

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

In re: CRP, LLC

Petition No. 2000-0320-053-007

**CONSENT ORDER**

WHEREAS, CRP, LLC of Plainville, CT (hereinafter "respondent") has been issued license number 000278 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 November 1999, respondent was the licensed asbestos contractor for an asbestos abatement project at Gunther International, 1 Winnenden Road, Norwich, CT (hereinafter "the Gunther property"). Said project involved the removal of an asbestos containing transite curtain that was suspended from the ceiling of a manufacturing facility on the Gunther property. Said curtain ran approximately one hundred and fifty feet from east to west along the ceiling of the facility.
2. On or about October 25, 1999, respondent notified the Department that it intended to remove the transite panels as an asbestos abatement project using full containment with negative air.
3. On or about November 6, 1999 through November 8, 1999, respondent apparently undertook the removal of the transite panels at the Gunther property without using full containment with negative air. The respondent has stated to the Department that it

expected to accomplish the removal without the disturbance of the transite panels. At no time did the respondent notify the Department of any change in the abatement procedure. During the project, panels were broken.

4. Following the disturbance of the panels at the Gunther property, the respondent:
  - a. failed to properly isolate the work area from the non-work areas with air-tight barriers attached securely in place in that no polyethylene sheeting was used to contain the work area. Instead, a barrier tape was used to delineate the work area and employees of Gunther International were told not to cross the barrier tape;
  - b. failed to shut down, lock out and/or isolate the facility heating, ventilating and air conditioning systems to prevent contamination of and fiber dispersal to other areas of the facility;
  - c. failed to cover all non-movable objects in the work area with a minimum of six mil polyethylene sheeting secured in place;
  - d. failed to cover all floor and wall surfaces in the work area with polyethylene sheeting or the equivalent;
  - e. failed to repeat the sequence of high efficiency particulate air (HEPA) filtered vacuuming and wet cleaning until no visible residue is observed in the work area in that pieces of asbestos containing transite debris were found scattered throughout the work area;
  - f. failed to provide negative pressure ventilation units with HEPA filtration (hereinafter "Air Filtration Units") in sufficient number to allow at least one work place air exchange every fifteen minutes in that no Air Filtration Units were used during the removal of the asbestos containing transite curtain from the facility;
  - g. failed to adequately wet and contain all asbestos containing waste in leak-tight containers;

- h. failed to ensure that all asbestos containing waste containers were labeled appropriately with generator information; and/or
  - i. failed to satisfy applicable state laws pertaining to the collection and analysis of air samples for post abatement reoccupancy of the work area in that no reoccupancy air samples were collected.
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, 19a-332a-5(b), 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(e), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-12, 20-440-1 and 20-440-6(b).

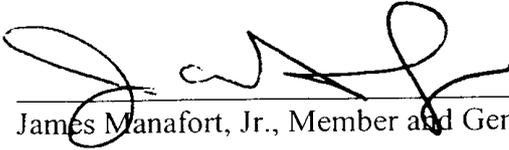
WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if 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 000278 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) 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 368l 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.

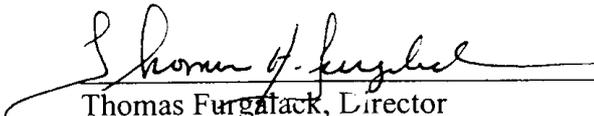
I, James Manafort, Jr., Member and General Manager of CRP, LLC, have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company. I hereby stipulate and agree to bind CRP, LLC to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
James Manafort, Jr., Member and General Manager

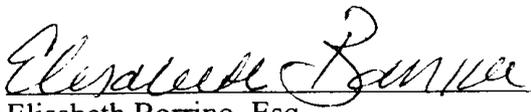
Subscribed and sworn to before me this 28<sup>th</sup> day of December 2000.

  
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 4<sup>th</sup> day of January 2000<sup>SHL</sup>, it is hereby accepted.

  
Thomas Furgalack, Director  
Division of Environmental Health

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 2<sup>nd</sup> day of January 2000<sup>4B</sup>, it is hereby ordered and accepted.

  
Elisabeth Borrino, Esq.  
Hearing Officer  
Public Health Hearing Office

s:llf/crp/co  
12/00