



Frequently Asked Questions on Methamphetamine-Affected Properties Regulations

January 2016

General

When did the new meth lab regulations go into effect?

The new regulations went into effect December 15, 2014.

I think there is a meth lab on my property. What must I do next?

If you suspect there is drug activity taking place, your first call should be to the police department or sheriff's office. Leave the affected area alone. Meth labs can have chemicals and equipment that can seriously injure or kill you, so this is best left to experienced professionals.

After the police have completed their investigation and if a meth lab was found, you will need to have the area properly characterized. In this case you would need to have a preliminary assessment of the area conducted by a state-certified consultant. The regulations require a preliminary assessment be conducted on all methamphetamine-affected properties.

Once the preliminary assessment has been completed, if contamination is present above the regulatory standards the site must be cleaned up. Options available to you include decontamination of the site or demolition.

Is there any State funding available to help with a meth lab cleanup?

While on very rare occasions there is some limited funding available through the Brownfields program for property cleanup, it is difficult at best to obtain it and you must meet a number of requirements. It's prudent to assume that if your property is contaminated, you will need to pay for the cleanup.

Sampling and Characterization

What is a screening level assessment?

A screening level assessment is a limited evaluation of a property conducted during a real estate transaction to determine if the property is a methamphetamine-affected property. This includes, but is not limited to, a site inspection and limited sampling. Only consultants who have current, valid certification under the regulations can conduct the assessment. This assessment cannot be used to determine whether a property has been cleared of contamination.

What is a preliminary assessment?

A preliminary assessment consists of an in-depth evaluation of a property to characterize both the areas of contamination and contaminated personal property in a structure where methamphetamine is known or suspected to have been produced or used. This includes a property background check, comprehensive site inspection, testing to determine which chemicals may be present and where these are located, and documentation of sample results and findings. This assessment is used to determine if cleanup is necessary, and if so, which areas will need cleanup. Only consultants who have current, valid certification under the regulations can conduct a preliminary assessment.

What is a clearance level assessment?

A clearance level assessment is similar to a preliminary assessment in that it involves an in-depth evaluation and sampling of the property, but it is used to determine whether methamphetamine or other contaminants are present above or below regulatory standards. Only consultants who have current, valid certification under the regulations can conduct a clearance level assessment.

Can I sample for meth using a home test kit?

There is nothing to keep you from using a home test kit, but those results are not adequate to meet regulatory standards and cannot be used to make legal decisions regarding the potential presence or absence of contamination. To meet the standards, you will need to have a state-certified consultant conduct a screening-level assessment or preliminary assessment.

I'm selling my property and the realtor said I need to test it for meth. What test do I use?

You can have a screening level assessment done on your property if you do not believe any drug activity has taken place on it. If the property has known or suspected meth use, you will need to have a preliminary assessment or clearance level assessment conducted.

Someone sampled my house and they said there was meth detected. What do I do?

If you didn't order the test yourself, you should request information about the type of sampling that was done and the analytical results. While self-test kits and limited "real estate" screenings (that are not screening level assessments) can be done to detect whether meth or other chemicals are present, these may not be conclusive.

If you had a screening level assessment done and the results indicated methamphetamine was present in one or more samples above $0.2 \mu\text{g}/100 \text{ cm}^2$, you have two choices:

- Assume the property is a methamphetamine-affected property and have it assessed and decontaminated; or
- Have a full clearance sampling conducted on the property by a state-certified consultant.

I live in an apartment that made a family member ill and found out from a neighbor that meth was used there. The apartment manager didn't tell me about this. Can I get out of the lease?

This depends on what your lease agreement states. You should review your lease with someone who has experience in landlord-tenant issues.

I think the people in the apartment next to me are doing drugs and the police won't do anything about it. Can I just send in a sample of a wall and have it tested?

No. There are specific procedures used for sampling structures and these do not involve cutting samples from walls or other destructive testing.

My property has a septic system. Does this need to be tested?

Testing may or may not be necessary depending on the results of an initial inspection and field screening conducted by the consultant as part of a preliminary assessment. If the inspection or field screening indicate that meth lab chemicals have been disposed of in the septic system, sampling is required to characterize the contents of the septic tank.

What do I do when I get the report from the consultant?

If the screening level assessment was conducted for a buyer as part of a real estate transaction, the report must be submitted to the seller in accordance with state statute (§38-35.7-103(2)(a), C.R.S.). The consultant must also send the screening level assessment reports to the Colorado Department of Public Health and Environment (the department) in electronic format within thirty days after all of the laboratory results are received. These reports can be emailed to cdphe_methlabdocuments@state.co.us.

Preliminary and clearance assessment reports must be electronically sent to the department by the consultant within thirty days of completing the report. If the report includes clearance sampling to demonstrate that the property does not have contamination above the levels in the regulations, you will need to submit this report to your local government to obtain immunity provided in state statute (§25-18.5-103(2), C.R.S.). You are required to keep the report for at least seven years after you receive it.

Cleanup and Disposal

Where do I find a contractor who is certified to clean up meth labs?

You can find a list of state-certified individuals, consultants and contractors on our website at www.colorado.gov/cdphe/methlabcleanup.

I want to tear down a building where meth was used. Do I have to get a permit?

If you are planning to tear down or remove contaminated walls or surfaces, you must have the property inspected for asbestos and get a demolition permit from the Asbestos Unit of the Air Pollution Control Division. This is true if:

- You are removing more than 32 square feet of material (the equivalent of a 4 foot by 8 foot sheet of drywall), OR
- You are removing any load-bearing structure.

The Air Pollution Control Division can be contacted at (303) 692-3100, or you can get information on their website at www.colorado.gov/cdphe/asbestos.

Can I clean up the meth contaminated area myself?

No. Meth-contaminated properties must be cleaned and tested by someone who is certified to do so under Colorado's regulations.

There's a meth house being cleaned out near me and they are putting the waste in a regular trash dumpster. Isn't this hazardous waste? Can it hurt me or my children?

While certain wastes from an actual "cook" or other production of meth can be hazardous wastes and must be sent to a hazardous waste disposal facility, other wastes such as building debris and wash water from cleanups are not regulated as hazardous. Building debris can be sent to a solid waste landfill that will accept it. Dumpsters and other waste containers must be secured (closed and locked) until they are picked up for disposal.

Waste water can be put into the sanitary sewer with approval from the waste water treatment facility or it may be shipped offsite for disposal. It should not go into storm water drains or septic tanks. While these are not regulated hazardous wastes, it is still advisable to keep children and pets away from a cleanup.

What happens once my property has been cleaned up by the contractor?

Your property has to be tested to make sure that any contaminants found were removed to below the standards established in the regulations. This involves additional sampling by a state-certified consultant. Once all work is complete and sampling demonstrates the property meets the standards, the contractor that conducted the cleanup will write a decontamination summary report documenting the cleanup procedures and certifying their work. The contractor's decontamination summary report will be provided to the consultant who tested the property for inclusion in a post-decontamination report. The post-decontamination report will include sample results and certification by the consultant that the property meets the cleanup standards. The consultant will submit a copy of the post-decontamination report to you and to the department. You are then responsible for providing your local government with a copy of the report to obtain immunity provided in state statute (25-18.5-103(2), C.R.S.). The regulations require you to keep a copy of the report for a minimum of seven years. It is a good idea to have this on file if you plan to sell the property.

My property had drug activity and it was cleaned up. This happened before the regulations changed. Do I have to have it retested?

If you had your property cleaned up, tested, and certified under the previous regulations, any results you have are still considered valid under the new regulations and you do not have to retest. You may need to produce documentation that you had this work done.

I'm looking at buying a home where there was a meth lab. The current owner says it was cleaned up. I don't want to buy it unless it's clean. What should I be looking for?

The property owner should give you a copy of the post-decontamination report. This report identifies what was done to clean up the contamination and what testing was done to determine whether methamphetamine and other contaminants were below the regulatory standard. If the work was conducted after December 15, 2014, the report must be certified by a state-certified cleanup contractor and a state-certified consultant to be considered valid. If the work was completed prior to December 15, 2014, the report must have been certified by an industrial hygienist as defined in state statute (§24-30-1402, C.R.S.).

Before the regulation change, owners were only required to file these reports with their local government to receive immunity under the Colorado statute. If the cleanup was done prior to December 2014 and the property owner does not have the report, you should check with the local government (most often the building and zoning department, the local health department, or law enforcement) to see if a copy was filed with them. If no report is available, the property may have to be re-sampled and evaluated by a state-certified consultant.

Reports on cleanups conducted after the new regulations took effect must be filed with the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment, so you can obtain a copy by making a request through the division's Records Center at www.colorado.gov/cdphe/hmwmd-records-review or call 303-692-3331. You will need to have the physical address of the property and provide your contact information.

Training

I want to get certified to do meth lab cleanups. What do I need to do?

You will need to be trained on the regulations and the specific decontamination requirements for cleaning up methamphetamine-affected properties. You will also need to provide

documentation that you are compliant with the OSHA HAZWOPER (Hazardous Waste Operations and Emergency Response) training requirements specified in 29 CFR 1910.120. After you have received training, and provided proof of HAZWOPER training, you will have to take a state exam to become certified.

I want to get certified to do meth lab testing. What do I need to do?

You will need to be trained on the regulations and the specific sampling requirements for methamphetamine-affected properties. You will need to demonstrate that you meet the requirements under state statute (§24-30-1402, C.R.S.) to qualify as an industrial hygienist. You will also need to provide documentation that you are compliant with the OSHA HAZWOPER (Hazardous Waste Operations and Emergency Response) training requirements specified in 29 CFR 1910.120. After you have received training, demonstrate that you are an industrial hygienist, and provided proof of HAZWOPER training, you will have to take a state exam to become certified.

Where can I get training? How much does training cost?

You will need to get training through a state-certified approved training provider that is taught by a state-certified Qualified Instructor. These companies and individuals have received certification from the state to provide training in the assessment, sampling and decontamination of illegal drug laboratories. A list of these companies is available at www.colorado.gov/pacific/cdphe/methlabcleanup. Training costs are specific to the provider.

How much does it cost to take the certification test?

You are required to pay fees along with your application for certification or approval; these are specified in the regulations and depend on what type of work you want to do. These fees currently vary from \$200 to \$600 for individual certifications. Company certifications are \$1000.

I didn't pass the exam. Can I take the test again?

You must have a minimum score of 70 percent or better to pass the exam. If you fail the exam and want to take it again, you will need to submit a new application with a retesting fee (currently \$100). If you fail the exam twice and want to test again, you will need to take a refresher training course and provide documentation that you took that training along with your application and re-testing fee. If you fail three times, you must retake a basic training course for the area you want to be certified in. You then have to submit an application and fee as if you were taking the test for the first time.

How long is my certification valid?

Certifications are valid for two years from the date they are issued, provided you keep your HAZWOPER training current.

For more information

Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Customer Technical Assistance
303-692-3320
www.colorado.gov/cdphe/hmcomments.hmwmnd@state.co.us