

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

In re: Asbestos Management Co., L.L.C.

Petition No. 2002-0131-053-004

CONSENT ORDER

WHEREAS, Asbestos Management Co., L.L.C. of Torrington, CT (hereinafter "respondent") has been issued license number 000376 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 86 Storrs Road, Willimantic, CT (hereinafter "the property"). Said project involved the removal of approximately 36,500 square feet of asbestos containing floor tile in connection with the renovation of a vacant retail building.
2. On or about December 27, 2001, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to restrict work area access to authorized personnel afforded proper respiratory protection and/or protective clothing in that two (2) workers were removing floor tile without respiratory protection and one (1) worker entered the work area without respiratory protection or protective clothing, during a Department inspection of the project; and
 - b. failed to isolate the work area from non-work areas with air-tight barriers attached securely in place in that a Department inspector observed that the polyethylene

sheeting was cut and a plywood panel, used to exhaust the negative pressure ventilation units, was kicked in.

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(c), 19a-332a-5(f) 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 000376 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of nine hundred dollars (\$900.00) 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 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 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, Daniel Cimmino, Member and General Manager of Asbestos Management Co., L.L.C., 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 Asbestos Management Co., L.L.C. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Daniel Cimmino
Daniel Cimmino, Member and General Manager

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

Lillian Sivastian
Notary Public or person authorized
by law to administer an oath or affirmation
Lillian Sivastian
My commission expires 11/30/2006

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 8th day of April 2002, it is hereby accepted.

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

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LEGAL OFFICE

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