

3745-22-03

General application procedures and provisions for contractors, specialists, designers, air monitors, and workers.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

(A) To apply for an asbestos abatement contractor's license, or for certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, or an asbestos hazard abatement worker a person shall do all of the following:

(1) Submit a completed application to the director, on forms prescribed and provided by the director, containing the information required under this chapter.

(2) If applying for certification, submit a current, color, original, and clear passport type photograph of the applicant for the purpose of providing proper identification.

(3) Pay the non-refundable fee required under the following schedule:

(a) For asbestos hazard abatement contractors, an annual fee of seven hundred fifty dollars. The fee for a request to replace a license prior to the expiration date is two hundred dollars.

(b) For asbestos hazard abatement specialists, an annual fee of two hundred dollars. The fee for a request to replace a certificate prior to the expiration date is fifty dollars.

(c) For asbestos hazard evaluation specialists, an annual fee of two hundred dollars. The fee for a request to replace a certificate prior to the expiration date is fifty dollars.

(d) For asbestos hazard abatement project designers, an annual fee of two hundred dollars. The fee for a request to replace a certificate prior to the expiration date is fifty dollars.

(e) For asbestos hazard abatement air-monitoring technicians, an annual fee of one hundred dollars. The fee for a request to replace a certificate prior to the expiration date is thirty dollars.

(f) For asbestos hazard abatement workers, an annual fee of fifty dollars. The fee for a request to replace a certificate prior to the expiration date is twenty dollars.

- (4) Submit requests for a replacement of a license or certificate in writing. The request shall contain the name, address, license or certificate number, and tax identification number of the person requesting the replacement and an explanation of the reason that the replacement is necessary.
- (B) Within fifteen business days after receiving an application, the director shall acknowledge receipt of the application and notify the applicant of any deficiency in the application. Within sixty calendar days after receiving a completed application, including all additional information requested by the director, the director shall issue a license or certificate or deny the application. The director shall issue only one effective license or certificate from each category to any person, including any business or public entity and its principle officers.
- (C) Subject to Chapter 119. of the Revised Code, the director may deny, suspend, or revoke any license or certificate, or renewal thereof, if the licensee or certificate holder or applicant for a license or certificate commits any of the following:
- (1) Has within two years preceding the application fraudulently or deceptively obtained or attempted to obtain a license or certificate.
 - (2) Fails at any time to meet the qualifications for a license or certificate.
 - (3) Is violating or threatening to violate any provisions of the following:
 - (a) Chapter 3710. or 3704.03 of the Revised Code, Chapter 3745-20 of the Administrative Code, this chapter or the "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos, 40 CFR Part 61, Subpart M.
 - (b) The regulations of the United States occupational safety administration pertaining to asbestos, 29 CFR section 1926.1101, for business entities or the "Asbestos Abatement Projects" regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
 - (c) The regulations adopted by the United States environmental protection agency pursuant to Title II of the "Federal Toxic Substances Control Act" (1986), 40 CFR Part 763.
- (D) The agency shall deny any application for an asbestos hazard abatement contractor's license if the applicant or an officer or employee of the applicant has been convicted of a felony or found liable in a civil proceeding under any state or federal law designed to protect the environment.
- (E) Persons licensed, certified, or otherwise approved under the laws of another state to

perform functions substantially similar to those of an asbestos hazard abatement contractor, asbestos hazard abatement specialist, asbestos hazard evaluation specialist, asbestos hazard abatement project designer, or asbestos hazard abatement air-monitoring technician, may apply to the director for licensure or certification. The director shall license or certify these applicants upon a determination that the standards for certification, licensure, or approval in the other state are at least substantially equivalent to those established by Chapter 3710. of the Revised Code and this chapter. The director may require an examination before licensure or certification under this paragraph. Persons certified or licensed under this paragraph are subject to the same duties and requirements for renewal as other persons certified or licensed pursuant to Chapter 3710. of the Revised Code and this chapter.

(F) Each license or certificate issued under this chapter expires one year after the date of issuance.

(G) Application for renewal of a license or certificate shall be filed in accordance with Chapter 3745. of the Revised Code by submitting an application for renewal to the director, on forms prescribed and provided by the director, and by paying the appropriate fee as specified in paragraph (A) of this rule.

(H) The director may waive the requirements for a license or certificate in an emergency that results from a sudden, unexpected event that is not a planned asbestos hazard abatement project. "Emergency" includes operations necessitated by nonroutine failures of equipment or by actions of fire and emergency medical personnel pursuant to duties within their official capacities. Any person who performs an asbestos hazard abatement activity under emergency conditions shall notify the director within three days after performance thereof.

(I) The director, without notice or hearing, may issue an order requiring any action necessary to meet an environmental health emergency involving asbestos. For purposes of this paragraph, "Environmental Health Emergency" means any visible emission of asbestos-containing materials during the course of an abatement activity. Environmental health emergency includes, but is not limited to, unauthorized dry removal of asbestos, asbestos abatement activities without engineering controls or contained work area, breaching of contained work area, or visible asbestos-containing dusts or debris outside the contained work area.

(1) Any person to whom an order is directed shall immediately comply with the order.

(2) Upon application to the director, the person shall, subject to Chapter 119. of the Revised Code, be afforded a hearing as soon as possible, but no more than twenty days after receipt of the application by the director.