

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

RECEIVED
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EPT. OF PUBLIC HEALTH
LEGAL OFFICE

In re: AMC, Inc. d/b/a Asbestos Management Company

Petition No. 990816-053-015

CONSENT ORDER

WHEREAS, AMC, Inc. d/b/a Asbestos Management Company, a Connecticut corporation (hereinafter "respondent") has been issued license number 000007 to practice as an asbestos abatement contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. On or about June 1, 1999, respondent was the licensed asbestos abatement contractor for an asbestos abatement project at FM Precision Golf Corp., 535 Migeon Avenue, Torrington, Connecticut 06790 (hereinafter "the Precision Golf property"). The asbestos abatement project consisted of the removal of approximately 180 linear feet of asbestos containing thermal pipe insulation from pipes contained in a below grade tunnel on the Precision Golf property.
2. On said date, respondent's workers removed asbestos containing thermal pipe insulation from the tunnel on the Precision Golf property prior to either (i) covering all wall surfaces in the work area with at least two layers of polyethylene sheeting or (ii) submitting a written alternative work practice (hereinafter "AWP") for prior review and approval by the Department to allow for an alternative means of constructing a work area containment in the tunnel due to the fact that numerous steam and water pipes and conduits abutted each

wall of the tunnel and did not allow sufficient room for wall polyethylene sheeting to be installed the entire length of each wall. An AWP was subsequently submitted by respondent and approved by the Department on or about June 2, 1999 for the remainder of the asbestos removal work needed to be performed by respondent in the tunnel.

3. On or about June 1, 1999, respondent's workers failed to properly use a remote decontamination unit for the asbestos abatement project on the Precision Golf property in that the work area was not equipped with a high efficiency particulate air (hereinafter "HEPA") vacuum to allow for the workers to remove visible asbestos debris from their persons by HEPA-filtered vacuuming, prior to donning clean disposable coveralls while still in the work area and proceeding directly to a remote decontamination unit to shower and change clothes.
2. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with the Regulations, Connecticut State Agencies (hereinafter "the Regulations") §§19a-332a-1, 19a-332a-2, 19a-332a-5(e), 19a-332a-6(c), 19a-332a-11 and 19a-332a-18(e). The Regulations were amended subsequent to respondent's violations. Unless otherwise noted, all references are to those Regulations in effect prior to June 4, 1999.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the 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, 19a-332a and 20-440 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, 19a-332a and 20-440 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 000007 to practice as an asbestos abatement contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one-thousand dollars (\$1,000.00) 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.
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 and ordered by the Department.
7. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which its compliance with this Consent Order or with Chapter 400a or §19a-332a 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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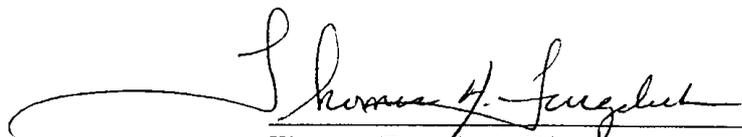
I, Hilda Lamb, Treasurer of AMC, Inc. d/b/a Asbestos Management Company, have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind AMC, Inc. d/b/a Asbestos Management Company to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Hilda Lamb, Treasurer

Subscribed and sworn to before me this 29th day of NOVEMBER 1999.


Notary Public or person authorized
by law to administer an oath or affirmation
CHERYL J. MORRIS
NOTARY PUBLIC
MY COMMISSION EXPIRES SEP. 30, 2001

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 3rd day of December 1999, it is hereby accepted.


Thomas Furgalack, Director
Division of Environmental Health

s:llf/amc/co
11/99