

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

In re: **Clear Air** Control Corporation

Petition No. 990524-053-008

CONSENT ORDER

WHEREAS, Clear Air Control Corporation (hereinafter "respondent") has been issued license number 000305 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 April 1999, respondent was the licensed asbestos abatement contractor for an asbestos abatement project conducted in a facility located at Little Meadow Road, Guilford, Connecticut (hereinafter "the facility"). The asbestos abatement project was conducted in connection with the renovation of a facility operated by the Federal Aviation Administration.
2. On or about April 15, 1999, respondent, in connection with an asbestos abatement project conducted by respondent in the facility:
 - a. failed to equip the work area with an adequate decontamination system in that during an inspection by the Department there was no warm water being supplied to the shower room and a Department inspector observed asbestos abatement workers leaving the work area without decontaminating by showering, wet washing or using a high efficiency particulate air (HEPA) filtered vacuum to remove all asbestos debris; and/or

- b. failed to properly label all asbestos waste containers in that a Department inspector observed waste containers loaded onto respondent's truck and said containers were not properly labeled with the applicable generator information. Respondent's asbestos abatement supervisor had to leave the work site to obtain the appropriate generator labels as respondent did not have any such labels on site.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, Chapter 400a and §19a-332a(b), taken in conjunction with the Regulations, Connecticut State Agencies §§19a-332a-1, 19a-332a-2, 19a-332a-5(k), 19a-332a-6 and/or 19a-332a-18(e).

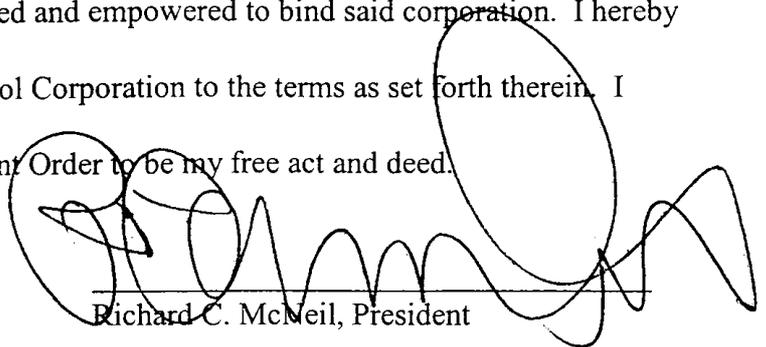
WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 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 000305 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand four hundred and fifty dollars (\$1,450.00) 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.

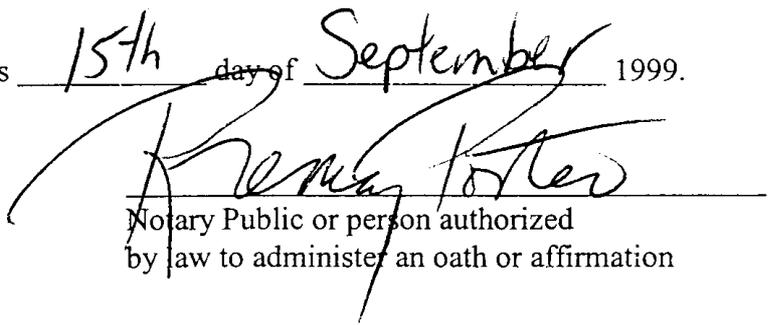
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on date this Consent Order is accepted and ordered by the Department.
7. Respondent 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 Chapter 400a 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 C. McNeil, President of Clear Air Control Corporation, 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 Clear Air Control Corporation to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



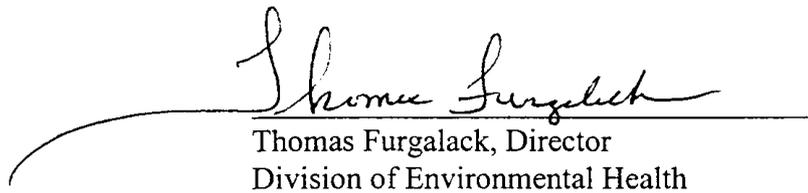
Richard C. McNeil, President

Subscribed and sworn to before me this 15th day of September 1999.



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 29th day of September 1999, it is hereby accepted.



Thomas Furgalack, Director
Division of Environmental Health

s:llf/clearair/co
7/99