STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Webb Environmental Associates, Ltd.

Petition Nos.: 990527-053-009 and 990913-053-017

CONSENT ORDER

WHEREAS, M. Gregory L. Webb, Chief Executive Officer of Webb Environmental Associates, Ltd., a corporation organized under the laws of the State of Delaware (hereinafter "respondent") has been issued license number 000270 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 January 1999, respondent was the licensed asbestos abatement contractor for an asbestos abatement project at 48-52 Barnard Street, Hartford, CT (hereinafter " the Barnard property"). The asbestos abatement project was performed in connection with the scheduled demolition of the building on the Barnard property.
2. On or about January 29, 1999, respondent, in connection with the asbestos abatement project at the Barnard property:
   a. failed to post signs at all approaches to the work areas to permit a person to read the signs and take precautionary measures to avoid exposure to asbestos;
   b. failed to cover wall surfaces in the work areas with a minimum of two (2) layers of four (4) mil polyethylene sheeting; and

c. failed to provide negative pressure ventilation units with high efficiency particulate air filtration (hereinafter "the Air Filtration Units") in sufficient number to allow at least one work place air exchange every fifteen (15) minutes in each work area in that the Air Filtration Units were removed from at least one work area before the work area was sealed off in preparation for demolition of the building.

3. In or about May 1999, respondent was the licensed asbestos abatement contractor for an asbestos abatement project at 241 Sigourney Street, Hartford, CT (hereinafter "the Sigourney property"). The asbestos abatement project was performed in connection with the scheduled demolition of an approximately 14,580 square foot building on the Sigourney property. Respondent conducted the asbestos abatement project on the top two floors of the 3-story building on the Sigourney property.

4. On or about May 18, 1999, respondent, in connection with the asbestos abatement project at the Sigourney property:

a. failed to satisfy Connecticut's regulatory requirements pertaining to recordkeeping by failing to record a log of control of access to the work areas;

b. failed to properly isolate the work areas from the non-work areas with air-tight barriers attached securely in place in that numerous breaches in critical barriers were observed by Department investigators. Said breaches resulted in visible residue and debris in non-work areas;

c. failed to remove all moveable objects from the work areas in that several couches and disconnected plumbing fixtures were observed by Department investigators in the work areas;

d. failed to properly cover floor surfaces in the work areas with two layers of polyethylene sheeting or the equivalent;

e. failed to provide Air Filtration Units in sufficient number to allow for at least one work place air change every fifteen (15) minutes in each work area in that no Air Filtration Units were operating during a Department compliance inspection;

f. failed to adequately wet all asbestos containing material to be removed or disturbed by removal and/or to adequately wet all asbestos-containing waste with an amended water solution and place such waste in leak-tight containers in that dry asbestos containing plaster dust was found throughout the work areas during a Department compliance inspection. In addition, asbestos containing plaster waste was loaded from a third floor work area by sending the waste down a chute attached to the rear of the building and emptying into an exterior dumpster that was not air tight;

g. failed to properly construct and maintain a worker decontamination shower in that a broken plumbing connection diverted approximately ninety percent of the water away from the shower head and the hot water tank was not operational; and

h. failed to ensure that personnel store personal articles and clothing in a clean room adjacent to the work areas and that no person or equipment leave the work areas unless first being decontaminated by showering, wet washing, or high efficiency particulate air (hereinafter "HEPA") vacuuming to remove all asbestos debris in that four of respondent's workers were observed by a Department investigator exiting a work area without decontaminating and without changing the street clothing worn under their tyvek suits.

5. On or about May 19, 1999, respondent scheduled an inspection with the Department to demonstrate corrective actions taken after the compliance inspection conducted by the Department on or about May 18, 1999. On or about May 19, 1999, respondent, in connection with the asbestos abatement project at the Sigourney property:

   a. failed to properly construct and maintain a worker decontamination shower in that warm water was not supplied to the shower;

   b. failed to provide Air Filtration Units in sufficient number to allow for at least one work place air change every fifteen (15) minutes in each work area in that no Air Filtration Units were operating in the second floor work areas during the Department compliance inspection;

   c. failed to remove all moveable objects from the work areas in that couches, carpets and refrigerators were observed by Department investigators in the work areas; and

   d. failed to properly isolate the work areas from the non-work areas with air-tight barriers attached securely in place in that numerous breaches in critical barriers were observed by Department investigators, including a broken skylight window in a work area on the third floor of the building.

6. On or about May 21, 1999 the Department performed an unannounced inspection of the asbestos abatement project at the Sigourney property. On said date, respondent:

   a. failed to properly construct and maintain a worker decontamination shower in that warm water was not supplied to the shower;

   b. failed to provide Air Filtration Units in sufficient number to allow for at least one work place air change every fifteen (15) minutes in each work area in that only two

of the five Air Filtration Units required for the second and third floor work areas were operating during the Department compliance inspection. The two units were located on the second floor of the building and were clogged with dust and debris. In addition, dust was visible throughout the air on the second floor of the building and no Air Filtration Units were operating in the third floor work areas during the Department compliance inspection;

c. failed to restrict work area access to authorized personnel afforded proper respiratory protection in that a Department investigator observed one of respondent's workers removing asbestos containing plaster in a work area while wearing his street clothes. In addition, a second worker was observed in a work area without a respirator;

d. failed to ensure that no person or equipment leave the work areas unless first being decontaminated by showering, wet washing, or HEPA vacuuming to remove all asbestos debris in that one of respondent's workers was observed by a Department investigator exiting a work area without decontaminating;

e. failed to adequately wet all asbestos containing material to be removed or disturbed by removal in that dust was visible throughout the air and dry debris was visible on the walls and floor in the second floor work areas; and

f. failed to properly isolate the work areas from the non-work areas with air-tight barriers attached securely in place in that numerous breaches in critical barriers were observed by Department investigators. Said breaches resulted in visible residue and debris in non-work areas.

7. On or about May 24, 1999 the Department performed an inspection of the asbestos abatement project at the Sigourney property. On said date, respondent failed to provide Air Filtration Units in sufficient number to allow for at least one work place air change every fifteen (15) minutes in each work area in that representatives of respondent informed Department investigators that respondent intended to continue to shut off all of the electrical generators at the Sigourney property at the end or each work day, thereby suspending air filtration through the use of the Air Filtration Units in all work areas.
8. 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 the Connecticut State Agencies (hereinafter "the Regulations") §§19a-332a-1, 19a-332a-4(b), 19a-332a-5(a), 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-6(a), 19a-332a-6(b), 19a-332a-7(a), and 19a-332a-18(e). The Regulations were amended subsequent to respondent's violations. Unless otherwise noted, all references are to those Regulations in effect on the date of violation.

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 Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, 19a-332a 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 shall pay a civil penalty of fourteen thousand dollars ($14,000.00) in accordance with the payment scheduled identified in the table below. Respondent shall pay each payment by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the petition numbers on its face and shall be payable on or before the time specified in the table below.

Installment No.	Amount Due	Date Due
No. 1	$1,000.00	At the time respondent submits the executed Consent Order to the Department.
No. 2	$5,000.00	February 20, 2000
No. 3	$4,000.00	April 20, 2000
No. 4	$4,000.00	July 20, 2000

3. Respondent's license number 000270 shall be placed on probation under the following terms and conditions:

   a. Respondent's license shall be placed on probation until such time as it pays in full the civil penalty of fourteen thousand dollars ($14,000.00) provided for in paragraph 2 above.

   b. Throughout the probationary period, Respondent shall comply with all statutes and regulations applicable to its licensure including, but not limited to:

      (1) maintaining records of all asbestos abatement projects, including, without limitation, a log of control of access to the work area, in the manner set forth in §19a-332a-4(b) of the Regulations;

(2) causing signs to be posted at all approaches to the work area in the manner set forth in §19a-332a-5(a) of the Regulations;

(3) causing all affiliated asbestos abatement personnel to properly contain the work area in the manner set forth in §§19a-332a-5(c) and 19a-332a-5(e) of the Regulations;

(4) removing all movable objects from the work area and covering all non-movable objects in the work area in the manner set forth in §19a-332a-5(d) of the Regulations;

(5) restricting access to the work area to authorized personnel afforded the proper protective equipment required under §19a-332a-5(f) of the Regulations;

(6) causing all affiliated asbestos abatement personnel to establish and operate a sufficient number of Air Filtration Units in the work area during asbestos abatement, in the manner set forth in §19a-332a-5(h) of the Regulations;

(7) causing all asbestos containing waste to be adequately wetted with an amended water solution and placed in leak-tight containers as required under §19a-332a-5(j) of the Regulations;

(8) causing each shower room to be supplied with warm water and maintained in a manner set forth in §19a-332a-6(a) of the Regulations;

(9) causing no person or equipment to leave the asbestos abatement project work area unless first being decontaminated by showering, wet washing, or

HEPA vacuuming to remove asbestos debris in a manner set forth in §19a-332a-6(b) of the Regulations; and

(10) causing all asbestos containing material to be adequately wetted prior to removal or being disturbed by removal as required under §19a-332a-7(a) of the Regulations.

c. During the probationary period, respondent further agrees that the first five (5) interior asbestos abatement projects conducted by respondent shall be subject to the following monitoring requirements:

(1) Respondent shall obtain, at its own expense, the services of an asbestos abatement project monitor, certified and practicing in the State of Connecticut and pre-approved by the Department (hereinafter "monitor"), to review respondent's records and inspect respondent's work sites as follows:

(i) The monitor shall meet with respondent's chief executive officer and inspect its work sites at a frequency to be determined by the monitor, to ensure satisfactory performance of the five (5) interior asbestos abatement projects;

(ii) Respondent shall provide the monitor with reasonable notice prior to commencement of each interior asbestos abatement project and shall fully cooperate with the monitor in providing access to the sites and records for such monitoring; and

(iii) Respondent shall be responsible for the monitor preparing and submitting directly to the Department, a written report addressing his/her findings regarding each asbestos abatement project monitored.

Such monitor's reports shall include documentation of dates and duration of meetings with respondent's chief executive officer, a general description of the work reviewed, monitoring techniques utilized, a statement that the monitor personally observed respondent's work and that such work was completed with reasonable skill and safety and in compliance with all applicable federal, local and state laws and regulations, and a statement that respondent's personnel cleaned the work area in compliance with applicable reoccupancy criteria. If the monitor, at any time, determines that respondent is not in compliance with the statutes or regulations governing its practice or the terms of this Consent Order, he or she shall immediately so notify the Department.

(2) The five interior asbestos abatement projects that are subject to the monitoring requirements in paragraph 3(c)(1) above shall be the first five projects performed by the respondent after the effective date of this Consent Order and that involve interior abatement of more than three (3) linear feet or more than three (3) square feet of asbestos-containing material; provided that such abatement projects do not require an emergency asbestos abatement notification where respondent does not have at least ten (10) days before the start of the asbestos abatement to engage the services of an asbestos abatement project monitor as required above.

4. All correspondence and reports are to be addressed to:

Ronald Skomro, Supervising Environmental Sanitarian
Department of Public Health
Indoor Air Program
410 Capitol Avenue, MS #51AIR
P.O. Box 340308
Hartford, CT 06134-0308

5. All reports required by the terms of this Consent Order shall be due within thirty (30) days of completion of each project identified in paragraph 3 above.

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 by the limited fifteen (15) day date certain contained 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, respondent agrees immediately to refrain from practicing as an asbestos abatement contractor, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that its failure to cooperate with the Department's investigation shall constitute an admission that its conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

10. 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.

11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.

12. This Consent Order is effective on the day it is accepted and ordered by the Department.

13. Respondent understands that 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 with §19a-332a of the General Statutes of Connecticut, as amended, is at issue.

14. 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.

15. 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.

16. 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.

17. 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.

18. Respondent has the right to consult with an attorney prior to signing this document.

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I, M. Gregory L. Webb, Chief Executive Officer of Webb Environmental Associates, Ltd., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said corporation. I hereby stipulate and agree to bind Webb Environmental Associates, Ltd., to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

M. Gregory L. Webb, Chief Executive Officer
Webb Environmental Associates, Ltd.

Subscribed and sworn to before me this 23rd day of December 1999.

Michael A. Strong
Notary Public #82857
Hartford County, State of CT
Commission Expires: Sept. 30, 2002

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 28th day of December 1999, it is hereby accepted.

Thomas Furgalack, Director
Division of Environmental Health