

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
REGULATORY SERVICES BRANCH

In re: Environmental Engineering Services, Inc.

Petition No. 2005-1118-053-018

CONSENT ORDER

WHEREAS, Environmental Engineering Services, Inc. of Trumbull, CT (hereinafter "respondent") has been issued license number 000084 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 the fall of 2005, respondent was the licensed asbestos contractor for an asbestos abatement project performed in connection with the demolition of multiple apartment buildings on North Avenue and James Street in Bridgeport, CT, as part of a project commonly known as the North Avenue School Project. The asbestos abatement portion of the North Avenue School Project involved the removal of the following approximate quantities of asbestos containing materials: 9,300 square feet of floor covering and related mastic, 75 square feet of boiler insulation, fourteen (14) sinks, 12,000 square feet of pipe insulation, and exterior materials such as roofing and transite.
2. On or about November 15, 2005, in connection with the asbestos abatement project performed by respondent for the North Avenue School Project, respondent:
 - a. failed to ensure that all openings between the work area and non-work area were sealed airtight with polyethylene sheeting, in violation of §19a-332a-5(c) of the Regulations of Connecticut State Agencies (hereinafter "the RCSA"), in that removal

- of the sub floor, together with the asbestos containing flooring material, in a kitchen work area opened that kitchen work area to the crawl space below and resulted in visible contamination of the crawl space;
- b. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing, in violation of §19a-332a-5(f) of the RCSA, in that three (3) workers were wearing street clothing under their Tyvek suits;
 - c. failed to adequately wet all asbestos containing material to be removed or disturbed by removal, in violation of §19a-332a-7(a) of the RCSA, in that no water was being used in a kitchen work area during the removal of asbestos containing flooring and no water was being used in a basement crawl space during the wrapping, cutting and removal of asbestos insulated pipes and significant visible dust was present in the kitchen work area;
 - d. failed to use negative pressure ventilation units to allow at least one (1) work place air change every fifteen (15) minutes, in violation of §19a-332a-5(h) of the RCSA, in that no units were being used in a kitchen work area;
 - e. failed to adequately wet all asbestos containing waste with an amended water solution, in violation of §19a-332a-5(j) of the RCSA, in that no water was being used during the wrapping and cutting of asbestos insulated pipes and/or prior to placing the pipes into a waste trailer;
 - f. failed to properly label all leak-tight containers, in violation of §19a-332a-5(k) of the RCSA, in that wrapped lengths of asbestos insulated pipes were unlabeled in the waste trailer;
 - g. failed to properly construct a remote worker decontamination system, in violation of §19a-332a-6(a) of the RCSA, in that water was being supplied to the shower room via a garden hose from an adjacent property, thereby resulting in insufficient water

pressure at the shower head. In addition, an electric water heater was not operational, resulting in no warm water for decontaminating. The shower room was not contiguous to the clean room and the equipment room, with each room separated from the other by airlocks and/or accessible through doorways protected with two overlapping polyethylene sheets;

- h. failed to properly operate a remote worker decontamination system, in violation of §19a-332a-6(c) of the RCSA, in that workers did not: (i) remove visible debris by using a vacuum with a high efficiency particulate air filter; (ii) don clean disposable coveralls; and/or (iii) proceed directly to the remote shower;
 - i. failed to follow the conditions of a Department approved alternative work practice, in accordance with §19a-332a-11 of the RCSA, in that asbestos insulated piping was removed from a crawl space work area without a licensed project monitor present and/or without using “glove bags” or “dip lagging” on the exposed ends where the pipe is cut; and/or
 - j. allowed an individual to work as an asbestos abatement worker without ensuring that the individual had the requisite accreditation documents or a current certificate issued by the Department, in violation of §20-440-5(a) of the RCSA.
3. The above described facts constitute grounds for disciplinary action pursuant to, without limitation, Chapter 400a and §19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(c), 19a-332a-5(f), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-6(a), 19a-332a-6(c), 19a-332a-7(a), 19a-332a-11, 20-440-5(a) and/or 20-440-6(b) of the RCSA.

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 and 19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 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 000084 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) in three installments as follows: The first installment shall be in the amount of two thousand dollars (\$2,000.00) and shall be payable at the time respondent submits the executed Consent Order to the Department. The second installment shall be in the amount of three thousand dollars (\$3,000.00) and shall be payable on or before November 30, 2007. The third installment shall be in the amount of three thousand dollars (\$3,000.00) and shall be payable on or before December 31, 2007. All installments shall be paid by certified or cashier's check payable to "Treasurer, State of Connecticut." Each check shall reference the Petition Number on the face of the check.
4. Respondent's license shall be placed on probation until such time as it pays in full the civil penalty provided for in paragraph 3 above.
5. All correspondence is to be addressed to:

Yolanda Cooley, Environmental Analyst
Department of Public Health
410 Capitol Avenue, MS #51EHS
P.O. Box 340308
Hartford, CT 06134-0308

6. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
7. Respondent shall pay all costs necessary to comply with this Consent Order.
8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, it shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of its license before the Department.

10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
11. This Consent Order is effective on the date this Consent Order is accepted by the Department.
12. 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.
13. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
14. 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.
15. 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.
16. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch 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.

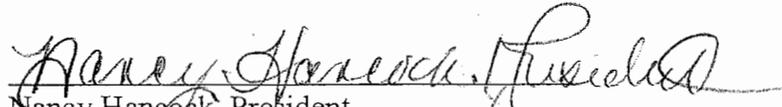
17. Respondent has the right to consult with an attorney prior to signing this document.
18. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

*

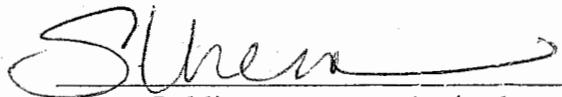
*

*

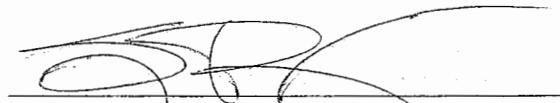
I, Nancy Hancock, President of Environmental Engineering Services, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Environmental Engineering Services, Inc. to the terms as set forth in the above Consent Order. I further declare the execution of this Consent Order to be my free act and deed.


Nancy Hancock, President

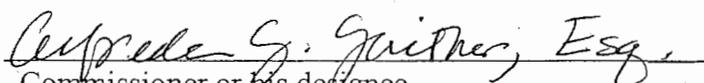
Subscribed and sworn to before me this 15th day of NOVEMBER 2007.


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 8th day of November 2007, it is hereby accepted.


Suzanne Blancaflor, M.S., Section Chief
Environmental Health Section
Regulatory Services Branch

The above Consent Order having been presented to the designee of the Commissioner of the Department of Public Health on the 19th day of November 2007, it is hereby ordered and accepted.


Commissioner or his designee