



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR STANDARDS

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February 15, 2019

Docket No: AB-19-0098

Superintendent Robert Gerardi  
Maynard Public Schools  
3R Tiger Drive  
Maynard, MA 01754

RE: Green Meadow School, 5 Tiger Drive, Maynard

**CIVIL CITATION WITH CIVIL PENALTY**

Pursuant to 453 CMR 6.00 and 454 CMR 29.04, the Department of Labor Standards (“DLS”) hereby issues a Civil Citation with Civil Penalty to the Maynard Public Schools, whose principal location is 3R Tiger Drive, Maynard, MA (hereinafter the “Respondent”), for the following reasons:

Under authority delegated by the United States Environmental Protection Agency (“EPA”), the Massachusetts Department of Labor Standards administers and enforces the Asbestos-Containing Materials in Schools Rule, 40 CFR 763, Subpart E, commonly known as the Asbestos Hazard Emergency Response Act (“AHERA”). AHERA requires that local education agencies (“LEA”) inspect school buildings that they own, lease or rent for asbestos-containing building materials (“ACBMs”), create and execute written plans for managing ACBMs in a manner that minimizes asbestos exposure hazards, abate asbestos hazards that cannot be controlled through operations and maintenance (“O&M”) procedures, and carry out certain recordkeeping and notification functions. The regulation further specifies the mandatory elements that are to be included as part of a school’s management plan.

On February 12, 2019, DLS conducted an inspection at the Green Meadow School, located at 5 Tiger Drive, Maynard, MA in response to a complaint alleging damaged asbestos containing ceiling tiles were present in the school. During the inspection, violations of AHERA were observed. The Maynard Public Schools, the Local Education Agency (“LEA”), was not in compliance with the AHERA requirements.

The Green Meadow School lies within the Maynard Public Schools, which is the Local Education Agency (“LEA”) that has the ultimate responsibility to ensure schools within its jurisdiction comply with AHERA.

### **STATEMENT OF FACTS**

On or about January 31, 2019, DLS received a complaint alleging that damaged ceiling tiles were present in the Green Meadow School. As part of the complaint, DLS received photographs of damaged ceiling tiles within the Kindergarten wing of the school. Some of those photographs depicted buckets resting on top of the ceiling tiles and squares cut into the tiles, in addition to water stained tiles, dislodged or missing tiles, cracked tiles and replacement tiles.

The school released an indoor air quality report in September 2018, which identified that mold was present in the school. Subsequent to the mold report, the school began replacing water damaged ceiling tiles, and installing ceiling tiles that were missing. Personnel performing the replacement of ceiling tiles were not provided with the proper training and equipment to disturb asbestos containing materials. Historical documentation was not available to confirm what type of work practices were used during the ceiling tile repair/replacement.

According to documentation provided by the LEA, a piece of ceiling tile approximately one square inch fell into an easel in Room 7D. The AHERA Designated Person performed the cleanup of the material, and containerized the waste. Following this incident, the LEA isolated the entire Kindergarten wing, and relocated the students. No school personnel have been permitted to enter the Kindergarten wing, which will remain isolated until the ceiling tiles are abated during February vacation. Although there are several potential scenarios that could have resulted in the piece of ceiling tile becoming dislodged, it could not be ascertained as to the specific reason this small piece of ceiling tile became dislodged.

### **OBSERVATIONS**

DLS performed a visual inspection of randomly selected classrooms in the Kindergarten wing, to verify the condition of the ceiling tiles. During that inspection, DLS observed and photographed artwork, pins, string and other miscellaneous materials affixed to the asbestos ceiling tiles, and attached to the grid between the tiles. DLS also verified that there were missing, damaged and water stained ceiling tiles present in the school.

DLS observed that there were a multitude of sizes and textures of ceiling tiles within the school. The 2017 reinspection report indicates that all 2’x4’ ceiling tiles and all 1’x1’ ceiling tiles are asbestos containing by previous sampling. However, no bulk sample reports were available in the management plan to confirm where samples were collected, when they were collected, if samples were collected in a randomly distributed manner, and the results of the analysis. Due to the non-homogeneity of the ceiling tiles, it is difficult to determine which of the tiles contain

asbestos and which do not. Therefore, all tiles must be assumed to contain asbestos.

Based on the observations during the inspection, it appears that the scope of the Operations & Maintenance (“O&M”) activities performed in the Green Meadow School exceeded the de minimus amount of 3 linear or square feet. O&M activity, also referred to as Asbestos Associated Project Work, is specifically intended to allow a properly trained person to remove up to 3 linear or square feet of asbestos containing material (“ACM”) in order for a contractor to safely perform work unrelated to asbestos (ie plumbing, electrical). It is not intended to permit anyone to remove, repair, enclose, encapsulate, or otherwise disturb more than three feet of ACM, in small increments, over a long period of time, to accomplish a project that affects amounts of ACM well over the 3 foot threshold. It was also discovered that the work practices specified at 453 CMR 6.13(1) were not implemented. When a project, in its totality, exceeds 3 linear or square feet, all applicable provisions of 453 CMR 6.00 and 310 CMR 7.0 must be followed.

Multiple penetrations through the ceiling tiles were also observed, such as fire alarms, sprinkler heads, and IT equipment. DLS also observed that teachers had been hanging school projects and decorations directly on the ceiling tiles, and on the grid between the tiles. It cannot be determined whether the Indoor Air Quality testing for mold involved the disturbance of ceiling tiles; however photographs submitted to DLS depicting the space above the ceiling may have also disturbed the ceiling tiles.

DLS observed that the management plan had not been updated since 2012, and that the following documentation was missing from the management plan:

- Executed copies of outside contractor notifications, or a list of contractors that had received a notice that asbestos may be present in the school
- Records of periodic surveillance that had been performed prior to 2017
- Dated copies of the annual notification, and the method of notification
- A fully executed Designated Person statement
- The name, address, and contact information for the Designated Person
- Records indicating that all custodial and maintenance personnel had received the two hour asbestos awareness training
- Records indicating that personnel who performed Operations & Maintenance (“O&M”) activities that disturbed ACM had received the 16 hour O&M training.
- Records of O&M activities that had been completed since September 2018 for the replacement and repair of ceiling tiles.

## CIVIL CITATION AND ORDER TO CORRECT VIOLATIONS

### VIOLATIONS OF AHERA, 40 CFR Part 763

Pursuant to 453 CMR 6.00 and 454 CMR 29.04(1), the Department of Labor Standards (“DLS”) hereby issues a Civil Citation with Civil Penalty to Robert Gerardi, Superintendent, Maynard Public Schools, 3R Tiger Drive, Maynard, MA 01754 for the following reasons:

#### **Item 001**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to select and implement in a timely manner the appropriate response action recommendations to protect human health and the environment. Damaged ACM was itemized in the 2017 reinspection report, with a response action schedule to complete the repairs/removal by August 2017. No records were available to document that the response actions were completed. Visual inspection confirmed that the repairs/removal had not been completed, and interim controls had not been implemented.

**Regulation:** 40 CFR 763.90.

**Effect on Building Occupants:** Failure to repair or remove damaged ACM can result in building occupant exposure to airborne asbestos. Prompt remedial action is required once damaged or deteriorated ACM is identified.

#### **Corrective Action:**

Respondent will implement the following corrective actions, and provide documentation to DLS that these actions have been completed:

- Consult the 2017 reinspection report, and conduct a periodic surveillance to determine all locations where ACM is damaged, including thermal system insulation identified in the boiler room and ceiling tiles throughout the school.
- The LEA will prioritize response actions based on the extent of damage, the friability of the material, and the location/accessibility of the material. Provide DLS with the anticipated response action(s) to be taken, locations where the response actions will be taken, and tentative schedule for completion for any damaged ACM identified.
- Damaged friable ceiling tiles must be repaired or removed no later than December 31, 2019.
- Provide written documentation to DLS describing the means and methods that the LEA will implement to carefully monitor the ACM until removal/repairs can be completed.
- Provide a copy of the response action records to DLS, and maintain a copy in the management plan.

Based upon the fact that Respondent was put on notice in March 2017 that damaged friable ACM was present in the school, and Respondent was issued a schedule to complete response actions by August 30, 2017, DLS finds that Respondent had actual knowledge of this requirement and failed to implement the applicable actions required by AHERA. Based on that finding, and the number of people impacted as a result of the Respondent’s failure to act, a determination has been made that the actions committed by the Respondent were performed with “specific intent” as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5

times multiplier of the base penalty (\$1,000.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Five Thousand Dollars (\$5,000.00)**, pursuant to 453 CMR 9.04.

**Item 002**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to ensure that short term workers who may come in contact with asbestos in a school are provided information regarding the locations of ACBM and suspect ACBM assumed to be ACM.

**Regulation:** 40 CFR 763.84(d)

**Effect on Building Occupants:** Short term workers, or outside contractors, may accidentally disturb ACM when they are not advised if their work will impact any ACM. Accidental disturbances can result in unintentional asbestos fiber release.

**Corrective Action:**

Respondent must implement a policy to notify short-term workers who may come in contact with asbestos in a school and provide information regarding the locations of ACM and suspect ACBM assumed to be ACM. Provide written documentation to DLS that includes a copy of the executed contractor notifications, or a list of contractors notified, and method of notification as evidence that this corrective action has been completed. Respondent must maintain copies of notification in the management plan.

Based upon the fact that Respondent was put on notice in March 2017 that damaged friable ACM was present in the school, DLS finds that Respondent had actual knowledge of the location and condition of the ACM and failed to implement the applicable actions required by AHERA. Based on that finding, and the number of people impacted as a result of the Respondent's failure to act, a determination has been made that the actions committed by the Respondent were performed with "specific intent" as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$1,000.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Five Thousand Dollars (\$5,000.00)**, pursuant to 453 CMR 9.04.

**Item 003**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to ensure that workers who disturbed asbestos containing materials in the school as part of O&M activities were properly trained, and implemented safe work practices.

**Regulation:** 453 CMR 6.02, 6.03(10)(a), 6.10(4)(h) and 40 CFR 763 Appendix B to Subpart E.

**Effect on Building Occupants:** Proper training provides assurance to building occupants that the maintenance personnel are aware of the safe handling procedures and protective measures needed when disturbing ACM during a maintenance activity.

**Corrective Action:**

- For any public employees performing O&M activities in the school, Respondent will provide DLS with proof of 16 hour training, a copy of the written Respirator Program, and proof of employee participation in a Medical Monitoring Program.
- Respondent will provide DLS with documentation that HEPA vacuums have been provided for cleanup after O&M activities, and for cleanup of asbestos contaminated debris and waste.
- Alternatively, Respondent will provide written confirmation to DLS that all O&M activities that disturb ACM will no longer be conducted by public employees.

Based upon the fact that Respondent has been repeatedly disturbing ACM over an extended period of time, without regard for applicable regulatory requirements, and the number of people impacted as a result of the Respondent's actions, a determination has been made that the actions committed by the Respondent were performed with "specific intent" as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$1,000.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Five Thousand Dollars (\$5,000)**, pursuant to 454 CMR 9.04.

**Item 004**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to ensure that properly trained and licensed personnel performed asbestos related work that exceeded the de minimus amount of 3 linear or square feet of ACM for O&M activities. The extent of the ceiling tile replacement work required the use of a trained and licensed asbestos contractor, and the notification and work practice requirements of 453 CMR 6.00 and 310 CMR 7.00

**Regulation:** 453 CMR 6.02, 6.03(3), 6.03(13), 6.10(4)(b), and 6.14(4)

**Effect on Building Occupants:** The specific training and licensure required for all asbestos related work other than O&M activities provides assurance to building occupants that asbestos materials are handled safely, and the space has been cleared for re-occupancy.

**Corrective Action:**

- Respondent will provide written confirmation to DLS that any work which disturbs greater than 3 linear or square feet will be performed by an asbestos contractor using trained and licensed workers/supervisors.
- Respondent will provide a notification to the MassDEP (ANF-001) and DLS prior to the disturbance of any ACM in the school building.
- Respondent will provide response action records to DLS, including the project design, the contractor sign in logs, the project monitor logs, the final air clearance report, and the waste manifest.

Based upon the fact that Respondent has been repeatedly disturbing ACM over an extended period of time, without regard for applicable regulatory requirements, and the number of people impacted as a result of the Respondent's actions, a determination has been made that the actions

committed by the Respondent were performed with “specific intent” as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$1,000.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Five Thousand Dollars (\$5,000)**, pursuant to 454 CMR 9.04.

**Item 005**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to provide and document that asbestos awareness training had been provided to all maintenance and custodial staff, including new hires.

**Regulation:** 40 CFR 763.92(a)(1) and 763.94(c).

**Effect on Building Occupants:** Documentation of training provides assurance to building occupants that the custodial and maintenance personnel are properly trained on the locations of ACM in the school building and the school’s policies on how to handle it safely.

**Corrective Action:**

Respondent will schedule the two hour awareness training for all custodial and maintenance staff, and advise DLS of the date of training. Upon completion of the training, provide the sign in sheet or other proof of training indicating that all employees have received the Asbestos Awareness training.

Based upon the fact that Respondent has damaged friable ACM in the building, failed to update the management plan since 2012, and the number of people impacted as a result of the Respondent’s actions, a determination has been made that the actions committed by the Respondent were performed with “specific intent” as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$1,000.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Five Thousand Dollars (\$5,000)**, pursuant to 454 CMR 9.04.

**Item 006**

**Due Date: May 15, 2019**

**Violation:** Respondent failed to conduct periodic surveillance at least once every six months in each building that it leases, owns or otherwise uses as a school building that contains ACM or assumed ACM between 2012 and 2017.

**Regulation:** 40 CFR 763.92 (b)(1) and 763.94(d).

**Effect on Building Occupants:** When periodic surveillance is conducted routinely, any damaged ACM can be identified and remediated in a timely manner, thereby protecting building occupants from exposure to airborne asbestos fibers. Accurate records indicate a history of compliance and a proactive effort to protect building occupants.

**Corrective Action:**

Respondent will immediately commence performing periodic surveillance at least once every six months in each building that it leases, owns or otherwise uses as a school building that contains ACM or assumed ACM.

- Respondent will verify the locations and condition of the ACM identified in the 2017 reinspection report.
- Respondent will document the date of surveillance, the name of the person performing the surveillance, and any changes in condition of the materials.
- Provide DLS with a copy of the next two periodic surveillances, and maintain a copy in the management plan.

Based upon the fact that Respondent has damaged friable ACM in the building, failed to update the management plan since 2012, and the number of people impacted as a result of the Respondent's actions, a determination has been made that the actions committed by the Respondent were performed with "specific intent" as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$1,000.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Five Thousand Dollars (\$5,000)**, pursuant to 454 CMR 9.04.

**Item 007**

**Due Date: May 15, 2019**

**Violation:** Respondent failed to implement an operations, maintenance and repair program (O&M) whenever friable ACM or assumed ACM is present in a building that it leases, owns, or otherwise uses as a school building.

**Regulation:** 40 CFR 763.91(a).

**Effect on Building Occupants:** An effective O&M program is essential to managing asbestos in good condition, ensuring the prompt cleanup of asbestos fibers previously released, preventing further release of asbestos fibers, and minimizing exposure of all building occupants to asbestos fibers.

**Corrective Action:**

Respondent must review the O&M Program and ensure that the policies and practices are updated to reflect the current course of action used at the Maynard Public Schools.

- Respondent will ensure that any special cleaning practices including the method, frequency and location of any such cleaning, are clearly identified, such as locations where friable ceiling tiles are present.
- Special cleaning will be performed in all areas of the school where friable asbestos ceiling tiles are present, until the ceiling tiles are removed.
- A complete list of elements required for an effective O&M Program can be found at <https://www.epa.gov/asbestos/what-operations-and-maintenance-om-program>.

Based upon the fact that Respondent has damaged friable ACM in the building, failed to update the management plan since 2012, and the number of people impacted as a result of the



Respondent's actions, a determination has been made that the actions committed by the Respondent were performed with "specific intent" as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$1,000.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Five Thousand Dollars (\$5,000)**, pursuant to 454 CMR 9.04.

**Item 008**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to provide notification in writing to parent, teacher and employee organizations of the availability of management plans at least once each school year, the LEA failed to include the method of notification and a dated copy of the notification in the management plan. This is required even if no asbestos is present in a building.

**Regulation:** 40 CFR 763.84(f) and 763.93(g)(4).

**Effect on Building Occupants:** Building occupants benefit from understanding where to look and who to contact with questions related to asbestos in the school.

**Corrective Action:**

Respondent must provide notification to building occupants regarding the availability of the management plan, and maintain a dated copy in the management plan. Provide DLS with a copy of the 2018-19 notification, and method of notification to document that this corrective action has been completed.

Based upon the fact that Respondent has damaged friable ACM in the building, failed to update the management plan since 2012, and the number of people impacted as a result of the Respondent's actions, a determination has been made that the actions committed by the Respondent were performed with "specific intent" as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$500.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Two Thousand Five Hundred Dollars (\$2,500)**, pursuant to 454 CMR 9.04.

**Item 009**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to provide in the management plan a true and correct statement signed by the designated person of the LEA which certifies that the general LEA responsibilities have been, or will be met, and include the name, address, telephone number and training documentation for the designated person.

**Regulation:** 40 CFR 763.93(e)(4) and 763.93(i).

**Effect on Building Occupants:** All parties benefit from knowing who to contact with questions related to asbestos in the school.

**Corrective Action:**

Update the management plan in all Maynard Public Schools with a true and correct statement signed by the designated person of the LEA which certifies that the general LEA responsibilities have been, or will be met, and include the name, address, telephone number and training documentation for the designated person. Provide documentation to DLS that this action has been completed, and maintain a copy of the statement in the management plan.

Based upon the fact that Respondent has damaged friable ACM in the building, failed to update the management plan since 2012, and the number of people impacted as a result of the Respondent's actions, a determination has been made that the actions committed by the Respondent were performed with "specific intent" as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$500.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Two Thousand Five Hundred Dollars (\$2,500)**, pursuant to 454 CMR 9.04.

**Item 010**

**Due Date: March 15, 2019**

**Violation:** Respondent failed to maintain a complete, updated copy of the management plan in the both the administrative office and the school office.

**Regulation:** 40 CFR 763.93(g)(1), (2) and 763.84(f).

**Effect on Building Occupants:** School personnel and outside contractors may need to refer to the management plan to identify the locations of ACM in the building, thereby preventing accidental disturbance of asbestos. School custodians may need to refer to the management plan for policies and procedures, such as special cleaning methods and frequency.

**Corrective Action:**

Provide documentation to DLS that the LEA is maintaining a complete, updated copy of the management plan in the school office and the administrative office, which includes, but is not limited to, periodic surveillance, training documentation, notifications, records of O&M activities, and response action records.

Based upon the fact that Respondent has damaged friable ACM in the building, failed to update the management plan since 2012, and the number of people impacted as a result of the Respondent's actions, a determination has been made that the actions committed by the Respondent were performed with "specific intent" as defined by 454 CMR 29.02. The penalty amounts were calculated using a 5 times multiplier of the base penalty (\$500.00) for this violation as permitted under 454 CMR 29.04(2)(b).

For the above listed violation, DLS is assessing a Civil Penalty in the sum of **Two Thousand Five Hundred Dollars (\$2,500)**, pursuant to 454 CMR 9.04.

## CIVIL PENALTY

For the violations identified above, the Respondent shall pay to the Commonwealth a Civil Penalty in the sum of **Eight Thousand Five Hundred Dollars (\$42,500.00)**.

Payment of the Civil Penalty shall be made by certified check, cashier's check, or money order **payable to the order of the Commonwealth of Massachusetts**. No other form of payment shall be accepted.

The payment of the Civil Penalty shall be made within 21 days of the date of issuance of this Civil Citation (**by March 8, 2019**) or, if the Civil Citation is appealed, within 21 days of settlement or final administrative or judicial adjudication of the appeal, whichever is later. Payment shall be sent to the Department of Labor Standards, 19 Staniford Street, 2<sup>nd</sup> Floor, Boston, MA 02114, Attention: Licensing Unit. Please include the docket number and your company name on the payment.

Failure to pay a Civil Penalty or **otherwise fail to comply with the requirements set forth** in a Civil Citation may result in the issuance of an order for the cessation of all relevant activities of the person, firm, corporation or entity to whom the Civil Citation is issued, the proposed suspension or revocation of any license issued by DLS to the person, firm, corporation or entity to whom the Civil Citation is issued, and may result in referral of this action to a debt collection agency and/or submission of this debt to the Attorney General's Office for further action and other sanctions provided by 454 CMR 29.04(5). Furthermore, deductions may be made from other monies you may receive from the Commonwealth to cover any amount due to DLS.

## ORDER TO CORRECT VIOLATIONS

### ACTIONS TO BE TAKEN AND DEADLINES FOR TAKING SUCH ACTIONS

A Corrective Due Date has been established for each item listed in this Civil Citation and Order to Correct in which a corrective action is required. **The Corrective Action Due Date is March 15, 2019**. The Respondent must notify DLS in writing that appropriate corrective action has been completed within the time frame set forth on the citation(s). Send supporting documentation to Janet McKenna, Department of Labor Standards, 1 Federal Street, Bldg. 101-3, Springfield, MA 01105.

An extension of a Corrective Action Due Date for a particular item may be requested in writing if the Respondent can demonstrate correction of the remaining items, demonstrate progress toward correction of the item, and give assurance that interim safeguards are implemented to

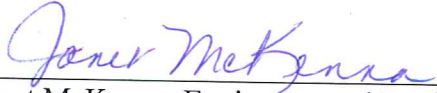
protect school employees, contractors and occupants. Requests can be made to Janet McKenna, Department of Labor Standards, 1 Federal Street, Bldg. 101-3, Springfield, MA 01105.

### RIGHT TO APPEAL

Respondent has the right to appeal this Civil Citation and Civil Penalty and to obtain a hearing in accordance with the provisions of Massachusetts General Laws Chapter 30A. If held, such a hearing shall be conducted under the Formal Rules set forth in 801 CMR 1.01 of the Standard Rules of Adjudicatory Practice and Procedure. In order to exercise this right, the Respondent must request a hearing in writing within ten (10) calendar days of his receipt of this Citation. This Citation is deemed to be received by Respondent not later than the third business day after mailing, which is the date of this Citation. See 454 CMR 29.06(b). **Accordingly, your appeal must be received by the Department no later than March 2, 2019.** Pursuant to 801 CMR 1.01(6)(c), Respondent shall clearly and concisely state the facts upon which Respondent's appeal is based and also state any relief sought.

Respondent's request for a hearing on the Civil Citation shall be addressed to John Ronan, General Counsel, Department of Labor Standards, 19 Staniford St., 2<sup>nd</sup> Floor, Boston, MA, 02114.

Any questions regarding this Civil Citation and Civil Penalty should be directed to Janet McKenna, Environmental Engineer, Department of Labor Standards, 1 Federal Street, Bldg. 101-3, Springfield, MA, 01105, telephone (617) 626-5673.

  
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Janet McKenna, Environmental Engineer III  
MA Department of Labor Standards

DATE: 2/15/19

cc:

John Ronan                      General Counsel, Department of Labor Standards  
Michael Flanagan            Chief, Safety & Health Programs, Department of Labor Standards