

# DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## State Board of Health 6 CCR 1014-3

### REGULATIONS PERTAINING TO THE CLEANUP OF METHAMPHETAMINE-AFFECTED PROPERTIES

#### PART 1: PROPERTY ASSESSMENT, DECONTAMINATION AND CLEARANCE

(Adopted by the Board of Health on October 15, 2014)

#### 1.0 Purpose and applicability

- 1.1 Purpose. 6 CCR 1014-3, Parts 1, 2 and 3 (hereafter, "these regulations") implement the directive of § 25-18.5-102, C.R.S. to establish rules for:
  - 1.1.1 sampling, assessment and decontamination of illegal drug laboratories involving methamphetamine;
  - 1.1.2 training and certification of persons involved in sampling, assessment and decontamination of such properties;
  - 1.1.3 approval of trainers;
  - 1.1.4 certification that such properties have been decontaminated to the standards established in these regulations;
  - 1.1.5 assessment of administrative penalties; and
  - 1.1.6 fees for the certification and monitoring of Contractors and Consultants, and for the approval of trainers.
- 1.2 Applicability - The requirements of this Part apply:
  - 1.2.1 When an owner of property has received notification from a peace officer that chemicals, equipment, or supplies indicative of a methamphetamine-affected property are or have been located at the property.
  - 1.2.2 When a methamphetamine-affected property is otherwise discovered, and the owner of the property where the methamphetamine-affected property is located has received notice.
  - 1.2.3. When screening level sampling is conducted at a property that has not been deemed a methamphetamine-affected property.

1.3 Properties that met the cleanup standards and documentation requirements of this Part 1 as it existed prior to the effective date of the 2014 amendments to this Part 1 shall be deemed in compliance with this Part 1.

1.4 Materials that are removed or demolished in lieu of decontamination must be disposed of at a solid waste landfill, but are not otherwise subject to regulation under this Part 1.

**2.0 Definitions.** The following definitions apply to Parts 1, 2, and 3 of these regulations.

“Aliquot” means a discrete sample comprising a known fraction of a composite sample. Aliquots making up a composite sample must be of equal area or volume.

“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.

“Building” means an enclosed structure which has the capacity to contain, and is designed for the shelter of, persons, animals, or property. “Building” includes manufactured homes as defined in § 38-29-102(6), C.R.S., and mobile homes as defined in § 38-12-201.5(2), C.R.S.

“Caustic” means capable of burning or corroding by chemical action.

“Certified Industrial Hygienist” or “CIH” means an individual who is certified by the American Board of Industrial Hygiene or its successor.

“Chemical storage area” means any area where chemicals used in the manufacture of methamphetamine are stored or have come to be located.

“Cleanup standard” means the numerical value, established in Section 7.0 of this Part 1, that causes the Consultant to determine if an area is compliant or noncompliant based on the results of sampling conducted in accordance with the sampling procedures presented in Section 6 of this Part 1.

“Composite sample” means a sample comprised of multiple aliquots collected from separate locations.

“Composite sample result” is the concentration of the analyzed contaminant per unit area. It is derived by dividing the total amount of the contaminant detected by the analytical method by the combined total area of the sample aliquots. Composite sample results for methamphetamine and iodine should be reported as x micrograms/100 cm<sup>2</sup>.

“Consultant” means a Certified Industrial Hygienist or Industrial Hygienist who is not an employee, agent, representative, partner, joint venture participant, or shareholder of the Contractor or of a parent or subsidiary company of the Contractor, and who has been certified under § 25-18.5-106 C.R.S and these regulations.

“Contaminant” means a chemical residue resulting from the manufacturing, storage, processing or use of methamphetamine.

“Contamination” or “Contaminated” means the presence of contaminants.

“Contractor” means a person that is hired to decontaminate an illegal drug laboratory in accordance with the requirements of these regulations, and that is certified under § 25-18.5-106 C.R.S., and these regulations.

“Cooking area” means any area where methamphetamine manufacturing is occurring or has occurred.

“Corrosive” is an aqueous substance with a pH of 2.0 or less or 12.5 or greater.

“Decontamination” means the process of reducing the level of contamination at methamphetamine-affected properties to the standards specified in Section 7.0 of this Part 1 using methods approved under these regulations.

“Decontamination Supervisor” is a classification of Contractor. A Decontamination Supervisor is a person who is certified under Part 2 to supervise the decontamination of methamphetamine-affected properties by Decontamination Workers and Ventilation Contractors, and to decontaminate methamphetamine-affected properties.

“Decontamination Worker” is a classification of Contractor. A Decontamination Worker is a person who is certified under Part 2 to perform decontamination of methamphetamine-affected properties under the supervision of a Decontamination Supervisor.

“Demolition” means the complete deconstruction and removal of all of a structure, including all framing and permanent structural components other than foundations or slabs. Demolition of a vehicle means crushing or shredding a motor vehicle to produce scrap metal.

“Department” means the Colorado Department of Public Health and Environment.

“Detergent” means a surfactant or mixture of surfactants with cleaning properties in dilute solutions.

“Discrete sample” means a sample collected from a single location and comprised of a single aliquot.

“Discrete sample result” is the concentration of the analyzed contaminant per unit area. Discrete sample results for methamphetamine and iodine should be expressed in terms of  $x$  micrograms/100  $\text{cm}^2$ .

“Disposal” means discharge, deposit, dumping, spilling, leaking, or placing of methamphetamine lab waste. Disposal also means the ultimate disposition of materials removed from contaminated properties in accordance with applicable regulatory requirements.

“Documentation” means preserving a record of an observation through writings, drawings, photographs, or other appropriate means.

“Dwelling” means a building designed or adapted for regular overnight accommodation of persons.

“Encapsulation” means applying a surface sealant to create a physical barrier for the purpose of decreasing or eliminating potential exposure to any residual contaminants that may remain following decontamination.

“Firm” means any public or private corporation, partnership, association, firm, trust, or estate.

“HEPA filtration” means a filtering system capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

“Illegal drug laboratory” means the areas where controlled substances, as defined by § 18-18-102, C.R.S., have been manufactured, processed, 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.

“Independent” means the absence of a business relationship or agreement between a Consultant and a Contractor that could give rise to a real or apparent conflict of interest in the conduct of activities that are regulated under these regulations. A Contractor and a Consultant are not independent of one another if either one is an employee, agent, representative, partner, joint venturer, shareholder, or parent or subsidiary company of the other.

“Industrial hygienist” has the same meaning as set forth in § 24-30-1402, C.R.S.

“In good standing” means that the person possesses a current, valid certification or authorization under these regulations.

“Limited exposure area” means an area that is not used, or intended to be used, as a living space or part of a ventilation system. Limited exposure areas include, but are not limited to, attics, crawl spaces, and wall cavities not used as duct runs.

“Media” means the physical material onto which a sample substrate is collected. Media includes cotton gauze, glass fiber filters, MCE membranes, etc.

“Methamphetamine” or “meth” 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 associated with CAS registration number 537-46-2.

“Methamphetamine-affected property” is a type of illegal drug laboratory consisting of areas on a subject property where methamphetamine has been manufactured, processed, 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 of methamphetamine or the chemicals used to manufacture methamphetamine. A multi-unit building (such as an apartment complex, condominium, or commercial building) may contain more than one methamphetamine-affected property.

“Methamphetamine manufacturing” means the production, preparation, propagation, compounding, conversion, or processing of methamphetamine, either directly or indirectly.

“Methamphetamine lab waste” means chemical wastes generated in, or apparatus and components used in the production of methamphetamine, but does not include drug paraphernalia such as pipes.

“Must” is used to indicate a mandatory requirement.

“Negative air unit” means a portable exhaust system equipped with HEPA filtration and capable of maintaining a constant high velocity airflow out of the contained area, resulting in a constant low velocity air flow into the contained area from adjacent areas.

“Non-porous” means resistant to penetration of liquids, gases, powders, and includes non-permeable surfaces and materials that are sealed. Non-porous materials include metal, glass, and plastic. Materials such as concrete, wood, tile, ceramic, plaster, and drywall are non-porous only if they are painted or sealed and the paint or sealant is in good condition.

“On-site wastewater treatment system” or “OWTS” means an absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not part of or connected to a sewage treatment works.

“Outbuilding” means any building on a property that is not, and does not contain, a dwelling. Outbuildings include, but are not limited to, garages, storage sheds, barns and silos.

“Painted-over surface” means a surface that was painted after the cessation of contamination-causing activities but prior to the discovery of a methamphetamine-affected property.

“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.

“Personal Property” means anything subject to ownership that is not real property.

“Porous” means easily penetrated or permeated by gases, liquids, or powders. Porous materials include, but are not limited to, fabric, carpet, cardboard, fiber-board, cork, wood, drywall, or any other permeable material that is not sealed or painted and in good condition.

“Preliminary assessment” means an assessment of a methamphetamine-affected property in accordance with Section 4.0 of this Part 1.

“Property” means anything that may be the subject of ownership or possession, including land, buildings, structures, vehicles, and personal belongings.

“Property owner,” for the purposes of real property, means the person holding record 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.

“Publicly owned treatment works” or “POTW” means a publicly owned domestic wastewater treatment facility. The term also means the municipality, as defined in 502(4) of the Clean Water Act, 33 U.S.C. § 1362(4), which has jurisdiction over the indirect discharges to and the discharge from such treatment works.

“Quality assurance” or “QA” means an integrated system of management activities involving planning, training, quality control, assessment, data review, reporting, and quality improvement to ensure that a process, item or service is of the type and quality needed and expected by the user. QA is a management function that deals with setting policy and running an administrative system of controls to ensure the usability of the product (e.g., data).

“Quality control” or “QC” means a system of technical activities that measures the performance of a process, item, or service against a defined set of criteria or standard. QC is a technical function that includes activities such as calibrations and analyses of check samples (performance evaluation samples, duplicates, spikes, blanks, etc.) to assess the bias and precision associated with sample results.

“Removal” means the taking out or stripping of material or surfaces from methamphetamine-affected properties up to, but not including, demolition. Removal includes taking personal property out of a structure, and physically separating contamination from material or surfaces.

“Room” means a portion of space within a structure that is enclosed or partitioned off from other parts of the structure. Any space separated from other spaces by a door shall be considered a separate room, except that closets that are less than 75 ft<sup>2</sup> are not rooms. Two spaces separated by a partition less than four (4) feet in height may be considered one room. Two spaces separated by 10 or more stairs shall be considered separate rooms. Crawl spaces and attics are not considered rooms.

“Sampling” means the process of collecting measurements of a subset of a population to estimate the characteristics of the whole population.

“Screening level sampling” means an assessment, in compliance with Section 9 and Section 6 of this Part 1, of a property for the purpose of determining whether it is a methamphetamine-affected property.

“Sealed” means closed or protected against exposure, leakage, or passage of liquids by coating.

“Shall” is used to indicate a mandatory requirement.

“Structure” means anything constructed or erected at a fixed location, whether installed on, above or below the surface of a parcel of land.

“Subject property” means the real property that is the subject of a screening level assessment, preliminary assessment, or decontamination and removal under these regulations.

“Substrate” means the material from which a sample is being collected. Substrates may include soils, water, painted surfaces, carpet debris, unidentified powders, dust, etc.

“Unit,” in the context of a multiple unit building, means a portion of the building that is subject to a separate ownership or leasehold interest, including, but not limited to, an apartment, condominium, co-op, townhome, half of a duplex, and office space.

“Vacuum sample” means a non-airborne dust sample collected from a known surface area of a surface or material using standard vacuum sampling techniques as described in Section 6 of this Part 1.

“Vehicle” means any object defined as a “vehicle” in § 42-1-102, C.R.S. “Vehicle” includes recreational vehicles, campers, buses with a toilet and a galley, trailers as defined in § 42-1-102(105) C.R.S., trailer coaches as defined in § 42-1-102(106)(a) C.R.S., and motor homes as defined in § 42-1-102(57), C.R.S. It also includes vehicles that are no longer capable of moving themselves because they have been partially disassembled (e.g., a motor home with the wheels and engine removed).

“Ventilation Contractor” is a classification of Contractor. A Ventilation Contractor is a person who possesses a Ventilation Contractor certificate under Section 7 of Part 2 to perform decontamination of ventilation systems at methamphetamine-affected properties under the supervision of the Decontamination Supervisor.

“Waste disposal area” means any area where chemicals used or generated in the manufacture of methamphetamine are disposed of or have come to be located.

“Wipe sample” means a surface sample collected by wiping a sample media on the surface being sampled in accordance with Section 6 of this Part 1.

**3.0 Screening Level Assessment of Properties not known to be methamphetamine-affected properties.** This section establishes procedures and standards for testing residential real property pursuant to § 38-35.7-103, C.R.S. Screening level assessments pursuant to this section are for the purpose of determining if the subject property is a methamphetamine-affected property. The procedures in this section are not to be used to make clearance decisions.

3.1 No person other than a Consultant in good standing may conduct screening level assessments. The Consultant shall personally inspect the subject property to gather all of the information necessary to prepare a Screening Level Assessment Report.

3.2 If the Consultant conducts a background check, and this background check indicates that the subject property is a methamphetamine-affected property, then the preliminary assessment requirements of Section 4 and Section 6 of this Part 1 apply in lieu of this section.

3.3 The Consultant shall document any observed signs that the subject property is a methamphetamine-affected property. If any signs of a methamphetamine-affected property are observed, then the preliminary assessment requirements of Section 4 and Section 6 of this Part 1 apply in lieu of this section.

3.4 If the screening level assessment is performed in connection with a proposed transaction for the purchase of a multi-unit building, each accessible unit must be inspected for signs that the unit has been used as an illegal drug laboratory. Any unit exhibiting signs of being a methamphetamine-affected property is subject to the preliminary assessment requirements of Section 4 and Section 6 of this Part 1 in lieu of this section. If the screening level assessment involves a single unit with multiple tenants, each tenant’s living space must be inspected unless access is not granted. All access limitations shall be documented in the Screening Level Assessment Report in accordance with Section 3.7 of this Part 1.

3.5 The Consultant shall conduct limited composite wipe sampling of the structure(s) for methamphetamine (including fixtures, as appropriate), in accordance with Section 6 of this Part 1.

3.6 The analytical laboratory’s Practical Quantitation Limit (PQL) for methamphetamine may not exceed 0.1ug. If any of the composite sample results are above 0.2 ug/100cm<sup>2</sup>, the property owner must choose between the following two courses of action:

3.6.1 The subject property may be assumed to be a methamphetamine-affected property, with no further sampling, and thus must comply with the preliminary assessment and decontamination requirements of this Part 1; or

3.6.2 A full clearance sampling protocol as specified in Section 6 may be conducted. If the clearance sampling results demonstrate that concentrations of

methamphetamine do not exceed the cleanup standards in Section 7 of this Part 1, the subject property is considered compliant with the clearance requirements of these regulations. If the clearance sampling fails to demonstrate that methamphetamine concentrations are below the specified cleanup standards, then the subject property must be decontaminated in accordance with the requirements of this Part 1.

3.7 Information collected during the screening level assessment shall be documented in a Screening Level Assessment Report and shall include, but not be limited to, the following, to the extent available and applicable:

- 3.7.1 Subject property description including physical address, number and type of structures present.
- 3.7.2 Description of structural features in all buildings comprising the subject property, such as attics, false ceilings, crawl spaces, and basements including identification of structural features connected to adjacent units or common areas.
- 3.7.3 Identification and documentation of common ventilation systems connected to other units or common areas.
- 3.7.4 Summary of observations made during inspections.
- 3.7.5 Photographic documentation of property conditions.
- 3.7.6 Documentation of screening level sampling shall include:
  - 3.7.6.1 a description of the sampling procedures used, including sample collection, handling, and quality assurance/quality control (QA/QC);
  - 3.7.6.2 documentation of the analytical methods used and laboratory QA/QC requirements, including the laboratory analytical report and chain-of-custody documentation; and
  - 3.7.6.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) and sample locations and identification. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with the regulation.
- 3.7.7 The Consultant shall provide an electronic copy of the Screening Level Assessment Report to the Department within thirty (30) days of receipt of laboratory results.

**4.0 Preliminary Assessment.** A preliminary assessment of all methamphetamine-affected properties shall be conducted in accordance with this section and Section 6.1.2 of these regulations, unless the property owner elects to demolish the property in lieu of assessment and decontamination pursuant to § 25-18.5-103(1)(a), C.R.S. No person other than a Consultant in good standing may perform preliminary assessments. However, a Consultant may use an assistant to take notes during the assessment. Information gained during the preliminary assessment shall be the basis for property decontamination and clearance sampling. Consultants and assistants shall use

appropriate personal protective equipment during the preliminary assessment. The Consultant shall personally inspect the subject property to gather all of the information necessary to prepare a Preliminary Assessment Report (other than the legal description of the subject property and the background information described in Section 4.2), and shall document information collected through photographs, notes, and other appropriate methods. The Consultant shall evaluate the information collected during the preliminary assessment and record his or her observations and findings in a Preliminary Assessment Report. The Preliminary Assessment Report shall include, but not be limited to, the following, to the extent available and applicable:

- 4.1 Subject property description, including physical address, legal description, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made.
- 4.2 Summary of information from review of available law enforcement reports regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and areas of contamination, or waste disposal.
- 4.3 Description of structural features in all buildings, such as attics, false ceilings, crawl spaces, and basements, including:
  - 4.3.1 If the building has an attic, a description of the integrity of the building ceiling (i.e., attic floor), any signs of access, storage, manufacturing, or venting into the attic (e.g., holes cut in ceiling for the purpose of venting gases from a cook), and a description of observations of the ducting associated with all bathroom and kitchen exhaust vents. If preliminary assessment sampling is conducted, include the results of sampling in accordance with Section 6 of this Part 1.
  - 4.3.2 A description of the integrity of the building floor, and if there is a crawl space, a description of any signs of access, storage, venting, or disposal related to methamphetamine manufacturing, integrity of any vapor barriers, and any signs of disposal onto the soil of the crawl space. The soil investigation shall be conducted in accordance with the assessment procedures in Section 6 of this Part 1. If the vapor barrier is intact and in good condition, and if there is no indication of chemical disposal, the soil beneath the vapor barrier may be presumed to meet the cleanup criteria, and no soil sampling is required.
- 4.4 Description of outdoor areas, including notation of the following:
  - 4.4.1 Factors limiting the inspection, such as snow cover or heavy vegetation.
  - 4.4.2 Conditions indicative of contamination.
- 4.5 Identification of manufacturing methods based on the Consultant's observations and law enforcement reports, if available.
- 4.6 Identification of chemicals used, based on the Consultant's observations and knowledge of manufacturing method(s), and if available, identification and documentation of any methamphetamine lab wastes or precursor chemicals discovered at the subject property.
- 4.7 Identification and documentation of areas of contamination. This identification may be based on visual observation, law enforcement reports, proximity to chemical storage areas, waste disposal areas, cooking areas, use areas, or the professional judgment of

the Consultant. In the case of single-family dwellings, all rooms, attics, crawl spaces, and forced air ventilation systems of all buildings on the subject property must be assumed to be contaminated above the cleanup standards of Section 7, unless sampling conducted in accordance with the clearance level sampling protocols of Section 6 demonstrates the absence of such contamination in a given room, attic, crawl space, or ventilation system. The Consultant may determine that assessment level sampling is appropriate to verify the presence of contamination in a given room to assist in selecting an appropriate decontamination strategy. If the Consultant determines that assessment sampling is appropriate, such sample collection and analysis shall be conducted in accordance with the assessment level sampling protocols and other requirements of Section 6 of this Part 1.

- 4.8 Identification and documentation of chemical storage areas, waste disposal areas, cooking areas, and/or use areas, if known.
- 4.9 Identification and documentation of signs of contamination such as staining, etching, or fire damage.
- 4.10 Description of plumbing system, including identification and documentation of potential disposal into the sanitary sewer or an on-site wastewater treatment system (OWTS). If an OWTS is present, include a description of the results of field screening of the OWTS in accordance with Section 6 of this Part 1. If the Consultant determines that sampling of an OWTS is necessary to determine if methamphetamine lab wastes have been disposed of into an OWTS, include the results of sample collection and analysis conducted in accordance with Section 6 of this Part 1.
- 4.11 For properties with multi-unit buildings, identification and documentation of other units and common areas where contamination may have spread or been tracked.
  - 4.11.1 If contamination above the standard is identified in any unit in a multi-unit structure with shared attics (i.e., open space with no fire walls), the shared attic spaces shall be investigated to determine whether they are also contaminated. If access is not available to inspect or sample shared attic spaces, the owner of the contaminated unit or their representative shall give notice to the owner(s) of the shared attics and the owners and tenants of the units that are immediately below the shared attic spaces that methamphetamine contamination may be present. Notice shall also be given to the homeowners' association (HOA), if one has been established. The consultant shall document any limitations on access in the final report.
  - 4.11.2 If a multi-unit structure has connected crawl spaces, the crawl spaces shall be investigated to determine whether the connected crawl spaces are also contaminated. If access is not available to inspect or sample connected crawl spaces, the owner of the methamphetamine-affected property or their representative shall give notice to the owner(s) of the connected crawl spaces and the owners and tenants of the units that are immediately above the connected crawl spaces that methamphetamine contamination may be present. Notice shall also be given to the HOA, if one has been established. Any limitation on access shall be documented in the final report.
- 4.12 For properties with multi-unit buildings, identification and documentation of any common ventilation systems connected to other units or common areas. If contamination above the standard is identified in any unit in a multi-unit building, the units and common areas

that are connected to the unit by ventilation systems shall be investigated to determine whether they are also contaminated. If access is not available to inspect or sample the connected units or common spaces, the owner of the contaminated unit or their representative shall give notice to the owners and tenants of the units and common areas that are connected to the contaminated unit that methamphetamine contamination may be present. Notice shall also be given to the HOA, if one has been established. The consultant shall document any limitations on access in the final report.

- 4.13 Identification of surfaces that are known or suspected to have been painted or sealed after the cessation of contamination-causing activities (painted-over surfaces).
- 4.14 Photographic documentation of property conditions, including cooking areas, chemical storage areas, waste disposal areas, and areas of obvious contamination.
- 4.15 If assessment sampling is conducted, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of assessment sampling shall include:
  - 4.15.1 a description of the sampling procedures used, including sample collection, handling, and QA/QC;
  - 4.15.2 documentation of the analytical methods used and laboratory QA/QC requirements, including the laboratory analytical report and chain-of-custody documentation; and
  - 4.15.3 results of sampling, including a description of sample locations and a computer generated figure illustrating the layout of the building(s) and sample locations and identification. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with these regulations.
- 4.16 Documentation of personal property assessment and discussion of items that require decontamination or disposal, and items that can be released to the owner because the Consultant has determined, in accordance with Section 5.11.1.4 of this Part 1, that they are not contaminated.
- 4.17 If clearance sampling is conducted during the preliminary assessment, it shall be conducted in accordance with Section 6 of this Part 1. Documentation of clearance sampling shall include:
  - 4.17.1 A description of the sampling procedures used, including sample collection, handling, and QA/QC.
  - 4.17.2 Documentation of the analytical methods used and laboratory QA/QC documentation, including the laboratory analytical report and chain-of-custody documentation.
  - 4.17.3 Results of clearance sampling, including a description of sample locations and a computer generated figure with sample locations and identification, and a copy of each laboratory report of sample results. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or

manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with the regulation.

4.17.4 Documentation of variations from standard practices.

4.17.5 A certification statement, signed by the Consultant, in substantially the following form:

"I hereby certify that I conducted clearance sampling of the subject property in accordance with 6 CCR 1014-3, Part 1, § 6. I further certify that the cleanup standards established by 6 CCR 1014-3, Part 1, § 7 [**choose one:** have/have not] been met as evidenced by testing I conducted."

4.18 Evidence of Consultant certification under Part 2 of these regulations.

4.19 A certification statement, signed by the Consultant, in the following form:

"I hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, Part 1, § 4."

4.20 The Consultant shall provide an electronic copy of the Preliminary Assessment Report to the Department within thirty (30) days of completing the report. If clearance sampling is conducted during the preliminary assessment, the owner must provide a copy of the Preliminary Assessment Report to the governing body as defined in § 25-18.5-101(7), C.R.S. to obtain the immunity provided in § 25-18.5-103(2), C.R.S.

**5.0 Decontamination and Removal Procedures.** No person other than a Contractor in good standing may conduct decontamination or removal of contaminated materials. Decontamination and removal must be overseen at all times by a Decontamination Supervisor. Decontamination Supervisors, Decontamination Workers, and Ventilation Contractors shall use appropriate personal protective equipment during decontamination activities. The property owner, in consultation with the Contractor, may choose to have the Contractor remove and properly dispose of materials at a solid waste landfill, in accordance with Section 5.13 of this Part 1, in lieu of decontaminating them. The Contractor shall conduct decontamination to reduce the concentration of all contaminants on the subject property to or below the levels specified in Section 7.0 of this Part 1. Decontamination shall employ techniques that result in the physical removal of contamination. The use of decontamination products, including, but not limited to, corrosives and caustic agents that chemically treat or alter contaminants, rather than physically remove the contaminants, is prohibited. The Contractor shall conduct decontamination in accordance with procedures designed to protect workers, future occupants, neighbors and the general public, including, but not limited to, the following:

5.1 In multi-unit buildings and buildings with common access hallways, install a negative air unit equipped with a HEPA filtration system and operate it throughout the decontamination process to minimize dispersal of airborne particulates caused by decontamination.

5.2 If there is visible dust present, vacuum the entire area using a HEPA vacuum.

5.3 Wash and rinse all surfaces that are (or are reasonably expected to be) contaminated. The Contractor shall use detergent water solution for washing and potable water for rinsing.

- 5.4 All contaminated material that will not or cannot be decontaminated to cleanup standards specified in Section 7.0 of this Part 1 shall be removed and disposed of properly. If clearance sampling cannot demonstrate that cleanup standards have been met, the material must either be re-cleaned until cleanup standards are met or the material must be removed and disposed of properly.
- 5.5 Encapsulation of surfaces may only be conducted after clearance sampling has demonstrated that cleanup standards have been achieved, as specified in Section 7.0 of this Part 1, and as may be required by the governing body as defined in § 25-18.5-101(7), C.R.S.
  - 5.5.1 Painted-over surfaces (as defined in Section 2 of this Part 1) that, following decontamination, fall in between the cleanup standards of Sections 7.1 and 7.1.2 of this Part 1 shall be encapsulated or removed. Encapsulation shall be performed by applying a coat of oil-based paint using a spray-on method of application. Painted-over surfaces that have been decontaminated and are below the cleanup standard of Section 7.1 of this Part 1 do not have to be encapsulated.
- 5.6 Ventilation systems shall be decontaminated or removed by a Ventilation Contractor, Decontamination Worker, or Decontamination Supervisor who is trained, certified, and equipped to comply with the following protocol for ventilation system decontamination:
  - 5.6.1 Decontamination of the ventilation system shall either take place after an initial gross decontamination of the structure or after complete decontamination of the structure.
  - 5.6.2 At a minimum, the Ventilation Contractor, Decontamination Worker, or Decontamination Supervisor shall perform the following actions, or an alternative decontamination procedure that has been approved by the Department, pursuant to Section 10 of this Part 1:
    - 5.6.2.1 Perform a walk-through of the structure prior to initiation of the project to establish a specific plan for decontamination of the ventilation system, and to identify components that will be removed.
    - 5.6.2.2 Except as provided in 5.6.2.8, remove and dispose of all porous components, flexible ducting, glass-lined ducting, and any ducting that has been damaged or compromised.
    - 5.6.2.3 Place protective coverings in areas where work is being performed, including plastic or drop cloths around each area where the duct is penetrated. Utilize controlled containment practices to ensure that debris is not dispersed outside the air conveyance system during cleaning.
    - 5.6.2.4 Perform a visual inspection of plenums, interior ductwork surfaces, and internal components. Inspect all points where lateral lines are attached at the boot (vent) and trunk line in attics and crawl spaces for sufficient integrity to successfully create negative pressure. Seal or remove breaches as necessary to maintain pressure.

- 5.6.2.5 Place critical barriers over any hole where ducting has been removed immediately upon removal to prevent cross contamination and/ or migration of contamination.
  - 5.6.2.6 Shut off and lock out all air handler units before working on each air conveyance system.
  - 5.6.2.7 Remove and clean or dispose of all return air grills, registers and miscellaneous non-porous components.
  - 5.6.2.8 If structural components such as wall cavities are used as duct runs decontaminate the duct run or install a new duct run.
  - 5.6.2.9 Remove any large debris that has accumulated inside the system and HEPA vacuum the inside of ducting from each vent.
  - 5.6.2.10 Draw a negative pressure on the entire ductwork, using HEPA-exhausted vacuum filters, throughout the cleaning process. Establish an appropriate pressure to ensure removal of all loose debris. Commence vacuuming at the furthest vent from the heating and/or cooling unit, and proceed toward the unit.
  - 5.6.2.11 Clean the ventilation system, including the outside air intake, supply ductwork, and return air plenums, using pneumatic or electrical agitators to agitate debris into an airborne state. Additional equipment may be also be used in the cleaning process, such as brushes, air lances, and air nozzles.
  - 5.6.2.12 Open and inspect air handling units and clean all components in the air pathway.
  - 5.6.2.13 After decontamination of the system, take photographs as necessary to document that the system has been cleaned and is free of debris. Install new/clean critical barriers at each access point, and leave in place until the cleanup standards in Section 7.0 of this Part 1 are achieved throughout the subject property.
  - 5.6.2.14 Bag and label all debris and other items removed from the ventilation system, including any filters, and properly dispose of at a solid waste landfill, in accordance with Section 5.12 of this Part 1.
  - 5.6.2.15 Decontaminate or package for proper disposal all equipment used in the cleaning of the ventilation system before removing from the property.
- 5.6.3 The introduction of any materials or chemicals into a central heat system that are not approved by the EPA on the product label for that specific use is prohibited. The use of oxidizers or corrosives is also prohibited. EPA approved sealers shall not be used until after clearance sampling indicates the cleanup standard has been met in the ventilation system.

- 5.6.4 Other heating systems, such as electric in-wall heaters, gas wall heaters, and baseboard heaters, shall be thoroughly decontaminated or removed and disposed of properly.
- 5.7 Attics determined to be contaminated above the cleanup standard for limited exposure areas, as specified in Section 7.1.1 of this Part 1, shall either have contaminated materials and surfaces removed or decontaminated. If the property owner chooses to decontaminate the attic, the Contractor shall use the following procedure, at a minimum:
  - 5.7.1 Remove all insulation and debris in the attic, and remove all ducting associated with bathroom and kitchen exhaust vents.
  - 5.7.2 Establish critical barriers on the lower side (ceiling side) of the vent openings. All critical barriers must be maintained in good condition until the entire structure has been decontaminated to meet cleanup criteria.
  - 5.7.3 Thoroughly HEPA vacuum the attic.
  - 5.7.4 Decontaminate attic surfaces using a detergent water wash followed by rinsing. Control and contain excess decontamination liquids in a manner that will prevent the build-up of free liquids or cause damage to building materials.
  - 5.7.5 Following decontamination, the Consultant shall sample the attic area in accordance with the clearance sampling requirements of Section 6 of this Part 1 to determine if the residual contamination levels exceed the cleanup standard for limited exposure areas.
  - 5.7.6 If the clearance sampling indicates the area is still above the cleanup standard, the Contractor shall either conduct additional decontamination as provided above, or remove the contaminated material. If additional decontamination is conducted, the Consultant shall repeat clearance sampling. Decontamination is not complete until contaminated materials have either been removed or decontaminated to meet the standard.
- 5.8 Crawl spaces determined to be contaminated above the cleanup standard for limited exposure areas, as specified in Section 7.1.1 of this Part 1, shall be decontaminated using the following procedure, at a minimum:
  - 5.8.1 Remove all insulation and debris.
  - 5.8.2 Remove existing vapor barrier, if present, using dust control measures to prevent cross contamination.
  - 5.8.3 If no vapor barrier is present, or following removal of an existing vapor barrier, install a layer of 6 mil polyethylene sheeting or equivalent during decontamination to capture decontamination fluids. Excess decontamination liquids shall be collected, containerized and disposed of in accordance with Section 5.12.3 of this Part 1. The polyethylene sheeting shall be removed and disposed of after the decontamination process is complete.
  - 5.8.4 If the ducting for the central heat system is removed, install critical barriers on the upper side (floor side) of the vent holes. All critical barriers shall be maintained in

good condition until the entire structure has been decontaminated and meets cleanup criteria.

- 5.8.5 HEPA vacuum all surfaces except for dirt floors.
- 5.8.6 Decontaminate all surfaces, other than dirt floors, using a detergent water wash followed by rinsing.
- 5.8.7 If it is determined that chemicals have been disposed of onto the dirt floor, remove all contaminated soil and dispose of offsite, in accordance with Section 5.12 of this Part 1. The extent of soil removal shall be based on the visual observations and field screening in accordance with Section 6 of this Part 1.
- 5.8.8 After completing steps 1 through 7, sample surfaces, other than dirt floors, in accordance with the clearance sampling requirements of Section 6 of this Part 1 to determine if contaminant concentrations exceed the cleanup standard.
- 5.8.9 If the clearance sampling indicates the area is above the cleanup standard, conduct additional decontamination. Decontamination is not complete until contaminated material is removed or clearance sampling indicates the cleanup standard has been met.
- 5.8.10 If the vapor barrier was removed, a new barrier shall be installed above the dirt floor unless determined by the Consultant, in consultation with the owner, to be unnecessary.
- 5.8.11 If there was no vapor barrier, but the crawlspace was contaminated above the cleanup standard, remove the top 2 inches of dirt and dispose of in a solid waste landfill.
- 5.9 Flush plumbing systems connected to the sanitary sewer with potable water to eliminate any residual chemicals.
- 5.10 If assessment sampling demonstrated that methamphetamine lab wastes have been disposed of into an OWTS, pump the system and characterize and dispose of the wastes in accordance with Sections 5.12, and 6.6.4 of this Part 1.
- 5.11 Personal Property
  - 5.11.1 Personal property must either be:
    - 5.11.1.1 decontaminated to the cleanup standards specified in Section 7.0 of this Part 1, as demonstrated through clearance sampling of the personal property;
    - 5.11.1.2 decontaminated as provided in Sections 5.11.2 and 5.11.3;
    - 5.11.1.3 properly disposed of in accordance with Section 5.12 of this Part 1; or
    - 5.11.1.4 determined not to be contaminated as follows:

- 5.11.1.4.1 the personal property in question, or other personal property of similar material (non-porous, porous other than textiles/fabrics, and textiles/fabrics) and located in the same room, was sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of this Part 1, and determined to be below the cleanup standards specified in Section 7.0 of this Part 1; or
      - 5.11.1.4.2 the personal property in question was located in a room that was determined to be below the cleanup standards specified in Section 7.0 of this Part 1 after being sampled in accordance with the clearance level sampling protocols and other requirements of Section 6 of this Part 1; and in the Consultant's judgment, the item is unlikely to have been contaminated from exposure elsewhere in the subject property, given the nature of the item, the time the item was introduced to the subject property (if known), and any other relevant factors or information.
- 5.11.2 Hard non-porous household goods (including ceramics, hard plastics, electronics, metals, and glass) that show no signs of having been used during the methamphetamine cooking process (e.g., are not etched, stained, or emitting odors) may be decontaminated by washing them at least twice using a detergent-water solution and rinsing after each washing with potable water. Only the exterior of electronic goods such as televisions, computers, or home audio and video equipment, must be washed unless such items are being recycled, in which case they must be dunk-washed in accordance with Section 5.12.2. Eligible items decontaminated pursuant to this section do not require clearance sampling. As used in this section, the term "household goods" excludes major appliances such as ranges, cooktops, ovens, microwaves, and refrigerators.
- 5.11.3 Clothing and linens that are not obviously contaminated may be decontaminated by being laundered on-site in accordance with the following conditions:
  - 5.11.3.1 clothing and linens must be handled in a manner that prevents cross-contamination of uncontaminated areas and items;
  - 5.11.3.2 clothing and linens must be washed at least three consecutive times with detergent using a standard washing machine, without being dried in between washes.
  - 5.11.3.3 Clothing and linens that are decontaminated in accordance with this Section 5.11.3 do not require clearance sampling.
- 5.12 Waste management shall be conducted in accordance with the Colorado Hazardous Waste Regulations (6 CCR 1007-3) and the Colorado Solid Waste Regulations (6 CCR 1007-2).
  - 5.12.1 Non-hazardous debris and contaminated material generated during decontamination of methamphetamine-affected properties shall be managed as solid waste.

- 5.12.2 Electronic devices that are banned from disposal under § 25-15-303, C.R.S. shall be recycled in accordance with the Colorado Solid Waste Regulations (6 CCR 1007-2). If the device to be recycled was stored in a room that is determined to be contaminated, the device shall be dunk-washed at least 3 times, or dismantled and HEPA vacuumed, prior to being recycled.
- 5.12.3 Wash water shall be containerized for offsite disposal, or may be disposed of to the sanitary sewer with prior approval from the POTW. A pH test shall be conducted to determine if neutralization of the wash water is necessary prior to disposal.
- 5.12.4 Wastes removed from OWTs shall be disposed of as either solid or hazardous waste based on results of laboratory analysis as described in Section 6 of this Part 1.
- 5.12.5 Methamphetamine lab wastes and precursor chemicals discovered at the subject property shall be disposed of as either solid or hazardous waste based on results of laboratory analysis as required by 6 CCR 1007-3, Part 261.
- 5.13. Any demolition of all or part of a structure shall be conducted in accordance with all local, State and Federal requirements. All material from demolition or removal shall be disposed of in a solid waste landfill.
- 5.14 If sampling provides evidence that hazardous waste has been disposed of in the OWTs, an investigation of potential environmental contamination shall be conducted. The investigation and cleanup of soil, surface water and groundwater contamination resulting from disposal of methamphetamine lab wastes into an OWTs shall be conducted under an approved plan in accordance with either the Colorado Hazardous Waste Regulations (6 CCR 1007-3), or the Colorado Solid Waste Regulations (6 CCR 1007-2), as appropriate based on sampling results, and with Water Quality Control Commission Regulations 31 and 41 (5 CCR 1002-31 and 5 CCR 1002-41). Specific investigation requirements shall be determined through consultation with the Department's Hazardous Materials and Waste Management Division. Guidance on soil and groundwater investigations can be found in the Department of Public Health and Environment, Hazardous Materials and Waste Management Division (May 2002), Corrective Action Guidance Document and the EPA Environmental Investigations Standard Operating Procedures and Quality Assurance (EISOPQA) Manual (November 2001).
- 5.15 The investigation and cleanup of soil, surface water and groundwater contamination shall be conducted in accordance with either the Colorado Hazardous Waste Regulations or the Colorado Solid Waste Regulations, as appropriate based on sampling results, and in accordance with Water Quality Control Commission Regulations 31 and 41 (5 CCR 1002-31 and 5 CCR 1002-41). Occurrences of outdoor contamination shall be reported to the Department within 72 hours of discovery.

## **6.0 Sampling and Analytical Procedures.**

### **6.1 General Requirements**

- 6.1.1 No person other than a Consultant in good standing may conduct sampling under these regulations.

- 6.1.2 To prevent any real or potential conflicts of interest, a Consultant who is retained to conduct a screening level assessment, preliminary assessment, or clearance sampling at a given subject property must be independent of the Contractor who is retained to decontaminate the subject property.
- 6.1.3 The following sample collection procedures shall be followed for screening level sampling, preliminary assessment sampling and clearance sampling, except as provided in Section 6.8.2 of this Part 1.
  - 6.1.3.1 Wipe sampling shall be used to determine the extent of methamphetamine contamination on all surfaces at all methamphetamine-affected properties, and at all properties that are undergoing a screening level assessment.
  - 6.1.3.2. Wipe sampling shall be used to determine the extent of lead contamination on all surfaces at properties whenever the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacture was used on the property.
  - 6.1.3.3 Wipe sampling shall be used to determine the extent of iodine contamination whenever there is visible evidence of iodine staining on surfaces that will not be removed.
  - 6.1.3.4 Vacuum sampling may, at the Consultant's discretion, be used instead of wipe sampling to determine the extent of methamphetamine, iodine or lead contamination on fabrics or textiles only.
  - 6.1.3.5 Vapor sampling shall be used to determine the extent of mercury contamination whenever the preliminary assessment indicates the P2P method of methamphetamine manufacture was used on the property.
- 6.2 Discrete Wipe Sample Collection Procedures. The following procedure shall be used for collecting discrete wipe samples:
  - 6.2.1 Sample media shall consist of 2x2 inch wipes made of one of the following:
    - 6.2.1.1 Cotton gauze material.
    - 6.2.1.2 4-ply non-woven cotton/polyester blend.
    - 6.2.1.3 Tightly knitted continuous filament polyester.
  - 6.2.2 Delineate a 100 cm<sup>2</sup> area on the surface to be sampled, either by attaching a physical template to the surface (being careful not to touch the area within the template), or by an equivalently reliable and accurate method. The area within the template (i.e., the sample area) shall be 100 cm<sup>2</sup>. Physical templates may not be re-used.
  - 6.2.3 Prepare a rough sketch of the area(s) to be sampled and indicate sample location(s).
  - 6.2.4 Wet the sample media with isopropanol to enhance collection efficiency.

- 6.2.5 Use a new set of clean, non-powdered impervious gloves for each sample to avoid contamination of the sample media by previous samples and to prevent contact with the substance.
- 6.2.6 Press the sample media down firmly, but not excessively, with the fingers, being careful not to touch the sample surface with the thumb. Blot rough surfaces uniformly instead of wiping. Wipe smooth surfaces as described in the next section below.
- 6.2.7 Wipe the surface using one of the following methods:
  - 6.2.7.1 Square method: Start at the outside edge and progress toward the center of the surface area by wiping in concentric squares of decreasing size.
  - 6.2.7.2 "S" method: Wipe horizontally from side-to-side in an overlapping "S"-like pattern as necessary to completely cover the entire wipe area.
- 6.2.8 Without allowing the sample media to come into contact with any other surface, fold the sample media with the sampled side in.
- 6.2.9 Use the same sample media to repeat the sampling of the same area using the same method. If using the "S" method, the second pass shall be sampled by wiping with overlapping "S"-like motions in a top-to-bottom direction.
- 6.2.10 Fold sampled side in. Using the same sample media, sample the same area a third time. The third pass shall be sampled by wiping using the method not previously used (i.e., use the square method if the "S" method was originally used).
- 6.2.11 Fold the sample media over again so that the sampled side is folded in. Place the sample media in a sample container, cap and number it, and note the number at the sample location on the sketch. Remove and discard impervious gloves. Include notes with the sketch giving any further description of the sample, including sample name and time of collection. Photograph each sample location.
- 6.2.12 Submit at least one field blank, prepared and handled in the same fashion but without wiping, for every 10 samples collected, according to the following:
  - 6.2.12.1 To collect a field blank, remove a wipe from the wrapper with a new glove, shake the wipe open, refold in the same manner as during the sampling procedure, and then insert the wipe into the sample container.
  - 6.2.12.2 Repeat this procedure for multiple aliquots when collecting a composite field blank.
  - 6.2.12.3 For projects with fewer than 10 samples collected, the last sample collected shall be the field blank.
  - 6.2.12.4 For projects with greater than 10 samples collected, sample 11 shall be a field blank, every 10th subsequent sample shall be a field blank, and the last sample of any sample group with fewer than 10 samples shall be a field blank.

- 6.2.12.5 Field blanks shall be representative of the majority of samples collected for every sample group (i.e., discrete or composite).
- 6.2.13 Follow sample handling procedures as specified by the analytical method listed in Section 6.12 of this Part 1.
- 6.2.14 Maintain a Chain-of-Custody Record covering the time of sample collection through final disposition. Document sample(s) collected from a single methamphetamine-affected property on one Chain-of-Custody Record. Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it. Samples shall be sealed, labeled, and secured. All samples collected shall be transported directly to the laboratory. Shipping samples overnight is considered direct transport, and the shipping label shall be considered part of the Chain-of-Custody Record. Retain all sample documents for the project record and include them in the project reports. At a minimum, the Chain-of-Custody Record shall include the following:
  - 6.2.14.2 subject property address;
  - 6.2.14.3 sampler name and contact information;
  - 6.2.14.4 sample identification number;
  - 6.2.14.5 sample area;
  - 6.2.14.6 number of sample aliquots;
  - 6.2.14.7 number of containers for each sample;
  - 6.2.14.8 sample collection time and date;
  - 6.2.14.9 sample matrix;
  - 6.2.14.10 requested analysis;
  - 6.2.14.11 sample preservatives, if applicable; and
  - 6.2.14.12 signature and date for each person relinquishing or receiving sample custody.
- 6.2.15 Painted-over surfaces. Estimate the concentration of methamphetamine present below a painted-over surface (as defined in Section 2 of this Part 1) by one of the following methods:
  - 6.2.15.2 collect wipe samples from similar surfaces within the same room that were not painted after contamination was introduced, or
  - 6.2.15.3 sample the painted over surface as set forth in 6.2.1 – 6.2.14, but use methanol instead of isopropanol as the wetting agent for the sampling media to acquire a representative sample from beneath the painted-over surface.
- 6.3 Composite Wipe Sample Collection Procedures. When collecting composite samples, use the procedure outlined in Section 6.2 above for discrete samples for the collection of each aliquot comprising the composite sample, with the following exceptions:

- 6.3.1 A single pair of gloves may be used to collect each aliquot that will be part of a single composite sample. Use a new pair of gloves for each set of composite samples.
- 6.3.2 Use a separate piece of sample media for each aliquot.
- 6.3.3 Place the sample media from all individual aliquots that make up a composite sample in one sample container.
- 6.3.4 Combine no more than 4 aliquots in a single composite sample.
- 6.3.5 All aliquots in a single composite sample collected from personal property must be collected from similar material (non-porous, porous other than textiles/fabrics, and textiles/fabrics).
- 6.3.6 Collect all individual aliquots from 100 cm<sup>2</sup> sampling areas.
- 6.4 Vacuum Sample collection procedures. At the Consultant's discretion, vacuum sampling may be used to determine the extent of contamination on fabrics and textiles, including carpeting, drapery, upholstery, clothing, and other fabric goods. Vacuum samples shall be collected in accordance with procedures for sample collection described in Section 9 of the ASTM International Method D5756-02, Standard Test Method for Microvacuum Sampling and Indirect Analysis of Dust by Transmission Electron Microscopy for Asbestos Mass Concentration as incorporated in Section 9 of this Part 1.
- 6.5 Vapor Sample collection procedures. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, vapor samples for mercury shall be collected in accordance with the procedures for sample collection described in NIOSH Method 6009 as incorporated in Section 9 of this Part 1.
- 6.6 OWTS Sampling. If the subject property has an OWTS, the Consultant shall conduct field screening, and if necessary sample collection from the OWTS to confirm or deny the presence of methamphetamine lab waste, and to ensure proper disposal of any methamphetamine lab waste identified.
  - 6.6.1 Field Screening. Field screening of septic tanks shall be conducted if there is evidence that methamphetamine lab wastes may have been disposed of into an OWTS. Evidence of methamphetamine lab wastes disposal into an OWTS includes, but is not limited to, the following:
    - 6.6.1.1 witness statements;
    - 6.6.1.2 stained or etched sinks, bathtubs, toilets;
    - 6.6.1.3 chemical odors coming from the OWTS plumbing or tank;
    - 6.6.1.4 visual observations of unusual conditions within the septic tank ("dead tank"); or
    - 6.6.1.5 stressed or dead vegetation in a drain field.

- 6.6.2 Initial field screening shall consist of the following:
- 6.6.2.1 Monitoring the septic tank for volatile organic compounds (VOCs) using a photo ionization detector (PID), flame ionization detector (FID), or other instrument capable of measuring VOCs with a demonstrated accuracy of plus or minus 25%.
  - 6.6.2.2 Testing the pH of liquid in the septic tank using pH paper or a pH meter.
  - 6.6.2.3 Additional field screening may be conducted, at the discretion of the Consultant, to further investigate the possible presence of methamphetamine lab waste.
- 6.6.3 Sample Collection. If field screening indicates that the OWTS has not been impacted by methamphetamine lab wastes, the Consultant may, at his or her discretion, presume the OWTS to be uncontaminated, and no further sampling is required. If field screening indicates that the OWTS has been impacted by methamphetamine lab wastes, the Consultant shall collect samples from the septic tank to determine if the liquids in the tank contain a hazardous waste. Samples shall be collected according to the requirements of the analytical method being used and the following protocol:
- 6.6.3.1 Prior to sampling, determine whether the tank consists of one or two chambers through records review, visual inspection of the tank or by sufficiently excavating the septic tank.
  - 6.6.3.2 Samples from single chamber tanks shall be collected from the baffle on the outlet end of the tank.
  - 6.6.3.3 Samples from dual chamber tanks shall be collected from the baffle on the outlet end of chamber one.
  - 6.6.3.4 Samples must be representative of the wastes found in the septic tank. Sampling procedures may include the use of drum thieves, sludge judges or equivalent equipment. The instructions for the correct usage of the sampling device shall be followed.
  - 6.6.3.5 Remove access cover from the first (or only) chamber and locate outlet baffle.
  - 6.6.3.6 Move any floating surface matter away from the insertion point of the sampling device. Do not collect any matter in the sampling device.
  - 6.6.3.7 Insert the sampling device into the tank, lowering it until it hits the bottom.
  - 6.6.3.8 Trap the sample inside the sampling device.
  - 6.6.3.9 Remove the sampling device and fill the laboratory supplied sample containers. The specific volume and type of sample container will be determined based on the type of analysis desired. For VOC analysis, two 40ml vials shall be filled, leaving no headspace.

- 6.6.3.10 Replace access cover at the completion of sample collection.
  - 6.6.3.11 Samples may be collected in laboratory preserved bottles, or in unpreserved bottles. If the samples are collected in unpreserved bottles, the laboratory must be notified that the samples are unpreserved.
  - 6.6.3.12 Place sample containers in a cooler with enough ice or ice packs to maintain a temperature of 4° C.
  - 6.6.3.13 Maintain a Chain-of-Custody Record from the time of sample collection until final disposition. Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it. Samples shall be sealed, labeled, and secured. All samples collected shall be transported directly to the laboratory. Shipping samples overnight is considered direct transport, and the shipping label shall be considered part of the Chain-of-Custody Record. All sample documents shall be retained for the project record and included in project reports.
- 6.6.4 Waste Characterization. The contents of septic tanks that contain waste from methamphetamine labs are solid wastes. Prior to disposal, a hazardous waste determination must be made in accordance with 6 CCR 1007-3 Section 261.20 through 261.24. The following analyses, as incorporated in Section 9 of this Part 1, shall be conducted to determine if an OWTS has been impacted by methamphetamine lab wastes, and if the septic tank contains a characteristic hazardous waste:
- 6.6.4.1 VOCs using Method 8260B in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.
  - 6.6.4.2 Ignitability/flash point by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80 (or Method 1010A in EPA SW-846), or Setaflash Closed Cup Tester, using the test method specified in ASTM standard D-3278-78 (or Method 1020B in EPA SW-846).
  - 6.6.4.3 Corrosivity as determined by Method 9040C or Method 1110A in EPA Publication SW-846.
  - 6.6.4.4 Reactivity using Method 9014 and Method 9034 in EPA Publication SW-846.
- 6.7 Screening level sampling protocols for buildings.
- 6.7.1 For screening assessments performed in connection with a proposed transaction for the purchase of a single-family dwelling, or the purchase of a single unit of a multi-unit building (e.g., a condominium):
    - 6.7.1.1 a minimum of two (2) 4-aliquot composite samples must be collected, with at least one aliquot being collected from each room. At least one composite sample must include an aliquot from the cold air return of a heating system, if it is a forced air system.

- 6.7.1.2 All exhaust fans (including, but not limited to, kitchen, bathrooms, attic vent fans, or whole house exhaust fans) must also be sampled. Exhaust fan samples shall be collected from inside the fan compartment, the fan blade, or the back side of the fan grill. A separate surface sample does not need to be collected from any room from which a fan or ventilation system sample is collected.
  - 6.7.1.3 For single family dwellings, at least one aliquot must be taken from each room of all outbuildings.
  - 6.7.1.4 In the case of single family dwellings, if there are any additional dwellings on the subject property (such as a living space over a garage, mother-in-law apartment, etc.), the additional dwelling(s) shall be sampled as provided in Sections 6.7.1.1 and 6.7.1.2 of this Part 1.
- 6.7.2 For screening assessments performed in connection with a proposed transaction for the purchase of a multi-unit building where no units exhibit signs of being an illegal drug laboratory, at least ten (10) percent of such units shall be evaluated through the collection of at least one 4-aliquot composite sample per unit, with at least one aliquot being drawn from each room in the unit. At least one composite sample must include an aliquot from the cold air return of a heating system, if it is a forced air system. All exhaust fans in sampled units must also be sampled.
  - 6.7.2.1 Collect at least one aliquot per room of each outbuilding.
- 6.7.3 Samples collected by the seller's Consultant, for the purpose of disputing samples collected by the buyer's Consultant, shall not be collected from the exact location as the previous sample. Alternate sample locations, determined by the Consultant to be representative, shall be used if there is no surface area remaining in the original sample location that has not already been sampled.
- 6.8 Assessment level sampling protocols for buildings and personal property.
  - 6.8.1 Except as provided in Section 6.8.2 below, the Consultant shall conduct sampling for methamphetamine that meets the clearance level sampling protocols of Section 6.9 in all rooms of a methamphetamine-affected property as part of the preliminary assessment.
  - 6.8.2 The Consultant may determine that some (or all) rooms, attics, crawls spaces, and forced air ventilation systems should be deemed to be contaminated based on data other than assessment sampling. Personal property located in rooms that are deemed to be contaminated is also deemed to be contaminated. Rooms that are deemed to be contaminated do not need to be sampled as part of the preliminary assessment, nor do their contents. However, the Consultant may choose to conduct additional sampling of those rooms or their contents to inform decontamination decisions.
- 6.9 Clearance level sampling protocols for buildings and personal property. The Consultant shall conduct clearance level sampling of any subject property that meets the definition of a methamphetamine-affected property, or that is suspected of being a methamphetamine-affected property as provided in Sections 3.2, 3.3 or 3.4 of this Part 1, to verify that cleanup standards have been met. If the subject property is a single family dwelling, the Consultant shall conduct clearance sampling of all structures on the

property. If the subject property is a unit in a multi-unit building that has exclusive access to any auxiliary portion of the multi-unit property (such as a storage room or garage), the Consultant shall conduct clearance sampling of the unit and all such auxiliary structures. Samples shall be collected according to the following criteria:

- 6.9.1 Except as provided in Section 6.9.1.1, at least 400 cm<sup>2</sup> of surface area shall be sampled from every room, attic, and crawl space.
  - 6.9.1.1 For buildings and structures that have had their internal walls removed during decontamination, post decontamination sampling shall be conducted in accordance with Section 6.9.2 and Section 6.9.3.
- 6.9.2 At least 800 cm<sup>2</sup> of total surface area must be sampled for any single methamphetamine-affected property.
- 6.9.3 For rooms greater than 500 ft<sup>2</sup> of floor space an additional 100 cm<sup>2</sup> of surface area shall be sampled for each additional 500 ft<sup>2</sup> or fraction thereof.
- 6.9.4 For buildings and structures that have forced air ventilation systems, at least 400 cm<sup>2</sup> of surface area of the ventilation system shall be sampled, unless the entire ventilation system is removed. Samples shall be collected from accessible areas within the heat exchanger unit, inside the cold air return system, from inside the supply air system, and from one other location selected at the Consultant's discretion. The Consultant will visually inspect accessible portions of the ventilation system and review photo documentation to verify that the system has been cleaned and is free of debris.
- 6.9.5 For buildings and structures with non-ducted heating or cooling systems that circulate indoor air, one discrete sample shall be collected from each heating or cooling unit.
- 6.9.6 Composite samples may be used for clearance sampling of rooms, attics, crawl spaces, and personal property, provided all aliquots comprising a composite sample come from the same room, attic, or crawl space.
- 6.9.7 The interior of major appliances (microwaves, refrigerators, freezers, ovens, and dryers) must be sampled using discrete samples. The exterior of major appliances may be sampled using composite samples.
- 6.9.8 Items in a closet that is less than 75 ft.<sup>2</sup> may be sampled separately from items in the adjoining room (e. g., clothing from a bedroom closet may be sampled separately from textiles in the bedroom).
- 6.9.9 A composite sample of personal property is considered representative of contaminant levels on all personal property of that type material (non-porous, porous other than textiles/fabrics, or textiles/fabrics) within the same room. Should analysis of composite samples from multiple items indicate methamphetamine levels in excess of the cleanup standard, all items from which the composite sample was comprised, and all items of that type material within the same room will be considered to be in excess of the cleanup standard, unless a discrete sample of an individual item demonstrates that the cleanup standard has been met on that item.

- 6.9.10 For structures that have no rooms, the Consultant shall sample at least 100 cm<sup>2</sup> of surface area for every 500 ft<sup>2</sup> of floor space.
- 6.9.11 Locations of clearance samples shall be based on information gathered during the preliminary assessment. Samples shall be collected from surfaces that have a reasonable potential to contribute to human exposure, including:
  - 6.9.11.1 Areas expected to have the highest levels of contamination, such as cooking areas, chemical storage areas, and waste disposal areas.
  - 6.9.11.2 Areas where contamination may have migrated, such as adjacent rooms or units, common areas, shared attics, shared crawl spaces, shared ventilation systems, and units connected to the contaminated unit by such attics, crawl spaces, or ventilation systems.
  - 6.9.11.3 Personal property that will not be disposed of, except that hard non-porous household goods including ceramics, hard plastics, metals, and glass that show no signs of having been used during the methamphetamine cooking process (e.g., are not etched, stained, or emitting odors) do not require clearance sampling if they are washed at least two times using a detergent-water solution. As used in this section, the term "household goods" excludes major appliances such as ranges, cooktops, ovens, microwaves, and refrigerators.
  - 6.9.11.4 Clothing and linens, except that no sampling is required for:
    - 6.9.11.4.1 clothing or linens that will immediately be disposed of at a solid waste landfill; or
    - 6.9.11.4.2 clothing or linens that are not obviously contaminated, provided such items are managed in accordance with 5.11.3.
- 6.10 Clearance level sampling protocols for vehicles.
  - 6.10.1 The Consultant shall sample a minimum of 400 cm<sup>2</sup> of the interior surface of the vehicle.
  - 6.10.2 The Consultant shall sample an additional 100 cm<sup>2</sup> for every 50 ft<sup>2</sup> of floor space for any large vehicle, such as a recreational vehicle, motor home, trailer, or camper.
  - 6.10.3 Composite sampling of vehicles is allowed, provided that all aliquots making up an individual composite are taken from the same vehicle.
- 6.11 Surface Soil Sampling.
  - 6.11.1 The following procedures shall be followed when conditions indicate the potential for soil contamination:
    - 6.11.1.1 Samples for volatile organic compound (VOC) and semi-volatile organic compound (SVOC) analysis must be collected as discrete samples.

6.11.1.2 Samples for methamphetamine and non-volatile compounds may either be collected as discrete samples or composite samples.

6.11.2 Discrete surface soil samples shall be collected as follows:

6.11.2.1 At each sampling location, clear an area approximately 12 inches in diameter of surface vegetation and debris.

6.11.2.2 Use a decontaminated stainless steel spoon to collect the surface soil to a depth of six inches (i.e., 0-6 inch sample). A decontaminated stainless steel pick may be used as needed to loosen the soil. To the extent possible, eliminate gravel-sized or larger particles and debris based on visual observation. Be sure to collect sufficient sample volume to meet analytical requirements.

6.11.2.3 Use laboratory supplied or clean unused sample containers. If VOC and SVOC analyses are to be performed, immediately fill the VOC and SVOC sample containers fully to eliminate head space. Tightly seal the containers with the appropriate lids. Follow sample handling procedures as specified by the analytical method listed in Section 6.12 of this Part 1.

6.11.2.4 A Chain-of-Custody Record shall be maintained from the time of sample collection until final disposition. Sample(s) collected from a single methamphetamine-affected property shall be documented on one Chain-of-Custody Record. Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it. Samples shall be sealed, labeled, and secured. All samples collected shall be transported directly to the laboratory while maintaining the required temperature controls as specified by the analytical method. Shipping samples overnight is considered direct transport, and the shipping label shall be considered part of the Chain-of-Custody Record. All sample documents shall be retained for the project record and included in the project reports.

6.11.2.5 Decontaminate the sampling equipment prior to collecting additional samples.

6.11.3 Each composite surface soil sample shall be collected as follows:

6.11.3.1 Composite sampling shall consist of the collection of a 5-aliquot or 10-aliquot composite soil sample collected from a grid with a maximum surface area of 10,000 ft<sup>2</sup>. Aliquot locations shall be evenly spaced throughout the entire grid.

6.11.3.2 Prior to sampling, calculate the volume of sample material to be collected for each aliquot to ensure that the necessary amount of composite sample will be obtained. Required sample volumes shall be those specified by the analytical method listed in Section 6.12 of this Part 1. For a given composite sample, the volume of each aliquot must be the same, and must equal 1/n of the required composite sample volume, where n equals the number of aliquot samples making up the composite sample.

- 6.11.3.3 At each aliquot sample location, clear an area approximately 12 inches in diameter of surface vegetation and debris.
  - 6.11.3.4 Use a decontaminated stainless steel spoon to collect surface soil to a depth of six inches. A decontaminated stainless steel pick may be used as needed to loosen the soil. To the extent possible, eliminate gravel-size or larger particles and debris based on visual observation. Be sure to collect a sufficient volume of aliquot sample. The volume of aliquot collected at each location must be the same.
  - 6.11.3.5 Place the aliquot into a decontaminated stainless steel mixing bowl.
  - 6.11.3.6 Repeat Steps 3 through 5 of this Section 6.11.3 at each aliquot sample location for a given composite sample, adding each successive aliquot sample to the mixing bowl.
  - 6.11.3.7 Thoroughly mix the sample material in the stainless steel bowl using a decontaminated stainless steel spoon. To homogenize, divide the sample into four quarters and mix each quarter, then combine the four quarters and mix the entire sample. Place the mixture into appropriate laboratory-supplied or clean unused sample containers. Tightly seal the containers with the appropriate lids. Follow sample handling procedures as specified by the appropriate analytical method listed in Section 6.12 of this Part 1.
  - 6.11.3.8 A Chain-of-Custody Record shall be maintained from the time of sample collection until final disposition. Sample(s) collected from a single methamphetamine-affected property shall be documented on one Chain-of-Custody Record. Every transfer of custody shall be noted and signed for and a copy of the record shall be kept by each individual who has signed it. Samples shall be sealed, labeled, and secured. All samples collected shall be transported directly to the laboratory. Shipping samples overnight is considered direct transport, and the shipping label shall be considered part of the Chain-of-Custody Record. All sample documents shall be retained for the project record and included in the project reports.
  - 6.11.3.9 Decontaminate the sampling equipment prior to collecting additional samples.
- 6.11.4 If surface soil sampling indicates that soil has been impacted by methamphetamine lab waste, additional investigation and remediation shall be conducted under an approved plan in accordance with the Colorado Hazardous Waste Regulations (6 CCR 1007-3) or the Colorado Solid Waste Regulations (6 CCR 1007-2).
- 6.12 Analytical Methods. The following analytical methods, as incorporated in Section 9 of this Part 1, shall be used, as applicable, to determine the concentrations of chemicals in samples collected during screening level assessments, preliminary assessments, or clearance sampling. These incorporated materials are more fully identified, including dates of publication, in the list immediately following Section 9 of this Part 1. Sample handling, including labeling, preservation, documentation, and chain-of-custody, shall be conducted consistent with the requirements of the analytical method being used. Laboratory QA/QC practices, including the use of matrix spikes and matrix spike

duplicates if required by the analytical method, shall be conducted in accordance with the specified method requirements. Analytical methods shall be based on the compound being sampled for.

- 6.12.1 Analysis of wipe samples, bulk samples, and vacuum samples for methamphetamine shall be conducted using one of the following methods:
  - 6.12.1.1 NIOSH Method 9106, Methamphetamine and Illicit Drugs, Precursors and Adulterants on Wipes by Liquid-Liquid Extraction (Issue 1, October 17, 2011), or equivalent.
  - 6.12.1.2 NIOSH Method 9109, Methamphetamine and Illicit Drugs, Precursors and Adulterants on Wipes by Solid Phase Extraction (Issue 1, October 17, 2011) or equivalent.
  - 6.12.1.3 NIOSH Method 9111, Methamphetamine on Wipes by Liquid Chromatography/Mass Spectrometry (Issue 1, October 17, 2011), or equivalent.
  - 6.12.1.4 Method 8270D in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, or equivalent.
- 6.12.2 Analysis of wipe samples and vacuum samples for iodine shall be conducted using Method 9021 or Method 6020 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.
- 6.12.3 Analysis of wipe samples for lead shall be conducted using NIOSH Method 9100 (May 1996).
- 6.12.4 Analysis of vapor samples for mercury shall be conducted using NIOSH Method 6009 (August 1994).
- 6.12.5 The following analytical methods shall be used to characterize liquid wastes, contaminated soils, and soil samples collected during screening level assessments, preliminary assessments, or clearance sampling:
  - 6.12.5.1 Samples shall be analyzed for VOCs by using Method 8260B in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.
  - 6.12.5.2 Samples shall be analyzed for ignitability/flash point by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80 (or Method 1010A in EPA SW-846), or Setaflash Closed Cup Tester, using the test method specified in ASTM standard D-3278-78 (or Method 1020B in EPA SW-846).
  - 6.12.5.3 Samples shall be analyzed for corrosivity as determined by the pH electrometric measurement Method 9040C in EPA Publication SW-846, or by corrosivity toward steel using Method 1110A in EPA Publication SW-846.
  - 6.12.5.4 Samples shall be analyzed for reactivity using Method 9014 and 9034 in EPA Publication SW-846.

- 6.12.6 The following methods shall be used to determine if an OWTS has been impacted by methamphetamine lab wastes, and if the septic tank contains a characteristic hazardous waste:
  - 6.12.6.1 VOCs using Method 8260B in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.
  - 6.12.6.2 Ignitability/flash point by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80 (or Method 1010A in EPA SW-846), or Setaflash Closed Cup Tester, using the test method specified in ASTM standard D-3278-78 (or Method 1020B in EPA SW-846).
  - 6.12.6.3 Corrosivity as determined by Method 9040C or Method 1110A in EPA Publication SW-846.
  - 6.12.6.4 Reactivity using Method 9014/9034 in EPA Publication SW-846.
- 6.12.7 Methamphetamine lab wastes and precursor chemicals discovered on the subject property shall be characterized using the analytical methods in Section 6.12.6 to determine if they are characteristic hazardous wastes. Alternatively, an onsite Hazard Categorization (HAZCAT) shall be conducted by a trained HAZCAT technician.
- 6.12.8 Data review and validation shall be conducted in accordance with USEPA Contract Laboratory Program National Functional Guidelines for Superfund Organic Methods Data Review (June 2008) or USEPA Contract Laboratory Program National Functional Guidelines for Inorganic Superfund Data Review (January 2010).

**7.0 Cleanup standards.** The following cleanup standards shall be used to determine if a subject property has been adequately decontaminated. They may also be used during the preliminary assessment to demonstrate that a subject property, or portion of a subject property, is not contaminated. All subject properties must meet the cleanup standard for methamphetamine.

- 7.1 The methamphetamine concentration of any sample shall not exceed  $0.5 \mu\text{g} / 100 \text{ cm}^2$ , except as provided in Sections 7.1.1 and 7.1.2 below.
  - 7.1.1 Methamphetamine concentrations of samples taken from limited exposure areas shall not exceed  $4 \mu\text{g} / 100 \text{ cm}^2$ .
  - 7.1.2 Methamphetamine concentrations of discrete or composite surface wipe samples taken from painted-over surfaces in accordance with Section 6.2.15 of this Part 1 shall not exceed  $1.5 \mu\text{g} / 100 \text{ cm}^2$ .
    - 7.1.2.1 After all painted-over surfaces (as defined in Section 2 of this Part 1) have been decontaminated in accordance with Section 5 above, and the area meets the cleanup standard specified in this Section 7, the painted-over surfaces shall be encapsulated in accordance with Section 5.5.1. Nothing in this Section 7.1.2 shall be construed to allow painting or encapsulation of surfaces that do not meet the cleanup standards in Section 7.1 at the time of discovery of a methamphetamine-affected property.

- 7.2 If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22  $\mu\text{g}/100\text{ cm}^2$ .
- 7.3 If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40  $\mu\text{g}/\text{ft}^2$ , and vapor samples for mercury shall not exceed a concentration of 1.0  $\mu\text{g}/\text{m}^3$ .
- 7.4 In all buildings, if clearance-level sampling has been conducted and the results demonstrate that one or more rooms meet the cleanup standard in Section 7 of this Part 1, the rooms that meet the standard do not need to be decontaminated, provided that they are isolated from the remainder of the building in a manner that will prevent cross-contamination from decontamination activities elsewhere in the building.
- 7.5 If the composite sample result from a room is below the standard in this Section 7, personal property in the room is considered compliant if, in the Consultant's judgment, the personal property is unlikely to have been contaminated from exposure elsewhere in the subject property, given the nature of the item, the time the item was introduced to the subject property (if known), and any other relevant factors or information.

**8.0 Post-Decontamination Reporting.** The Consultant shall prepare a Post-Decontamination Report, in conjunction with the Contractor, to document the decontamination process and demonstrate that the entire subject property meets the cleanup standards listed in Section 7.0 of this Part 1. The Post-Decontamination Report shall include, but not be limited to, the following, to the extent available and applicable:

- 8.1 A copy of the Preliminary Assessment Report or a summary of the information and findings presented therein.
- 8.2 Photographic documentation of post-decontamination property conditions, including previously identified cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination and sample locations.
- 8.3 A description of the sampling procedures used, including sample collection, handling, and QA/QC.
- 8.4 Documentation of the analytical methods used and laboratory QA/QC documentation, including the laboratory analytical report and chain-of-custody documentation.
- 8.5 Results of post-decontamination clearance sampling, including a description of sample locations and a computer generated figure with sample locations and identification, and a copy of each laboratory report of post-decontamination sample results. Sample results shall be presented as reported by the analytical laboratory, and shall not be adjusted, changed, or manipulated in any way. Spiked samples submitted for analysis shall not be used for purposes of compliance with the regulation.
- 8.6 The Contractor shall provide an electronic copy of a Decontamination Summary Report, containing the following information, to the Department and to the Consultant within thirty (30) days of completion of decontamination work at the subject property for inclusion in the Post-Decontamination Report:

- 8.6.1 A description and photographic documentation of the decontamination procedures used and a description of each area that was decontaminated. Photographic documentation shall include photographs of the ventilation system demonstrating that the system has been cleaned and is free of debris.
- 8.6.2 A description of the removal procedures used, a description of areas where removal was conducted, and the materials removed.
- 8.6.3 A description of the encapsulation procedures used and documentation of the areas and/or materials where encapsulation was performed.
- 8.6.4 A description of the waste management procedures used, including characterization, handling and final disposition of wastes. Copies of the waste manifests or bills of lading shall be included in the final report.
- 8.6.5 Evidence of Contractor certifications in accordance with Part 2 of these regulations.
- 8.6.6 Documentation of variations from standard practices.
- 8.6.7 A certification statement, signed by the Decontamination Supervisor who oversaw the work, in the following form:
 

“I hereby certify that the subject property has been decontaminated, and/or contaminated portions of the subject property have been removed, in accordance with the procedures set forth in 6 CCR 1014-3, Part 1, § 5.”
- 8.6.8 The Contractor shall retain a copy of the Decontamination Summary Report for a period of seven (7) years.
- 8.7 Evidence of Consultant certification under Part 2 of these regulations.
- 8.8 A certificate of compliance, signed by the Consultant, in the following form:
 

“I do hereby certify that I conducted clearance sampling of the subject property in accordance with 6 CCR 1014-3, Part 1, § 6. I further certify that the cleanup standards established by 6 CCR 1014-3, Part 1, § 7 have been met as evidenced by testing I conducted.”
- 8.9 The Consultant shall provide a copy of the Post-Decontamination Report to the property owner, the Contractor, and the Department within thirty (30) days of completing the report. The property owner, Contractor and Consultant shall each retain a copy of the Post-Decontamination Report for a period of seven (7) years.
- 8.10 To obtain the immunity provided in § 25-18.5-103(2), C.R.S., the owner must provide a copy of the report to the governing body as defined in § 25-18.5-101(7), C.R.S.

**9.0 Referenced Materials.** These regulations incorporate by reference (as identified within) materials originally published elsewhere. A list of these materials immediately follows this Section 9.0. These regulations do not include later amendments to or editions of the incorporated materials. The Department of Public Health and Environment maintains copies of the complete

text of the incorporated materials for public inspection during regular business hours, and shall provide certified copies of any non-copyrighted material to the public at cost upon request.

Information regarding how the incorporated materials may be obtained or examined is available from:

Division Director  
Hazardous Materials Waste Management Division HMWMD-B2  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246

Copies of the incorporated materials have been provided to the State Publications Depository and Distribution Center, and are available for interlibrary loan. The incorporated materials may be examined at any state publications depository library. List of Part 1 Materials Incorporated by Reference:

ASTM Method D-3278-78, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester.

ASTM Method D5756-02 (November 2002), Standard Test Method for Microvacuum Sampling and Indirect Analysis of Dust by Transmission Electron Microscopy for Asbestos Mass Concentration.

ASTM Method D-93-79 or D-93-80, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester.

Field Manual for Grid Sampling of PCB Spill Sites to Verify Cleanup, EPA-560/5-86-017 (May 1986).

National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services (DHHS), NIOSH Manual of Analytical Methods (NMAM), 4th. Ed., DHHS (NIOSH) Publication No. 94-113 (August, 1994), 1<sup>st</sup> supplemental publication 96-135 (1996), 2<sup>nd</sup> supplement publication 98-119 (1998):

Method 6009, Mercury (Issue 2, August 1994).

Method 9100, Lead in Surface Wipe Samples (Issue 2, May 1996).

Method 9106, Methamphetamine and Illicit Drugs, Precursors and Adulterants on Wipes by Liquid-Liquid Extraction (Issue 1, October 17, 2011).

Method 9109, Methamphetamine and Illicit Drugs, Precursors and Adulterants on Wipes by Solid Phase Extraction (Issue 1, October 17, 2011).

Method 9111, Methamphetamine on Wipes by Liquid Chromatography/Mass Spectrometry (Issue 1, October 17, 2011).

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 [Third Edition (November 1986), as amended by Updates I (dated July 1992), II (dated

September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996) and IIIA (dated April 1998)]:

Method 1010A, Pensky-Martens Closed-Cup Method for Determining Ignitability (Revision O, September 1986).

Method 1020B, Setaflash Close-Cup Method for Determining Ignitability (Revision 1, July 1992).

Method 1110A, Corrosivity Toward Steel (Revision O, September 1986).

Method 6020, Inductively Coupled Plasma – Mass Spectrometry (Revision O, September 1994).

Method 8260B, Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS) (Revision 2, December 1996).

Method 8270D, Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS) (Revision 4, February 2007).

Method 9014, Titrimetric and Manual Spectrophotometric Determinative Methods for Cyanide (Revision O, December 1996).

Method 9021, Purgeable Organic Halides (POX) (Revision O, December 1996).

Method 9034, Titrimetric Procedure for Acid-Soluble and Acid Insoluble Sulfides (Revision O, December 1996).

Method 9040C, pH Electrometric Measurement (Revision 3, November 2004).

USEPA Contract Laboratory Program National Functional Guidelines for Superfund Organic Methods Data Review, Office of Superfund Remediation and Technology Innovation, United States Environmental Protection Agency, OSWER 9240.1-48, USEPA-540R-08-01 (June 2008).

USEPA Contract Laboratory Program National Functional Guidelines for Inorganic Superfund Data Review, Office of Superfund Remediation and Technology Innovation, United States Environmental Protection Agency, OSWER 9240.1-51, USEPA-540R-10-011 (January 2010).

## **10.0 Variances.**

10.1 Contractors and Consultants may apply for authorization to vary their procedures from those prescribed in these regulations. Persons seeking authorization for one or more variances must submit requests in writing to the Department, and provide the following information:

10.1.1 The citation of the regulation from which a variance is sought.

10.1.2 An explanation of the basis for the request for a variance.

10.1.3 Any supporting documentation (photographs, etc.).

- 10.1.4 A description of the manner in which the person requesting the variance proposes to meet the intention of the regulatory requirement, or other justification for the proposed alternate procedure.
- 10.2 The Department shall review all requests for variances, and shall approve, approve with modifications, or deny the request. The Department will use its best efforts to make a determination within ten (10) days of receipt of the request.

## **PART 2: TRAINING AND CERTIFICATION REQUIREMENTS**

### **1.0 Applicability** - The requirements of this Part apply to:

- 1.1 Consultants conducting assessment, sampling and clearance activities subject to the provisions of Part 1 of these regulations.
- 1.2 Contractors conducting decontamination of methamphetamine-affected properties under the provisions of Part 1 of these regulations.
- 1.3 Training Providers and instructors offering training under this Part 2.

### **2.0 Definitions** - The definitions set forth in Part 1 of these regulations are incorporated into this Part 2 by reference. The following definitions shall also apply to this Part 2:

“Qualified Instructor” means a person who meets the instructor qualification requirements for the course being taught, as set forth in Section 10.0 of this Part 2.

“Training Provider” or “Approved Training Provider” means a firm that has received Department approval to provide training for one or more specific courses in the assessment, decontamination and sampling of illegal drug laboratories pursuant to this Part 2.

### **3.0 Interim Authorization**

- 3.1 Persons who, as of the effective date of this Part 2 of these regulations, are performing assessment or decontamination activities subject to these regulations may continue to perform such activities, as long as they comply with the requirements of this section 3.
- 3.2 Any person who wishes to continue to perform assessment or decontamination activities subject to these regulations must submit an application for interim authorization to the Department within thirty (30) days after the effective date of this Part 2 of these regulations.
  - 3.2.1 An application for interim authorization for a Consultant consists of the application fee specified in Section 17.0; documentation of compliance with the industrial hygienist qualifications set forth in § 24-30-1402, C.R.S.; documentation of the successful completion of U.S. Occupational Safety and Health Administration hazardous waste operations and emergency response (HAZWOPER) training, including the initial 40-hour HAZWOPER training and a current 8-hour HAZWOPER refresher training, compliant with 29 CFR 1910.120; and documentation of experience in methamphetamine lab assessment in Colorado, including at least one employment reference with contact information.
  - 3.2.2 An application for interim authorization for a Decontamination Supervisor consists of the application fee specified in Section 17.0; documentation of the successful completion of HAZWOPER training, including the initial 40-hour HAZWOPER training and a current 8-hour HAZWOPER refresher training, compliant with 29 CFR 1910.120; and documentation of experience in

methamphetamine lab decontamination in Colorado, including at least one employment reference with contact information.

- 3.2.3 An application for interim authorization for a Decontamination Worker or Ventilation Contractor consists of the application fee specified in Section 17.0 and documentation of the successful completion of HAZWOPER training, including the initial 40-hour HAZWOPER training and a current 8-hour HAZWOPER refresher training, compliant with 29 CFR 1910.120.
- 3.2.4 An application for interim authorization for a Consultant firm consists of the fee specified in Section 17.0 and a letter signed by an authorized official attesting that:
  - 3.2.4.1 the Consultant firm has been doing methamphetamine assessment work in Colorado (and providing at least one employment reference with contact information);
  - 3.2.4.2 the Consultant firm will only utilize individuals who are compliant with the HAZWOPER training requirements described in 3.2.3 to conduct assessment and sampling of methamphetamine-affected properties; and
  - 3.2.4.3 the Consultant firm and its employees will follow the assessment and sampling requirements specified in Part 1 of these regulations.
- 3.2.5 An application for interim authorization for a Contractor firm consists of the fee specified in Section 17.0 and a letter signed by an authorized official attesting that:
  - 3.2.5.1 the Contractor firm has been doing methamphetamine decontamination work in Colorado (and providing at least one employment reference with contact information);
  - 3.2.5.2 the Contractor firm will only utilize individuals who are compliant with the HAZWOPER training requirements described in 3.2.3 to conduct decontamination of methamphetamine-affected properties; and
  - 3.2.5.3 the Contractor firm and its employees will follow the decontamination requirements specified in Part 1 of these regulations.
- 3.2.6 An application for interim authorization for a Ventilation Contractor firm consists of the fee specified in Section 17.0 and a letter signed by an authorized official attesting that:
  - 3.2.6.1 the Ventilation Contractor firm has been doing methamphetamine decontamination work in Colorado (and providing at least one employment reference with contact information);
  - 3.2.6.2 the Ventilation Contractor firm will only utilize individuals who are compliant with the HAZWOPER training requirements described in 3.2.3

to conduct decontamination of methamphetamine-affected properties;  
and

3.2.6.3 the Ventilation Contractor firm and its employees will follow the decontamination requirements specified in Part 1 of these regulations.

- 3.3 The Department shall review all applications for interim authorization, determine whether each one is complete, and shall promptly notify each applicant of its determination within fifteen (15) days of receipt of the application.
- 3.3.1 A determination by the Department that an application for interim authorization is complete does not constitute a determination of compliance with the requirements for certification or authorization under this Part 2.
- 3.3.2 Notwithstanding Section 3.3.1, in reviewing the application for interim authorization, the Department may choose to determine whether the applicant meets the requirements for certification or authorization under this Part 2. If the Department determines that the applicant does not meet the requirements for certification or authorization, it shall so notify the person. This determination need not be made within the 15-day period provided in this section.
- 3.4 Commencing forty-six (46) days after the effective date of this Part 2, only those persons who have received notice from the Department that their application for interim authorization is complete may conduct assessment or decontamination activities subject to these regulations.
- 3.5 Interim authorization under this Section 3 shall terminate 180 days after the effective date of this Part 2. After that date, only those persons who have obtained the appropriate certification or authorization under this Part 2 may continue to conduct activities subject to these regulations.

#### **4.0 General Requirements**

- 4.1 No individual may perform assessment or decontamination of methamphetamine-affected properties, or assessment of properties pursuant to § 38-35.7-103, C.R.S., unless they have obtained certification as a Consultant, Decontamination Worker, Decontamination Supervisor, or Ventilation Contractor as appropriate for the work they perform, in accordance with this Part 2, or are in compliance with Section 3 of this Part 2.
- 4.2 No firm may perform assessment or decontamination of methamphetamine-affected properties, or assessment of properties pursuant to § 38-35.7-103, C.R.S., unless it has obtained approval as a Contractor firm, Ventilation Contractor firm, or Consultant firm as appropriate for the work they perform, in accordance with this Part 2, or is in compliance with Section 3 of this Part 2.
- 4.3 The Department will issue a state certification photo identification card and certificate to each individual who meets the requirements for certification as a Consultant, Decontamination Worker, Decontamination Supervisor, or Ventilation Contractor. Each individual certified under these regulations must have their state certification photo

identification card available at each work site to demonstrate compliance with certification requirements.

- 4.4 Course completion certificates are the property of the trained individual. Training providers must provide duplicate original course completion certificates to the trained individual upon request. The training provider may charge a reasonable fee for replacement of course completion certificates.
- 4.5 Falsification of course completion certificates or documents used to obtain state certification is a violation of these regulations and shall be sufficient reason for the denial and/or revocation of certification.
- 4.6 A person may hold more than one certification; however, a person may not act in the capacity of a Consultant and either a Contractor or a Ventilation Contractor on the same project.
- 4.7 All forms required under this part are available from the Department.

## **5.0 Consultant Individual Certification Requirements**

- 5.1 Each individual applying for a Consultant certificate shall:
  - 5.1.1 submit an application on a form specified by the Department and pay the application fee specified in Section 17.0;
  - 5.1.2 demonstrate compliance with the industrial hygienist qualifications set forth in § 24-30-1402, C.R.S. The applicant must provide documentation of degrees and experience claimed or instruction received, including submission of employment references and contact information;
  - 5.1.3 provide documentation of current compliance with HAZWOPER training requirements specified in 29 CFR 1910.120; and
  - 5.1.4 complete, and provide documentation of the successful completion of, a Department-approved Consultant training course approved by the Department under Section 10.4 of this Part 2 within the 60-day period prior to submitting an application.
- 5.2 Each individual applying for a Consultant certificate or renewal of a Consultant certificate shall pass, on a biennial basis, a Department-administered closed-book examination on the assessment, sampling and decontamination of methamphetamine-affected properties. A passing score shall be 70% or higher. The test content, testing schedule and testing procedures shall be determined by the Department. An applicant who fails to achieve a passing score on a certification exam may retake the exam after submitting a new application, including a retesting fee. An applicant who fails to achieve a passing score on the subsequent certification exam must complete a refresher training course prior to attempting to pass the test a third time. The applicant may re-take the exam a third time after submittal of a new application and retesting fee and documentation of attendance at the refresher training course. An applicant who fails to achieve a passing score on a third consecutive test must re-take the basic training course and must comply with the application and fee requirements of Section 5.1.1.

- 5.3 The Department shall review all applications for Consultant certification and, within sixty (60) days of receipt, shall either issue a certificate of approval or a letter describing the reasons for disapproval. Consultant certificates are valid for two (2) years from the date of issuance, provided the individual maintains compliance with HAZWOPER training requirements specified in 29 CFR 1910.120.
- 5.4 Each individual applying for renewal of an existing Consultant certification or reinstatement of an expired certification shall submit an application on a form specified by the Department, complete a refresher Consultant training course approved by the Department under Section 10.4 of this Part 2, and comply with the testing requirements of Section 5.2. If the Consultant certification has been expired for more than 12 months, the individual must re-take the basic Consultant training course.
- 5.5 The requirements of Section 5.1.4 do not apply to Qualified Instructors applying for certification as a consultant.

## **6.0 Consultant Firm Certification Requirements**

- 6.1 No firm may perform or offer to perform assessment of methamphetamine-affected properties, or assessment of properties pursuant to § 38-35.7-103, C.R.S., unless it has been certified by the Department.
- 6.2 A firm seeking certification as a Consultant firm shall submit an application on a form specified by the Department and pay the application fee specified in Section 17.0.
- 6.3 A firm seeking certification shall submit to the Department a letter signed by an authorized official attesting that the firm will only utilize appropriately-certified individuals to conduct assessment and sampling of methamphetamine-affected properties, and that the firm and its employees will follow the assessment and sampling requirements specified in Part 1 of these regulations.
- 6.4 The Department shall review the application, and shall, within sixty (60) days of receipt, either issue a certificate of approval or a letter describing the reasons for disapproval.
- 6.5 Consultant firm certifications are valid for two (2) years from the date of issuance.
- 6.6 Each firm applying for renewal of an existing certification or reinstatement of an expired certification shall submit an application on a form specified by the Department and pay the application fee specified in Section 17.0.
- 6.7 To maintain their certification, Consultant firms shall:
  - 6.7.1 maintain all records pursuant to the requirements of Part 1, Section 8.0 of these regulations;
  - 6.7.2 ensure that all individuals performing methamphetamine-affected property assessment and sampling or assessment and sampling of properties pursuant to § 38-35.7-103, C.R.S. for their firm have been properly trained and certified by the Department pursuant to the requirements of these regulations;
  - 6.7.3 ensure that all individuals performing methamphetamine-affected property assessment and sampling or assessment and sampling of properties pursuant to

§ 38-35.7-103, C.R.S. for their firm maintain compliance with HAZWOPER training requirements specified in 29 CFR 1910.120; and

- 6.7.4 ensure that anyone performing methamphetamine-affected property assessment or sampling or assessment and sampling of properties pursuant to § 38-35.7-103, C.R.S. for their firm has a valid Colorado certification photo identification card on the worksite at all times.

## **7.0 Decontamination Supervisor, Decontamination Worker and Ventilation Contractor Certification Requirements**

- 7.1 Each individual applying for a Decontamination Worker certificate, Decontamination Supervisor certificate, or Ventilation Contractor certificate shall:
  - 7.1.1 submit an application on a form specified by the Department and pay the application fee specified in Section 17.0;
  - 7.1.2 provide documentation of current compliance with HAZWOPER training requirements specified in 29 CFR 1910.120; and
  - 7.1.3 complete, and provide documentation of the completion of, a training course approved by the Department under Section 10.4 of this Part 2 appropriate for the certification they are seeking within the 60-day period prior to submitting the application.
- 7.2 Each individual applying for a Decontamination Worker certificate or Decontamination Supervisor certificate must pass a Department-administered closed book examination. A passing score shall be 70% or higher. The test content, testing schedule and testing procedures shall be determined by the Department. An applicant who fails to achieve a passing score on a certification exam may re-take the exam after submitting a new application, including a retesting fee. If an applicant fails to achieve a passing score on the subsequent certification exam, the applicant must complete a refresher training course prior to attempting to pass the test a third time. The applicant may re-take the exam a third time after submittal of a new application and retesting fee and documentation of attendance at the refresher training course. If the applicant fails to achieve a passing score on a third consecutive test, the applicant must re-take the basic training course, and must comply with the application and fee requirements of Section 7.1.1.
- 7.3 Decontamination Worker and Decontamination Supervisor certificates are valid for two (2) years from the date of issuance, provided the individual maintains compliance with HAZWOPER training requirements specified in 29 CFR 1910.120.
- 7.4 Ventilation Contractor certificates are valid indefinitely, provided the individual maintains compliance with HAZWOPER training requirements specified in 29 CFR 1910.120. Ventilation Contractors are authorized to decontaminate ventilation systems, but may not perform any other decontamination work subject to these regulations, unless they are also certified as a Decontamination Worker or Decontamination Supervisor.
- 7.5 Each individual applying for renewal of an existing Decontamination Worker or Decontamination Supervisor certificate or reinstatement of an expired certificate shall:

- 7.5.1 submit an application on a form specified by the Department and pay the application fee specified in Section 17.0;
- 7.5.2 provide documentation of the successful completion of HAZWOPER 8-hour refresher training, as required by 29 CFR 1910.120;
- 7.5.3 successfully complete, and provide documentation of the successful completion of, a refresher training course approved by the Department under Section 10.4 of this Part 2 appropriate for the certification they are seeking within the 60-day period prior to submitting the application; however, if the certification has been expired for more than 12 months, the individual must successfully complete the basic training course appropriate for their certification; and
- 7.5.4. comply with the testing requirements of Section 7.2.
- 7.6 The requirements of Section 7.1.3 do not apply to Qualified Instructors applying for certification as Decontamination Workers, Decontamination Supervisors, or Ventilation Contractors.
- 7.7 The Department shall review all applications for Decontamination Worker certificates, Decontamination Supervisor certificates, and Ventilation Contractor certificates and, within sixty (60) days of receipt, shall either issue a certificate of approval or a letter describing the reasons for disapproval.

## **8.0 Contractor Firm Approval Requirements**

- 8.1 No firm may perform or offer to perform decontamination of methamphetamine-affected properties unless it has been approved by the Department.
- 8.2 A firm seeking approval as a Contractor firm shall submit an application on a form specified by the Department and pay the application fee specified in Section 17.0.
- 8.3 A firm seeking approval shall submit to the Department a letter signed by an authorized official attesting that the firm will only utilize appropriately-certified individuals to conduct decontamination of methamphetamine-affected properties, and that the firm and its employees will follow the decontamination requirements specified in Part 1 of these regulations.
- 8.4 The Department shall review the application and, within sixty (60) days of receipt, shall either issue a certificate of approval or a letter describing the reasons for disapproval.
- 8.5 Contractor firm approvals are valid for two (2) years from the date of issuance.
- 8.6 Firms applying for renewal of approval or reinstatement of an expired approval shall submit an application on a form specified by the Department and pay the application fee specified in Section 17.0.
- 8.7 To maintain its approval, a Contractor firm shall:
  - 8.7.1 maintain all records pursuant to the requirements of Part 1, Section 8.0 of these regulations;

- 8.7.2 ensure that all individuals performing methamphetamine-affected property decontamination for the firm have been properly trained and certified by the Department pursuant to the requirements of these regulations;
- 8.7.3 ensure that all individuals performing methamphetamine-affected property decontamination for the firm maintain compliance with HAZWOPER training requirements specified in 29 CFR 1910.120; and
- 8.7.4 ensure that anyone performing methamphetamine-affected property decontamination for the firm has a valid Colorado certification photo identification card on the worksite at all times.

**9.0 Ventilation Contractor Firm Approval Requirements**

- 9.1 No firm may perform or offer to perform decontamination of ventilation systems at methamphetamine-affected properties unless it has been approved by the Department under Section 8 or Section 9 of this Part 2.
- 9.2 A firm seeking approval as a Ventilation Contractor shall submit an application on a form specified by the Department and pay the application fee specified in Section 17.0.
- 9.3 A firm seeking approval as a Ventilation Contractor firm shall submit to the Department a letter signed by an authorized official attesting that the firm will only utilize appropriately-certified individuals to conduct decontamination of ventilation systems at methamphetamine-affected properties, and that the firm and its employees will follow the decontamination requirements specified in Part 1 of these regulations.
- 9.4 The Department shall review the application and, within sixty (60) days of receipt, shall either issue a certificate of approval or shall issue a letter describing the reasons for disapproval.
- 9.5 Ventilation Contractor firm approvals are valid for two (2) years from the date of issuance.
- 9.6 Firms applying for renewal of Ventilation Contractor firm approval or reinstatement of an expired approval shall submit an application on a form specified by the Department and pay the application fee specified in Section 17.0.
- 9.7 To maintain its approval, a Ventilation Contractor firm shall:
  - 9.7.1 maintain all records pursuant to the requirements of Part 1, Section 8.0 of these regulations;
  - 9.7.2 ensure that all individuals performing decontamination of ventilation systems at methamphetamine-affected properties for the firm have been properly trained and certified by the Department pursuant to the requirements of these regulations;
  - 9.7.3 ensure that all individuals performing decontamination of ventilation systems at methamphetamine-affected properties for the firm maintain compliance with HAZWOPER training requirements specified in 29 CFR 1910.120; and

- 9.7.4 ensure that anyone performing decontamination of ventilation systems at methamphetamine-affected properties for the firm has a valid Colorado certification photo identification card on the worksite at all times.

## **10.0 Training Provider Approval Application and Renewal Procedures**

- 10.1 Any firm wishing to receive approval as a Training Provider shall submit the information specified in Section 10.2 and the fee specified in Section 17.0. Training Provider approval is granted on a course-by-course basis for the following courses:
  - 10.1.1 Consultant course (includes basic and refresher);
  - 10.1.2 Decontamination Worker course (includes basic and refresher);
  - 10.1.3 Decontamination Supervisor course (includes basic and refresher);
  - 10.1.4 Ventilation Contractor course.
- 10.2 Firms seeking approval as Training Providers must submit the following information, as specified on an application form available from the Department, for each course that they wish to offer:
  - 10.2.1 a course syllabus addressing the curricula for the course as set forth in Appendix A or B;
  - 10.2.2 course materials appropriate to the syllabus;
  - 10.2.3 the name, contact information (physical address, email address, telephone and fax numbers) and documentation of the qualifications of each Qualified Instructor who will teach each course; and
  - 10.2.4 the applicant's name and business contact information (physical address, email address, telephone and fax numbers).
- 10.3 A training provider may apply for approval to offer additional courses at any time.
- 10.4 The Department shall review the application and, within ninety (90) days of receipt, shall inform the applicant in writing which courses, if any, it has been approved to offer as a Training Provider in Colorado. If the Department disapproves any application, it shall specify the changes that must be made before approval may be granted.
- 10.5 Training provider approval is valid for three (3) years from the date of issuance.
- 10.6 A firm desiring to renew its approval as a Training Provider for a given course or courses shall submit the following materials no later than sixty (60) days before the expiration date of its authorization:
  - 10.6.1 A description of any changes to the course content or course materials since the last application was approved.
  - 10.6.2 The name, contact information (physical address, email address, telephone and fax numbers) and documentation of the qualifications of any new instructors not included in previous applications.

10.6.3 The application renewal fee for each course as specified in Section 17.0.

## **11.0 Qualified Instructor approval application and renewal procedures**

- 11.1 A person seeking approval as a Qualified Instructor for Consultant training, Decontamination Worker training, Decontamination Supervisor training, or Ventilation Contractor training under this part shall submit an application on a form specified by the Department, pay the fee specified in Section 17.0, and meet the requirements of Section 11.4. A person seeking approval as a Qualified Instructor for Consultant training under this part must also meet the requirements of Section 11.2. A person seeking approval as a Qualified Instructor for Contractor training under this part must also meet the requirements of Section 11.3.
- 11.2 A person seeking approval as a Qualified Instructor for Consultant training must:
- 11.2.1 be a high school graduate or have earned a GED;
  - 11.2.2 be a certified industrial hygienist or an industrial hygienist, as those terms are defined in § 24-30-1402, C.R.S.; and
  - 11.2.3 have at least five (5) years of field experience conducting methamphetamine-affected property assessment and sampling activities. The applicant must provide documentation of degrees and experience claimed or instruction received as part of their application. Documentation shall include submission of employment references, including telephone numbers, to allow for Department verification.
- 11.3 A person seeking approval as a Qualified Instructor for Contractor training must:
- 11.3.1 be a high school graduate or have earned a GED; and
  - 11.3.2 have five (5) years of field experience in the subject being taught. The applicant must provide documentation of experience claimed or instruction received. Documentation shall include submission of employment references, including telephone numbers, to allow for Department verification.
- 11.4 Persons seeking approval as a Qualified Instructor must pass a test administered by the Department with a score of 90% or higher. Applicants who fail to achieve a passing score must wait six (6) months before re-applying.
- 11.5 The Department will issue written approvals to persons who meet the requirements of Sections 11.1 through 11.4. Qualified Instructor approvals are valid for two (2) years from the date of issuance.
- 11.6 Each individual applying for renewal of an existing approval as a Qualified Instructor or reinstatement of an expired approval shall submit an application on a form specified by the Department and comply with the testing requirements of Section 11.4.
- 11.7 The Department will, within ninety (90) days of receipt, review and approve, or disapprove all applications for approval as a Qualified Instructor, and for renewal of existing approvals.

## **12.0 Training Provider Requirements**

- 12.1 To maintain approval to offer courses, approved training providers must comply with the requirements set forth in this section.
- 12.2 Course administration requirements. The training provider shall:
  - 12.2.1 require instructors to follow the approved syllabus for each course being taught;
  - 12.2.2 provide the Department information on newly hired Qualified Instructors, and notice of termination of Qualified Instructors;
  - 12.2.3 provide each student with a copy of the approved course materials;
  - 12.2.4 provide adequate facilities for the delivery of the lecture and hands-on training, as applicable; and
  - 12.2.5 ensure that all training courses are taught by a Qualified Instructor.
- 12.3 The training provider shall issue a course completion certificate to each student who attends the entire training course. The course completion certificate shall include:
  - 12.3.1 the name of the student;
  - 12.3.2 a unique identification number;
  - 12.3.3 the dates of course completion; and
  - 12.3.4 the name, address, email address, telephone number, and signature of the training provider.
- 12.4 Training providers must maintain the following records for a minimum of three (3) years, and make them available to the Department upon request:
  - 12.4.1 instructor qualifications;
  - 12.4.2 syllabi and materials for all currently approved courses, and documents reflecting any changes to syllabi or materials for approved courses;
  - 12.4.3 documentation of the course completion rate; and
  - 12.4.4 each student's course completion certificate.

## **13.0 Determinations Regarding Certification and Approval**

- 13.1 The Department shall review all initial and renewal applications for Consultant, Consultant firm, Contractor, and Contractor firm certification, and for Qualified Instructor and Training Provider approval, and either grant or deny them.
- 13.2 The Department may deny certification to any person who does not meet the minimum qualifications set forth in Section 5.0 or 7.0 of this Part 2, as applicable.

- 13.3 The Department may deny approval to any firm that does not meet the requirements set forth in Section 6.0, 8.0, 9.0, or 10.0 of this Part 2, as applicable.
- 13.4 The Department may deny approval to any person who does not meet the requirements set forth in Section 11.0 of this Part 2, as applicable.
- 13.5 Failure to comply with applicable requirements of these regulations constitutes grounds for denial, suspension, revocation, or refusal to renew certifications and approvals.
- 13.6 The Department may deny, suspend, revoke or refuse to renew certifications and approvals in accordance with the provisions of § 25-18.5-107 and 24-4-104, C.R.S.

#### **14.0 Training Course Notifications**

- 14.1 Training course providers must notify the Department via e-mail of scheduled courses at least ten working days prior to the date of the course.
- 14.2 Notifications of course cancellations must be provided to the Department by 5:00 p.m. the day prior to the scheduled day of the course.

#### **15.0 Training Course Audits**

- 15.1 The Department may audit any training course approved under this part.
- 15.2 There shall be no registration fee to the Department for auditing a training course.
- 15.3 Any significant omissions or deficiencies observed during the audit may result in suspension or revocation of course approval.

#### **16.0 Reciprocity**

- 16.1 The Department may provide reciprocal certification for Decontamination Workers and Decontamination Supervisors certified in another state if it finds that:
  - 16.1.1 the decontamination standards and training of the other state are substantially similar to those of these regulations; and
  - 16.1.2 the person seeking reciprocity is currently in good standing in the other state.
- 16.2 Each individual applying for reciprocity shall:
  - 16.2.1 submit an application on a form specified by the Department and pay the appropriate application fee specified in Section 17.2.2;
  - 16.2.2 provide documentation of compliance with HAZWOPER training requirements specified in 29 CFR 1910.120; and
  - 16.2.3 pass a Department-administered closed book examination. A passing score shall be 70% or higher. The test content, testing schedule and testing procedures shall be determined by the Department. If the applicant fails to achieve a passing score on the certification exam, the applicant must attend a Department-approved training course, and must comply with the application requirements of Section 7.0 and fee requirements of Section 17.0.

**17.0 Fees**

17.1 Persons seeking initial, renewal, or reinstated certification or approval under this Part 2 shall submit application fees to the Department in accordance with the schedule in Section 17.2.

17.2 Fee Schedule

17.2.1 Interim Authorization Fees

Interim Authorization	Fee
Consultant	\$150
Decontamination Worker	\$75
Decontamination Supervisor	\$150
Ventilation Contractor	\$50
Contractor firm	\$250
Consultant firm	\$250
Ventilation firm	\$250

17.2.2 Certification, Approval and Monitoring Fees (includes reciprocity)

Type of certification or approval	Fee
Consultant	\$600
Decontamination Worker	\$300
Decontamination Supervisor	\$600
Ventilation Contractor	\$200
Contractor firm	\$1,000
Consultant firm	\$1,000
Ventilation firm	\$1,000
Training provider (per class)	\$750
Instructor	\$200
Retesting (all disciplines)	\$100
Photo ID replacement	\$25

17.3 Payment of fees is due concurrently with the application.

17.4 Fees must be paid by check, money order or electronic funds transfer (EFT) to the Treasurer of the State of Colorado.

## APPENDIX A

### METHAMPHETAMINE-AFFECTED PROPERTIES CONSULTANT TRAINING CURRICULA REQUIREMENTS

#### **Purpose**

The purpose of this appendix is to establish minimum curricula requirements for Consultant training courses provided in accordance with these regulations.

#### **Course Duration**

The Basic Consultant Course duration shall be twenty four (24) hours

The Consultant Refresher Course duration shall be eight (8) hours

#### **Basic Consultant Course Content**

The Basic Consultant Course shall cover, at a minimum, the following:

1. Methamphetamine Background
  - a. Overview of manufacturing methods
    - i. precursors
    - ii. byproducts
    - iii. signs of contamination
    - iv. contaminant migration and deposition
  - b. Overview of chemical and physical hazards
    - i. chemical properties and routes of exposure
    - ii. flammable, combustible, corrosive and reactive materials
    - iii. booby traps
    - iv. sharps and biohazards
  - c. Health Effects
2. Worker Protection Overview
  - a. Personal protective equipment (PPE)
  - b. Worker decontamination
3. Regulations
  - a. Detailed review of methamphetamine lab cleanup regulation (6 CCR 1014-3, Part 1).
  - b. Overview of asbestos sampling requirements, in accordance with Air Quality Control Commission (AQCC) Regulation No. 8, (5 CCR 1001-10, Part B), as applicable to methamphetamine lab assessment.
  - c. Overview of lead paint sampling and abatement requirements, in accordance with AQCC Regulation No. 19 (5 CCR 1001-23), as applicable to methamphetamine lab assessment
  - d. Overview of hazardous waste regulations (6 CCR 1007-3) applicable to methamphetamine labs
  - e. Overview of solid waste regulations (6 CCR 1007-2, Part 1) applicable to methamphetamine labs
4. Screening level assessments
  - a. Observations of property condition
  - b. Screening level assessment sampling procedures
    - i. wipe sample collection
    - ii. sample handling requirements
    - iii. sample chain-of-custody

5. Preliminary Assessments
  - a. Assessment of property condition
    - i. identification of structural features
    - ii. identification of areas known or suspected to have been painted after contamination event
    - iii. identification of indoor and outdoor disposal areas
  - b. Assessment Sampling procedures
    - i. determination of material porosity
    - ii. wipe sample collection
    - iii. sampling to evaluate concentration below paint
    - iv. vacuum sample collection
    - v. bulk sample collection
    - vi. iodine and mercury sampling
    - vii. sampling for other compounds
    - viii. sampling personal property
    - ix. sample handling requirements
    - x. sample chain-of-custody
  - c. Assessment of on-site wastewater treatment systems (OWTSs)
    - i. screening
    - ii. sample collection
    - iii. sample handling requirements
    - iv. sample chain-of-custody
  - d. Record keeping
6. Overview of decontamination and removal requirements
7. Information needed to determine and develop decontamination scopes of work
8. Communication and coordination with contractors, regulators, home owners, and tenants
9. Clearance sampling (address painted or sealed surfaces)
  - a. determination of material porosity
  - b. wipe sample collection
  - c. vacuum sample collection
  - d. bulk sample collection
  - e. iodine and mercury sampling
  - f. sampling for other compounds
  - g. personal property sampling
  - h. sample handling requirements
  - i. sample chain-of-custody
10. Data QA/QC and interpretation for all types of samples
11. Cleanup standards and clearance criteria
12. Reporting

### **Consultant Refresher Course Content**

The Consultant Refresher Course shall include, at a minimum:

1. A thorough review of subjects covered in the Basic Consultant Course
2. A review of regulatory changes and interpretations
3. An update of information on industrial hygiene practices and procedures
4. Other subjects as necessary to update information on new technologies or procedures

## APPENDIX B

### METHAMPHETAMINE-AFFECTED PROPERTIES CONTRACTOR TRAINING CURRICULA REQUIREMENTS

#### **Purpose**

The purpose of this appendix is to establish minimum curricula requirements for Decontamination Worker and Decontamination Supervisor, and Ventilation Contractor training courses provided in accordance with these regulations.

#### **Course Duration**

The Basic Decontamination Worker Course duration shall be minimum sixteen (16) hours.

The Basic Decontamination Supervisor Course duration shall be minimum twenty four (24) hours (inclusive of basic worker course content).

The Decontamination Worker Refresher Course duration shall be minimum eight (8) hours.

The Decontamination Supervisor Refresher Course duration shall be minimum eight (8) hours.

The Ventilation Contractor Course duration shall be minimum four (4) hours.

#### **Basic Decontamination Worker Course Content**

The Basic Decontamination Worker Course shall cover, at a minimum, the following:

1. Methamphetamine Background
  - a. Overview of manufacturing methods
    - i. precursors
    - ii. byproducts
    - iii. signs of contamination
  - b. Overview of chemical and physical hazards specific to methamphetamine manufacturing
    - i. chemical properties and routes of exposure
    - ii. flammable, combustible, corrosive and reactive materials
    - iii. booby traps
    - iv. sharps and biohazards
  - c. Health Effects
2. Worker Protection Overview
  - a. Personal protective equipment (PPE)
  - b. Worker decontamination
3. Regulations
  - a. Detailed review of methamphetamine lab cleanup regulation (6 CCR 1014-3, Part 1)
  - b. Overview of asbestos sampling and abatement requirements, in accordance with Air Quality Control Commission (AQCC) Regulation No. 8, (5 CCR 1001-10, Part B), as applicable to methamphetamine lab decontamination and demolition
  - c. Overview of lead paint sampling and abatement requirements, in accordance with AQCC Regulation No. 19 (5 CCR 1001-23), as applicable to methamphetamine lab decontamination and demolition
  - d. Overview of hazardous waste regulations (6 CCR 1007-3) applicable to waste generated during decontamination.

- e. Overview of solid waste regulations (6 CCR 1007-2, Part 1) applicable to waste generated during decontamination.
- 4. Decontamination Work Scope
  - a. Identification of surfaces and items that can be decontaminated
  - b. Identification of surfaces and items that should be removed
  - c. Inventory of equipment and supplies
  - d. Waste handling and disposal requirements
- 5. Decontamination Procedures
  - a. Sequencing of decontamination and removal
  - b. Engineering and Environmental Controls
    - i. establishing negative pressure containment (lecture and hands-on training)
    - ii. establishing critical barriers
    - iii. control of excess liquids
  - c. Decontamination of surfaces
    - i. non-porous surfaces
    - ii. porous surfaces
  - d. Removal of contaminated surfaces
  - e. Decontamination of ventilation systems
    - i. sequencing of work
    - ii. component removal
    - iii. component decontamination
  - f. Decontamination of attics
    - i. sequencing of work
    - ii. insulation removal
    - iii. control of excess liquids
  - g. Decontamination of crawl spaces
    - i. sequencing of work
    - ii. insulation removal
    - iii. vapor barrier removal and replacement
    - iv. control of excess liquids
  - h. Decontamination of personal property
    - i. non-porous items
    - ii. porous items
    - iii. items that do not need to be sampled
    - iv. items that need to be sampled
  - i. Securing contaminated areas and/or items
  - j. Discussion of demolition in lieu of decontamination
  - k. Field documentation

### **Basic Decontamination Supervisor Course**

The Basic Decontamination Supervisor Course shall cover, at a minimum, the following:

1. All information provided in the Basic Decontamination Work Course
2. Regulatory liability
  - a. Overview of enforcement under the Regulation (6 CCR 1014-3, Part 3)

- b. Overview of enforcement of violations of other regulations specified in No. 3 of Basic Decontamination Worker Course
  - c. Insurance requirements
- 3. Health & Safety Plans
- 4. Onsite training and oversight of sub contractors
- 5. Pre-decontamination property evaluation
  - a. Identification of surfaces and items that can be decontaminated
  - b. Identification of surfaces and items that should be removed
  - c. Inventory of equipment and supplies
  - d. Identification of permit requirements for demolition of structures
  - e. Evaluation of waste handling and disposal requirements
  - f. Communication and coordination with consultant, regulators, home owners, and tenants
- 6. Decontamination Work plan development
- 7. Record keeping
- 8. Reporting

**Decontamination Worker Refresher Course Content**

The Decontamination Worker Refresher Course shall include, at a minimum:

- 1. A thorough review of subjects covered in the Basic Decontamination Worker Course
- 2. A review of regulatory changes and interpretations
- 3. An update of information on decontamination procedures and equipment
- 4. Other subjects as necessary to update information on new technologies or procedures

**Decontamination Supervisor Refresher Course Content**

The Decontamination Supervisor Refresher Course shall include, at a minimum:

- 1. A thorough review of subjects covered in the Basic Decontamination Supervisor Course
- 2. A review of regulatory changes and interpretations
- 3. An update of information on decontamination procedures and equipment
- 4. Other subjects as necessary to update information on new technologies or procedures

**Ventilation Contractor Course**

The Ventilation Contractor Course shall cover, at a minimum, the following:

- 1. Methamphetamine Background
  - a. Overview of chemical and physical hazards specific to methamphetamine manufacturing
    - i. chemical properties and routes of exposure
    - ii. flammable, combustible, corrosive and reactive materials
    - iii. booby traps
    - iv. sharps and biohazards
  - b. Health Effects
- 2. Worker Protection Overview
  - a. Personal protective equipment (PPE)
  - b. Worker decontamination

3. Regulations
  - a. An overview of methamphetamine lab cleanup regulation (6 CCR 1014-3, Part 1)
  - b. A detailed review of the ventilation system decontamination procedures in Section 5.6 of 6 CCR 1014-3, Part 1
4. Ventilation System Decontamination Procedures
  - a. sequencing of work
  - b. component removal
  - c. component decontamination

## **PART 3: ENFORCEMENT AND ADMINISTRATIVE PENALTIES**

### **1.0 Applicability** - The requirements of this Part apply to:

- 1.1 Persons conducting assessment, sampling, and clearance activities of methamphetamine-affected properties under the provisions of these regulations or assessment of properties pursuant to § 38-35.7-103, C.R.S.
- 1.2 Persons conducting decontamination of methamphetamine-affected properties under the provisions of these regulations.
- 1.3 Persons offering training under Part 2 of these regulations.

### **2.0 Definitions** - The definitions set forth in Parts 1 and 2 of these regulations are incorporated into this Part by reference. The following definitions shall also apply to this Part:

“Administrative penalty” means a monetary penalty levied by the Department against a person subject to these regulations because of a violation of the regulations.

“Gross noncompliance” means substantial deviation from the requirements of these regulations. Gross non-compliance includes, but is not limited to, any of the following:

- 1) falsifying, fabricating or misrepresenting any data, results or statements included in any report required to be prepared under these regulations;
- 2) repeated violations of the same regulatory requirement; or
- 3) knowing or intentional violations.

### **3.0 Notification and Imposition**

- 3.1 Whenever the Department has reason to believe that a person has violated any requirement of these regulations, the Department shall notify the person, specifying the requirement alleged to have been violated and the facts alleged to constitute the violation.
- 3.2 The Department shall either send the notification required by Section 3.1 by certified or registered mail, return receipt requested, to the last known address of the alleged violator, or personally serve the notice of violation upon the alleged violator or the alleged violator’s agent. Service shall not be incomplete due to any refusal to accept service.
- 3.3 The alleged violator has thirty (30) days following receipt of the notice to submit a written response containing data, views, and arguments concerning the alleged violation and potential corrective actions.
- 3.4 Within fifteen (15) days after receiving the notice of alleged violation, the alleged violator may request an informal conference with Department personnel to discuss the alleged violation. Such conference shall be held within the thirty (30) days allowed for written response.

- 3.5 After consideration of any written response and informal conference, the Department shall issue a letter within thirty (30) days after the date of the informal conference or written response, whichever is later, affirming or dismissing the violation. If the Department affirms the violation, the Department shall issue an administrative order within one hundred and eighty (180) days after the time for a written response has expired. The administrative order shall include any remaining corrective actions that the violator shall take and any administrative penalty that the Department determines is appropriate.
- 3.6 The Department shall serve an administrative order on the person subject to the order by personal service or by registered mail, return receipt requested, at the person's last known address.
- 3.7 An administrative order may be prohibitory or mandatory in effect.
- 3.8 Administrative orders shall be effective immediately upon issuance unless otherwise provided in the order.

#### **4.0 Penalties**

- 4.1 Any person who violates any requirement of these regulations shall be subject to an administrative penalty not to exceed fifteen thousand dollars per day for each violation.
- 4.2 For any person subject to an administrative penalty as specified in Section 4.1, the amount of the penalty will be determined in accordance with the provisions of § 25-18.5-107 C.R.S. The factors contained in Sections 4.2.1 and 4.2.3 will be used to determine the severity of the violation and establish the base penalty amount. The factors contained in Sections 4.2.2, 4.2.4, and 4.2.5 are aggravating factors and may be applied with other factors to increase the penalty amount. The factors contained in Sections 4.2.7 and 4.2.8 are mitigating factors and may be applied with other factors to reduce the penalty amount. The factor contained in Section 4.2.9 may be an aggravating or mitigating factor and may be used to increase or decrease the penalty amount as determined by the Department. The economic benefit factor in Section 4.2.6 will be added to the adjusted penalty to reach the final penalty amount. The existence of multiple violations and the duration of the violation(s) will be considered in assessing a final administrative penalty.
  - 4.2.1 the seriousness of the violation;
  - 4.2.2 whether the violation was intentional, reckless, or negligent;
  - 4.2.3 any impact on, or threat to, public health or environment as a result of the violation;
  - 4.2.4 the violator's degree of recalcitrance;
  - 4.2.5 whether the violator has had a prior violation, if so, the nature and severity of the prior violation;
  - 4.2.6 the economic benefit the violator received as a result of the violation;

- 4.2.7 whether the violator voluntarily, timely, and completely disclosed the violation before the Department discovered it;
  - 4.2.8 whether the violator fully and promptly cooperated with the Department following disclosure or discovery of the violation; and
  - 4.2.9 any other relevant aggravating or mitigating circumstances.
- 4.3 The Department may compromise, mitigate, or remit any administrative penalty as justified by written documentation. The Department may enter into a settlement agreement regarding any administrative penalty or claim. The settlement agreement may include payment or contribution of moneys to state or local agencies for other environmentally beneficial purposes.
- 4.4 At the request of the Department, the Attorney General may institute a civil action to collect any administrative penalty imposed pursuant to these regulations.

## **5.0 Judicial Review**

- 5.1 Final actions of the Department are subject to judicial review in accordance with § 24-4-106, C.R.S.