

To: State Board of Examiners of Environmental Professionals

From: Betsey Wingfield  
Bureau Chief  
Bureau of Water Protection and Land Reuse

Date: June 8, 2006

Re: 2006 Legislation Advisory

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The 2006 Legislature amended section 22a-133v of the Connecticut General Statutes regarding Licensed Environmental Professionals (LEP) with the passage of Public Act 06-76. The changes involve increased flexibility in 1) considering all graduate and post-graduate 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 listed in section 22a-133v-2 of the Regulations of Connecticut State Agencies, and 2) addressing situations where an LEP license has expired. To assist the State Board of Examiners of Environmental Professionals and Licensed Environmental Professionals in understanding and communicating this change, we are providing the Public Act language with the revisions highlighted.

Public Act 06-76 was signed by the Governor and will go into effect October 1, 2006.

DEP in consultation with the LEP board will be drafting revisions to departmental regulations concerning Licensed Environmental Professionals to reflect these statutory amendments. As of October 1, 2006, the provisions of Public Act 06-76 will govern until such time that the regulations are revised. DEP staff will also be working with the LEP board to determine if modifications to the LEP exam application form should be made.

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Please note that new text has been underlined.

**Section 16 of Public Act No. 06-76 amended subsections (e) and (f) of section 22a-133v of the general statutes with the addition of new subsections (e) and (f) to read as follows:**

Sec. 16. Subsections (e) and (f) of section 22a-133v of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(e) The board shall authorize the commissioner to issue a license under subsection (d) of section 22a-133m, sections 22a-184 to 22a-184e, inclusive, this section and section 22a-133w to any person who demonstrates to the satisfaction of the board that such person: (1) (A) Has for a minimum of eight years engaged in the investigation and remediation of releases of hazardous waste or petroleum products into soil or groundwater, including a minimum of four years in responsible charge of investigation and remediation of the release of hazardous waste or petroleum products into soil or groundwater, and holds a bachelor's or advanced degree from an accredited college or university in a related science or related engineering field or is a professional engineer licensed in accordance with chapter 391, or (B) has for a minimum of fourteen years engaged in the investigation and remediation of releases of hazardous waste or petroleum products into soil or groundwater, including a minimum of seven years in responsible charge of investigation and remediation of hazardous waste or petroleum products into soil or groundwater; (2) has successfully passed a written examination, or a written and oral examination, prescribed by the board and approved by the commissioner, which shall test the applicant's knowledge of the physical and environmental sciences applicable to an investigation of a polluted site and remediation conducted in accordance with regulations adopted by the commissioner under section 22a-133k and any other applicable guidelines or regulations as may be adopted by the commissioner; and (3) has paid an examination fee of one hundred eighty-eight dollars to the commissioner. In considering whether a degree held by an applicant for such license qualifies for the educational requirements under this section, the board may consider all undergraduate, graduate, postgraduate and other courses completed by the applicant.

(f) The board shall authorize the commissioner to issue a license to any applicant who, in the opinion of the board, has satisfactorily met the requirements of this section. The issuance of a license by the commissioner shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed environmental professional while such license remains unrevoked or unexpired. A licensed environmental professional shall pay to the commissioner an annual fee of three hundred thirty-eight

dollars, due and payable on July first of every year beginning with July first of the calendar year immediately following the year of license issuance. The commissioner, with the advice and assistance of the board, may adopt regulations in accordance with the provisions of chapter 54, pertaining to the design and use of seals by licensees under this section and governing the license issuance and renewal process, including, but not limited to, procedures for allowing the renewal of licenses when an application is submitted not later than six months after the expiration of the license without the applicant having to take the examination required under subsection (e) of this section.

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Amendments to subsection (e) would allow the board to consider all educational courses when considering an applicant for the LEP exam. This will allow the board of examiners the flexibility to consider all graduate and post-graduate courses taken by an applicant for the purpose of determining whether an applicant's education combined with their bachelor's or advanced degree is fundamentally equivalent to those listed in section 22a-133v-2 of the regulations. This will provide the board with more flexibility in considering applicants for the LEP exam.

Amendments to subsection (f) addresses situations where an LEP license has expired and allows flexibility to reissue a new license without requiring the individual to retake and pass the exam again provide a license renewal is submitted within six months after the expiration of the license.

**Should you have any further questions regarding the above changes, please feel free to contact Kim Maiorano of the Remediation Division. You can call the Remediation Division at (860) 424-3705 or write to us at: Department of Environmental Protection, Inland Water Resources Division, 79 Elm Street, Hartford, CT 06106-5127.**