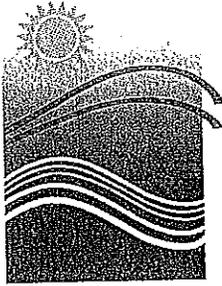


DEEP
PROPOSED REGULATIONS [resubmittal]
2012-017a

“STATE BOARD OF EXAMINERS OF ENVIRONMENTAL
PROFESSIONALS”

Section 5.

- i. Notice of Intent



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**NOTICE OF INTENT TO REVISE REGULATIONS REGARDING STATE BOARD OF
EXAMINERS OF ENVIRONMENTAL PROFESSIONALS**

To: Seth Molofsky
EPOC
PO Box 176
Amston, CT 06231

Doug Pelham
Cohn, Birnbaum, Shea
100 Pearl Street
Hartford, CT 06103

From: Daniel C. Esty, Commissioner
*Department of Energy and Environmental Protection

*Public Act 11-80, effective July 1, 2011, established the Department of Energy and Environmental Protection as the successor agency to the Department of Environmental Protection

Date: March 21, 2012

Subject: Notice of Intent to Take Action Regarding Revision of Existing Regulations
Concerning the State Board of Examiners of Environmental Professionals

Pursuant to section 4-168(d) of the Connecticut General Statutes, the Department hereby gives notice of its intent to proceed with revisions of existing regulations concerning the State Board of Examiners of Environmental Professionals, more commonly known as the Licensed Environmental Professional Board ("LEP Board").

The proposed revisions were the subject of a public hearing held on November 18, 2010. The final wording of the proposed revisions, the principal reasons in support of this intended action, the principal considerations with respect to this intended action, and the Department's reasons for accepting or rejecting such considerations are all available for copying at the Department's office at the Department of Energy and Environmental Protection, Remediation Division, 2nd floor, 79 Elm Street, Hartford, Connecticut 06106. This information is also available on the Department's website at: <http://www.ct.gov/dep>, or can be obtained by contacting Robert Bell (860) 424-3873 or Robert.E.Bell@ct.gov.

ADMINISTRATIVE REGULATIONS

Regulations and notices published herein, pursuant to General Statutes Sections 4-168 and 4-173, are printed exactly as submitted by the forwarding agencies. These, being official documents submitted by the responsible agencies, are consequently not subject to editing by the Commission on Official Legal Publications.

A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated October 5, 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Intent to Amend Regulations and to Hold a Public Hearing

The Commissioner of Environmental Protection hereby gives notice of a public hearing as part of a rulemaking process. Pursuant to sections 4-168 and 22a-133v-2 of the Connecticut General Statutes ("CGS"), and section 22a-3a-3 of the Regulations of Connecticut State Agencies ("RCSA"), the Commissioner hereby gives notice of her intention to amend RCSA sections 22a-133v-2 through 5 inclusive subsections 22a-133v-7(c), (l), (n), (o), (r), (s), (ee), and to adopt new subsection 22a-133v-4(e) of the RCSA. These regulations are being proposed under the authority of CGS sections 22a-6 and 22a-133v.

The purpose of the proposed amendments to the regulations regarding the State Board of Examiners of Environmental Professionals (LEP Board), is to update regulations consistent with several statutory changes including Public Acts 06-76, 07-81 and 09-3. Legislative fee increases from 2003 and 2009, as well as several technical revisions are also included. The major revision incorporates statutory changes pursuant to Public Act 07-81 which allows the Board the flexibility within the disciplinary process to levy sanctions other than revocation, denial or suspension of a license.

In addition, Public Act 06-76 amended section 22a-133v of the Connecticut General Statutes to allow the LEP Board the ability to consider all graduate and postgraduate course work for the purpose of determining whether the education of an applicant for the LEP exam, combined with a bachelor's or advanced degree, is fundamentally equivalent to those degrees listed in section 22a-133v-2 of the Regulations of Connecticut State Agencies. Public Act 06-76 also gave the DEP and LEP Board the authority to adopt regulations that allow a licensee to renew an expired license without retaking the exam when an application to renew is submitted within six months of the expiration of the license.

In developing these amendments to the regulations DEP consulted closely with the LEP Board.

The proposed regulations include, but are not limited to, provisions regarding:

- (1) Increasing flexibility within the disciplinary process to levy sanctions other than the revocation, denial or suspension of a license;
- (2) Giving the LEP Board the flexibility to consider all undergraduate, graduate and postgraduate course work for the purpose of determining eligibility to take the LEP exam;
- (3) Allowing

periodic retaking of a course or seminar to count toward continuing education credits; (4) Reducing the number of consecutive hours of instruction required for a course to meet continuing education requirements; (5) Clarifying that anyone participating in developing the LEP exam is ineligible to take the exam for a 2 year period; (6) Establishing procedures allowing an environmental professional to renew an expired license within six months of expiration; (7) Clarifying that an LEP cannot verify property that the licensee or licensee's employer has a financial interest in, other than professional services fees. The regulatory revisions also clarify when a LEP's seal may be used; and (8) Revising fees to reflect legislative increases.

Copies of the proposed regulations and fiscal and small business impact statement are available for public inspection during normal business hours at the Department of Environmental Protection's Bureau of Water Protection and Land Reuse, Remediation Division, 2nd Floor, 79 Elm Street, Hartford, CT. A link to the proposed regulations is available on the Department's web site at <http://www.ct.gov/dep/publicnotices>. These documents can also be obtained by contacting Kim Maiorano at the above address, or by phone at (860) 424-3788.

All interested parties are invited to express their views on the proposed regulations at a hearing to be held at the following place and time:

November 18, 2010, Russell Hearing Room, 3rd Floor
1:00 p.m. – 2:30 p.m. or until all comments have been heard
Department of Environmental Protection
79 Elm Street, Hartford, Connecticut

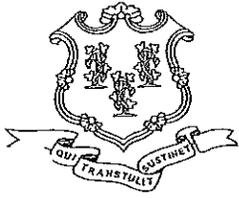
Speakers are requested, although not required, to submit a written copy of their comments.

Written comments on the proposed regulations may also be submitted to Robert E. Bell; Department of Environmental Protection, Bureau of Water Protection and Land Reuse, Remediation Division, 79 Elm Street, Hartford, Connecticut, 06106-5127 by November 18, 2010 at the close of the public hearing. All comments must be received by the close of the public hearing and will not be accepted or considered if received after the close of the hearing.

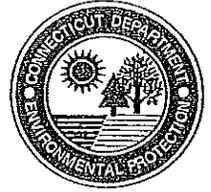
The Department of Environmental Protection is an affirmative action/equal opportunity employer and service provider. In conformance with the Americans with Disabilities Act, DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the agency's programs and services, should call 860-424-3051 or 860-418-5937 or e-mail Marcia Bonitto, ADA Coordinator, at Marcia.Bonitto@CT.Gov. Persons who are hearing impaired should call the State of Connecticut relay number 711. Requests for accommodations must be made at least two weeks prior to the program date.

Amey W. Marrella
Commissioner

September 21, 2010



STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



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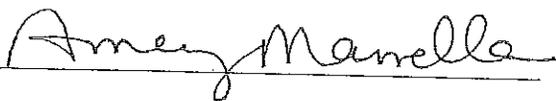
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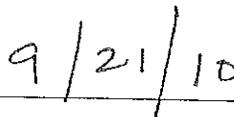
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Commissioner



Date