

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

In re: R.L. McLean Environmental, Inc.

Petition No. 2001-1002-053-020

CONSENT ORDER

WHEREAS, R.L. McLean Environmental, Inc. of Wallingford, CT (hereinafter "respondent") has been issued license number 000038 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, respondent admits that:

1. In or about September 2001, the respondent was the licensed asbestos contractor for an asbestos abatement project at 68 Maple Hill Road, Newington, CT (hereinafter "the property"). Said project involved the removal of approximately 200 linear feet of asbestos pipe insulation in connection with the sale of the property.
2. On or about September 18, 2001, in connection with the asbestos abatement project at the property, the respondent:
 - a. failed to provide advance notification to the Department within the timeframe required by §19a-332a-3 of the Regulations of Connecticut State Agencies;
 - b. failed to properly isolate the work area from the non-work area(s) with air-tight barriers attached securely in place in that a Department investigator observed several breaches in the work area containment;
 - c. failed to remove all moveable objects from the work area in that a window section and pieces of lumber remained in the work area;

- d. failed to cover all non-moveable objects in the work area with six (6) mil polyethylene sheeting in that a shelf was uncovered in the work area;
 - e. failed to cover all wall surfaces in the work area with two layers of polyethylene sheeting or the equivalent in that only one layer of polyethylene sheeting was used for the containment;
 - f. failed to adequately wet asbestos containing waste prior to placing it in leak tight containers for disposal in that the waste in a sealed bag was dry; and/or
 - g. failed to properly construct, operate and/or maintain a worker decontamination system.
3. 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 §§19a-332a-1, 19a-332a-2, 19a-332a-3(a), 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(e), 19a-332a-5(j), 19a-332a-6, 20-440-1 and/or 20-440-6(b) of the Regulations of Connecticut State Agencies.

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 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 000038 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand and one hundred dollars (\$2,100.00) 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 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 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.

I, Rose Longo-Mclean, President of R.L. McLean Environmental, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind R.L. McLean Environmental, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Rose Longo-Mclean
Rose Longo-Mclean, President

Subscribed and sworn to before me this 1st day of January 2002.

[Signature]
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 17th day of July 2002, it is hereby accepted.

[Signature]
Thomas H. Furgalack, Director
Division of Environmental Health

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