

Methamphetamine-Affected Property Cleanup Regulations (6 CCR 1014-3)

**Colorado Department of Public Health And Environment
Hazardous Materials and Waste Management Division**



COLORADO
Department of Public
Health & Environment

Cleanup Statute

- Cleanup standards established by Board of Health
- Requires property owners to:
 - meet the cleanup standards, or
 - demolish the contaminated property
- Requires owners to restrict access to properties
- Declares meth contaminated properties public health nuisances until remediated
- Allows governing bodies to establish cleanup oversight programs



2013 Bill Revised Statute

- Added training and certification program:
 - for those involved in meth lab assessment
 - for those involved in meth lab decontamination
- Directed the Department to implement, oversee and enforce the training and certification program:
 - establishes fee and penalty authority
 - establishes limited spending authority (i.e., staff)



Statutes

- Section 25-18.5-101 through 109, C.R.S.
 - meth lab cleanup requirements
 - training and certification requirements
- Section 38-35.7-103, C.R.S.
 - real estate disclosure requirements
 - testing conducted by an industrial hygienist
 - testing in accordance with Board rules



Illegal Drug Laboratory

“the areas where controlled substances...have been manufactured, process, cooked, disposed of, used, or stored and all proximate areas that are likely to be contaminated as a result of the manufacturing, processing, cooking, disposal, use or storage.”

Note: Section 25-18.5-102, C.R.S directs the Board of Health to promulgate requirements for “*illegal drug laboratories involving methamphetamine*”



Key Definitions

Consultant:

- a certified industrial hygienist or industrial hygienist
 - per Section 24-30-1402, C.R.S.
- who has been certified under Section 25-18.5-106

Contractor:

- a person hired to decontaminate an illegal drug laboratory
- who has been certified under Section 25-18.5-106



Revisions to Regulations

- Added requirements for real estate assessment
- Refined preliminary assessment sampling
- Refined clearance sampling requirements
- Updated analytical methods
- Added new cleanup levels for:
 - limited exposure areas (4 ug/100 cm²)
 - painted over surfaces (1.5 ug/100 cm²)
- Refined decontamination procedures



Limited Exposure Area

- Area that is not used, or intended to be used, as a living space or part of a ventilation system:
 - attics
 - crawl spaces
 - wall cavities not used as duct runs
- Applies to areas that area LEAs prior to demo and will be re-established as an LEA after clearance:
 - ceiling/attic floor removal
 - wall removal
 - ⇒ interior of room still needs to meet living space standard



Painted-Over Surface

- Surface that was painted:
 - after the cessation of contamination-causing activities
 - prior to the discovery of a meth-affected property
- Consultant – determine concentration below paint:
 - sampling representative unpainted surfaces
 - sampling with methanol
- If concentration meets painted-over surface standard:
 - clean room to remove contamination on all surfaces
 - encapsulated painted surfaces by spraying on oil based paint
 - no clearance required for encapsulated surfaces
 - may be required for other surfaces in room



Assessments

- Must be conducted by a Consultant
- Screening Level Assessment – real estate transactions
 - if contamination above 0.2 ug/100 cm² must conduct PA
- Preliminary Assessment
 - follow clearance sampling requirements
 - unless assume contaminated
- Post-Decontamination
 - Contractors can pre-sample to determine cleanup status
 - Final samples must be collected by Consultant



Sampling

- Must be conducted by a Consultant
- Wipe samples collected from 100 cm² surface area
 - 400 cm² per room , attic, crawl space and ventilation system
 - composite samples allowed within room, attic or crawl space
- Personal property
 - composite sample by type of material in a room
 - porous, non-porous, textiles/fabrics
 - discrete samples from interior of major appliances
 - ranges, cooktops, ovens, microwaves, refrigerators
- Room = area partitioned or closed off from other areas
 - separated by a door; partition more than 4 ft tall; 10 or more stairs
 - closets less than 75 ft² are not rooms



Decontamination

- Must be overseen by a Decontamination Supervisor
- Must involve physical removal of contamination
 - no chemical treatment
 - no use of corrosives or caustic agents
- Encapsulation not allowed, except:
 - for painted-over surfaces that meet the standard
 - with a variance for limited circumstances
 - structural components
- Disposal:
 - debris and wash water as solid waste
 - other liquids and chemicals require a HW determination



Decontamination

- Detailed decontamination procedures for:
 - attics
 - crawl spaces
 - ventilation systems
- Decontamination of personal property:
 - No clearance sampling required for “visually clean”
 - hard, non-porous household goods
 - excludes ranges, cooktops, ovens, microwaves, refrigerators
 - clothing and linens



Variance Procedure

- Contractors and Consultants may request variance
 - Contractor for decontamination procedures
 - Consultant for sampling and assessment
- Process outlined in Section 10:
 - cite section from which variance is sought
 - explain basis for request
 - provide supporting documentation
 - describe how intent of requirement will be met
- Department response in 10 days or less



Reporting

- Screening Assessment Report - Consultant
 - no certification statement
 - submit within 30 days of assessment
- Preliminary Assessment Report - Consultant
 - Consultant certification statement
 - submit within 30 days of completion
- Post-Decontamination Report - joint
 - Contractor - Decontamination Summary Report
 - Supervisor certification statement
 - Consultant - sampling results, certification statement
 - submit within 30 days of completion



Certification Requirements

- Individuals must:
 - attend an approved training course
 - have current HAZWOPER training
 - pass a test with 70% or higher
- Consultant must:
 - be an industrial hygienist (IH) as defined by Colorado Statute (24-30-1402, C.R.S.)
- Companies must:
 - use only certified workers
 - ensure regulation is followed



Training Requirements

- Course categories and length
 - Consultant - 24 hours
 - Contractor
 - Supervisor – 24 hours
 - Worker – 16 hours
 - 8 hr refresher every 2 years
- Ventilation Contractor - 4 hours
 - certificates valid indefinitely
 - must comply with HAZWOPER
 - no refresher required



Instructors & Training Providers

- Qualified Instructors must:
 - have 5 years of experience
 - pass a test with 90% or higherApproval valid for 2 years
- Training providers must:
 - submit a curricula for each course to be taught
 - use Department approved course curricula
 - use only Qualified Instructors
 - follow administrative requirementsApproval valid for 3 years



Certification and Approval Fees

- Consultant - \$600 for 2 years
- Decontamination Worker – \$300 for 2 years
- Decontamination Supervisor - \$600 for 2 years
 - includes Worker certification
- Ventilation Contractor (individual) - \$200 one time
- Firms (all categories) - \$1,000 for 2 years
- Training Provider (per class) - \$750 for 3 years
- Instructor - \$200 for 2 years
- Retesting (all disciplines) - \$100
- ID replacement - \$25



Enforcement

Section 25-18.5-107, C.R.S.:

“A person that violates any rule promulgated by the Board under Section 25-18.5-102 is subject to an administrative penalty not to exceed fifteen thousand dollars per day per violation until the violation is corrected.”



Implementation of Regulations

- Self-implementing with respect to property owner liability shield
 - no local oversight in many areas
- Local agencies can enforce and oversee property cleanup under the regulations
 - Governing Body authority (25-18.5-105, C.R.S.)
- Department will implement and enforce:
 - approval of training providers and curricula
 - consultant and Contractor certification program



Additional Information

Department Web Site:

<https://www.colorado.gov/pacific/cdphe/methlabcleanup>

Report submittal:

cdphe_methlabdocuments@state.co.us



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