

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

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

Petition No. 2007-0321-053-002

CONSENT ORDER

WHEREAS, East Coast Haz-Mat Removal, Inc. of Paterson, NJ (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 June 2006, respondent performed an asbestos abatement project in connection with the renovation of Glastonbury High School at 330 Hubbard Street, Glastonbury, CT (hereinafter "the property"). Said project involved the removal of the following approximate quantities of asbestos containing materials: 60 square feet of friable boiler insulation, 420 linear feet of thermal pipe insulation, 2350 square feet of vinyl asbestos floor tile and 132 square feet of transite board.
2. On or about June 27, 2006, in connection with the asbestos abatement project at the property, respondent allegedly:
 - a. failed to isolate all openings between the work area and the non-work areas by air-tight barriers attached securely in place, as required by §19a-332a-5(c) of the Regulations of Connecticut State Agencies (hereinafter "the Regulations"), in that a critical barrier over a metal floor hatch had been breached;

- b. failed to fully isolate a wall mounted radiator with a critical barrier and two layers of polyethylene sheeting, as required by §§19a-332a-5(c) and 19a-332a-5(e) of the Regulations, in that the entire bottom side of the radiator unit was uncovered and open to the work area;
 - c. failed to restrict work area access to authorized personnel afforded proper respiratory protection and/or protective clothing, as required by §19a-332a-5(f) of the Regulations, in that several workers wore street clothing under their Tyvek suits and/or street shoes and/or did not wear their respirators while in the work area; and/or
 - d. failed to utilize proper clean-up procedures, in violation of §19a-332a-5(g) of the Regulations and/or failed to adequately wet all asbestos containing material to be removed or disturbed by removal, in violation of §19a-332a-7(a) of the Regulations, in that there were no high efficiency particulate air filtered vacuums in the work area and dry conditions existed in the work area.
3. The above described facts, if true, 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(d), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-5(g), 19a-332a-7(a) and/or 20-440-6(b) of the Regulations.

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 shall pay a civil penalty of nine thousand dollars (\$9,000.00) 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.
3. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. This Consent Order is effective on the date this Consent Order is accepted by the Department.
6. 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.
7. 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.

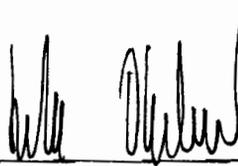
8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present this 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.
10. Respondent has the right to consult with an attorney prior to signing this document.
11. 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. The Department is not currently aware of any pending criminal prosecution arising out of the facts of this case.

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I, Leszek Olszewski, 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, President

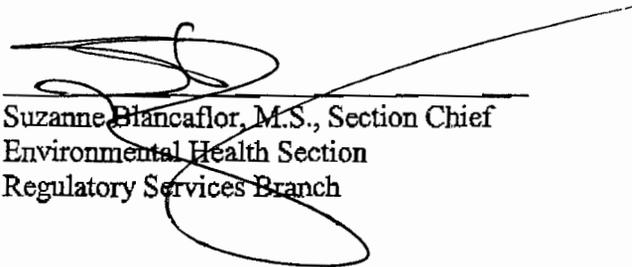
Subscribed and sworn to before me this 2nd day of August 2007.



Notary Public or person authorized
by law to administer an oath or affirmation

NOTARY PUBLIC
State of New Jersey
County of Bergen
BILJANA NESTOROVA
My Commission Expires Aug. 3, 2010

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 August 2007, it is hereby accepted.



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

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