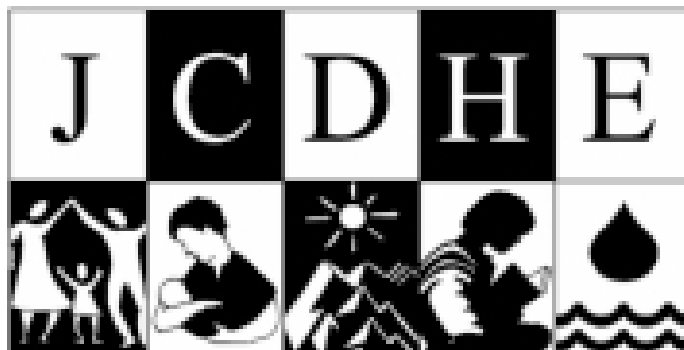


# METHAMPHETAMINE LABORATORY CLEAN-UP REGULATION



**Jefferson County Department of  
Health and Environment  
Environmental Health Services Division  
1801 19<sup>th</sup> Street, Golden CO 80401  
303 271-5755**

**<http://health.jeffco.us>**

**Adopted: July 18, 2006  
Effective: September 1, 2006**

## **PART 1     DECLARATION**

### 1.0    Declaration.

An illegal drug laboratory is deemed a public health nuisance as a matter of law under the provisions of C.R.S. §25-18.5-105. The purpose of this regulation is to reduce unknown health consequences from the use of property as an illegal drug laboratory to subsequent occupants, invitees and other users of the affected property, adjacent properties and the environment by the imposition of cleaning, testing and certification requirements for the continuing use of improvements on the property or alternatively for their destruction, and to establish the Jefferson County Department of Health and Environment as the governing body of Jefferson County for the purpose of enacting regulations to enforce Article 18.5 of Title 25 under the powers and authority granted in C.R.S. § 25-18.5-105(2).

### 1.1    Authority.

All aspects of the preliminary assessment of property, testing of acceptable decontamination procedures for real and personal property, establishing perimeters for sampling and analytical procedures, establishing cleanup levels for the determination of adequate decontamination, the reporting requirements by consultants to the governing body shall be governed by regulations adopted pursuant to C.R.S. § 25-18.5-102 by the State Board of Health in 6 CCR 1014-3.

### 1.2    Applicability.

These Regulations apply when an owner of property in Jefferson County has received notification from a peace officer that chemicals, equipment or supplies indicative of an illegal drug laboratory are located at the property, or when an illegal drug laboratory in Jefferson County is otherwise discovered, and the owner of the property where the drug laboratory is located has received notice.

### 1.3    Severability and Savings Clause.

The Board of Health hereby declares that Regulations adopted hereunder are severable, and if any Regulations adopted hereunder or its application to any person or circumstances is held invalid, unconstitutional, void, or inoperative, such holding shall not affect other provisions or applications of the Regulations adopted hereunder.

## **PART II DEFINITIONS**

Unless shown below, all definitions shall be as set forth in regulations adopted pursuant to C.R.S. § 25-18.5-102 by the State Board of Health in 6 CCR 1014-3.

"Board"	means the board of health of Jefferson County Colorado.
"Clerk and Recorder"	means the clerk and recorder of Jefferson County Colorado.
"Closure Placard"	means a sign posted on a property, or a portion of a property, by or on behalf the Department that indicates that no person may lawfully occupy or use a property, except for the purpose of decontamination or demotion.
"Consultant"	means a Certified Industrial Hygienist or Industrial Hygienist who is not an employee, agent, representative, partner, joint venture participant, shareholder, parent or subsidiary company of the contractor.
"Contractor"	means one or more individuals or commercial entities hired to perform work in accordance with the requirements of this regulation.
"Department"	means the Jefferson County Department of Health and Environment.
"Governing body"	means the Jefferson County Department of Health and Environment.
"Illegal Drug Laboratory"	means the areas where controlled substances, as defined by Section 18-18-102, C.R.S., have been manufactured, processed, cooked, disposed of, or stored and all proximate areas that are likely to be contaminated as a result of such manufacturing, processing, cooking, disposing, or storing
"Methamphetamine"	means dextro-methamphetamine, levo-methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro/levo methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivatives, conjugates, oxides, and reduced forms of the basic structure associated with CAS registration number 537-46-2. For the purposes of this regulation, this term also include amphetamine (CAS 300-62-9), ephedrine (CAS 299-42-3), and pseudoephedrine (CAS 90-82-4).

"Person"	means any individual, public or private corporation, partnership, association, firm, trust or estate; the state or any executive department, institution, or agency thereof; any municipal corporation, county, city and county, or other political subdivision of the state; or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
"Preliminary assessment"	means an evaluation of a property to determine the current condition, including the nature and extent of observable or detectable contamination, chemical storage and disposal.
"Property"	means anything that may be the subject of ownership or possession, including but not limited to, land, buildings, structures, vehicles and personal belongings.
"Property owner"	for the purpose of real property, means the person holding fee title to real property. "Property owner" also means the person holding title to a manufactured home. With respect to personal property, the term means the person who lawfully owns such property.
"Work plan"	means a plan written by a consultant of the actions planned to decontaminate a property contaminated by the manufacture of methamphetamine.

**PART III POWERS AND DUTIES**

- 3.1 Jefferson County Department of Health and Environment shall have the power and authority to:
- A. Administer and enforce these regulations.
  - B. Act as the governing body for Jefferson County as that term is defined in C.R.S. §25-18.5-101(2.5).
  - C. Maintain lists of approved and credentialed consultants, contractors and inspectors.
  - D. Prevent unauthorized entry into contaminated property.
  - E. Require contaminated property to meet the cleanup standards specified in 6 CCR 1014-3 prior to occupancy.
  - F. Notify the public of contaminated property in Jefferson County.

- G. Coordinate services among governmental agencies and to promote the sharing of information with law enforcement, building departments, public health and social services agencies and officials.
- H. Establish, change, and collect reasonable fees to administer these regulations.
- I. Receive, review and approve final reports from consultants in order to determine that the contaminated property has been decontaminated to the cleanup levels stated in Section 7.0 of 6 CCR 1014-3.
- J. Maintain records of contaminated property in Jefferson County and the remediation reports issued by consultants for those properties that are decontaminated.
- K. Issue statements to qualifying property owners that regulatory decontamination levels for their property has been achieved, that the property is fit for human habitation and that the property owner is immune from civil liability for the health-based litigation as provided in C.R.S. § 25-18.5-103(2).

## **PART IV PROCEDURES**

### **4.1 Initial Notification**

All complaints, reports or information regarding the potential presence of an illegal drug laboratory or that chemicals, equipment and supplies indicative of an illegal drug laboratory will be forwarded by Jefferson County Department of Health and Environment to the appropriate drug task force or law enforcement agency for investigation. Jefferson County Department of Health and Environment shall not conduct such investigations and will proceed as the governing body only when notified by a law enforcement agency or a property owner who has received notice from a law enforcement agency.

### **4.2 Placarding**

A. The presence of an illegal drug laboratory as determined by the appropriate law enforcement agency is considered *de facto* evidence that the dwelling or structure is a public nuisance as provided for in the statute. Upon notification of the presence of such a laboratory by the appropriate drug task force or local law enforcement agency the public health officer shall then designate the structure as unfit for human habitation and shall prohibit entry to anyone unless the person is ". . . Trained or certified to handle contaminated property pursuant to board rules or federal law." No testing or sampling of the structure shall be done by the Department.

- B. Upon notification, Department staff or officers of the appropriate drug task force or local law enforcement agency shall post a closure placard on each entry door of the dwelling or unit, prohibiting entry and/or occupancy until cleanup is completed. Once this closure placard is posted, entry to the property is limited to the property owner, the consultant, decontamination or demolition contractor personnel and health department, and law enforcement personnel in the performance of their lawful duties.
- C. Posting of the closure placard will only take place once the site is secured by law enforcement.
- D. Depending upon the jurisdiction, posting of the closure placard may take place immediately after the law enforcement agency has finished their job or on the following day.
- E. Depending upon the situation, staff may request the assistance of local law enforcement in posting the closure placard on the dwelling or structure if performed after the initial response.
- F. Other departments or agencies may also post placards in accordance with their policies and regulations.
- G. In the event that the issuance of administrative orders fails to prevent unauthorized entries to the dwelling or structure, the Department will apply to the Jefferson County District Court for the issuance of appropriate injunctive relief.

#### 4.3 Informational Letter

An informational letter advising the owner and / or occupants of the structure of the requirements of Article 18.5 of Title 25 of the Colorado Revised Statutes will be left at the site.

#### 4.4 Initial Notification Letter

- A. The next business day after the structure or unit has been posted, staff will send a certified letter to the owner of record of the property advising them of the requirements of article 18.5 of title 25 of the Colorado Revised Statutes. Information that may assist the owner in remediating the contamination will also be provided, including, but not limited to:
  - 1. notification that the property has been placarded;
  - 2. information on the requirements of state law;
  - 3. a frequently-asked-question (FAQ) sheet and/or brochure relating to cleanup requirements;

4. a list of contractors (or internet link to such a list);
  5. a requirement for initial action (preliminary assessment) within 30 days;  
and
  6. a detailed explanation about what actions will occur for noncompliance (document recorded against title, etc.).
- B. Copies of this letter will be sent to the local law enforcement agency, local building department, local fire department, local hazardous materials (hazmat) authority, local drug task force and local code enforcement agency.

#### 4.5 Noncompliance Response

- A. If no response, including, but not limited to a preliminary assessment of the property or a work plan for removing the contamination is received within 30 days after the owner has received the certified letter, a second certified letter will be sent providing an additional 14 days for compliance (along with a copy of the notification statement referenced below).
- B. If no response is received to the second letter, a notification statement will be recorded by the Jefferson County Recorder against the property title, stating that the property contains an illegal drug laboratory that has not been decontaminated. Copies of this notification statement shall be sent to the local law enforcement agency, local building department, local fire department, local hazardous materials (hazmat) authority, local drug task force and local code enforcement agency.

#### 4.6 Compliance Determination

- A. Cleanup will be deemed complete when the Department receives a preliminary assessment, work plan for removing the contamination or a report that meets the requirements of 6 CCR 1014-3 as determined by the required statements regarding cleanup and the certification or qualifications of the person which prepared the report.
- B. Once the Department has determined that the requirements of 6 CCR 1014-3 have been met, the Department will provide the property owner with a statement regarding compliance and will authorize removal of the closure placard. Copies of this statement shall be sent to the local law enforcement agency, local building department, local fire department, local hazardous materials (hazmat) authority, local drug task force and local code enforcement agency.
- C. If the Department recorded a notification statement per Section 4.5, a clearance statement will also be recorded. This clearance statement will pertain only to the health-related aspects of the cleanup process and will

not reference other requirements such as local building or code enforcement regulations or ordinances.

4.7 Records

- A. The Department will maintain all reports and compliance documents pursuant to Section 4.6 as permanent files.
- B. The Department will also maintain an electronic database of all reported meth labs and their cleanup status. The information will become part of the Department's environmental records for a particular property and shall be reported as part of an environmental record search when requested by an outside party.

4.8 Fees

Although the Statute permits the assessment of fees to cover the costs of the program, the Department has determined that it will administer the program within its existing budget and available staffing. The Department reserves the right to adopt fees at a later date or to seek reimbursement for expenses related to administering the program.