

Connecticut Chapter Win Major Victory *Gets Big Hand from ACHMM & IHMM*

In a key victory for environmental, health, safety and security professionals (EHS&S) in its state that also has implications across the country, the Connecticut Chapter of ACHMM maintained its position on two general permits recently re-issued by that state's Department of Environmental Protection (DEP).

Providing assistance to the Connecticut Chapter was the Academy of Certified Hazardous Materials Managers (ACHMM) and the Institute for Hazardous Materials Management (IHMM), which administers the Certified Hazardous Materials Manager[®] (CHMM[®]) program.

The hard-fought battle kept CHMMs as third-party certifying agents to two general permits that were being considered for re-issuance by the department. This precedent will influence similar decisions on environmental certifications by other states.

When the Connecticut Chapter sought assistance to keep CHMMs in the permits, the group contacted ACHMM. The national organization enlisted the assistance of IHMM, which provided commentary and documentation to support the Connecticut Chapter's testimony to retain CHMMs in the reissued permits. The chapter provided several sets of comments during the review process and testified at a September public hearing.

The first general permit continues the authorization for discharges of minor printing and publishing wastewater (WD-GP-003) for 10 years while the second (WD-GP-007) will maintain authority for groundwater remediation wastewater discharges to a sanitary sewer presently allowed, also for a period of decade.

"This is a great victory for the Connecticut Chapter as well as everyone in our profession holding the Certified Hazardous Materials Manager credential," said Connecticut Chapter president Gene Metti, a director at Shelton-based EMC, Inc., who testified at the hearing. "IHMM's participation in the public hearing process plus its written comments helped us keep CHMMs as approved certifying agents to these re-issued general permits. Our appreciation goes to ACHMM and to IHMM for their valuable assistance in supporting our efforts."

ACHMM Executive Director A. Cedric Calhoun, CAE, said: "ACHMM is very pleased with the decision reached in this case. When the Connecticut Chapter asked us to aid them with making their case, ACHMM came to their support by engaging the Institute of Hazardous Materials Management to provide the necessary background and professional and educational standards information, which ultimately was referenced by the hearing officer at the public hearing and supported the final decision on these general permits.

"This successful cooperative effort clearly illustrates the benefits to members that can be achieved when ACHMM, IHMM and ACHMM's local- and state-based chapters work side-by-side," Calhoun stressed. "ACHMM stands ready to provide assistance of all types to all its chapters on issues that are important to the members, their profession and the CHMM designation."

As originally drafted, the two general permits designated CHMMs and professional engineers licensed in Connecticut as third-party certifying agents. Both general permits require certifications in two instances to confirm compliance with their provisions:

1. The first to attest that proper operation and maintenance of any system installed to treat the subject discharges will ensure that all effluent limitations are met; and
2. A second certification is required in event of a violation to endorse actions taken to prevent future violations.

Proponents of limiting certification to professional engineers-the Connecticut Society of Professional Engineers (CPSE)-argued that certification constitutes the practicing of engineering and thus can only be signed by a licensed professional engineer.

The Connecticut Chapter of ACHMM, supported by IHMM's comments, presented their testimony to the Connecticut DEP Office of Adjudications for continuing to include the certification authority of CHMMs during the September public hearing and in written comments submitted to the department prior to the hearing.

In making their case, the EHS&S groups successfully argued that the certifications verify the proper operation and maintenance of a pre-engineered system will meet permit conditions and certify that discharges generated will comply with effluent limitations. The Connecticut Chapter, ACHMM and IHMM contended that this review is not a certification of an engineering design and therefore is not the practice of engineering. The three cited training, education and expertise as reasons why CHMMs were qualified to manage these reviews and make the certifications.

The DEP Office of Adjudication agreed with the Connecticut Chapter and IHMM by continuing to include the CHMM certification. In the decision, the DEP Hearing Officer said:

"The certifications in both general permits do not require judgments exclusive to the specific expertise and services of a PE. Signing a statement that asserts it is the professional judgment of the certifying party that the treatment system, or appropriate modifications and additions to that system, will treat the subject discharges to comply with the conditions of the GP, is not an assurance that only a professional engineer can or should make."

DEP Commissioner Gina McCarthy accepted the Office of Adjudication's proposed final decision and approved the new general permits on Nov. 28.

For more information about how ACHMM can aid your local or state chapter with an EHS&S industry regulatory or legislative matter, contact ACHMM Executive Director Cedric Calhoun at (800) 437-0137 or ccalhoun@achmm.org.