

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

In re: Polied Environmental Services, Inc.

Petition No. 2002-0124-053-003

CONSENT ORDER

WHEREAS, Polied Environmental Services, Inc. of Hamden, CT (hereinafter "respondent") has been issued license number 000300 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, respondent admits that:

1. In or about December 2001, respondent was the licensed asbestos contractor for an asbestos abatement project at 173 Deming Street, Manchester, CT (hereinafter "the property"). Said project involved the removal of approximately 920 square feet of asbestos containing floor tile and 55 square feet of asbestos spray-on material in connection with the demolition of a house on the property.
2. On or about December 27, 2001, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to properly construct and/or operate a worker decontamination system in that there was no shower unit on site and there was no water source available during a Department inspection;
 - b. failed to adequately wet asbestos containing floor tile prior to removal in that there was no water source available and one of respondent's workers admitted to a Department inspector that the workers were performing a dry removal; and/or

c. failed to utilize clean up procedures, involving repeating the sequence of wet cleaning and high efficiency particulate air filtered vacuuming in that there was no water source available during a Department inspection. The Department inspector remained at the property until respondent's workers were able to obtain water by running hoses to a water source at an adjacent property.

3. 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 §§19a-332a-1, 19a-332a-2, 19a-332a-5(g), 19a-332a-6, 19a-332a-7(a), 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 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 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 000300 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand and eight hundred dollars (\$1,800.00) 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 by the Department.
7. Respondent understands 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 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.

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

Richard Shultz
Richard Shultz, Vice President

Subscribed and sworn to before me this 27th day of April 2002.

GAIL P. BROWN
Notary Public, State of Connecticut
My Commission Expires July 31, 2006

Gail Brown
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 22nd day of April 2002, it is hereby accepted.

Thomas H. Furgalack
Thomas H. Furgalack, Director
Division of Environmental Health

s:llf/polied/co
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