes by members of the Board were discoverable and do they need to be retained for a certain amount of time? D. Wrinn was asked to evaluate the discoverability, the privilege, and retention/destruction policy that may be consistent for disciplinary matters.

The PE Board scans the application for an exam and once the person passes the exam, the application is destroyed. DEEP currently maintains all applications for exams. Chair Ruzicka was satisfied that our current retention policies and procedures for applications is satisfactory.

## **Discussion of complaints**

J. Loureiro distributed a summary of disciplinary actions taken by the Board. The summary included what the disciplinary action was for and what the actions were taken. A robust discussion followed concerning the sufficiency of disciplinary actions, when should licenses be suspended or revoked and what actions by an LEP should result in what discipline. A clear action that would result in suspension/revocation would be the exposure of the public to hazards as a result of their actions.

A substantial portion of the discussion focused on the amount of information that may be disclosed to the full Board prior to entering into a Consent Order or other administrative action. The question of whether an independent investigator perform the investigation and make a recommendation to the Board was evaluated.

Chair Ruzicka asked the Board members to think about what constitutes an infraction that would dictate that the Board suspend or revoke a license.

## **2017 Meetings of the Board**

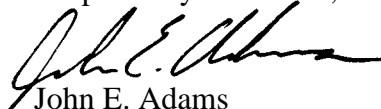
K. Maiorano distributed the schedule of meetings for 2017.

## **F. Adjournment**

Chair Ruzicka declared the meeting adjourned at 11:44 AM.

Minutes were approved on January 12, 2017.

Respectfully submitted,



John E. Adams  
Board Secretary