

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

In re: ~~Haz~~-Pros, Inc.

Petition No. 991020-053-021

CONSENT ORDER

WHEREAS, Haz-Pros, Inc., a Connecticut corporation (hereinafter "respondent") has been issued license number 000055 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. In or about the Summer of 1999, respondent was the licensed asbestos abatement contractor for an asbestos abatement project at the Calamari Buildings Office, Warehouse North Parcel, Trumbull and Walbach Streets, New London, Connecticut (hereinafter "the Calamari property"). The asbestos abatement project consisted of the removal of approximately 600 square feet of asbestos containing linoleum floor covering and approximately 7,000 square feet of asbestos containing wall panel glue in the office area of a building on the Calamari property. The asbestos abatement project was performed in connection with the demolition of said building.
2. Respondent hired a licensed asbestos abatement project monitor to conduct a final visual inspection of the asbestos abatement work area. On or about June 9, 1999 said asbestos abatement project monitor performed a final visual inspection and verified that

respondent's workers had removed all asbestos containing linoleum floor covering and wall glue from the work area.

3. Subsequently, on or about July 13, 1999, a Department investigator observed that the floor surface did not contain encapsulant, which is required, under §19a-332a-7(c) of the Regulations, Connecticut State Agencies, to be applied to all surfaces that have been stripped of asbestos containing material to securely seal any residual fibers. The Department investigator also collected samples of a paper-like material remaining on the floor of the work area. The samples were analyzed by the Department's laboratory and determined to be asbestos containing.
4. On or about July 15, 1999, respondent was informed of the results of the Department inspection described in paragraph 3 above. Respondent subsequently applied for and was granted an alternative work practice procedure to remove the asbestos-containing paper from the floor of the work area in the building on the Calamari property. The alternative work practice procedure allowed for the establishment of the work area containment by sealing all openings in the work area with air-tight critical barriers instead of covering all wall surfaces with two layers of polyethylene sheeting.
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, Connecticut State Agencies (hereinafter "the Regulations") §§19a-332a-1, 19a-332a-2, 19a-332a-5(g), 19a-332a-7(c) and 19a-332a-18(e). The Regulations were recently amended and 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 000055 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, Clayton Kilbourn, President of Haz-Pros, Inc., 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 Haz-Pros, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Clayton Kilbourn, President

Subscribed and sworn to before me this 12/8/99 day of _____, 1999.

GREGORY B. GRINSFELDER

NOTARY PUBLIC

MY COMMISSION EXPIRES 2/28/2004

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 16th day of

December 1999, it is hereby accepted.



Thomas Furgalack, Director
Division of Environmental Health

s:llf/hazpros/co
12/99