























The actual penalty to be assessed in a particular enforcement case remains within the discretion of the Department of State Health Services (department). In determining the penalty, the department will take into account any aggravating or mitigating factors, and may reduce or increase the penalty amount, as justice may require.

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						Minor	Moderate	Major	Minor	Moderate	Major
				1st	\$100	\$500	\$750	\$1,000	\$1,000	\$1,500	\$3,000 or R/S*
				2nd	\$200	\$1,000	\$1,500	\$2,000	\$2,000	\$3,000	\$6,000 or R/S*
				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
32	Failure of project manager to be on site during asbestos abatement activities	PM	295.49(e)		X						
33	Failure to monitor compliance with work practices / specifications	PM	295.49(e)(3)							X	
34	Failure to obtain a license to perform an asbestos survey	ANY	295.50(a)							X	
35	Failure to obtain a license to perform air monitoring services for	AMT	295.52(a)							X	

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	asbestos abatement project										
36	Failure to be employed by a licensed asbestos laboratory when performing airborne fiber analyses in a public building	AMT	295.52(b)								X
37	Providing training without a license	TRNP	295.55(a)								X

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38	Failure to have adequate instructional equipment in good working order	TRNP	295.55(d)(2)		X						
39	Exceeding the minimum trainee - instructor ratio	TRNP	295.55(d)(6)		X						
40	Failure to monitor and maintain records of student attendance	TRNP	295.55(d)(7)(A)		X						
41	Failure to ensure eligibility of students to take final course examination	TRNP	295.55(d)(7)(B)		X						

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42	Failure to provide acceptable training facilities	TRNP	295.55(d)(8) 295.55(f)(5)(C)		X						
43	Failure to conduct the worker course in the approved language	TRNP	295.55(d)(9)(B)		X						
44	Combining courses of other disciplines	TRNP	295.55(d)(9)(C) 295.64(a)(2)		X						
45	Using training videos exclusively to provide required course instruction	TRNP	295.55(d)(10)(B) 295.55(f)(5)(C)								

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46	Failure to conduct the course during the scheduled hours provided to the department	TRNP	295.55(d)(11)		X						
47	Failure to attend required meeting	TRNP	295.55(e)(1)		X						
48	Failure to submit course schedule or cancellation within the specified time	TRNP	295.55(e)(2)		X						

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49	Failure to use approved instructor	TRNP	295.55(f)			<b>X</b>					
50	Instructor teaching with lapsed accreditation or training	TRNP	295.55(f)(1)		<b>X</b>						
51	Failure to provide required curriculum	TRNP	295.55(f)(5)(A), (B) 295.64(b)-(h)								
52	Failure to maintain proper training provider records	TRNP	295.55(g) 295.62(b)		<b>X</b>						

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53	Failure to maintain records of transporting asbestos waste to disposal site	TRANS	295.56(e)(4)			<b>X</b>					
54	Failure to deliver asbestos-containing waste material to an approved facility	TRANS	295.56(e)(8)						<b>X</b>		
55	Failure to use accredited persons to perform a response action or response to a major fiber release episode other than a small scale, short duration (SSSD) activity	OWN or LEA	295.57(a)						<b>X</b>		

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56	Failure to employ licensed asbestos professionals to perform asbestos-related activities	OWN or DA	295.58(a)								<b>X</b>
57	Failure to employ registered workers - lapsed registration	CNTR	295.58(a), (c) 295.45(b)		<b>X</b>						
58	Failure to employ registered workers	CNTR	295.58(a), (c) 295.45(b)					<b>X</b>			

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59	Failure to have abatement project supervised by a licensed supervisor	CNTR	295.58(b)(1)								
60	Failure of abatement contractor to have a licensed supervisor on the job site during asbestos abatement activities	CNTR	295.58(b)(2)								
61	Failure of abatement supervisor to be on site during asbestos abatement activities	SUPR	295.58(b)(2)								

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62	Failure of an employee or agent of a licensee to have annual physical examination, respirator fit test, and/or be properly equipped and trained.	LCNS	295.58(c)		X						
63	Failure to include baseline air sampling in specifications	IC or CA	295.58(i)(1)(A)		X						
64	Failure to perform project air monitoring - baseline sampling	IC or CA AMT	295.58(i)(1)(A) 295.52(f)(1), (2)								

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65	Failure to perform project air monitoring - ambient sampling	IC or CA AMT	295.58(i)(2)(A), (B)								X
66	Failure to follow proper clearance protocols	IC or CA AMT	295.58(i)(3)(A), (B)								X
67	Failure to monitor sampling pumps	IC or CA AMT	295.58(i)(3)(E)								
68	Failure to post documents - (asbestos information poster)	CNTR	295.58(j)(1)		X						

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69	Failure to supervise compliance with work practices / specifications	CNTR SUPR	295.60(a) 295.45(f)(2) 295.46(e)(1), (2)								X
70	Failure to submit and receive approval for an alternate control method	CA or IC	295.60(a)(2)								X
71	Failure to establish a regulated area	CNTR SUPR	295.60(a)(3) 295.45(f)(2) 295.46(e)(2)					X			
72	Permitting an unauthorized person into a regulated area	CNTR SUPR	295.60(a)(4) 295.45(f)(2) 295.46(e)(2)								X

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73	Failure to maintain critical barriers	CNTR SUPR	295.60(b) 295.45(f)(2) 295.46(e)(2)			<b>X</b>					
74	Failure to install critical barriers	CNTR SUPR	295.60(b) 295.45(f)(2) 295.46(e)(2)						<b>X</b>		
75	Failure to remove moveable objects	CNTR SUPR	295.60(c) 295.45(f)(2) 295.46(e)(2)			<b>X</b>					
76	Failure to properly cover non-moveable objects inside containment	CNTR SUPR	295.60(c) 295.45(f)(2) 295.46(e)(2)			<b>X</b>					

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				2nd	\$200	\$1,000	\$1,500	\$2,000	\$2,000	\$3,000	\$6,000 or R/S*
				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
77	Failure to adequately cover floors and/or walls within containment	CNTR SUPR	295.60(d) 295.45(f)(2) 295.46(e)(2)			<b>X</b>					
78	Failure to install sufficient number of containment viewing windows	CNTR SUPR	295.60(d) 295.45(f)(2) 295.46(e)(2)		<b>X</b>						
79	Failure to ensure that no asbestos contaminated individual or item enters the clean room	CNTR SUPR	295.60(e) 295.45(f)(2) 295.46(e)(2)			<b>X</b>					

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						Minor	Moderate	Major	Minor	Moderate	Major
				1st	\$100	\$500	\$750	\$1,000	\$1,000	\$1,500	\$3,000 or R/S*
				2nd	\$200	\$1,000	\$1,500	\$2,000	\$2,000	\$3,000	\$6,000 or R/S*
				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
80	Failure to properly construct a three-stage decontamination system	CNTR SUPR	295.60(e) 295.45(f)(2) 295.46(e)(2)			<b>X</b>					
81	Failure to construct a three-stage decontamination system	CNTR SUPR	295.60(e) 295.45(f)(2) 295.46(e)(2)						<b>X</b>		
82	Failure to use a decontamination system	CNTR SUPR	295.60(e) 295.45(f)(2) 295.46(e)(2)						<b>X</b>		
83	Failure to have heating, ventilation, and air conditioning system	CNTR SUPR	295.60(f) 295.45(f)(2) 295.46(e)(2)						<b>X</b>		

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				2nd	\$200	\$1,000	\$1,500	\$2,000	\$2,000	\$3,000	\$6,000 or R/S*
				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
	equipment (HVAC) shut down										
84	Failure to display warning signs	CNTR SUPR	295.60(g) 295.45(f)(2) 295.46(e)(2)								X
85	Failure to establish proper containment ventilation	CNTR SUPR	295.60(i) 295.45(f)(2) 295.46(e)(2)								X
86	Failure to adequately contain asbestos-containing building material (ACBM) /	CNTR SUPR	295.60(j)(1), (2), (4), (7), (8) 61.150(a)(1)(iii) 295.45(f)(2)								

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
	regulated asbestos-containing material (RACM)		295.46(e)(2)								
87	Failure to contain asbestos containing building material (ACBM)/regulated asbestos containing building material (RACM)	CNTR SUPR	295.60(j)(1), (2), (4), (7), (8) 61.150(a)(1)(iii) 295.45(f)(2) 295.46(e)(2)								X
88	Failure to adequately wet asbestos-containing building material (ACBM) / regulated asbestos-containing material (RACM)	CNTR SUPR	295.60(j)(1), (8) 61.150(a)(1) 295.45(f)(2) 295.46(e)(2)								X

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
89	Failure to properly label asbestos containing building material (ACBM)/ regulated asbestos containing building material (RACM)	CNTR SUPR	295.60(j)(3), (5), (6) 61.150(a)(1)(iv), (v) 295.45(f)(2) 295.46(e)(2)			<b>X</b>					
90	Failure to provide proper temporary storage of asbestos-containing waste material	CNTR	295.60(j)(9) 295.45(f)(11)			<b>X</b>					
91	Failure to have one fully charged fire extinguisher per 3,000 square feet of containment	CNTR SUPR	295.60(m)(1) 295.45(f)(2) 295.46(e)(2)		<b>X</b>						

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
92	Failure to perform personal air monitoring	CNTR	295.60(m)(3) 295.45(f)(1), (2)								
93	Failure to install ground-fault circuit interrupter (GFCI) units	CNTR SUPR	295.60(m)(2) 295.45(f)(2) 295.46(e)(2)		<b>X</b>						
94	Failure to provide notification of asbestos abatement or O&M activities	OWN OPR DA	295.61(a) 61.145(b)(1)		<b>X</b>					<b>X</b>	
95	Failure to provide notification of demolition	OWN OPR DA	295.61(a) 61.145(b)(1)							<b>X</b>	

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				1st	\$100	\$500	\$750	\$1,000	\$1,000	\$1,500	\$3,000 or R/S*
				2nd	\$200	\$1,000	\$1,500	\$2,000	\$2,000	\$3,000	\$6,000 or R/S*
				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
96	Failure to properly complete notification form	OWN OPR DA	295.61(a) 61.145(b)(4)		X						
97	Failure to provide a timely notification of demolition	OWN OPR DA	295.61(a), (c) 61.145(b)(3)				X				
98	Failure to provide a timely notification of asbestos abatement or O&M activities	OWN OPR DA	295.61(a), (c) 61.145(b)(3)				X				
99	Failure to provide a timely amended notification - later start date	OWN OPR DA	295.61(d) 61.145(b)(3)(iv)(A)		X						

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						Minor	Moderate	Major	Minor	Moderate	Major
				1st	\$100	\$500	\$750	\$1,000	\$1,000	\$1,500	\$3,000 or R/S*
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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
100	Failure to provide a timely amended notification - earlier start date change	OWN OPR DA	295.61(e) 61.145(b)(3)(iv)(B)		X						
101	Failure to provide a timely amended notification - stop date change	OWN OPR DA	295.61(f)		X						
102	Failure to submit a timely emergency notification	OWN OPR DA	295.61(h)				X				
103	Failure to submit timely notification for an ordered demolition	OWN OPR DA	295.61(i) 61.145(a)(3), (b)								

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
104	Failure to pay the required notification fee	OWN	295.61(j)(4)		X						
105	Failure to provide contractor documents to the department	CNTR	295.62(c)(1)		X						
106	Failure to retain required records	CNTR CA or IC LAB	295.62		X						
107	Failure to maintain on-site records	CNTR IC or CA	295.62(c)(2), (e) 295.58(k) 295.45(f)(3)		X						

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
108	Failure to provide consultant records to the department	IC or CA	295.62(e)		X						
109	Failure to record O&M activity in the O&M manual	OWN	295.62(f)		X						
110	Failure to conduct training course for specified time period	TRNP	295.64(a)(6)				X				
111	Failure to administer the course examination at the end of the course	TRNP	295.64(j)				X				

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
112	Providing training certificates to persons who have not attended a course	TRNP	295.65(f)(1)								<b>X</b>
113	Failure to provide certification and or photo-identification card upon completion of the course	TRNP	295.65(f)(1), (2)		<b>X</b>						
114	Failure to submit course information within the specified time	TRNP	295.65(f)(3)		<b>X</b>						

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
115	Denial of access	ANY	295.68(d)			<b>X</b>					
116	Interfering with an investigation	ANY	295.68(d)			<b>X</b>					
117	Failure of the licensee to have department issued ID card at the work site in a public building	LCNS	295.68(f)		<b>X</b>						

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				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
118	Failure to have accreditations or department issued ID card at the work site in a commercial building	ANY	295.68(f)		X						
119	Failure to provide demolition order from the state or local government agency	OWN OPR DA	61.145(b)(4)(xiv)		X						
120	Failure to contain and/or strip on RACM on a removed facility component	CNTR	61.145(c)(4)					X			

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The actual penalty to be assessed in a particular enforcement case remains within the discretion of the Department of State Health Services (department). In determining the penalty, the department will take into account any aggravating or mitigating factors, and may reduce or increase the penalty amount, as justice may require.

No.	Violation	Responsible Party	Citation 25 TAC Ch.295 40 CFR Part 61	Violation Occurrence	SL3 – Significant Violation	SL2 – Serious Violation *Revocation Suspension			SL1 – Critical Violation * Revocation/Suspension		
						Minor	Moderate	Major	Minor	Moderate	Major
				1st	\$100	\$500	\$750	\$1,000	\$1,000	\$1,500	\$3,000 or R/S*
				2nd	\$200	\$1,000	\$1,500	\$2,000	\$2,000	\$3,000	\$6,000 or R/S*
				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
121	Failure to have a NESHAP trained representative on site	OWN or OPR	61.145(c)(8)			<b>X</b>					
122	Failure to have evidence of completion of required training posted at the demolition or renovation site and or made available for inspection	ANY	61.145(c)(8)		<b>X</b>						
123	Discharging visible emissions to the outside air	CNTR	61.150(a)						<b>X</b>		

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				1st	\$100	\$500	\$750	\$1,000	\$1,000	\$1,500	\$3,000 or R/S*
				2nd	\$200	\$1,000	\$1,500	\$2,000	\$2,000	\$3,000	\$6,000 or R/S*
				3rd +	\$500	\$2,500	\$3,750 or R/S*	\$5,000 or R/S*	\$5,000	\$7,500 or R/S*	10,000 or R/S*
124	Failure to mark waste transport vehicle	OWN or OPR	61.150(c)		X						
125	Failure to provide waste shipment records	OWN or OPR	61.150(e)		X						

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