



General Assembly

Substitute Bill No. 6400

January Session, 2011

* _____HB06400PD_____050911_____*

AN ACT CONCERNING LICENSURE OF STORMWATER PROFESSIONALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

2 (1) "Stormwater professional" means a person who is qualified by
3 reason of specialized knowledge, as specified in subsection (d) of this
4 section, to engage in activities associated with the planning, design
5 and engineering of a stormwater pollution abatement facility including
6 the rendering or offering to render to clients professional services in
7 connection with the planning, design and engineering of a stormwater
8 pollution abatement facility;

9 (2) "Stormwater" means waters consisting of rainfall runoff,
10 including snow or ice melt during a rain event;

11 (3) "Pollution abatement facility" has the same meaning as provided
12 in section 22a-423 of the general statutes; and

13 (4) "Commissioner" means the Commissioner of Environmental
14 Protection or the commissioner's designated agent.

15 (b) (1) There shall be a State Board of Examiners of Stormwater
16 Professionals within the Department of Environmental Protection. The
17 board shall consist of eleven members. One member, who shall be the

18 chairperson of the board, shall be the Commissioner of Environmental
19 Protection, or his or her designee. The Governor shall appoint the
20 other ten members of the board who shall consist of the following: (A)
21 Six members shall be licensed stormwater professionals or, prior to the
22 publication by the board of the first roster of licensed stormwater
23 professionals, persons on the list maintained by the commissioner
24 pursuant to subsection (g) of this section, including at least four having
25 civil engineering expertise and who are licensed professional
26 engineers; (B) two members who are active members of an
27 organization that promotes the protection of the environment; and (C)
28 two members who are active members of an organization that
29 promotes business.

30 (2) The members of the board shall administer the provisions of this
31 section as to licensure and issuance, reissuance, suspension or
32 revocation of licenses concerning stormwater professionals.

33 (3) The Governor may remove any member of the board for
34 misconduct, incompetence or neglect of duty. The members of the
35 board shall receive no compensation for their services but shall be
36 reimbursed for necessary expenses incurred in the performance of
37 their duties. The board shall keep a true and complete record of all its
38 proceedings.

39 (c) The commissioner shall receive and account for all moneys
40 received under the provisions of this section and shall deposit such
41 moneys in the General Fund. The board shall keep a register of all
42 applications for licenses and the actions taken by the board thereon. A
43 roster showing the names of all licensees shall be prepared by January
44 first of each year. A copy of such roster shall be placed on file in the
45 Office of the Secretary of the State.

46 (d) The board shall authorize the commissioner to issue a license
47 under this section to any person who demonstrates to the satisfaction
48 of the board that such person: (1) (A) Has for a minimum of eight years
49 engaged in the planning, design and engineering of stormwater

50 pollution abatement facilities, including a minimum of four years in
51 responsible charge of the planning, design and engineering of
52 stormwater pollution abatement facilities, and holds a bachelor's or
53 advanced degree from an accredited college or university in a related
54 science or related engineering field or is a professional engineer
55 licensed in accordance with chapter 391 of the general statutes, or (B)
56 has for a minimum of fourteen years engaged in the planning, design
57 and engineering of stormwater pollution abatement facilities,
58 including a minimum of seven years in responsible charge of planning,
59 design and engineering of stormwater pollution abatement facilities;
60 (2) has successfully passed a written examination, or a written and oral
61 examination, prescribed by the board and approved by the
62 commissioner, which shall test the applicant's knowledge of the
63 physical and environmental sciences applicable to the planning, design
64 and engineering of stormwater pollution abatement facilities that
65 comply with regulations adopted by the commissioner under sections
66 22a-430 and 22a-430b of the general statutes, and any other applicable
67 guidelines or regulations as may be adopted by the commissioner; and
68 (3) has paid an examination fee of two hundred thirty-five dollars to
69 the commissioner. In considering whether a degree held by an
70 applicant for such license qualifies for the educational requirements
71 under this section, the board may consider all undergraduate,
72 graduate, postgraduate and other courses completed by the applicant.

73 (e) A licensed stormwater professional shall pay to the
74 commissioner an annual fee of two hundred fifty dollars, due and
75 payable on July first of every year, beginning with the July first of the
76 calendar year immediately following the year of license issuance.

77 (f) The board may conduct investigations concerning the conduct of
78 any licensed stormwater professional. The commissioner may conduct
79 random audits of any actions performed by a licensed stormwater
80 professional. The board shall authorize the commissioner to: (1)
81 Revoke the license of any stormwater professional; (2) suspend the
82 license of any stormwater professional; (3) impose any other sanctions
83 that the board deems appropriate; or (4) deny an application for such

84 licensure if the board, after providing such professional or applicant
85 with notice and an opportunity to be heard concerning such
86 revocation, suspension, other sanction or denial, finds that such
87 professional or applicant has submitted false or misleading
88 information to the board or has engaged in professional misconduct
89 including, without limitation, knowingly or recklessly making a false
90 verification that a stormwater pollution abatement facility plan meets
91 the requirements of any stormwater regulations or general permit or
92 violating any provision of this section or regulations adopted under
93 the provisions of this section.

94 (g) The board shall hold the first examination pursuant to this
95 section not later than eighteen months after the effective date of this
96 section, and shall publish the first roster of licensed stormwater
97 professionals not later than six months after the date of such
98 examination. Until such time as the board publishes the first roster of
99 licensed stormwater professionals, any individual who (1) has for a
100 minimum of eight years engaged in the planning, design and
101 engineering of a stormwater pollution abatement facility, including a
102 minimum of four years in responsible charge of the planning, design
103 and engineering of a stormwater pollution abatement facility, (2) holds
104 a bachelor's or advanced degree from an accredited college or
105 university in a related science or related engineering field or is a
106 professional engineer licensed in accordance with chapter 391 of the
107 general statutes, and (3) pays a registration fee of two hundred fifty
108 dollars may apply to the commissioner to be placed on a list of
109 stormwater professionals. Any individual on such list may perform
110 any duties performed by a licensed stormwater professional until such
111 time as the first roster of licensed stormwater professionals is
112 published by the board.

113 (h) Nothing in this section shall be construed to authorize a licensed
114 stormwater professional to engage in any profession or occupation
115 requiring a license under any other provision of the general statutes
116 without such license.

117 (i) Any licensed stormwater professional, or prior to the first roster
118 of licensed stormwater professionals, any individual authorized under
119 subsection (g) of this section, may verify to the commissioner that a
120 stormwater permit application complies with the applicable
121 stormwater regulations adopted under section 22a-430 of the general
122 statutes, stormwater general permit requirements adopted pursuant to
123 section 22a-430b of the general statutes, or the soil and erosion
124 sediment control regulations of the municipality where the proposed
125 activity is to take place. Within thirty days of receipt of a stormwater
126 permit application accompanied by such verification, the
127 commissioner shall issue any required public notice regarding the
128 pendency of such application. Such verification by a licensed
129 stormwater professional, or, prior to the first roster of licensed
130 stormwater professionals, any individual authorized under subsection
131 (g) of this section, shall be accepted by the commissioner unless (1) the
132 licensed stormwater professional, or prior to the first roster of licensed
133 stormwater professionals, any individual authorized under subsection
134 (g) of this section, is the subject of an investigation under subsection (f)
135 of this section; (2) such verification is the subject of a random audit
136 under subsection (f) of this section; or (3) after any required public
137 hearing is held on the verified stormwater permit application, the
138 commissioner determines that the applicable stormwater regulations
139 adopted under section 22a-430 of the general statutes, stormwater
140 general permit requirements adopted pursuant to section 22a-430b of
141 the general statutes, or the soil and erosion sediment control
142 regulations of the municipality where the proposed activity is to take
143 place have not been met.

144 (j) Notwithstanding any other provision of chapters 124, 124b, 126,
145 126a and 440 of the general statutes, any licensed stormwater
146 professional, or prior to the first roster of licensed stormwater
147 professional, any individual authorized under subsection (g) of this
148 section, may verify to a municipal zoning commission, planning
149 commission, planning and zoning commission, inland wetland agency,
150 or such commission's or agency's agent, that a permit application

151 submitted to such commission or agency complies with the
152 commission's or agency's applicable soil and erosion sediment control
153 regulations. Such verification by a licensed stormwater professional,
154 or, prior to the first roster of licensed stormwater professionals, any
155 individual authorized under subsection (g) of this section, shall be
156 accepted by the commission or agency, or its authorized agent, unless
157 the licensed stormwater professional, or prior to the first roster of
158 licensed stormwater professionals, any individual authorized under
159 subsection (g) of this section, is the subject of an investigation by the
160 commissioner under subsection (f) of this section.

161 (k) The commissioner, with the advice and assistance of the board,
162 may adopt regulations, in accordance with the provisions of chapter 54
163 of the general statutes, prescribing (1) professional ethics and conduct
164 appropriate to establish and maintain a high standard of integrity in
165 the practice of a stormwater professional, (2) rules for the conduct of
166 the board's affairs, (3) requirements for the examination of applicants
167 for licenses, and (4) rules pertaining to the design and use of seals by
168 licensees under this section and governing the license issuance and
169 renewal process, including, but not limited to, procedures for allowing
170 the renewal of licenses when an application is submitted not later than
171 six months after the expiration of the license without the applicant
172 having to take the examination required under subsection (d) of this
173 section.

174 Sec. 2. (NEW) (*Effective from passage*) The Commissioner of
175 Environmental Protection may review any impact to species listed
176 under chapter 495 of the general statutes, or such species' habitat, for
177 any stormwater permit application made under section 22a-430 or 22a-
178 430b of the general statutes or any certification provided by the
179 commissioner under Section 401 of the federal Clean Water Act by a
180 private applicant or for a private activity, only if such private
181 applicant's proposed activity is receiving state funds in excess of one
182 million dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

CE *Joint Favorable Subst.*

PD *Joint Favorable*