

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

In re: LVI Environmental Services, Inc.

Petition No. 2002-0829-053-015

CONSENT ORDER

WHEREAS, LVI Environmental Services, Inc. of North Haven, CT (hereinafter "respondent") has been issued license number 000062 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 June 2002, respondent was the licensed asbestos contractor for an asbestos abatement project at the former Lillian B. Haynes Elementary School, Society Road, East Lyme, CT (hereinafter "the property"). Said project involved the removal of approximately 38,000 square feet of asbestos containing floor tiles, 436 square feet of asbestos containing thermal pipe insulation, 55 square feet of asbestos containing flex connectors, 100 square feet of asbestos containing sink under-coating and two (2) asbestos containing fire doors, in connection with the demolition of the school facility on the property.
2. On or about June 11, 2002, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to isolate the work area from non-work areas with air-tight barriers attached securely in place, in that a Department investigator observed a breach in the polyethylene barrier enclosing the dumpster in the work area;

- b. failed to remove all movable objects from the work area, in that a Department investigator observed chairs, milk crates and other movable objects in the work area;
- c. failed to cover all non-moveable objects in the work area with at least one layer of polyethylene sheeting, in that a Department investigator observed that toilets, sinks and other non-moveable objects were uncovered;
- d. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing, in that a Department investigator observed food and/or drink containers within the work area;
- e. failed to provide negative pressure ventilation units with high efficiency particulate air filtration (hereinafter "HEPA") in sufficient number to allow at least one work place air change every fifteen minutes, in that at least four units were not operating during a Department inspection;
- f. failed to filter, using best available technology prior to discharge, all waste water generated during asbestos abatement, in that a Department investigator observed that sinks within the work area were covered with a chemical solvent, apparently because the sinks were used to clean tools;
- g. failed to maintain wet all asbestos containing waste, using amended water, in that a Department investigator observed that the asbestos containing waste inside a dumpster was dry;
- h. failed to properly construct, operate and/or maintain a worker decontamination system in that a Department investigator observed numerous workers exit the work area without decontaminating by showering, wet washing or HEPA vacuuming. In addition, there was no source of water for the worker decontamination shower; and/or

- i. failed to adequately wet all asbestos containing materials to be removed or disturbed by removal in that the removal of asbestos containing floor tile and mastic was underway during a Department inspection and the workers were not using any water. In addition, the Department inspector noted that the floor surfaces and piles of debris within the work area were dry.
2. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with the Regulations of Connecticut State Agencies, §§19a-332a-1, 19a-332a-2(a), 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(f), 19a-332a-5(h), 19a-332a-5(i), 19a-332a-5(j), 19a-332a-6, 19a-332a-7(a), 20-440-1, and/or 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.

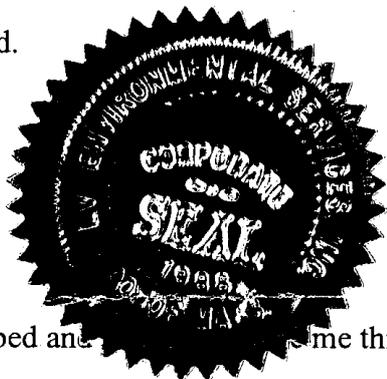
NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000062 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of eight thousand dollars (\$8,000.00) 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 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 Healthcare Systems 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, James Quish, Vice President of LVI Environmental Services, 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 LVI Environmental Services, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



James Quish
James Quish, Vice President

Subscribed and sworn to before me this 18th day of February 2003.

Dawn O'Brien
Notary Public or person authorized
by law to administer an oath or affirmation

Dawn O'Brien
NOTARY PUBLIC
State of Connecticut
My Commission Expires 9/30/04

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 25th day of February 2003, it is hereby accepted.

Thomas H. Furgalack
Thomas H. Furgalack, Director
Division of Environmental Health
Bureau of Regulatory Services

s:llf/LVI/CO3