

# UTAH METH LAB CLEANUP PROGRAM

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# BACKGROUND



# STATUTORY OVERVIEW

- The Illegal Drug Operations Site Reporting and Decontamination Act was enacted in April 2004.
- Provides a mechanism for cleanup of contamination and certification that contaminated property has been decontaminated to established standards.
- Requires law enforcement to report properties suspected to be contaminated to LHDs.

# STATUTORY OVERVIEW

- Requires LHDs to create/maintain a list of impacted properties and establishes LHD oversight authority.
- Directs the UDOH to make rules establishing sampling and decontamination standards.
- Requires the UDEQ to develop certification standards for any private person, firm or entity involved in the decontamination of contaminated property.

# STATUTORY OVERVIEW

- Provides no funding source for cleanups.
  - Cleanup costs are covered by the homeowner or other parties
- Requires no disclosure that the property was a former meth lab if the property has been removed from the contamination list noted in the statute.

# UDOH RULES

- UDOH Rules (R392-600) finalized in May 2005.
- Establishes procedures for a preliminary assessment.
  - Areas highly suggestive of contamination must be defined prior to developing a workplan
- Defines cleanup requirements.
  - Requires removal of porous materials from areas highly suggestive of contamination
  - Allows for cleaning of materials and surfaces on-site that are smooth and easily cleanable

# UDOH RULES

- Requires confirmation sampling to verify the effectiveness of the decontamination process.
  - Outlines where testing for contamination is necessary
  - Defines sampling procedures
- Establishes decontamination standards.
  - Methamphetamine -  $< 0.1 \text{ ug}/100 \text{ cm}^2$
  - Red Phosphorus and Iodine - Removal of stained material or cleaned to remove visible residue
  - VOCs in air -  $< 1$  part per million (ppm)
  - Corrosives - Surface pH between 6 and 8

# UDEQ RULES

- UDEQ Rules (R311-500 and R311-501) finalized in October 2005 outlining a process for the certification of a contractor or “Decontamination Specialist”.
- Requires a contractor to demonstrate a minimum competency relative to the cleanup criteria and standards set forth in R392-600 adopted by UDOH.
- Does not apply to first responders, only contractors addressing property on the contamination list.
  - Rules assume the lab has been decommissioned

# CERTIFICATION PROGRAM

- To apply, a contractor must submit an application and pay a fee.
- To become certified as a decontamination specialist:
  - a contractor must be OSHA certified (HAZWOPER)
  - pass a comprehensive certification exam
  - comply with Performance Standards
- To assist customers with the comprehensive exam, the UDEQ drafted the Decontamination Specialist Training Manual.

# CERTIFICATION PROGRAM

- No deadline for contractor certification, although a decontamination specialist must be certified prior to performing decontamination of property on the contamination list.
- Initial certification is good for two years.
- Certification may be revoked under certain criteria set forth in the rules.

# RULEMAKING CHALLENGES



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- Involve stakeholders.
  - Important to collaborate during the rulemaking process
- Funding source for program development.
  - Brownfields Block Grant
- Nature of the rules.
  - How prescriptive should cleanup rules be
  - Should rules apply to property not on the contamination list

# RULEMAKING CHALLENGES

- Decontamination standards.
  - State specific or consider standards adopted by other states
- Property cleanup.
  - On-site cleaning and/or removal of impacted materials
- Confirmation sampling.
  - Nature of the sampling (wipe, grab vs. composite)
- Contractor certification.
  - Demonstrate competency relative to the cleanup requirements

# SUMMARY

- There are many challenges associated with rulemaking. Plan ahead, collaborate with stakeholders.
- For further information on meth labs in Utah, please contact Bill Rees at (801) 563-4167 or [brees@utah.gov](mailto:brees@utah.gov)
- Web Address:  
<http://www.superfund.utah.gov/meth/index.htm>
- Thank you.