

Amended by R.1986 d.149, effective May 5, 1986.

See: 18 N.J.R. 156(a), 18 N.J.R. 986(a).

Deleted "or availability".

Amended by R.1990 d.278, effective June 4, 1990.

See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Added "employer" license to section title.

In (a)2: added phrase "holds . . . permit . . ." to requirements.

Stylistic revisions throughout.

In (a)5: added text regarding close corporation.

Amended by R.1995 d.193, effective April 3, 1995.

See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

5:16-4.5 Granting of employer license

(a) A license shall be granted in accordance with (b) below, when an employer can comply with N.J.A.C. 5:16-4.4 and 8:60-4.4.

(b) The license for an employer shall:

1. Be in writing;
2. Contain the date of issuance;
3. Contain the date of expiration;
4. Contain the name and address of the employer to whom it is issued;
5. Be valid for one year from the date of issuance;
6. Be signed by the Commissioner of Community Affairs or his or her designee; and
7. Be nontransferable.
 - i. A transfer includes, but is not limited to, the sale of stock in the form of a statutory merger or consolidation, the sale of the controlling shares of the assets, the conveyance of real property, the dissolution of corporate identity, and the financial reorganization and initiation of bankruptcy proceedings.
 - ii. The Commissioner shall reasonably have the right to examine and review all pertinent employer records relating to ownership to facilitate determinations on transfers.

(c) The license shall be issued by the Commissioner as:

1. An "A" license granting approval to the employer to perform any type of asbestos work.
2. A "B" license granting approval to the employer to remove asbestos-containing material from mechanical systems, such as pipes, boilers, ducts, flues, or breeching.

(d) The Commissioner may issue employer licenses with such conditions as the Commissioner deems necessary, and as adopted by regulation, specifying the scope of work authorized by such licenses.

(e) The Commissioner shall not grant a license unless the employer has certified that the employer's supervisor has completed a training course and examination certified and approved by the Department of Health and Senior Services.

Amended by R.1986 d.149, effective May 5, 1986.

See: 18 N.J.R. 156(a), 18 N.J.R. 986(a).

License valid for two years not one year.

Amended by R.1990 d.278, effective June 4, 1990.

See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Added "employer" license to section title.

In (b)5: changed one year to two years.

Added new (b)7, "be nontransferable."

Amended by R.1995 d.193, effective April 3, 1995.

See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

5:16-4.6 Identification of licensee

(a) The license shall be available at the worksite for examination by the Commissioner of Community Affairs, Commissioner of Health and Senior Services, the contracting agency, and the owner or the owner's representative.

(b) A sign meeting the requirements of this subsection shall be posted and displayed outdoors at the worksite.

1. The sign shall be readily visible; and

2. The sign shall contain the following information in letters not less than four inches in height: "LICENSED BY THE STATE OF NEW JERSEY FOR ASBESTOS WORK—LICENSE NUMBER _____".

(c) All vehicles in use commercially by an employer performing the functions of application, enclosure, encapsulation, repair, or removal of asbestos-containing material shall be visibly marked with the employer's New Jersey Department of Community Affairs-issued license number.

(d) The employer shall have a New Jersey Department of Community Affairs-issued duplicate of the original license available at each job site.

(e) All business correspondence shall display the employer's license number.

Amended by R.1986 d.149, effective May 5, 1986.

See: 18 N.J.R. 156(a), 18 N.J.R. 986(a).

License cost raised from \$5.00 to \$10.00.

Amended by R.1990 d.278, effective June 4, 1990.

See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Stylistic revisions throughout.

Revised (b), adding new 1 and 2.

In (d): changed "more than one" job site to "each job site" and increased cost of duplicate license to \$20.00 from \$10.00.

Amended by R.1995 d.193, effective April 3, 1995.

See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

5:16-4.7 License performance standards

(a) Every licensee shall ensure that all asbestos work performed conforms to those license performance standards as identified at N.J.A.C. 5:16-4.4(a)3 and 8:60-4.4(a)3, including, but not limited to, the following:

1. Accepted engineering practices which protect human health and the environment;

2. Compliance with 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A and M;

3. Compliance with N.J.A.C. 7:26, Non-Hazardous Waste Regulations; and

4. Compliance with N.J.A.C. 5:23-8, Asbestos Hazard Abatement Subcode of the Uniform Construction Code in educational facilities and public buildings as defined at N.J.A.C. 5:23-8.2.

(b) Every licensee who performs asbestos work shall ensure that a permitted supervisor is on-site throughout the course of the project.

1. The permitted supervisor and licensee shall be responsible for ensuring that the asbestos work is performed in accordance with the provisions of this section through periodic visual inspections and immediate correction of problems.

1. This final inspection shall include a thorough visual inspection of the work site and clearance air monitoring. A sufficient number of air samples shall be taken to be representative of the work area.

i. For abatement actions less than or equal to 160 square feet, or less than or equal to 260 linear feet, clearance air samples may be analyzed by PCM. The clearance air samples shall be considered acceptable when each of the samples analyzed indicates a fiber concentration of less than or equal to 0.01 f/cc of air.

ii. For abatement actions greater than or equal to 160 square feet, or greater than or equal to 260 linear feet, clearance air sampling shall be conducted by TEM in accordance with 40 C.F.R. 763.90(i)(3) and (4).

(d) Every licensee shall be responsible for immediately having corrected at no additional charge to the customer, any violation of the standards of (a) above discovered in the work performed by the licensee.

Amended by R.1986 d.149, effective May 5, 1986.
See: 18 N.J.R. 156(a), 18 N.J.R. 986(a).

(a) substantially amended.

Amended by R.1990 d.278, effective June 4, 1990.
See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Stylistic revisions throughout and revised references.

Revised (b), adding new 1, and added new (c), relettering old (c) as new subsection (d).

Section title was "Quality of work".

Amended by R.1995 d.193, effective April 3, 1995.
See: 27 N.J.R. 71(a), 27 N.J.R. 1465(a).

5:16-4.8 Suspension or revocation of employer license

(a) Any employer may have his license suspended or revoked for:

1. Incompetence;
2. Negligence;
3. Failure to comply with contract specifications; or
4. Any violation of the Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq. or this chapter.

(b) Any employer shall have his or her license suspended or revoked for:

1. Loaning, abandoning, or allowing the license to pass from his personal control;
2. Debarment under the Act or any other State law;
3. Any valid reason establishing that the licensee is unfit to hold a license;
4. Any good cause within the meaning and purposes of the Act;
5. Any violation of N.J.A.C. 5:16 and 8:60 found to be of an extreme nature, taking into account the considerations, where appropriate, specified at N.J.A.C. 8:60-3.5(c) and 5:16-3.5(c); or
6. Any violation of an administrative order lawfully issued by the Commissioner of Community Affairs or the Commissioner of Health and Senior Services as the case may be.

(c) Any employer who has his license suspended or revoked pursuant to this section shall not perform asbestos work, including any work which is in progress, any work for which bids are in, or any work which has been contracted for until such license is restored by the Department.

(d) The Commissioner shall suspend a license for violations of this section of this subchapter provided that:

1. Written or oral notice of the violations is provided to the employer; and
2. The employer has the opportunity to respond to the charges.

(e) All employer licenses shall expire one year from the date of issuance.

(f) A license shall be automatically cancelled on the date of its expiration. Any person performing the duties of a licensee and holding an expired license shall be subject to the penalty provisions of the Act.

(g) Any person using fraudulent means to obtain a license shall be subject to prosecution under the Act. Any license acquired through such means shall be invalid.

(h) In all cases where the Commissioner of Community Affairs proposes to revoke or suspend a license, or denies an application for a license, the employer shall have the right to an informal conference or formal hearing, or both, pursuant to N.J.A.C. 5:16-8.

Amended by R.1986 d.149, effective May 5, 1986.
See: 18 N.J.R. 156(a), 18 N.J.R. 986(a).

"Original" amended to "one year or biennial."

Amended by R.1990 d.278, effective June 4, 1990.
See: 22 N.J.R. 736(a), 22 N.J.R. 1773(a).

Added "employer" license to section title.
Added (a)4 and (b)5-6.