

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

In re: East Coast Haz-Mat Removal, Inc.

Petition No. 2000-0418-053-019

**CONSENT ORDER**

WHEREAS, East Coast Haz-Mat Removal, Inc. of Paterson, New Jersey (hereinafter "respondent") has been issued license number 000153 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 spring of 2000, the respondent was the licensed asbestos contractor for an asbestos abatement project at a former Caldor's department store, located at 95 Elm Street, Enfield, CT (hereinafter "the property"). Said project involved the removal of approximately 74,000 square feet of asbestos containing floor tile and mastic.
2. On or about April 18, 2000, in connection with the asbestos abatement project at the property, the respondent:
  - a. failed to ensure that no equipment left the work area unless first decontaminated by showering, wet washing or high efficiency particulate air (hereinafter "HEPA") vacuuming to remove all asbestos debris in that a Bobcat machine with a circular floor scraper attachment was observed by Department investigators being loaded onto a truck. Department investigators collected samples of suspect debris from this

machine for analysis and these samples were determined to contain chrysotile asbestos;

- b. removed approximately seventy (70) square feet of asbestos containing floor tile from the building on the property without establishing a regulated work area by using airtight barriers and two (2) layers of wall polyethylene sheeting as required in §§19a-332a-5(c) and 19a-332a-5(e) of the Regulations of Connecticut State Agencies. In addition, the respondent removed this floor tile without: (i) installing negative pressure ventilation units with HEPA filtration in sufficient number to allow at least one air change every fifteen minutes in the work area; (ii) restricting work area access to authorized personnel afforded proper respiratory protection or protective clothing; (iii) shutting down, locking out and isolating the heating, ventilating and air conditioning system(s) to prevent contamination of and fiber dispersal to other areas of the building; and (iv) adequately wetting all asbestos containing materials to be removed or disturbed by removal;
  - c. failed to adequately wet all asbestos waste and place it in leak-tight containers for disposal in that at the time of the Department inspection, there was no source of water to the work area and several asbestos containing waste bags were observed to have punctures; and
  - d. failed to cover all non-moveable objects in the work area with six (6) mil polyethylene sheeting.
3. On or about April 27, 2000, in connection with the asbestos abatement project at the property, respondent:
    - a. failed to provide negative pressure ventilation units with HEPA filtration (collectively, hereinafter “units”) in sufficient number to allow at least one work place air change every fifteen minutes in that only fifty percent (50%) of the

required number of units were operating during the Department's inspection. In addition, one of the units did not have a HEPA filter installed in it;

- b. failed to adequately wet all asbestos containing materials to be removed or disturbed by removal in that Department investigators observed there was no source of water in the work area at the time of inspection and floor tile mastic removal was occurring;
- c. failed to label all asbestos containing waste containers with applicable generator information; and
- d. failed to place all asbestos containing waste in leak-tight containers for disposal in that unwrapped waste was observed by Department investigators in a dumpster on the property.

- 4. On or about April 28, 2000, in connection with the asbestos abatement project at the property, the respondent failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing.
- 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 of Connecticut State Agencies, §§19a-332a-1, 19a-332a-2(a), 19a-332a-5(b), 19a-332a-5(c), 19-322a-5(d), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-6(b), 19a-332a-7(a), 19a-332a-7(d), 20-440-1 and 20-440-6(b) of the Regulations of Connecticut State Agencies.

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 000153 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of twelve thousand and five hundred dollars (\$12,500.00) 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 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 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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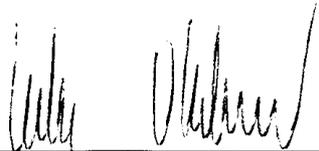
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I, Leszek Olszewski, Vice President of East Coast Haz-Mat Removal, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind East Coast Haz-Mat Removal, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Leszek Olszewski, Vice President

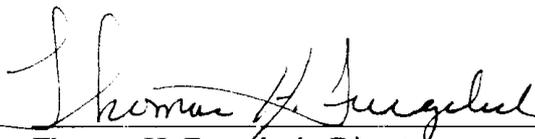
Subscribed and sworn to before me this 18 day of APRIL 2001.

BILJANA NESTOROVA  
NOTARY PUBLIC  
COUNTY OF BERGEN

MY COMMISSION EXPIRES JULY 13, 2005

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 23<sup>rd</sup> day of April 2001, it is hereby accepted.



Thomas H. Furgalack, Director  
Division of Environmental Health

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