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

In re: New England Environmental, Inc.

Petition No. 19991203-053-023

CONSENT ORDER

WHEREAS, Robert R. Roberts, President of New England Environmental, Inc. (hereinafter "respondent") has been issued license number 000043 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. On or about October 18, 1999, respondent was the licensed asbestos contractor for an asbestos abatement project at 80 Linden Street, Manchester, CT (hereinafter "the property"). The asbestos abatement project consisted of the removal of approximately 63 square feet of asbestos containing thermal pipe insulation in the basement of the residence located on the property.
2. On or about said date, a Department investigator observed that respondent's workers failed to properly construct a three-stage worker decontamination facility contiguous to the work area and consisting of a clean room and an equipment room on either side of a shower room. Instead, respondent's workers constructed a single stage worker decontamination facility contiguous to the work area and consisting of a shower room only and utilized a room on the first floor of the residence as a clean room.

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-6(a), 19a-332a-6(d) and 20-440-6 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, 19a-332a and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, 19a-332a 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 000043 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of four-hundred and fifty dollars (\$450.00) 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 §19-332a 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, Robert R. Roberts, President of New England Environmental, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said corporation. I hereby stipulate and agree to bind New England 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.

Robert R. Roberts
Robert R. Roberts, President
New England Environmental, Inc.

Subscribed and sworn to before me this 21st day of January 2000.

Edward G. McCreaney
~~Notary Public or person authorized~~
~~by law to administer an oath or affirmation~~
Commissioner of the Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21st day of January 2000, it is hereby accepted.

Thomas H. Furgalack
Thomas Furgalack, Director
Division of Environmental Health

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