

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Grinnell Sandblasting, LLC

Petition No. 2001-0405-050-003

CONSENT ORDER

WHEREAS, Grinnell Sandblasting, LLC of Easton, CT (hereinafter "respondent") has been issued license number 001200 to practice as a lead abatement contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400c of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about November of 2000, Mr. and Mrs. Leonard Bach retained respondent to sandblast the exterior of the Bach's home located at 26 Lemay Street, West Hartford, CT (hereinafter "the premise").
2. In or about the winter of 2001, Mrs. Bach had paint chips from the exterior of the premise tested for the presence of lead paint. The results of this test indicated that the paint had a lead concentration of five and forty-five hundredths percent (5.45%) by weight. The Bachs informed respondent of the results of this test.
3. Subsequently, respondent conducted sandblasting operations on the exterior of the premise, in or about March 2001. At the aforementioned time, a child under the age of six (6) resided at the premise and Mrs. Bach was pregnant. The Bach family voluntarily relocated while respondent conducted said work.
4. During the sandblasting operations on the exterior of the premises, respondent:

- a. failed to properly contain exterior areas of the premise in that respondent failed to adequately seal or cause to be sealed a cellar hatchway to prevent the intrusion and/or migration of lead paint debris and dust into the interior areas of the premise;
 - b. failed to utilize adequate clean-up procedures in that dust wipe samples taken from some of the exterior window wells indicated levels of lead greater than 800 micrograms per square foot;
 - c. failed to use certified lead abatement workers to conduct the lead removal activities on the exterior of the premises; and/or
 - d. failed to have a certified lead planner-project designer prepare the deleading compliance plan that it submitted to the local department of health.
5. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400c of the General Statutes of Connecticut, taken in conjunction with the Regulations of Connecticut State Agencies §§20-478-1, 20-478-2(a)(1), 20-478-2(b), 19a-111-1, and 19a-111-4(c).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-481 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-481 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 001200 to practice as a lead abatement contractor in the State of Connecticut is hereby reprimanded.

3. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure, including, but not limited to, using only properly trained and certified lead abatement workers to conduct abatement (as such term is defined in §20-478-1(1) of the Regulations of Connecticut State Agencies).
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted by the Department.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which its compliance with this Consent Order or with Chapter 400c of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the

Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

11. Respondent has the right to consult with an attorney prior to signing this document.

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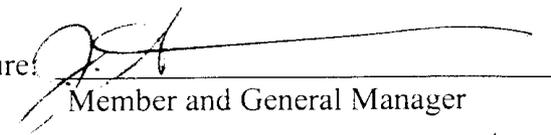
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I, Jeanne Grinnell Member and General Manager of Grinnell Sandblasting, LLC have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company. I hereby stipulate and agree to bind Grinnell Sandblasting, LLC to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

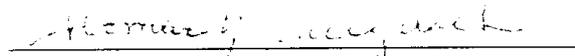
Signature: 
Member and General Manager
Print Name: Jeanne Grinnell

Subscribed and sworn to before me this _____ day of _____ 2001.

Notary Public or person authorized
by law to administer an oath or affirmation

MY COMMISSION EXPIRES JUNE 30, 2002

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the _____ day of _____ 2001, it is hereby accepted.


Thomas H. Furgalack, Director
Division of Environmental Health

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