

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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Scott Walker, Governor
Laura Gutiérrez, Secretary

NOTICE OF VIOLATIONS AND ORDERS

December 19, 2018

CUST ID No.: 1247731 TRANSACTION No.: 3180300
Phone: (608)854-2261

SOUTHWESTERN SCHOOLS
PO Box 368
HAZEL GREEN, WI 53811

Site ID No.: 132233 Southwestern Elementary/Middle School
SITE ADDRESS: 1415 Fairplay St
Grant County, Village of Hazel Green
Site Contact: John Costello
Contact Phone: 608-854-2261
Contact E-mail: costelloj@swsd.k12.wi.us

Regulated Objects:

Facility: 605104 SOUTHWESTERN ELEMENTARY/MIDDLE SCHOOL
1415 FAIRPLAY ST
HAZEL GREEN 53811

0005995

Nature of Complaint Summary: asbestos (18 COM 76)
Object Type: Complaint Regulated Object ID No.: 1501851
Last Inspection Date: July 13, 2018

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site.

The following violations were revealed:

1. Code Section Violated: 1910.1001(j)(7)(iv) The employer shall also provide, at no cost to employees who perform housekeeping operations in an area which contains ACM or PACM, an asbestos awareness training course, which shall at a minimum contain the following elements: health effects of asbestos, locations of ACM and PACM in the building/facility, recognition of ACM or PACM damage and deterioration, requirements in this standard relating to housekeeping, and proper response to fiber release episodes, to all employees who perform housekeeping work in area where ACM and/or PACM is present. Each such employee shall be so trained at least once per year.

Condition Found: Annual training records were not available for review.

Action Required: Provide annual training to custodial and maintenance personnel.

2. Orders were entered on December 2, 2014, (Trans. ID#2463679) (attached as Ex. 1) requiring providing annual training to custodial and maintenance personnel staff and to develop a communication method to inform contractors of the presence and location of PACM and ACM in the buildings. An investigation determined that proper training was not provided in 2016 and 2017. Therefore, due to this violation of the 2014 orders the Department requires the following for the next five years (2019-2023):

Provide annual records that custodial and maintenance staff have received the more in-depth asbestos training as required by 29 CFR §1910.1001(j)(7)(iv) to Ann Jurkowski (Ann.Jurkowski@wisconsin.gov) or another DSPS Industrial Hygienist before December 31 of each year.


All violations starting with "1910" are incorporated through SPS 332.50(2).

If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. § 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Wis. Stat. § 101.02(6)(e) states. Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. The petition shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. All petitions must be received within 30 days of this Order.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

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|----------------------------------------------------------------------------------------------|--|-------------------------------------------------|
| INSPECTOR NAME: Matthew McCasland | | INVESTIGATION DATE: 7/13/2018 |
| PHONE/WORK HOURS: (608)266-9814 | | |
| E-MAIL: matthew.mccasland@wisconsin.gov | | INVESTIGATION TYPE: Requested |
| SIGNATURE:  | | INVESTIGATION SOURCE: Other |
| DATE: 12/19/18 | | COMPLIANCE DATE: 1/22/19 |
| | | Fee Required: (Invoice will be send Separately) |
| | | PTO Expires: |

cc: Ann Jurkowski, Ann.Jurkowski@wisconsin.gov, 608-438-6331



DIVISION

EXHIBIT

1

NOTICE OF VIOLATIONS AND ORDERS

December 02, 2014

CUST ID No.: 1247731

TRANSACTION No.: 2463679

Phone: 608/854-2261

SOUTHWESTERN SCHOOLS
1415 FAIRPLAY ST
HAZEL GREEN WI 53811

Site ID No.: 132233 Southwestern WI Community
Schools

SITE ADDRESS: 1415 Fairplay St
Grant County, Town of Hazel Green

Site Contact: Dr. James Egan

Contact Phone: 608-854-2261 ext. 301

Contact Fax:

Contact E-mail: jegan@swsd.k12.wi.us**Regulated Objects:**

Facility: 605104 SOUTHWESTERN ELEM & HIGH SCHOOL
1415 FAIRPLAY ST
HAZEL GREEN 53811

Nature of Complaint Summary: asbestos

Object Type: Complaint Regulated Object ID No.: 1501851

Last Inspection Date: November 19, 2014

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site.

The following violations were revealed:

ASBESTOS

1. Code Section Violated: 1910.1001(j)(3)(i) Building and facility owners shall determine the presence, location, and quantity of ACM and/or PACM at the work site. Employers and building and facility owners shall exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM.

Condition Found: PACM floor tile was removed by a contractor.

Action Required: Develop a communication method to inform contractors of the presence and locations of PACM and ACM in buildings.

2. Code Section Violated: 1910.1001(j)(7)(iv) The employer shall also provide, at no cost to employees who perform housekeeping operations in an area which contains ACM or PACM, an asbestos awareness training course, which shall at a minimum contain the following elements: health effects of asbestos, locations of ACM and PACM in the building/facility, recognition of ACM or PACM damage and deterioration, requirements in this standard relating to housekeeping, and proper response to fiber release episodes, to all employees who perform housekeeping work in area where ACM and/or PACM is present. Each such employee shall be so trained at least once per year.

Condition Found: Annual training records were not available for review.

Action Required: Provide annual training to custodial and maintenance personnel.

You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to s. 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Ch. 101.02(6)(e) stats. Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter.

All violation orders starting with "1910" or "1926" are referenced through SPS 332.50(2), referencing: 29 CFR 1904, 1910 & 1926 (OSHA regulations)

Notice: Employer must post a copy of this report at site of violation for minimum of 3 days or until all violations are abated, whichever is longer – Wis. Stats. 101.055(6). All violations noted must be abated by the compliance date, with extensions granted only if a good faith effort is established. Extensions are not automatically granted, and must be accompanied by an accepted compliance/abatement plan and approved by the compliance officer.

The information you provide may be used for other government agency programs [Privacy Law s. 15.04(1)(m)]

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|--------------------------------------|------------------------------|
| INSPECTOR NAME: Ann Jurkowski | INVESTIGATION DATE: 11/19/14 |
| PHONE/WORK HOURS: (608)438-6331, M-F | |
| E-MAIL: ann.jurkowski@wisconsin.gov | |
| SIGNATURE: _____ | DATE: _____ |
| | COMPLIANCE DATE: 01/09/15 |
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