

**TRI-COUNTY HEALTH DEPARTMENT**

**REGULATION IDL-20  
FOR THE DECONTAMINATION OF  
METHAMPHETAMINE-AFFECTED PROPERTIES**

Adopted by the Board of Health of the  
Tri-County Health Department on February 13, 2020  
Effective March 1, 2020

**Section 1. Definitions**

As used herein, the definitions adopted in C.R.S. §25-18.5-101, relating to Illegal Drug Laboratories, and the definitions adopted by the Colorado State Board of Health in the Clean-up of Methamphetamine Affected Properties, 6 CCR 1014-3, are hereby adopted by reference (some of which are restated herein for convenience).

- 1.1** “**Act**” shall mean the Illegal Drug Laboratory Act, C.R.S. §25-18.5-101, et. seq.
- 1.2** “**Assessment**” shall mean an evaluation of a property to determine the current condition, including the nature and extent of observable or detectable contamination, chemical storage, and disposal.
- 1.3** “**Board of Health**” shall mean the Board of Health of the Tri-County Health Department.
- 1.4** “**Building Department**” shall refer to the Building Departments of the various Cities and Counties contained within TCHD’s Jurisdiction, and where applicable, shall mean the Building Department with jurisdiction over a property with suspected or confirmed Contamination, including all of its authorized agents and employees.
- 1.5** “**CDPHE**” shall mean the Colorado Department of Public Health and Environment.
- 1.6** “**Certificate of Compliance**” shall mean an official document prepared by TCHD that certifies that a property has met the Contaminate Criteria required in the Act, the State Regulations and this Regulation IDL-20, and that all fees have been paid.
- 1.7** “**City**” or “**County**” shall refer to all of the counties, cities and local jurisdictions within TCHD’s Jurisdiction, and where applicable, shall mean the specific City or County with jurisdiction over a property with suspected or confirmed Contamination.
- 1.8** “**Closure Placard**” shall mean a sign posted on a property, or any portion thereof, by the Building Department having jurisdiction over the property, and which indicates that

no person may lawfully occupy or use the property, except for the purpose of Decontamination or demolition.

**1.9 “Consultant”** shall mean 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 by CDPHE under the provisions of the Act and State Regulations, as evidenced by inclusion on the certified Consultants list maintained by CDPHE, as may be found on the CDPHE website.

**1.10 “Contamination” or “Contaminated”** shall mean a property contaminated by the manufacturing, processing, cooking, disposing, use, or storing of Methamphetamine, as more fully set forth in Section 7.0 of the State Regulations.

**1.11 “Contaminate Criteria”** shall refer to the criteria for determining the Contamination and/or Decontamination of a Methamphetamine-affected Property as set forth in Section 7.0 of the State Regulations.

**1.12 “Contractor”** shall mean one or more individuals or commercial entities hired to perform the Decontamination of a property in accordance with the State Regulations who has been certified by CDPHE under the provisions of the Act and State Regulations, as evidenced by inclusion on the certified Contractors list maintained by CDPHE, as may be found on the CDPHE website.

**1.13 “Controlled Substances”** shall mean those substances as defined by C.R.S. §18-18-102(5).

**1.14 “Decontamination” or “Decontaminate”** shall mean the process of reducing the level of Contamination to the standards specified in Section 7.0 of the State Regulations using the approved methods set forth in Section 5.0 of the State Regulations.

**1.15 “Default Governing Body”** If no agency or office is designated by the Cities or Counties to act as the Governing Body under the Act, then the Default Governing Body shall be TCHD, the applicable Building Department and the applicable Law Enforcement Agency with jurisdiction over a property with suspected or confirmed Contamination.

**1.16 “Fit For Use”** shall mean a property where Contaminant levels do not exceed the Contaminate Criteria specified by Section 7.0 of the State Regulations, either because of (1) a lack of Contamination, or (2) because a property has been Decontaminated or demolished in accordance with the Act, State Regulations and this Regulation IDL-20, and all applicable fees have been paid.

**1.17 “Governing Body”** shall mean the agency or office, other than the Default Governing Body, as defined herein, designated by the Cities or Counties to act as the Governing Body under the Act.

**1.18 “Illegal Drug Laboratory”** shall be as defined in the Act.

**1.19 “Initial Observation”** shall mean a determination by a Law Enforcement Agency, Building Department or Consultant that a property may be Contaminated. In addition to the foregoing, the receipt of positive test results of Methamphetamine Contamination by a Certified Industrial Hygienists, Industrial Hygienist, or any other individual providing Methamphetamine Contamination testing or pre-screening within TCHD’s Jurisdiction, including pursuant to the provisions of C.R.S. §38-35.7-103, shall be deemed an Initial Observation, and shall be disclosed to TCHD in writing within 20 days of the receipt of such positive test results, as provided for in Section 6.2.4, herein.

**1.20 “Law Enforcement Agency”** shall refer to the Law Enforcement Agencies within TCHD’s Jurisdiction, and where applicable, shall mean the Law Enforcement Agency with jurisdiction over a property with suspected or confirmed Contamination including all of its authorized agents and employees.

**1.21 “Methamphetamine”** shall mean 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.

**1.22 “Methamphetamine-affected Property”** shall mean a type of Illegal Drug Laboratory 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.

**1.23 “Notice of Contamination”** shall mean a notification letter sent by TCHD to a Property Owner, as well as the applicable Building Department and Law Enforcement Agency, stating that a property is suspected of being Contaminated based on an Initial Observation, and if found to be Contaminated, must be demolished or Decontaminated in accordance with the Act, the State Regulation and this Regulation IDL-20.

**1.24 “Personal property”** shall mean any property that is not real property, including but not limited to: vehicles, clothing, appliances, furniture and electronics.

**1.25 “Post-Decontamination Report”** shall mean a certified written report prepared by the Consultant, in conjunction with the Contractor, and in compliance with the provisions of Section 8.0 of the State Regulations, that documents the Decontamination of a Methamphetamine-affected Property pursuant to the requirements of the State Regulations.

**1.26 “Preliminary Assessment”** shall mean a documented evaluation of a property, in accordance with Section 4.0 of the State Regulations, with suspected Contamination by a Consultant to determine the current condition of Contamination, including the nature and extent of observable and detectable Contamination, chemical storage and disposal.

**1.27 “Property”** shall mean anything that may be the subject of ownership, including, but not limited to, land, buildings, structures, vehicles and personal belongings.

**1.28 “Property Owner”**, for the purposes of real property, shall mean the person holding record fee title to the real property, and also shall mean the person holding title to a manufactured home. With respect to personal property, the term shall mean the person who lawfully owns such personal property.

**1.29 “Screening Level Sampling”** shall mean an assessment of a property, in compliance with Section 3 and Section 6 and Part 2 of the State Regulations for the purpose of determining whether it is a Methamphetamine-affected Property

**1.30 “State Regulations”** shall mean the Clean-up of Methamphetamine-Affected Properties, 6 CCR 1014-3, adopted by the State Board of Health in the Colorado Department of Public Health and Environment.

**1.31 “TCHD”** shall mean the Tri-County Health Department, including all of its authorized agents and employees.

**1.32 “TCHD’s Jurisdiction”** shall mean the Counties of Adams, Arapahoe and Douglas, Colorado, and all of the cities and local jurisdictions contained therein.

**1.33 “Verification Testing”** shall refer to independent testing conducted by TCHD of a Contaminated property.

## **Section 2. Purpose**

This Regulation IDL-20 will outline the regulatory function of TCHD as a member of the Default Governing Body. In addition to the foregoing, it is the intent of this Regulation IDL-20 to better define the various roles of TCHD, and the Building Departments and Law Enforcement Agencies within TCHD’s Jurisdiction, who make up the Default Governing Body.

## **Section 3. Authority**

**3.1** The Illegal Drug Laboratory Act, C.R.S. §25-18.5-101, et. seq., sets forth a regulatory structure for the Decontamination of Methamphetamine-affected Properties.

**3.2** The State Board of Health and CDPHE has adopted regulations pertaining to Cleanup of Methamphetamine Affected Properties, 6 CCR 1014-3 (pursuant to the authority granted in C.R.S. §25-18.5-102), which establishes the rules for the Decontamination of Methamphetamine-affected Properties.

**3.3** Pursuant to C.R.S. §25-18.5-105(2) and C.R.S. §25-1-507, the Board of Health of TCHD is authorized and empowered to adopt rules and regulations for the Decontamination of Methamphetamine-affected Properties.

**Section 4. Powers and Duties**

**4.1** TCHD shall have the power and authority to administer this Regulation IDL-20, and may:

**4.1.1** Make appropriate investigations, inspections, reviews and evaluations of properties with suspected or confirmed Contamination.

**4.1.2** Maintain records regarding properties with suspected or confirmed Contamination within TCHD's Jurisdiction, and the subsequent Decontamination of said properties.

**4.1.3** Issue notices to Property Owners, Building Departments, Law Enforcement Agencies and other interested parties regarding properties with suspected or confirmed Contamination and the Decontamination, or lack thereof, of said properties in accordance with the Act, the State Regulations, and this Regulation IDL-19.

**4.1.4** Provide the regulatory oversight of Decontamination activities required by the Act, the State Regulations, and this Regulation IDL-20.

**4.1.5** Issue Certificates of Compliance to Property Owners and Building Departments regarding the successful Decontamination of properties, and maintain copies of said Certificates of Compliance in the files of TCHD.

**4.1.6** Charge fees as approved by the Board of Health for the regulatory oversight services provided by TCHD in accordance with this Regulation IDL-20.

**4.1.7** Establish additional procedures for the Decontamination of properties not inconsistent with the Act, State Regulations or this Regulation IDL-20.

**4.2** Because of the regulatory and enforcement power, authority and experience of Law Enforcement Agencies, TCHD will rely on Law Enforcement Agencies for the following enforcement and regulatory functions under the Act and State Regulations:

**4.2.1** The discovery and initial inspection of Methamphetamine-affected Properties, and other properties with suspected Contamination.

**4.2.2** The restriction of access to Illegal Drug Laboratories, including Methamphetamine-affected Properties, and other properties with suspected or confirmed Contamination.

**4.2.3** The enforcement of the Act or State Regulations.

**4.3** Because of the regulatory and enforcement power, authority and experience of Building Departments, TCHD will rely on Building Departments for the following enforcement and regulatory functions under the Act and State Regulations:

**4.3.1** Ordering the closure of any property with suspected or confirmed Contamination, or ordering the closure of any Contaminated property that fails to meet any of the Decontamination requirements of the Act, State Regulations or this Regulation IDL-20.

**4.3.2** The placement of a Closure Placard on any property with suspected or confirmed Contamination.

**4.3.3** The regulation and/or restriction of access to any property with suspected or confirmed Contamination.

**4.3.4** The encumbrance of title to a Contaminated property, the condemnation of a Contaminated property, or the revocation of a Certificate of Occupancy for a Contaminated property.

**4.3.5** The enforcement of the Act, State Regulations or this Regulation IDL-20.

## **Section 5. Methamphetamine Contamination**

**5.1** A Contaminated property is a public health nuisance until it has been restored to a condition that is Fit For Use in accordance with the standards of the State Regulations.

**5.2** A Property Owner may be required by a Building Department to restore a Contaminated Property to a condition that is Fit For Use in order to obtain a Certificate of Occupancy for the Property or remove an encumbrance to the title of the Property.

**5.3** A Property Owner is required by the Act and State Regulations to restore a Contaminated property to a condition that is Fit For Use by either Decontamination or demolition, at the option of the Property Owner, in order to obtain immunity for future alleged health-based civil actions as described in C.R.S. §25-18.5-103(2).

**5.4** **In order to obtain a Certificate of Compliance from TCHD, certifying that a property is Fit For Use, a Property Owner shall comply with the requirements of this Regulation IDL-20.**

**5.5** The processing by a Law Enforcement Agency of a Methamphetamine-affected Property or other Property with suspected Contamination does not constitute Decontamination.

## **Section 6. Notice**

**6.1** **Action by TCHD.**

No action shall be taken by TCHD under this Regulation IDL-20 until the following have occurred:

- a. TCHD has been notified by a Law Enforcement Agency, a Building Department, a Property Owner or a third party, pursuant to the provisions of Section 6.2, that a Property may be Contaminated; and
- b. The potentially Contaminated property has been investigated and processed, an Initial Observation has been made and TCHD has received notice thereof.

In the event TCHD is notified of a Property with suspected Contamination by a Property Owner or third party, TCHD will then notify the applicable Law Enforcement Agency and Building Department of such fact.

## **6.2 Notice to TCHD**

**6.2.1** Law Enforcement Agencies and Building Departments are encouraged to report to TCHD the presence of Methamphetamine-affected Properties and other Properties suspected of being Contaminated.

**6.2.2** If a Property Owner knows, or reasonably suspects, that his or her Property has been Contaminated with Methamphetamine, the Property Owner is encouraged to report the existence of the suspected Contamination to TCHD.

**6.2.3** Any person who knows, or reasonably suspects, that a Property has been Contaminated with Methamphetamine is encouraged to file a report with TCHD or the applicable Law Enforcement Agency, of the existence of the suspected Contamination.

**6.2.4** Certified Industrial Hygienists and Industrial Hygienists providing Methamphetamine Contamination testing or pre-screening within TCHD's Jurisdiction, including pursuant to the provisions of C.R.S. §38-35.7-103, shall report **any positive test results** of Methamphetamine Contamination to TCHD in writing within thirty (30) days of the receipt of said positive test results.

## **6.3 Notice by TCHD of Contamination**

After the receipt of notice of a Property with suspected Contamination by a Law Enforcement Agency, Building Department, Property Owner or third party pursuant to the provisions of Section 6.2, and after an Initial Observation has been made, TCHD will then send a Notice of Contamination to the following:

- a. the last known Property Owner (by certified mail, return receipt requested);
- b. the applicable Building Department with jurisdiction over the Property; and
- c. the applicable Law Enforcement Agency with jurisdiction over the property.

The Notice of Contamination will state that the property is suspected of being Contaminated with Methamphetamine based on an Initial Observation and will require the Property Owner to comply with this Regulation IDL-20, the State Regulations and the Act. The Notice of Contamination will describe the Decontamination procedure for a Contaminated property.

#### **6.4 Notice to Personal Property Owner**

It shall be the responsibility of the Property Owner of real property to notify any Property Owners of Contaminated personal property that said personal property has been Contaminated. TCHD will NOT notify a Property Owner of personal property suspected of Contamination.

#### **6.5 Notice to Vehicle Owner**

If TCHD is notified of a vehicle suspected of being Contaminated, TCHD may, at its discretion, notify the registered owner or owners of said vehicle by certified mail.

#### **6.6 Notice to Third Parties**

TCHD may, in its discretion, notify affected third parties of a Property with suspected or confirmed Contamination, including, but not limited to, homeowners associations and property managers.

### **Section 7. Property Closure**

**7.1** It shall be the responsibility of the Building Department where the Property is located to post a Closure Placard when an Initial Observation has been made, and close the property suspected of being Contaminated.

**7.2** The closure of a property suspected of being Contaminated, and the placement of a Closure Placard, shall be regulated by each Building Department where such Property is located.

**7.3** Any person entering a property posted with a Closure Placard shall do so in compliance with the State Regulations, and shall wear appropriate personal protective equipment to protect himself or herself from inhalation and dermal Contamination.

**7.3.1** Any person entering a property posted with a Closure Placard does so at his/her own risk. TCHD takes no responsibility for any injury incurred at any time by any person entering a property posted with a Closure Placard.

**7.3.2** TCHD takes no responsibility for securing a property posted with a Closure Placard.



**7.4** The applicable Building Department or Law Enforcement Agency may take additional measures to ensure that access to a Property with suspected or confirmed Contamination is secured, including, but not limited to, requiring perimeter fencing.

### **Section 8. Demolition**

**8.1** A Property Owner who chooses to cause his or her property to be Fit For Use by demolition shall complete such demolition pursuant to the demolition regulations of the applicable Building Department (including, but not limited to, any permitting requirements), and shall comply with the requirements of the Act and State Regulations.

**8.2** The demolition of a Contaminated property shall be completed by the Property Owner within the time period set by the Building Department.

**8.3** The oversight of the demolition of a Contaminated property by TCHD shall be limited, except that technical expertise of the disposal of Contaminated personal property and demolition debris may be requested by a Property Owner or a Building Department.

**8.4** A Property Owner may request a Certificate of Compliance (COC) certifying that the property was demolished in accordance with the requirements of the Act and State Regulations for the applicable fee set forth in the Fee Schedule described in Section 11. Documentation that the demolished property was properly disposed of must be provided to TCHD prior to issuing a COC.

### **Section 9. Personal Property**

**9.1** No personal property may be removed from a Contaminated structure or vehicle unless it is thereafter promptly disposed of, or appropriately decontaminated, in accordance with the State Regulations.

**9.2** The oversight of the Decontamination of Contaminated personal property by TCHD shall be limited, except that technical expertise of the Decontamination of personal property may be requested by a Property Owner.

**9.3** A Property Owner may request a Certificate of Compliance certifying that personal property was Decontaminated in accordance with the requirements of the Act and State Regulations for the applicable fee set forth in the Fee Schedule described in Section 11.

### **Section 10. Real Property – Decontamination Procedure**

If a Property Owner chooses to Decontaminate real property located within TCHD's Jurisdiction, with suspected or confirmed Contamination, the following procedure shall be followed:

**10.1** The Property Owner shall obtain a Screening Level Assessment and/or Preliminary Assessment prepared by a Consultant in accordance with the State Regulations. The

Screening Level Assessment and/or Preliminary Assessment may be used by TCHD to determine if the property is Fit For Use.

**10.1.1** If the Screening Level Assessment or Preliminary Assessment reasonably indicates that Contaminant levels do not exceed the Contaminate Criteria specified in the State Regulations, TCHD shall designate the property Fit For Use, and issue a Certificate of Compliance to the Property Owner and Building Department for the applicable fee set forth in the Fee Schedule described in Section 11. This Certificate of Compliance shall be kept on file at TCHD for a minimum period of ten (10) years, or as directed by the State Archivist.

**10.1.2** TCHD may, in its discretion, inspect the Property and/or require additional Verification Testing prior to issuing a Certificate of Compliance for a property with a favorable Screening Level Assessment and/or Preliminary Assessment. The Building Department may also require TCHD to conduct Verification Testing before they remove a Closure Placard from the property.

**10.1.3** If the Screening Level Assessment or Preliminary Assessment reasonably indicates that Contaminant levels do exceed the Contaminate Criteria specified in the State Regulations, then the property must be Decontaminated in accordance with the procedures set forth in the State Regulations and a Post-Decontamination Report, prepared in accordance with Section 8.0 of the State Regulations, must be submitted to TCHD. Only certified Consultants and Contractors listed on the CDPHE website may complete Decontamination work and Post-Decontamination Reports related to Methamphetamine-affected Properties.

## **10.2 Post-Decontamination Report**

Once a Property has been Decontaminated pursuant to the provisions of the State Regulations, a certified Post-Decontamination Report, prepared by a Consultant in conjunction with a Contractor, shall be prepared in accordance with the requirements of Section 8 of the State Regulations. The Post-Decontamination Report shall be submitted to CDPHE and TCHD as required by the State Regulations. TCHD shall review the Post-Decontamination Report to determine if the property complies with the Decontamination standards in the State Regulations, and is therefore Fit For Use. TCHD shall maintain the Post-Decontamination Report for a minimum period of ten (10) years, or as directed by the State Archivist.

**10.2.1** TCHD may, in its discretion, or at the request from a Building Department who has placed a Closure Placarded on a property, inspect a property and/or conduct Verification Testing prior to issuing a Certificate of Compliance for a Decontaminated property.

**10.2.2.** TCHD may, in its discretion, require that additional sampling and/or Decontamination be performed by the Consultant and/or Contractor.

**10.2.3** TCHD shall determine that a property is not Fit For Use if (1) the property has not been Decontaminated in accordance with this Regulation IDL-20 and the requirements of the State Regulations, (2) if the results of Verification Testing show Methamphetamine Contamination in excess of the Contaminate Criteria set forth in the State Regulations, or (3) if the applicable fees have not been paid.

**10.2.4** If TCHD determines that a property is not Fit For Use after review of the Post-Decontamination Report and/or review of the results of Verification Testing, the Property Owner shall have the Consultant and/or Contractor conduct such additional Decontamination as may be required, and shall submit a new Post-Decontamination Report for review and approval.

**10.2.5** It is the intention of TCHD that every property be Decontaminated in accordance with the Contaminate Criteria established by the State Regulations, and TCHD shall work with each Property Owner to achieve that end.

### **10.3 Certificate of Compliance**

If TCHD determines that a property is Fit For Use and has been Decontaminated in accordance with the Act, the State Regulations and this Regulation IDL-20, and that all fees have been paid, then in that event, TCHD shall issue a Certificate of Compliance to the Property Owner, Building Department, and applicable Law Enforcement Agency.

**10.4.1** Additional copies of the Certificate of Compliance may be requested for the applicable fee set forth in the Fee Schedule described in Section 11.

**10.4.2** TCHD shall maintain a copy of each Certificate of Compliance in its files for a minimum period of ten (10) years, or as directed by the State Archivist.

### **10.4 Local, State and Federal Regulations**

A determination by TCHD that a property meets the requirements of the State Regulations and this Regulation IDL-20 does not supersede the regulatory authority of other local, State or Federal agencies which may also have required closure of the property.

## **Section 11. Fees and Costs**

The Board of Health has promulgated a Fee Schedule For Environmental Health Services, which sets forth the applicable fee for the regulatory oversight services provided by TCHD. The Fee Schedule For Environmental Health Services may be amended from time to time by the Board of Health. The Fee Schedule can be found on the TCHD website at [www.tchd.org](http://www.tchd.org).

## **Section 12. Enforcement**

**12.1** TCHD shall not issue a Certificate of Compliance to a Property Owner for a Contaminated property unless it has been demolished or Decontaminated in accordance with the Act, the State Regulations and this Regulation IDL-20.

**12.2** TCHD shall rely on each Building Department to follow its own enforcement procedure for any Property Owner who refuses to Decontaminate a property in accordance with the Act, the State Regulations and this Regulation IDL-20.

### **Section 13. Opt Out Election**

Pursuant to the Act, specifically C.R.S. §25-18.5-101(7) and the State Regulations, this Regulation IDL-20 shall govern the Decontamination of all properties located in both incorporated and unincorporated areas of TCHD's Jurisdiction, unless a City or County has internal statutes and/or procedures that supersede or "opt-out" of all or any portion of this Regulation IDL-20. Any City or County may elect to appoint a "Governing Body" other than the Default Governing Body, as provided in C.R.S. §25-18.5-101(7). Notwithstanding the foregoing, no City or County shall appoint TCHD as the sole Governing Body, or require TCHD to take any actions other than those authorized by this Regulation IDL-20.

### **Section 14. Effect.**

Regulation IDL-06, effective as of the date of February 14, 2006, as amended April 6, 2011, is hereby repealed in its entirety, and superseded by this Regulation IDL-20.