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CHAPTER 87

Asbestos Abatement License

**SECTION 44‑87‑10.** Definitions.

 As used in this chapter:

 (1) “Asbestos abatement entity” means any individual, partnership, firm, association, corporation, sole proprietorship, or other business concern, as well as an employee or member of a governmental, religious, or social organization, that is involved in asbestos abatement.

 (2) “Asbestos project” means an activity associated with abatement, including inspection, design, air monitoring, in‑place management, encapsulation, enclosure, renovation, repair, removal, any other disturbance of regulated asbestos‑containing materials, and demolition of a regulated facility.

 (3) “Contractor” means an individual partnership, corporation, or other business concern that performs asbestos abatement for a facility owner which is not a permanent employee of the facility owner.

 (4) “Department” means the South Carolina Department of Health and Environmental Control.

HISTORY: 1988 Act No. 431; 2005 Act No. 167, Section 1, eff June 7, 2005.

Effect of Amendment

The 2005 amendment, in item (1), substituted “an employee or member of a” for “any” and at the end “, that is involved in asbestos abatement” for “or union with one or more employees or members which performs asbestos removal or encapsulation”; rewrote item (2); and, in item (3), substituted “facility owner” for “building owner” in two places and made nonsubstantive changes.

**SECTION 44‑87‑20.** Asbestos project licenses; fee; promulgation of forms and regulations.

 (A) Asbestos abatement entities performing asbestos projects shall, before beginning work on a project, obtain an asbestos project license from the department. The license must be obtained for each project, and the fee for the license must be based on the square footage, linear footage, or volume of asbestos involved in the in‑placement management, removal, encapsulation, enclosure, renovation, repair, or any other disturbance of regulated asbestos‑containing materials.

 (B) The department may prescribe appropriate license application forms and may require documentation to be attached to the application which is sufficient to verify that the appropriate fee is paid. The department may by regulation define special projects and prescribe alternate procedures and fees for licensing special projects.

HISTORY: 1988 Act No. 431; 2005 Act No. 167, Section 1, eff June 7, 2005.

Effect of Amendment

The 2005 amendment rewrote this section.

**SECTION 44‑87‑30.** Asbestos project license for projects other than demolition.; forms and documentation requirements; regulations.

 An asbestos abatement entity involved in an asbestos project other than a demolition shall obtain a license from the department. The department may prescribe license application forms and may require documentation to be attached to the application which is sufficient to verify that the appropriate fee is paid. The department by regulation may define categories and requirements for licensing of personnel who perform asbestos abatement work.

HISTORY: 1988 Act No. 431; 2005 Act No. 167, Section 1, eff June 7, 2005.

Effect of Amendment

The 2005 amendment rewrote this section.

**SECTION 44‑87‑40.** Promulgation of regulations prescribing standards of performance; fees.

 (A) The department may promulgate and enforce regulations to implement this chapter and to prescribe standards of performance for asbestos removal operations and criteria for obtaining the licenses required by this chapter.

 (B) The department by regulation may establish fees sufficient to cover reasonable costs associated with the development, processing, and administration of the asbestos program. These costs may include, but are not limited to, staff, equipment, training, legal services, inspection and investigations, and enforcement activities.

HISTORY: 1988 Act No. 431; 2005 Act No. 167, Section 1, eff June 7, 2005.

Effect of Amendment

The 2005 amendment designated subsection (A) and added subsection (B) relating to fees.

**SECTION 44‑87‑50.** Civil penalty.

 A person violating a provision of this chapter may be assessed a civil penalty by the department in an amount not exceeding ten thousand dollars for each violation.

HISTORY: 1988 Act No. 431; 2005 Act No. 167, Section 1, eff June 7, 2005.

Effect of Amendment

The 2005 amendment at the beginning of the section substituted “A” for “In addition to any other penalties provided by law or regulation, any”, “a provision” for “the provisions” and “ten thousand dollars” for “one thousand dollars”.