

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

In re: SMAC Corporation

Petition No. 2001-0524-053-011

CONSENT ORDER

WHEREAS, SMAC Corporation of Garfield, New Jersey (hereinafter "respondent") has been issued license number 000035 to practice as an asbestos 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 August 2000, respondent was the licensed asbestos contractor for an asbestos abatement project at 13 Franklin Street, Seymour, CT (hereinafter "the property"). Said project involved the removal of approximately 3,200 square feet of various asbestos containing thermal insulation materials, 3,100 square feet of asbestos containing pipe insulation, 6,000 square feet of asbestos containing ceiling plaster, 6,500 square feet of asbestos ceiling tiles, 4,000 square feet of asbestos floor tile, and 1,400 square feet of asbestos containing debris, in connection with the renovation of an office building on the property.
2. On or about August 7, 2000, in connection with the asbestos abatement project at the property, respondent:
 - 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 enter a work area without wearing a respirator and a second worker wearing his protective tyvek suit only up to his waist;

- b. failed to ensure that no person leave the work area unless first decontaminated by showering, wet washing or high efficiency particulate air (hereinafter "HEPA") vacuuming to remove all asbestos debris in that a Department investigator observed workers exit a work area without removing protective clothing and/or without decontaminating;
- c. failed to properly shut down, lock out and/or isolate the heating, ventilating and air conditioning system in a work area in that a Department investigator observed a portion of the ventilation ducts were not covered with polyethylene sheeting and several grille openings into the ventilation system were not sealed with critical barriers;
- d. failed to isolate the work area from non-work areas with airtight barriers attached securely in place in that a Department investigator observed that portions of a chimney in a work area were not properly sealed with polyethylene sheeting;
- e. failed to label all asbestos containing waste containers with applicable generator information; and
- f. failed to comply with the requirements of Section 19a-332a-3 to Section 19a-332a-12, inclusive, of the Regulations of Connecticut State Agencies in that pre-cleaning activities, such as HEPA vacuuming and removing potentially asbestos contaminated office supplies and fixtures, was conducted in the basement of the facility on the property, all without using the engineering controls required by said regulatory provisions, such as isolating the work area from the non-work areas with airtight barriers, covering all floor and wall surfaces with polyethylene sheeting or the equivalent, or providing negative pressure ventilation units with HEPA filtration

in sufficient number to allow at least one work place air exchange every fifteen minutes.

3. In or about August 2001, respondent was the licensed asbestos contractor for an asbestos abatement project at Brookfield High School, 49 Longmeadow Hill Road, Brookfield, CT (hereinafter "the school").
4. On or about August 7, 2001, a Department investigator observed that respondent was preparing a boiler room in the school for removal of asbestos containing materials. In connection with said preparation work, respondent failed to ensure that one of the negative air machines had been thoroughly decontaminated and cleaned free of asbestos debris prior to being transported to the school. A sample of debris collected from said equipment was subsequently analyzed and determined to contain asbestos.
5. 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 of Connecticut State Agencies §§19a-332a-1 to 19a-332a-12, inclusive, 20-440-1 and 20-440-6(b).

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, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 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 000035 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of three thousand and five hundred dollars (\$3,500.00) 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.
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 Chapters 400a or 3681 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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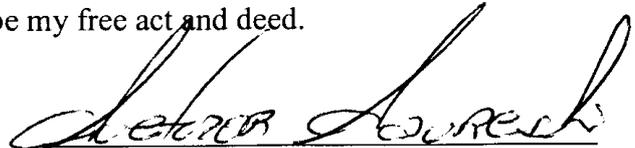
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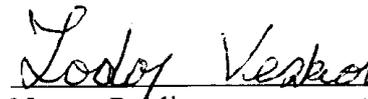
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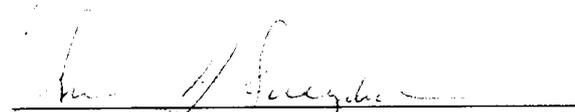
I, Svetozar Savreski, President of SMAC Corporation, have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said corporation. I hereby stipulate and agree to bind SMAC Corporation to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Svetozar Savreski, President

Subscribed and sworn to before me this 14th day of NOVEMBER 2001.


Notary Public or person authorized by law to administer an oath of affirmation
 **TODOR VESKOV**
NOTARY PUBLIC
STATE OF NEW JERSEY
COMMISSION EXPIRES DEC 01, 2004

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 19th day of December 2001, it is hereby accepted.


Thomas H. Furgalack, Director
Division of Environmental Health

s:11f/SMAC/CO
10/01