

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

In re: National Service Cleaning Corp.

Petition No. 990728-053-011

CONSENT ORDER

WHEREAS, National Service Cleaning Corp., a Connecticut corporation (hereinafter "respondent") has been issued license number 000015 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, the Department alleges that:

1. In or about May 1999, respondent was the licensed asbestos contractor for an asbestos abatement project conducted in a facility located at 175 South Main Street, East Windsor, CT (hereinafter "the facility").
2. On or about May 6, 1999, respondent, in connection with the asbestos abatement project at the facility:
 - a. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing in that a Department investigator observed a worker exiting a work area without wearing a respirator or tyvek suit;
 - b. failed to provide at least one work place air exchange every fifteen (15) minutes using negative pressure ventilation units equipped with high efficiency particulate air (hereinafter "HEPA") filtration in that the negative pressure ventilation unit serving one of the work areas had been unplugged so that the electrical outlet could be used to energize a HEPA vacuum to perform final cleaning in said work area. At the request of

a Department investigator, respondent's on-site supervisor reactivated the negative pressure ventilation unit; and

- c. failed to ensure that no person or equipment shall leave the asbestos abatement project work area unless first being decontaminated by showering, wet washing, or HEPA vacuuming to remove all asbestos debris in that a Department investigator observed that the worker referenced in paragraph 2a above did not decontaminate after exiting the work area.

3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with 19a-332a-5(f), 19a-332a-5(h), 19a-332a-6(b) and/or 19a-332a-18(e) of the Regulations, Connecticut State Agencies (hereinafter "the Regulations"). The Regulations were amended subsequent to respondent's alleged violations. Unless otherwise noted, all references are to those Regulations in effect on the date of the alleged violations.

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 the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 and Chapter 400a 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 000015 to practice as an asbestos abatement contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of seven hundred fifty dollars (\$750.00) 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. The Consent Order is effective on the day it is approved and entered 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 400a or 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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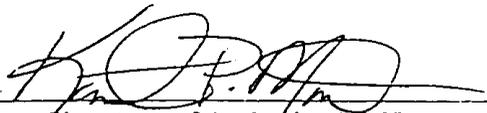
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I, Kenneth P. Martin, an authorized officer of National Service Cleaning Corp., holding the office set forth under my signature below, have read the above Consent Order, and affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind National Service Cleaning Corp. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Signature of Authorized Officer

Treasurer
Title

Subscribed and sworn to before me this 17th day of November 1999.



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

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 23rd day of November 1999, it is hereby accepted.



Thomas Furgalack, Director
Division of Environmental Health

