# Chapter 246-205 WAC

# DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES


**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

246-205-020 Authorized contractor services. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-020, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-030 Courses for training workers and supervisors. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-030, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-040 Training course approval. [Statutory Authority: RCW 64.44.060 and 64.44.070. WSR 92-02-017 (Order 223SB), § 246-205-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-040, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-050 Worker and supervisor certification. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-050, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-060 Worker and supervisor certificate renewal. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-060, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-070 Authorized contractor certification. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-070, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-080 Reciprocity. [Statutory Authority: RCW 64.44.060 and 64.44.070. WSR 92-02-017 (Order 223SB), § 246-205-080, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-080, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-090 On-site supervision. [Statutory Authority: RCW 64.44.-060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-090, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-100 Performance standards. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-100, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-110 Denial, suspension, revocation of certification, and civil penalties. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-110, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

246-205-120 Authorized contractor certification list. [Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-120, filed 1/24/91, effective 4/1/91.] Repealed by WSR 03-02-022, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.44.070.

**WAC 246-205-001 Purpose and authority.** (1) This chapter is adopted to protect the public's health, safety, and welfare by establishing standards, procedures, and responsibilities for:

(a) The certification of contractors and their employees authorized to perform decontamination of illegal drug manufacturing or storage sites; and

(b) Regulating the occupancy and use of property where hazardous chemicals or chemical residues commonly associated with the manufacture of illegal drugs are or may be present.

(2) The statutory authority for the adoption of this chapter is chapter 64.44 RCW.

(a) Contractor certification rules are jointly adopted by the state board of health and the department of health; and

(b) Rules in this chapter pertaining to local health officers' responsibilities are adopted by the state board of health.

(3) This chapter does not apply to industrial sites where a person's manufacturing process uses a hazardous chemical when licensed or regulated by state or federal agencies.

[Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-001, filed 4/29/92, effective 5/30/92. Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-001, filed 1/24/91, effective 4/1/91.]

**WAC 246-205-010 Definitions.** For the purposes of this chapter, the following words and phrases shall have the following meanings unless the content clearly indicates otherwise.

"Authorized contractor" means any person or persons:

• Registered under chapter 18.27 RCW; and

• Certified by the department to decontaminate, demolish, or dispose of contaminated property as required by chapter 64.44 RCW and this chapter.

"Basic course" means a training course which has been sponsored or approved by the department for workers and supervisors who perform or supervise decontamination on illegal drug manufacturing or storage sites.

"Certificate" means a department issued written approval under this chapter.

"Certified" means a person who has department issued written approval under this chapter.

"Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated, but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

"Decontamination" means the process of reducing levels of known contaminants to the lowest practical level using currently available methods and processes.

"Department" means the Washington state department of health.

"Disposal of contaminated property" means the disposition of contaminated property under the provisions of chapter 70.105 RCW.

"Hazardous chemicals" means the following substances used in the manufacture of illegal drugs:

• Hazardous substances as defined in RCW 70.105D.-020; and

• Precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

"Illegal drug manufacturing or storage site" means any property where a person illegally manufactures or stores a controlled substance or a law enforcement agency or the property owner believes a person illegally manufactured or stored a controlled substance.

"Initial site assessment" means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

"List of contaminated properties" means a list of properties contaminated by illegal drug manufacturing or the storage of hazardous chemicals.

"Local department" means the jurisdictional local health department or district.

"Local health officer" means a health officer or authorized representative as defined under chapters 70.05, 70.08, and 70.46 RCW.

"Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

"Posting" means attaching a written or printed announcement conspicuously on property which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

"Property" means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug or storage of a hazardous chemical including, but not limited to:

• Single-family residences;

• Units or multiplexes;

• Condominiums;

• Apartment buildings;

• Motels and hotels;

• Boats;

• Motor vehicles;

• Trailers;

• Manufactured housing;

• Any ship, booth, or garden; or

• Any site, lot, parcel of land, structure, or part of a structure that may be contaminated by previous use.

"Property owner" means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

"Refresher course" means a department sponsored or approved biennial training course for decontamination workers and supervisors. An approved refresher course:

• Reviews the subjects taught in the initial training course; and

• Includes updated information on emerging decontamination technology.

"Storage site" means any property used for the storage of hazardous chemicals or illegally manufactured controlled substances.

"Supervisor" means a person certified by the department and employed by an authorized contractor who is on site during the decontamination of an illegal drug manufacturing or storage site and who is responsible for the activities performed.

"Worker" means a person certified by the department and employed by an authorized contractor who performs decontamination of an illegal drug manufacturing or storage site.

"Warning" means a sign posted by the local health officer conspicuously on the site of an illegal drug manufacturing or storage site informing potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-010, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-010, filed 4/29/92, effective 5/30/92. Statutory Authority: RCW 64.44.-060 and 64.44.070. WSR 92-02-017 (Order 223SB), § 246-205-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-010, filed 1/24/91, effective 4/1/91.]

## DECONTAMINATION CONTRACTOR CERTIFICATION

**WAC 246-205-021 Training provider certification.** (1) Persons wanting to become an illegal drug lab decontamination training provider must obtain department approval of instructors and courses. The types of drug lab decontamination courses that may be approved by the department are:

(a) Basic worker;

(b) Basic supervisor; and

(c) Refresher worker and supervisor.

(2) To be certified as a training provider for the refresher training course, applicants must be certified as a training provider for the basic worker and basic supervisor courses.

(3) To obtain approval of instructors, the applicant must demonstrate that the person has the breadth of knowledge and experience necessary to properly train workers and supervisors.

(4) To obtain approval of course work, the applicant must demonstrate the:

(a) Adequacy and accuracy of content; and

(b) Adequacy of training techniques.

(5) Applicants for training provider certification shall:

(a) Submit a completed training provider application as specified under subsection (6) of this section;

(b) Submit the required fee as specified under WAC 246-205-990; and

(c) Ensure the department receives the application sixty or more days before the requested approval date.

(6) A training provider application includes, but is not limited to:

(a) A completed training provider application form provided by the department;

(b) A list of all personnel involved in course presentation and a description of their qualifications;

(c) A detailed description of course content and the amount of time allotted to each major topic;

(d) A description of teaching methods;

(e) A list of questions for development of an examination; and

(f) Copies of all materials proposed for use, when requested from the department.

(7) Training provider certification is valid for two years from the date of issuance. All training provider certificates issued after December 1, 2009, will expire on the same day: November 30, 2011, and on November 30th in every odd-numbered year thereafter. Certification fees will be prorated by the month for applications submitted during the two-year period.

(8) Training provider certification may be terminated if the training provider fails to:

(a) Maintain the course content and quality as approved by the department; and

(b) Make changes to a course as required by the department.

[Statutory Authority: RCW 64.44.070, 64.44.060, and 43.70.250. WSR 09-21-049, § 246-205-021, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-021, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-031 Basic training course content.** Department approved basic worker and supervisor training courses shall provide at a minimum:

(1) Information on state and federal laws, rules, and regulations applicable to illegal drug manufacturing or storage sites including, but not limited to, Contaminated properties, chapter 64.44 RCW; Precursor drugs, chapter 69.43 RCW; Uniform Controlled Substances Act, chapter 69.50 RCW; Washington Industrial Safety and Health Act, chapter 49.17 RCW; the Federal Occupational Health and Safety Act, 29 U.S.C. 651 et seq.; and this chapter.

(2) Chemical terminology, classifications, and properties related to illegal drug manufacturing.

(3) Illegal drug laboratory characteristics.

(4) First aid.

(5) Adverse health effects of exposure related to illegal drug manufacturing including, but not limited to:

(a) Toxicology; and

(b) Symptomology.

(6) Incompatibility of chemicals related to decontamination.

(7) Techniques and equipment used for decontamination of property.

(8) Handling unknown substances.

(9) State and federal requirements for dealing with hazardous materials including, but not limited to, chapter 173-303 WAC related to:

(a) Disposal;

(b) Transportation;

(c) Storage; and

(d) Reporting.

(10) Training for supervisors must also include, but not be limited to:

(a) Obtaining necessary information for making site assessments;

(b) Initial site assessment;

(c) Initial site sampling;

(d) Work plan development;

(e) Final site sampling;

(f) Report completion; and

(g) Penalties and liabilities.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-031, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-041 Refresher training course.** (1) A refresher training course is required every two years for workers and supervisors.

(2) Department approved refresher worker and supervisor training courses shall provide at a minimum:

(a) A thorough review of the subjects required under WAC 246-205-031;

(b) An update of information on state-of-the-art procedures and equipment;

(c) A review of regulatory changes and interpretation; and

(d) Other subjects if required by the department to update information on new technology and procedures.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-041, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-051 Certified training provider responsibilities.** (1) Prior to any training, the training provider shall:

(a) Notify the department in writing thirty or more days before training is scheduled to begin. The notification shall include the date, time, and address of the location where training will be conducted;

(b) Ensure that the size of the class is appropriate for learning the course content;

(c) Incorporate into training any required subject matter developed by the department;

(d) Obtain department approval in advance of any changes to the training; and

(e) Maintain the course content and quality as approved by the department.

(2) When requested by the department, the training provider shall confirm successful completion of CDL worker or supervisor training courses by applicants seeking CDL worker or supervisor certification.

(3) At the department's request, the training provider shall allow a department representative to attend a training course as an observer to verify that the training provider conducts the training in accordance with the training approved by the department.

(4) Training providers conducting training outside the state of Washington shall:

(a) Reimburse the department at current state of Washington per diem and travel allowance rates for travel expenses associated with department observance of the training courses; and

(b) Submit reimbursement to the department within thirty days of receipt of the billing notice.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-051, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-061 Training provider certification renewal.** (1) Training provider certificate renewal is valid for two years from the date of issuance. All training provider certificates issued after December 1, 2009, will expire on the same day: November 30, 2011, and on November 30th in every odd-numbered year thereafter. Certification fees will be prorated by the month for applications submitted during the two-year period.

(2) Training providers seeking renewal certification shall submit the following to the department thirty or more days before expiration of the current certificate:

(a) A completed training provider application as described in WAC 246-205-021(5); and

(b) A fee as prescribed in WAC 246-205-990.

(3) If a training provider fails to renew his or her certificate before it expires, the department shall notify the trainer that the certificate is temporarily valid for sixty days beginning on the expiration date of the trainer's certificate.

(4) If a training provider renews his or her certificate during the sixty-day period, he or she shall pay the full two-year certificate renewal fee.

(5) If the training provider fails to renew the certificate within the sixty-day period, the certificate is invalid. The department shall notify the trainer in writing of an invalid certificate.

(6) A training provider who fails to renew his or her certificate while it is valid may reapply for certification, but must meet the requirements for a new applicant established in WAC 246-205-021.

[Statutory Authority: RCW 64.44.070, 64.44.060, and 43.70.250. WSR 09-21-049, § 246-205-061, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-061, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-071 Worker and supervisor certification.** (1) Applicants seeking certification as a decontamination worker shall ensure the department receives the following within ninety days of completing the basic worker course:

(a) A completed decontamination worker application;

(b) A fee as prescribed in WAC 246-205-990;

(c) Evidence of satisfying the requirements of WAC 296-62-30410;

(d) Evidence of successful completion of a department sponsored or approved basic decontamination worker course; and

(e) Evidence of passing the basic decontamination worker examination administered by the department with a score of seventy percent or higher.

(2) Applicants seeking certification as a decontamination supervisor shall ensure the department receives the following within ninety days of completing the basic supervisor course:

(a) A completed decontamination supervisor application;

(b) A fee as prescribed in WAC 246-205-990;

(c) Evidence of a valid Washington state decontamination worker certificate;

(d) Evidence of forty or more hours of on-site experience in hazardous material or illegal drug manufacturing or storage site decontamination projects;

(e) Evidence of satisfying the requirements of WAC 296-62-30415.

(f) Evidence of successful completion of a department sponsored or approved basic decontamination supervisor course; and

(g) Evidence of passing the basic decontamination supervisor examination administered by the department with a score of seventy percent or higher.

(3) If a previously certified worker applies for certification following expiration of the previous certificate, but less than two years after expiration of the previous certificate, the worker shall:

(a) Submit to the department a completed application form for certificate renewal;

(b) Submit to the department a fee prescribed in WAC 246-205-990; and

(c) Retake the entire basic worker course.

(4) Worker and supervisor certificates are valid for two years from the date of issuance. All worker and supervisor certificates issued after December 1, 2009, will expire on the same day: November 30, 2011, and on November 30th in every odd-numbered year thereafter. Certification fees will be prorated by the month for applications submitted during the two-year period.

(5) Workers and supervisors shall make certificates available for inspection at all times during an illegal drug manufacturing or storage site decontamination project.

(6) The certificate may be denied, suspended, or revoked as described in WAC 246-205-121 and RCW 64.44.060.

(7) If a previously certified supervisor applies for certification following expiration of the previous certificate, but less than two years after expiration of the previous certificate, the supervisor shall:

(a) Submit to the department a completed application form for certificate renewal;

(b) Submit to the department a fee prescribed in WAC 246-205-990; and

(c) Retake the entire basic supervisor course.

[Statutory Authority: RCW 64.44.070, 64.44.060, and 43.70.250. WSR 09-21-049, § 246-205-071, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-071, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-081 Worker and supervisor certification renewal.** (1) Worker and supervisor certificate renewal is valid for two years from the date of issuance. All worker and supervisor certificates issued after December 1, 2009, will expire on the same day: November 30, 2011, and on November 30th in every odd-numbered year thereafter. Certification fees will be prorated by the month for applications submitted during the two-year period.

(2) Certified workers and supervisors seeking certificate renewal shall submit to the department thirty or more days before expiration of the current certificate:

(a) A completed application form for certificate renewal;

(b) A fee prescribed in WAC 246-205-990; and

(c) Evidence of successful completion of a department sponsored or approved refresher training course.

(3) If a worker or supervisor fails to renew his or her certificate before it expires, the department shall notify the worker or supervisor that the certificate is temporarily valid for sixty days beginning on the expiration date of the worker's or supervisor's certificate.

(4) If a worker or supervisor renews his or her certificate during the sixty-day period, he or she shall pay the full two-year certificate renewal fee.

(5) If the worker or supervisor fails to renew the certificate within the sixty-day period, the certificate is invalid. The department shall notify the worker or supervisor in writing of an invalid certificate.

(6) A worker or supervisor who fails to renew his or her certificate while it is valid may reapply for certification, but must meet the requirements for a previously certified worker or supervisor established in WAC 246-205-071.

[Statutory Authority: RCW 64.44.070, 64.44.060, and 43.70.250. WSR 09-21-049, § 246-205-081, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-081, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-091 Contractor certification.** (1) A contractor may advertise, offer to undertake, or perform decontamination, demolition, or disposal work at an illegal drug manufacturing or storage site only after securing a certificate from the department.

(2) Applicants for department certification as an authorized contractor, shall submit to the department:

(a) Evidence of being licensed, bonded, and insured as a general contractor under the provisions of chapter 18.27 RCW;

(b) Evidence of department certification for each employee who will do work on an illegal drug manufacturing or storage site;

(c) Documentation that the contractor has at least one department certified supervisor and one department certified worker;

(d) A completed decontamination contractor application form; and

(e) A fee as prescribed in WAC 246-205-990.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-091, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-101 Reciprocity.** (1) The department may provide reciprocal certification for contractors, supervisors, and workers trained and certified in another state if standards and training are substantially equivalent to those of this chapter.

(2) Applicants for reciprocity shall submit to the department:

(a) A completed application form for the type of certification being requested;

(b) Documentation of specialized training for illegal drug manufacturing or storage site decontamination;

(c) Evidence of successful completion of training required by the Federal Occupational Safety and Health Act, 29 U.S.C. 651 et seq.; Washington Industrial Safety and Health Act regulations, chapter 49.17 RCW; and

(d) A fee as prescribed in WAC 246-205-990.

(3) Prior to certificate approval, the applicant may be required to:

(a) Submit additional information;

(b) Successfully complete a refresher course; or

(c) Pass a department-administered examination with a score of seventy percent or more.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-101, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-111 Performance standards.** Authorized contractors, including workers and supervisors, working at a decontamination site shall, at a minimum:

(1) Perform all decontamination work only with department certified workers and supervisors;

(2) File a work plan with and obtain approval from the local health department;

(3) Perform work in accordance with the approved work plan;

(4) Station on site a contractor-employed certified supervisor to oversee the activities performed;

(5) Perform work meeting applicable requirements of state and local building codes;

(6) Comply with applicable Federal Occupational Safety and Health Act, Public Law 91-596, 84 stat. 1590; and Washington Industrial Safety and Health Act regulations and requirements, chapter 49.17 RCW;

(7) Comply with applicable requirements of chapter 70.105 RCW, Hazardous waste management; and chapter 173-303 WAC, Dangerous waste regulations;

(8) Comply with applicable requirements of department of ecology and Environmental Protection Agency regulations;

(9) Comply with applicable contractor regulations;

(10) Notify the state and local jurisdictional health department of all work performed within ten days after completion of the project;

(11) Comply with all other applicable laws and regulations; and

(12) Comply with this chapter.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-111, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-121 Denial, suspension, revocation of certification, and civil penalties.** (1) An initial, renewal, or reciprocal illegal drug manufacturing or storage site decontamination worker, supervisor, or contractor certificate will be denied when an applicant fails to meet the requirements of WAC 246-205-071, 246-205-081, 246-205-091 or 246-205-101.

(2) Disciplinary action against a decontamination worker, supervisor, or contractor may be taken for failing to comply with the requirements of chapter 64.44 RCW, or any rule adopted under chapter 64.44 RCW. Disciplinary action may be taken on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to file a work plan;

(c) Failing to perform work pursuant to the work plan;

(d) Failing to perform work that meets the requirements of the department;

(e) Obtaining a certificate by error, fraud, or misrepresentation; or

(f) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(3) Disciplinary action against a decontamination worker, supervisor, or contractor may include, but not be limited to, denial, suspension, or revocation of certification.

(4) A contractor may be assessed a civil penalty not to exceed five hundred dollars for each violation in addition to certification denial, suspension, or revocation pursuant to this rule. Each day the violation continues shall be considered a separate violation.

(5) Adjudicative proceedings are governed by chapter 34.05 RCW, the Administrative Procedure Act; chapter 246-10 WAC; and this chapter.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-121, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-131 Certified contractor list.** (1) The department shall maintain a list of authorized illegal drug manufacturing or storage site decontamination contractors.

(2) The department's authorized contractor list shall be made available to local health officials and other appropriate agencies semiannually, and to the public upon request.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-131, filed 12/23/02, effective 1/23/03.]

## LOCAL HEALTH OFFICER RESPONSIBILITIES

**WAC 246-205-510 Local health officer responsibilities.** As required by chapter 64.44 RCW, the local health officer's responsibilities shall include, but not be limited to:

(1) Posting property;

(2) Inspecting property;

(3) Determining contamination;

(4) Reporting contaminated property;

(5) Notification of contaminated property;

(6) Determining whether a contractor is required for decontamination;

(7) Verifying decontamination; and

(8) Recording decontamination.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-510, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-520 Posting property.** (1) Within one working day of notification from a law enforcement agency of potential contamination, the local health officer shall post a written warning on the premises. The warning shall inform potential occupants that hazardous chemicals may exist on, or have been removed from the property and that entry is unsafe.

(2) Within fourteen days of notification, the local health officer shall inspect the property.

(3) If the property is contaminated, the local health officer shall post a written notice on the premises declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

(4) Within ten working days of determining the property is contaminated, the local health officer shall cause to be served an order prohibiting use as required under WAC 246-205-560.

(5) Within one working day of issuance of the order, the local health officer shall post the order in a conspicuous place on the property.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-520, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-520, filed 4/29/92, effective 5/30/92.]

**WAC 246-205-530 Inspecting property.** Within fourteen days after a law enforcement agency or property owner notifies the local health officer of potential property contamination, the local health officer shall inspect the property.

(1) To enable the local health officer to determine contamination, the property inspection shall include, but not be limited to, an acquisition of data such as evidence of:

(a) Hazardous chemical use or storage on site;

(b) Chemical stains;

(c) Release or spillage of hazardous chemicals on the property; or

(d) Glassware or other paraphernalia associated with the manufacture of illegal drugs on site.

(2) As part of the property's inspection, the local health officer may request copies of any law enforcement reports, forensic chemist reports, and any department of ecology hazardous material transportation manifests needed to evaluate:

(a) The length of time the property was used as an illegal drug manufacturing or storage site;

(b) The size of the site actually used for the manufacture or storage of illegal drugs;

(c) What chemical process was involved in the manufacture of illegal drugs;

(d) What chemicals were removed from the scene; and

(e) The location of the illegal drug manufacturing or storage site in relation to the habitable areas of the property.

(3) The local health officer may coordinate the property's inspection with other appropriate agencies. At the request of the local health officer, the Washington state department of ecology may conduct an environmental assessment and may sample the property's groundwater, surface water, septic tank water, soil, and other media as necessary to enable the local health officer to evaluate the long-term public health threats.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-530, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-530, filed 4/29/92, effective 5/30/92.]

**WAC 246-205-531 Sampling procedures.** (1) The analytical results obtained through sampling may be used as a method to determine contamination. Types of sample collection include, but are not limited to:

(a) Nonporous surface;

(b) Porous surface;

(c) Air;

(d) Drinking water;

(e) Groundwater;

(f) Surface water;

(g) Soil; and

(h) Septic system.

(2) Collection of samples shall be performed by department of ecology staff; department of health certified CDL supervisors; or local health officers using:

(a) Standards and protocols to ensure accuracy and the ability to produce similar results with repeated sampling;

(b) Proper swabbing techniques to collect a representative sample of the area being sampled; and

(c) Proper care and prudent action to avoid contamination during sampling.

(3) All samples collected, transported, stored, and analyzed under the provisions of this section must be secured to assure an unbroken chain-of-custody as described in the American Society of Testing Materials Standard D 4840.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-531, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-540 Determining contamination.** (1) The local health officer shall make a determination of contamination when the inspection reveals the property is contaminated.

(2) If designated contaminated, the local health officer shall post and cause to be served an order prohibiting use of all or portions of the property as required under WAC 246-205-520 and 246-205-560.

(3) If the local health officer determines the property is not contaminated, the local health officer shall document the findings. The local health officer's documentation shall include:

(a) Findings;

(b) Conclusions;

(c) Name of the property owner;

(d) Mailing and street address of the property owner;

(e) Parcel identification number and legal description of the property; and

(f) Clear directions for locating the property.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-540, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-540, filed 4/29/92, effective 5/30/92.]

**WAC 246-205-541 Decontamination standards.** The decontamination standards include:

(1) Methamphetamine of less than or equal to 0.1 micro grams per 100 square centimeters;

(2) Total lead of less than or equal to 20 micro grams per square foot;

(3) Mercury of less than or equal to 50 nano grams per cubic meter in air; and

(4) Volatile organic compounds (VOCs) of 1 part per million total hydrocarbons and VOCs in air.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-541, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-550 Reporting contaminated property.** (1) When property is determined contaminated, the local health officer shall report the contaminated property to the state department of health:

(a) By telephone or e-mail within one working day; and

(b) In writing within ten working days.

(2) The local health officer's written contamination report to the state department of health shall include:

(a) Description of the findings;

(b) Conclusions;

(c) Name of the property owner;

(d) Mailing and street address, including zip code and county, of the property owner;

(e) Parcel identification number and legal description of the property to including township and section;

(f) Tax account number; and

(g) Date property determined contaminated.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-550, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-550, filed 4/29/92, effective 5/30/92.]

**WAC 246-205-560 Notification of contaminated property.** (1) Within ten working days after the local health officer's determination that a property is contaminated, the local health officer shall cause to be served, either personally or by certified mail, return receipt requested, an order prohibiting use to all known:

(a) Occupants; and

(b) Persons having an interest in the property as shown upon the records of the auditor's office of the county in which the property is located.

(2) If the whereabouts of persons described under subsection (1) of this section is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made by:

(a) Personal service; or

(b) Mailing a copy of the order by certified mail, postage prepaid, return receipt requested:

(i) To each person at the address appearing on the last equalized tax assessment roll of the county where the property is located; or

(ii) At the address known to the county assessor.

(3) The local health officer shall also mail a copy of the order addressed to each person or party having a recorded right, title, estate, lien, or interest in the property.

(4) The local health officer's order shall:

(a) Describe the local health officer's intended course of action;

(b) Describe the penalties for noncompliance with the order;

(c) Prohibit use of all or portions of the property as long as the property is contaminated;

(d) Describe what measures a property owner must take to have the property decontaminated; and

(e) Indicate the potential health risks involved.

(5) The local health officer shall:

(a) File a copy of the order prohibiting use of the property with the county auditor;

(b) Provide a copy of the order to the local building or code enforcement department; and

(c) Post the order in a conspicuous place on the property within one working day of issuance of the order.

(6) The local health officer's order shall advise that:

(a) A hearing before the local health officer or local health board shall be held upon the request of a person required to be notified of the order;

(b) The person's request for a hearing shall be made within ten days of the local health officer's serving of the order;

(c) The hearing shall be held not less than twenty days nor more than thirty days after the serving of the order; and

(d) In any hearing concerning whether property is contaminated, the property owner has the burden of showing that the property is decontaminated and meets the decontamination standards of WAC 246-205-541.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-560, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-560, filed 4/29/92, effective 5/30/92.]

**WAC 246-205-570 Decontamination.** (1) An owner of contaminated property who desires to reduce the contamination shall use the services of an authorized contractor unless otherwise authorized by the local health officer.

(2) The local health officer shall provide the property owner with a list of authorized contractors upon request.

(3) When an authorized contractor is required for decontamination, the property owner shall have a written work plan approved by the local health officer before starting decontamination.

(4) When an authorized contractor is required for decontamination, the contractor shall prepare the work plan in accordance with this chapter and chapter 64.44 RCW. When the local health officer determines the services of an authorized contractor are not necessary, the local health officer shall take appropriate measures to ensure the property is decontaminated consistent with the purposes of chapter 64.44 RCW.

(5) The property owner or the contractor shall decontaminate the property according to the approved work plan and to meet the decontamination standards described in WAC 246-205-541.

(6) The property owner shall be responsible for:

(a) The costs of any property testing which may be required to demonstrate the presence or absence of hazardous chemicals;

(b) The costs of the property's decontamination and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter;

(c) Keeping records documenting decontamination procedures and submitting notarized copies of all records to the local health officer; and

(d) Petitioning the local health officer to review the decontamination records and to declare the property decontaminated.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-570, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-570, filed 4/29/92, effective 5/30/92.]

**WAC 246-205-580 Verifying decontamination.** Within ten working days of a request for review of decontamination records, the local health officer:

(1) Shall review the documentation to verify decontamination was performed according to the approved work plan and the applicable decontamination standards in WAC 246-205-541 are met;

(2) May visit the property site to assess the thoroughness of the decontamination;

(3) May require the property owner to provide more extensive testing and assessment of the property site by an independent laboratory or firm qualified to perform such testing and assessment.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-580, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-580, filed 4/29/92, effective 5/30/92.]

**WAC 246-205-590 Recording decontamination.** If, after review of the information in WAC 246-205-580, the local health officer determines the property has been decontaminated, the local health officer shall within ten working days:

(1) Record a release for reuse document in the real property records of the county auditor where the property is located indicating that to the best of his or her knowledge, the property was decontaminated in accordance with this chapter.

(2) Send a copy of the release to the property owner.

(3) Send a copy of the release to the state department of health.

(4) Send a copy of the release to the local building or code enforcement department.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-590, filed 12/23/02, effective 1/23/03.]

**WAC 246-205-990 Fees.** (1) Fees are nonrefundable and must be paid by check or money order made payable to the department.

(2) Fees shall be prorated by the month for certificates issued for less than two years.

(3) An applicant must pay the following fees based on a two-year certification period when submitting an application:

(a) $100 for each initial or reciprocal worker certificate application.

(b) $50 for each renewal worker certificate application.

(c) $200 for each initial or reciprocal supervisor certificate application.

(d) $150 for each renewal supervisor certificate application.

(e) $1,000 for each initial application and $500 for each renewal application for training provider certification for the worker drug lab decontamination course.

(f) $1,000 for each initial application and $500 for each renewal application for training provider certification for the supervisor drug lab decontamination course.

(g) There is no fee for application as a training provider for the refresher training course.

(4) An applicant must pay $1,125 for each initial, renewal, or reciprocal authorized contractor certificate application, based on a one-year certification period. The applicant's certificate shall expire annually on the expiration date of the contractor's license issued under chapter 18.27 RCW.

[Statutory Authority: RCW 64.44.070, 64.44.060, and 43.70.250. WSR 09-21-049, § 246-205-990, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 43.70.250 and 64.44.060. WSR 06-16-119, § 246-205-990, filed 8/1/06, effective 9/1/06. Statutory Authority: RCW 43.70.250 and 43.70.-110. WSR 03-13-123, § 246-205-990, filed 6/18/03, effective 7/19/03. Statutory Authority: RCW 43.70.250, 70.90.150, and 43.20B.250. WSR 01-14-047, § 246-205-990, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. WSR 00-02-016, § 246-205-990, filed 12/27/99, effective 1/27/00; WSR 99-12-022, § 246-205-990, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. WSR 91-04-007 (Order 125SB), § 246-205-990, filed 1/24/91, effective 4/1/91.]