



General Assembly

January Session, 2011

**Amendment**

LCO No. 6477

**\*HB0640006477HDO\***

Offered by:  
REP. BERGER, 73<sup>rd</sup> Dist.

To: Subst. House Bill No. 6400

File No. 196

Cal. No. 132

**"AN ACT CONCERNING LICENSURE OF STORMWATER PROFESSIONALS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

4 (1) "Qualified soil erosion and sediment control professional" means  
5 a person who is a certified professional in erosion and sediment  
6 control as designated by EnviroCert International, Incorporated, or a  
7 professional engineer licensed in the state in accordance with chapter  
8 391 of the general statutes, and (A) has, for a minimum of eight years,  
9 engaged in the planning or design of soil erosion and sediment  
10 controls for residential and commercial construction projects in  
11 accordance with the guidelines for soil erosion and sediment control  
12 developed pursuant to section 22a-328 of the general statutes,  
13 including, but not limited to, a minimum of four years in responsible  
14 charge of the planning or design of soil erosion and sediment controls  
15 for such projects, and holds a bachelor's or advanced degree from an

16 accredited college or university in a related science or related  
17 engineering field, or (B) has, for a minimum of fourteen years, engaged  
18 in the planning or design of soil erosion and sediment controls for  
19 residential and commercial construction projects in accordance with  
20 the guidelines for soil erosion and sediment control developed  
21 pursuant to said section 22a-328, including, but not limited to, a  
22 minimum of seven years in responsible charge of planning or design of  
23 soil erosion and sediment controls for such projects;

24 (2) "Qualified professional engineer" means a professional engineer  
25 licensed in the state in accordance with chapter 391 of the general  
26 statutes who has, for a minimum of eight years, engaged in the  
27 planning or designing of engineered stormwater management systems  
28 for residential and commercial construction projects in accordance  
29 with the guidelines for soil erosion and sediment control developed  
30 pursuant to section 22a-328 of the general statutes, including, but not  
31 limited to, a minimum of four years in responsible charge of the  
32 planning or designing of engineered stormwater management systems  
33 for such projects;

34 (3) "Qualified landscape architect" means a landscape architect  
35 licensed in the state in accordance with chapter 396 of the general  
36 statutes who has, for a minimum of eight years, engaged in the  
37 planning or design of soil erosion and sediment controls for residential  
38 and commercial construction projects in accordance with the  
39 guidelines for soil erosion and sediment control developed pursuant to  
40 section 22a-328 of the general statutes, including, but not limited to, a  
41 minimum of four years in responsible charge of the planning or design  
42 of soil erosion and sediment controls for such projects;

43 (4) "Stormwater" means waters consisting of rainfall runoff,  
44 including, but not limited to, snow or ice melt during a rain event; and

45 (5) "Commissioner" means the Commissioner of Environmental  
46 Protection or the commissioner's designee.

47 (b) Nothing in this section shall be construed to authorize a soil and

48 water conservation district established pursuant to section 22a-315 of  
49 the general statutes, a qualified soil erosion and sediment control  
50 professional, a qualified professional engineer or a qualified landscape  
51 architect to engage in any profession or occupation requiring a license  
52 under any other provision of the general statutes without such license.

53 (c) (1) Any soil and water conservation district established pursuant  
54 to section 22a-315 of the general statutes, a qualified soil erosion and  
55 sediment control professional or a qualified landscape architect shall  
56 certify to the commissioner that the plans and specifications for soil  
57 erosion and sediment controls have been prepared in accordance with  
58 a stormwater permit issued pursuant to section 22a-430 of the general  
59 statutes or a stormwater general permit issued pursuant to section 22a-  
60 430b of the general statutes, provided such plans and specifications for  
61 soil erosion and sediment control (A) are consistent with the guidelines  
62 for soil erosion and sediment control developed pursuant to section  
63 22a-328 of the general statutes, (B) comply with the stormwater permit  
64 issued pursuant to section 22a-430 of the general statutes or the  
65 stormwater general permit issued pursuant to section 22a-430b of the  
66 general statutes, and (C) comply with the soil and erosion sediment  
67 control regulations of the municipality where the proposed activity is  
68 to take place.

69 (2) The commissioner shall accept such certification unless (A) such  
70 certification is the subject of an audit under subsection (g) of this  
71 section; (B) such certification was not made by a qualified soil erosion  
72 and sediment control professional or a qualified landscape architect;  
73 (C) the commissioner determines that the requirements of a  
74 stormwater permit issued pursuant to section 22a-430 of the general  
75 statutes or the stormwater general permit issued pursuant to section  
76 22a-430b of the general statutes have not been met; or (D) the  
77 requirements of the soil and erosion sediment control regulations of  
78 the municipality where the proposed activity is to take place have not  
79 been met.

80 (d) (1) A qualified professional engineer shall certify to the

81 commissioner that the plans and specifications for engineered  
82 stormwater management systems have been prepared in accordance  
83 with a stormwater permit issued pursuant to section 22a-430 of the  
84 general statutes or a stormwater general permit issued pursuant to  
85 section 22a-430b of the general statutes, provided such plans and  
86 specifications for engineered stormwater management systems (A) are  
87 consistent with the guidelines for soil erosion and sediment control  
88 developed pursuant to section 22a-328 of the general statutes and best  
89 engineering practices, (B) comply with the stormwater permit issued  
90 pursuant to section 22a-430 of the general statutes or the stormwater  
91 general permit issued pursuant to section 22a-430b of the general  
92 statutes, and (C) comply with the soil and erosion sediment control  
93 regulations of the municipality where the proposed activity is to take  
94 place.

95 (2) The commissioner shall accept such certification unless (A) such  
96 certification is the subject of an audit under subsection (g) of this  
97 section; (B) such certification was not made by a qualified professional  
98 engineer; (C) the commissioner determines that the requirements of a  
99 stormwater permit issued pursuant to section 22a-430 of the general  
100 statutes or a stormwater general permit issued pursuant to section 22a-  
101 430b of the general statutes have not been met; or (D) the requirements  
102 of the soil and erosion sediment control regulations of the municipality  
103 where the proposed activity is to take place have not been met.

104 (e) Any certification made by a qualified soil erosion and sediment  
105 control professional or a qualified landscape architect pursuant to  
106 subsection (c) of this section or a qualified professional engineer  
107 pursuant to subsection (d) of this section shall be made by such person  
108 who is not an employee, as defined by the Internal Revenue Service, of  
109 an applicant for a stormwater permit issued pursuant to section 22a-  
110 430 of the general statutes or a stormwater general permit issued  
111 pursuant to section 22a-430b of the general statutes.

112 (f) (1) In making any certification pursuant to subsection (c) of this  
113 section, such person shall certify to the following statement: "I hereby

114 certify that I am a qualified soil erosion and sediment control  
115 professional or qualified landscape architect that meets the  
116 requirements of this section of the Connecticut General Statutes and  
117 have personally examined and am familiar with the information  
118 submitted in this document and all attachments thereto, and I certify,  
119 based on reasonable investigation, including my inquiry of those  
120 individuals responsible for obtaining the information, that the  
121 submitted information is true, accurate and complete to the best of my  
122 knowledge and belief. I understand that the commissioner may  
123 prohibit me from submitting future certifications under this section for  
124 a period up to, but not exceeding, one hundred eighty days for any  
125 false statement made in the submitted information. I also certify that I  
126 have thoroughly and completely reviewed the plans and specifications  
127 for soil erosion and sediment controls for the site. I further certify,  
128 based on such review and on my best professional judgment, that the  
129 plans and specifications for soil erosion and sediment controls are  
130 consistent with the guidelines for soil erosion and sediment control  
131 developed pursuant to section 22a-328 of the Connecticut General  
132 Statutes, comply with the applicable stormwater permit issued  
133 pursuant to section 22a-430 of the Connecticut General Statutes or  
134 stormwater general permit issued pursuant to section 22a-430b of the  
135 Connecticut General Statutes, and comply with the soil and erosion  
136 sediment control regulations of the municipality where the proposed  
137 activity is to take place."

138 (2) In making any certification pursuant to subsection (d) of this  
139 section, such person shall certify to the following statement: "I hereby  
140 certify that I am a qualified professional engineer that meets the  
141 requirements of this section and have personally examined and am  
142 familiar with the information submitted in this document and all  
143 attachments thereto, and I certify, based on reasonable investigation,  
144 including my inquiry of those individuals responsible for obtaining the  
145 information, that the submitted information is true, accurate and  
146 complete to the best of my knowledge and belief. I understand that the  
147 commissioner may prohibit me from submitting future certifications

148 under this section for a period up to, but not exceeding, one hundred  
149 eighty days for any false statement made in the submitted information.  
150 I also certify that I have thoroughly and completely reviewed the plans  
151 and specifications for engineered stormwater management systems for  
152 the site. I further certify, based on such review and on my best  
153 professional judgment, that the plans and specifications for engineered  
154 stormwater management systems are consistent with the guidelines for  
155 soil erosion and sediment control developed pursuant to section 22a-  
156 328 of the Connecticut General Statutes and best engineering practices,  
157 comply with the applicable stormwater permit issued pursuant to  
158 section 22a-430 of the Connecticut General Statutes or stormwater  
159 general permit issued pursuant to section 22a-430b of the Connecticut  
160 General Statutes, and comply with the soil and erosion sediment  
161 control regulations of the municipality where the proposed activity is  
162 to take place."

163 (g) The commissioner may conduct audits of any actions performed  
164 by a qualified soil erosion and sediment control professional, qualified  
165 landscape architect or qualified professional engineer. The  
166 commissioner may (1) deny an application for a stormwater permit  
167 issued pursuant to section 22a-430 of the general statutes or a  
168 registration for a general permit issued pursuant to section 22a-430b of  
169 the general statutes; (2) revoke or suspend a stormwater permit issued  
170 pursuant to section 22a-430 of the general statutes; or (3) revoke or  
171 suspend a registration for a stormwater general permit issued  
172 pursuant to section 22a-430b of the general statutes if the  
173 commissioner finds that such person violates any provision of this  
174 section or submitted false or misleading information to the  
175 commissioner or has engaged in professional misconduct including,  
176 but not limited to, knowingly or recklessly making a false certification  
177 that the plans and specifications for soil erosion and sediment control  
178 or the plans and specifications for engineered stormwater management  
179 systems are consistent with the guidelines for soil erosion and  
180 sediment control developed pursuant to section 22a-328 of the general  
181 statutes, comply with the requirements of any stormwater permit

182 issued pursuant to section 22a-430 of the general statutes or a  
183 stormwater general permit issued pursuant to section 22a-430b of the  
184 general statutes, or comply with the soil and erosion sediment control  
185 regulations of the municipality where the proposed activity is to take  
186 place. Any qualified soil erosion and sediment control professional,  
187 qualified landscape architect or qualified professional engineer that is  
188 the subject of an audit pursuant to this subsection shall be notified in  
189 writing by the commissioner. The commissioner may request in  
190 writing any information the commissioner deems necessary to carry  
191 out the provisions of this subsection, including, but not limited to, any  
192 information to demonstrate to the commissioner's satisfaction that  
193 such qualified soil erosion and sediment control professional, qualified  
194 landscape architect or qualified professional engineer meets the  
195 qualifications as defined in subsection (a) of this section. As part of an  
196 audit conducted pursuant to this subsection, the commissioner may  
197 require that any plans and specifications for soil erosion and sediment  
198 controls or any plans and specifications for engineered stormwater  
199 management systems prepared in accordance with a stormwater  
200 permit issued pursuant to section 22a-430 of the general statutes or a  
201 general permit issued pursuant to section 22a-430b of the general  
202 statutes to be independently certified in accordance with this section  
203 by a qualified soil erosion and sediment control professional, qualified  
204 landscape architect or qualified professional engineer who did not  
205 engage in any activities associated with the preparation, planning,  
206 designing or engineering of such plan for soil erosion and sediment  
207 control or plan for engineered stormwater management systems on  
208 behalf of such applicant, and is not under the same employ as any  
209 person who engaged in any activities associated with the preparation,  
210 planning, designing or engineering of such plans and specifications for  
211 soil erosion and sediment control or plans and specifications for  
212 engineered stormwater management systems on behalf of such  
213 applicant. Such independent certification for the stormwater permit  
214 issued pursuant to section 22a-430 of the general statutes or the  
215 registrant for a stormwater general permit issued pursuant to section  
216 22a-430b of the general statutes shall be at the applicant's expense. The

217 reasonable cost of an audit under this subsection that reveals that a  
218 false certification was filed with the commissioner may be charged to  
219 the applicant for a permit issued pursuant to section 22a-430 of the  
220 general statutes or a registrant for a general permit issued pursuant to  
221 section 22a-430b of the general statutes."

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