

ALBUQUERQUE POLICE DEPARTMENT
Criminal Nuisance Abatement Unit
Proposed Procedures for Meth Lab Remediation

- All residential and commercial properties referred to the Nuisance Abatement Unit by law enforcement will be posted as Substandard Building within 24hrs.
- Once verification of ownership and completion of the Notice and Order, a Certificate of Substandard will be filed at the Bernalillo County Assessors Office. This step will red flag the property and slow and/or stop any sales transaction prior to the decontamination of the property.
- As soon as all reports are available a case file will be forwarded to the City Attorneys Office for Civil prosecution. A copy of the inventory report will need to be forwarded to the third party Environmental Hygienist to insure that all proper locations for swipe samplings are identified. **Post cleanup sample and/or samples will be taken prior to decontamination process to establish a baseline. The Hygienist may choose to take more than one composite sample from the structure, dwelling, Motor Home and/or Recreational Vehicle. These test results shall be made available to the assigned inspector prior to decontamination.** Under no circumstances should the third party Hygienist and the remediation specialist be affiliated. An inspector is not to recommend any specific company for the job; our job is to insure that they are qualified to do the job. A list of qualified Hygienist and Remediation Specialist will be provided to all property owners which they call for prices.
Once the Hygienist has certified the property clean they must submitted a report to a Nuisance Abatement Inspector. **This report will include pre-cleanup and post cleanup contamination testing results. The maximum contamination level that will be accepted must be less than 0.5micrograms per. sqft. PID (calibrated with 100 ppm iso-butylene) readings are to be at or below ambient levels recorded from outside the structure. All Surfaces shall have a PH level greater than 6.8 and less than 8.0.**
- If the property has met all the requirements and has been certified clean by the Environmental Hygienist a copy of the documentation will be forwarded to the City Attorneys Office and the County Assessors Office.
- If the owner does not respond or the City is unable to locate the property owner after the 10 day appeal process of the Notice and Order has expired the City may choose to execute its **Administrative Authority** to have the structure and or property Cleaned. Bids will be accepted from all vendors and a contract will be awarded to the lowest qualified bidder. A lien will be placed on the property in effort to recoup all expenses associated in the remediation process.
- Upon completion of all items listed above the property and/or structures may be reoccupied.

**** Some fees will need to be considered due to the fees required in filing forms at the County Assessors and any Legal fees associated with the Contamination and Remediation of the property. Costs associated with these procedures are not controlled by the City of Albuquerque nor the Albuquerque Police Department.**

CITY of ALBUQUERQUE

SIXTEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

ORDINANCE

1 AMENDING CHAPTER 11, ARTICLE 1, ROA 1994, PROVIDING FOR CLEANUP
2 OF CLANDESTINE DRUG LABORATOIRES, NOTICE TO BUYERS AND
3 OCCUPANTS, RESTITUTION AND PENALTIES.

4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
5 OF ALBUQUERQUE;

6 Section 1. Chapter 11, Article 1, Part 1 ROA 1994 is amended by adding the
7 following subpart D:

8 "SUBPART D: DRUG LABORATORY SITE REMEDIATION OF
9 CONTAMINATION

10 Section 1. TITLE. This Ordinance shall be known and may be cited as the
11 "Cleanup of Clandestine Drug Laboratory Sites Ordinance."

12 Section 2. FINDINGS AND INTENT. The City Council finds and states its
13 intent as follows. Clandestine drug laboratory sites are increasing in number in
14 Albuquerque and are a serious health threat to the community. Remediation of the
15 residually contaminated portions of clandestine drug laboratory sites is essential to
16 assure the health, safety and welfare of the community. Property owners must share
17 the responsibility for the clandestine drug laboratory sites on their property by bearing
18 the initial costs of remediation of such sites, subject to restitution as provided in this
19 ordinance. This ordinance is timely and appropriate because current laws and city
20 regulations are insufficient to address the aforementioned problems. The restrictions
21 contained herein are neither over broad nor vague and are narrowly tailored to serve a
22 substantial government interest.

23 Section 3. DEFINITIONS. In this Ordinance, unless the context otherwise
24 requires:

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

1 (A) "Clandestine drug laboratory" means property on which
2 methamphetamine, ecstasy, LSD or any other controlled substance is being
3 manufactured or on which there is an attempt to manufacture, or where a person is
4 arrested for having on any property any chemicals or equipment used in
5 manufacturing methamphetamine, ecstasy, LSD or any other controlled substance. In
6 the case of a space rental mobile home or recreational vehicle park, clandestine drug
7 laboratory means the mobile home or recreational vehicle in which methamphetamine,
8 ecstasy, LSD or any other controlled substance is being manufactured or where a
9 person is arrested for having in the mobile home or recreational vehicle any chemicals
10 or equipment used in manufacturing methamphetamine, ecstasy, LSD or any other
11 controlled substance. Clandestine drug laboratory shall include any place or area
12 where chemicals or other waste materials used in clandestine drug laboratories have
13 been located.

14 (B) "Controlled Substance" means any drug or substance or counterfeit
15 substance listed in the Controlled Substances Act, NMSA 1978 Chapter 30, Article 31
16 or regulations adopted thereunder.

17 (C) "Drug Laboratory Site Remediation Firm" means a firm that is certified by
18 the Albuquerque Police Department and the City Environmental Health Department
19 and that performs remediation of residual contamination from the manufacture of
20 methamphetamine, ecstasy, LSD or any other controlled substance or the storage of
21 chemicals or equipment used in manufacturing methamphetamine, ecstasy, LSD or
22 any other controlled substance.

23 (D) "Ecstasy" (3,4-methylenedioxy amphetamine) has the same meaning
24 prescribed in NMSA 1978 Section 30-31-6 and includes any of the precursor chemicals,
25 regulated chemicals, other substances or equipment used in the unlawful manufacture
26 of Ecstasy and any derivatives thereof.

27 (E) "Gross contamination" means the chemicals, equipment and other items
28 that are found in a clandestine drug laboratory and that are removed by a law
29 enforcement officer or law enforcement agency.

30 (F) "Industrial or Environmental Hygienist Firm" means a firm that is
31 certified by the Albuquerque Police Department and the City Environmental Health
32 Department to conduct pre-remediation testing and post-remediation testing for the
33 remediation of residual contamination from the manufacture of methamphetamine,

1 ecstasy, LSD, or any other controlled substance or the storage of chemicals or
2 equipment used in manufacturing methamphetamine, ecstasy, LSD or any other
3 controlled substance.

4 (G) "Law Enforcement Officer" means any employee of a police or public
5 safety department administered by the state or any political subdivision of the state
6 where the employee is responsible for the prevention and detection of crime and the
7 enforcement of the penal, traffic or highway laws of this state as defined in NMSA 1978
8 30-20A-2D, and specifically includes Albuquerque Police Department nuisance
9 abatement inspectors.

10 (H) "LSD" (lysergic acid diethylamide) has the same meaning prescribed in
11 NMAS 1978 Section 30-31-6 and includes any of the precursor chemicals, regulated
12 chemicals, other substances or equipment used in the unlawful manufacture of LSD
13 and any derivatives thereof.

14 (I) "Methamphetamine" has the same meaning prescribed in NMSA 1978
15 Section 30-31-7 and includes any of the precursor chemicals, regulated chemicals,
16 other substances or equipment used in the unlawful manufacture of Methamphetamine
17 and any derivatives thereof.

18 (J) "Owner" means any person, firm, corporation or other entity that owns,
19 in whole or in part, the property subject to this ordinance.

20 (K) "Property" means real or personal property and includes the area within
21 a structure and the area that surrounds a structure and that is within the land
22 boundary or property lines of any of the following:

23 (a) Property that can be used for residential purposes or is occupied by
24 people for any length of time for any purpose.

25 (b) Property that is governed by the Uniform Owner-Resident Relations
26 Act, NMSA 1978 Sections 47-8-1 et seq., or the Mobile Home Park Act, NMSA 1978
27 Sections 47-10-2 et seq.

28 (c) A mobile home as defined in NMSA 1978 Section 47-10-2.

29 (d) A recreational vehicle as defined in NMSA 1978 Section 66-1-4.15
30 and for purposes of this ordinance, "recreational vehicle" shall also include a
31 recreational travel trailer as defined in NMSA 1978 Section 66-1-4.15.

32 (e) a vehicle, as defined in Section 8-5-2-1 ROA 1994.

1 (L) "Residually contaminated portion of the property" means the structure or
2 unit where gross contamination was removed and the area of any adjacent structure,
3 unit or land where visible evidence of residual contamination is observed by a law
4 enforcement officer, including any of the following:

5 (a) If gross contamination is removed from a house, mobile home or
6 recreational vehicle and the notice of removal is posted for the entire house, mobile
7 home or recreational vehicle, then the entire house, mobile home or recreational
8 vehicle, not just the room or rooms in which the gross contamination is found shall be
9 deemed the residually contaminated portion of the property.

10 (b) If gross contamination is removed from a detached shed or garage, the
11 other structures or property on the land are not affected and the notice of removal is
12 posted only for the detached shed or garage, then the detached shed or garage shall be
13 deemed the residually contaminated portion of the property.

14 (c) If gross contamination is removed from a hotel, motel room or
15 apartment unit, the adjacent rooms are not affected and the notice of removal is posted
16 only for the contaminated room or apartment unit, then the contaminated room or
17 apartment unit shall be deemed the residually contaminated portion of the property.

18 (d) If gross contamination is removed from a vehicle, then the entire
19 vehicle shall be deemed the residually contaminated portion of the property.

20 Section 4. DECLARATION OF PUBLIC NUISANCE. Upon identification by a
21 law enforcement officer of a clandestine drug laboratory site, the property shall be
22 constitute a public nuisance until such time as the remediation required by this
23 Ordinance is completed.

24 Section 5. CLANDESTINE DRUG LABRATORIES.

25 (A) PROCEDURES. If a law enforcement officer discovers a clandestine drug
26 laboratory or arrests a person for having on any property chemicals or equipment
27 used in manufacturing methamphetamine, ecstasy, or any other controlled substance
28 or a derivative of methamphetamine, ecstasy, LSD or any other controlled substance,
29 the law enforcement officer shall:

30 (1) At the time of the discovery or arrest, shall deliver a copy of the notice of
31 removal pursuant to subsection (B) of this section to the owner of the property if the
32 owner is on the site at the time of delivery, the on-site manager if the manager is on the
33 site at the time of delivery or the on-site drop box if available. In the case of a tenant-

1 owned unit in a space rental mobile home or recreational vehicle park, the officer shall
2 deliver a copy of the notice of removal to the occupant of the unit if the occupant is on
3 site at the time of delivery and to the on-site park landlord if the park landlord is on
4 site at the time of delivery.

5 (2) If the owner or the owner of a space rental mobile home or recreational
6 vehicle park or their agent for service is not personally provided a copy of the notice of
7 removal under the procedures of subsection (A) (1) of this section, then within two City
8 business days after the discovery or arrest, the law enforcement officer shall send the
9 notice of removal by certified mail to the owner of the property and the owner's on-site
10 manager or, in the case of a space rental mobile home or recreational vehicle park, to
11 the owner of the mobile home or recreational vehicle, if applicable, and to the park
12 landlord. These persons are deemed to have received the notice of removal five days
13 after the notice is mailed.

14 (3) If the owner or the owner of a space rental mobile home or recreational
15 vehicle park cannot be identified, the notice of removal may be posted on the property
16 pursuant to subsection (A) (6) of this section.

17 (4) The notice of removal shall be sent to the following:

18 (a) The address of the owner and the owner of the mobile home or
19 recreational vehicle park as shown on file with the county assessor.

20 (b) The Albuquerque Environmental Health Department.

21 (c) The Albuquerque Fire Department.

22 The law enforcement officer shall complete an affidavit of service for personal delivery
23 of the notice of removal or posting notice on the property.

24 (5) After a law enforcement or other agency removes the gross contamination
25 on the property, a law enforcement officer shall order the removal of all persons from
26 the residually contaminated portion of the property or dwelling unit, if applicable, or,
27 in the case of a space rental mobile home or recreational vehicle park, from the unit
28 located on the property.

29 (6) After the law enforcement officer removes all persons pursuant to
30 subsection (A) (5) of this section, the law enforcement officer shall affix the notice of
31 removal in a conspicuous place on the property or, in the case of a space rental mobile
32 home or recreational vehicle park, on the unit located on the property.

1 (7) The law enforcement officer shall cause a Certificate of Substandard
2 Property to be filed with the Bernalillo County Assessor upon posting the notice of
3 removal. Such certificate shall include a legal description of the property and have
4 attached to it the notice of removal.

5 (B) NOTICE. The notice of removal shall be in writing and shall contain all of the
6 following:

7 (1) The following shall be printed in large bold type at the top and bottom of the
8 notice: "Substandard Building. Do Not Enter. Unsafe to Occupy."

9 (2) A statement that it is unlawful for any person other than the owner, landlord,
10 manager, law enforcement, an industrial or environmental hygienist firm and/or a
11 drug laboratory site remediation firm to enter the residually contaminated portion of
12 the property until the owner remediates the residually contaminated portion of the
13 property, or in the case of a space rental mobile home or recreational vehicle park, the
14 unit located on the property.

15 (3) A statement that a clandestine drug laboratory was seized or a person was
16 arrested on the property for having chemicals or equipment used in the manufacturing
17 of methamphetamine, ecstasy, LSD or any other controlled substance on the property.

18 (4) The date of the seizure or arrest.

19 (5) The address or location of the property, including the identification of any
20 dwelling unit, room number, apartment number or vehicle identification number.

21 (6) The name of the law enforcement agency or other agency that seized the
22 clandestine drug laboratory or made the arrest and the agency's contact telephone
23 number.

24 (7) A statement that hazardous substances, toxic chemicals or other waste
25 products may still be present on the property or, in the case of a space rental mobile
26 home or recreational vehicle park, in the unit located on the property.

27 (8) A statement that the failure to remediate the residual contamination
28 pursuant to the Cleanup of Clandestine Drug Laboratory Sites Ordinance is
29 punishable by imprisonment up to 90 days and/or a fine up to \$500.

30 (9) A statement that disturbing the notice of removal posted on the property is
31 punishable by imprisonment up to 90 days and/or a fine up to \$500.

32 (10) A statement that the owner of the property shall remediate the residually
33 contaminated portion of the property in compliance with subsection (C) of this section.

1 (11) A statement that if an owner fails to provide any notice required by this
2 section, the owner is subject to penalty and a buyer, tenant or customer may void a
3 purchase contract, rental agreement or other agreement related to the property.

4 (C) REMEDIATION BY OWNER. The owner of the property shall remediate
5 the residually contaminated portion of the property by retaining an industrial or
6 environmental hygienist firm to pre-test the property to determine the extent of the
7 contamination and the nature of the required remediation. When the industrial or
8 environmental hygienist firm determines that remediation is required, the owner shall
9 retain a drug laboratory site remediation firm to conduct the remediation. The
10 industrial or environmental hygienist firm and the drug laboratory site remediation
11 firm shall be separate and unaffiliated business entities. Both firms shall be approved
12 and currently registered with the Albuquerque Police Department and the City
13 Environmental Health Department during the time they participate in the remediation
14 of residual contamination. The owner shall retain the industrial or environmental
15 hygienist firm and the drug laboratory site remediation firm within 30 days of the day
16 of delivery of personal service of the notice of removal or within 35 days of the date
17 the notice of removal is mailed by certified mail or posted on the property.
18 Remediation shall be completed in accordance with the standards for remediation of
19 residual contamination adopted by the Albuquerque Police Department and the City
20 Environmental Health Department within 60 days of the day of delivery of personal
21 service of notice to the owner or within 65 days of the date notice is mailed by certified
22 mail to the owner or for such other period of time that is approved in writing by the
23 Albuquerque Police Department.

24 (D) REMEDIATION PROCEDURES. An industrial or environmental hygienist
25 firm and the drug laboratory site remediation firm retained to remediate the
26 residually contaminated portion of any property pursuant to this section shall comply
27 with the best practices and standards for remediation of residual contamination
28 adopted by the Albuquerque Police Department and the City Environmental Health
29 Department. The industrial or environmental hygienist firm shall notify the owner
30 whenever the firm determines that any structure requires remediation of
31 contamination as required in this section. The owner shall send such notification of
32 required remediation of contamination to Albuquerque Police Department, the City
33 Environmental Health Department and the City's Chief Building Official. Within one

1 City working day after the remediation is complete, the drug laboratory site
2 remediation firm shall notify the Albuquerque Police Department, the City
3 Environmental Health Department and the industrial or environmental hygienist firm
4 that the property is ready for final inspection. After inspection by the industrial or
5 environmental hygienist firm and approval by the Albuquerque Police Department
6 and the City Environmental Health Department, the industrial or environmental
7 hygienist firm shall issue a final clearance document certifying that remediation of the
8 residually contaminated portion of the property was completed pursuant to the
9 standards for remediation of residual contamination and shall deliver the certification
10 document or send the document by certified mail to the owner. The owner shall
11 provide a copy of the certification of completed remediation to each person and entity
12 listed in subsection (A) (4) of this section, the City's Chief Building Official and the law
13 enforcement agency that issued the notice under that subsection. After the final
14 clearance document has been issued, both of the following apply:

15 (1) The owner, landlord, lien holder or manager of the property is not required to
16 comply with subsection (G) of this section.

17 (2) Any person may use, enter, occupy, rent or sell the property.

18 It shall be the responsibility of the owner of the property to file with the County
19 Assessor the document stating that the residually contaminated portion of the property
20 has been remediated and neither the City, the industrial or environmental hygienist
21 firm nor the drug laboratory site remediation firm shall be responsible for such filing
22 or the costs associated with filing. The issuance of the document certifying that
23 remediation of the residually contaminated portion of the property was completed
24 pursuant to the standards for remediation of residual contamination shall be a
25 prerequisite for a certificate of occupancy or any City required building inspection and
26 shall not be in lieu of a certificate of occupancy or any City required building
27 inspection.

28 (E) CONTAMINATED VEHICLES. If gross contamination is removed from a
29 vehicle, the notice of removal required in subsection (B) of this section shall be sent by
30 certified mail to the owner of record and lien holder of record, if any exists.
31 Impounded vehicles containing residual contamination shall not be released to the
32 owner or lien holder until the remediation has been completed and paid for by the
33 owner or lien holder. Remediation shall be accomplished by following the same

1 procedures as set forth in subsection (D) of this section. Remediation costs as defined
2 in subsection (J) of this section shall be in addition to any other towing, storage, or
3 other impoundment fees.

4 (F) RECORD RETENTION. The City Environmental Health Department shall
5 maintain and make available on request all notices of removal and any documents that
6 are created pursuant to subsection (D) of this section. A retention schedule for such
7 documents shall be established by the City Clerk.

8 (G) NOTICE TO BUYERS AND OCCUPANTS. The following notice
9 requirements apply until the remediation is complete as provided in subsection (D) of
10 this section:

11 (1) Within five days after a buyer signs a contract to purchase property, the
12 owner shall notify the buyer in writing that methamphetamine, ecstasy, or any other
13 controlled substance was manufactured on such property or that an arrest, as described
14 in subsection (A) of this section, was made. The buyer shall acknowledge receipt of the
15 notice. A buyer may cancel the purchase contract within five days after receiving the
16 notice without liability. If the owner does not comply with this paragraph, the buyer
17 may void the purchase contract.

18 (2) Landlords and their agents shall provide written notice to all prospective
19 tenants for dwelling units that the dwelling unit was the subject of a notice of removal,
20 as described in subsections (A) and (B) of this section, that methamphetamine, ecstasy,
21 or any other controlled substance was manufactured on the property or that an arrest,
22 as described in subsection (A) of this section, was made. The tenant shall acknowledge
23 receipt of the notice before taking possession of the property or before signing a rental
24 agreement for the property. The notice shall be attached to the rental agreement. If the
25 landlord or their agent does not comply with this paragraph, the tenant may void the
26 rental agreement. For purposes of this paragraph, dwelling unit shall include but not
27 be limited to mobile homes and recreational vehicles.

28 (3) Before a customer occupies a room that was the subject of the notice of
29 removal, as described in subsection (A) of this section, the owner or manager shall
30 notify the customer in writing the room was the subject of a notice of removal as
31 described in subsection (A) and (B) of this section, that methamphetamine, ecstasy, LSD
32 or any other controlled substance was manufactured in the room or that an arrest, as
33 described in subsection (A) of this section, was made. The customer shall acknowledge

1 receipt of the notice before taking possession of the room and before signing a room
2 rental agreement. If the owner or manager does not comply with this paragraph, the
3 customer may void the agreement.

4 (4) Owners are required to notify all agents selling, leasing or renting property
5 that is the subject of a notice of removal that such property is the subject of a notice of
6 removal. When a sales, leasing or rental agent is notified that the property is the
7 subject of a notice of removal, such agent shall notify in writing all prospective buyers,
8 tenants or other occupants about the notice of removal and manufacture of
9 methamphetamine, ecstasy, LSD or any other controlled substance on the property or
10 that an arrest, as described in subsection (A) of this section, was made on the property.
11 Notice shall be made in the same manner as required of the owner in this subsection
12 (G).

13 (5) When a law enforcement officer has ordered the removal of all persons
14 from property pursuant to section 5(A) (5), owners, landlords and their agents shall
15 continue to be subject to the requirement to not permit people from occupying such
16 property. Compliance with this subsection shall not eliminate the requirement that the
17 property not be occupied.

18 (H) MOBILE HOME OR RECREATIONAL VEHICLE SPACE RENTAL
19 PARKS: If a mobile home or recreational vehicle in a space rental park contains a
20 clandestine drug laboratory, the landlord of the park, on receipt of a notice pursuant to
21 subsection (A) this section, shall notify the owner and lienholder of record of the unit to
22 remove the unit from the park within thirty days. This provision shall not apply when
23 the owner of the contaminated mobile home or recreational vehicle is also the owner of
24 the mobile home or recreational vehicle space rental park in which such contaminated
25 mobile home or recreational vehicle is located. If the unit is not removed within thirty
26 days, the landlord of the park shall remediate the contamination following the
27 requirements set forth in subsections (C) and (D) of this section.

28 (I) RESTITUTION TO OWNER. A person who operates a clandestine drug
29 laboratory and who is not the owner of the property shall pay restitution to the owner
30 of the property for all costs that the owner incurred to remediate the property and in
31 the instance of a mobile home or recreational vehicle, the cost incurred by the owner of
32 a space rental park for moving and/or remediating such property.

1 (J) REMEDIATION BY CITY. If an owner of property, a vehicle owner, a
2 vehicle lien holder or an owner of a mobile home or recreational vehicle space park, as
3 described under subsection (H) of this section, fails to comply with the remediation of
4 the residually contaminated property or portion of the property as required in this
5 section, the City may remediate of the residually contaminated portion of the property
6 or seek a court order requiring the owner to remediate in the manner required in this
7 Section. If the City is unable to locate the owner within ten days after the issuance of
8 the Certificate of Substandard Property, the City may proceed with remediation. If the
9 City remediates the contamination, the owner shall pay to the City all costs related to
10 such remediation. If the owner fails to pay the City for its costs of remediation, the City
11 shall be entitled to file a lien against such property for the costs related to the
12 remediation and bring legal action against the owner for such remediation costs.
13 Remediation costs shall include, but are not limited to the expense for posting, physical
14 security of the contaminated site, notification of affected people, businesses or any other
15 entity, expenses related to the recovery of cost, laboratory fees, cleanup services, costs
16 for testing for residual contamination, removal costs, and cost incurred for a industrial
17 or environmental hygienist firm and a drug laboratory site remediation firm. When a
18 contaminated vehicle is impounded, the vehicle shall not be released to the owner or a
19 lien holder until remediation is completed and paid by the owner or lien holder and
20 impoundment fees are paid by the owner or lien holder. Remediation costs for vehicles
21 in which gross contamination is found shall include the costs for testing for residual
22 contamination regardless of whether residual contamination is actually required to be
23 remediated. Impoundment fees shall include those fees defined as impoundment
24 charges in Section 8-5-2-1 ROA 1994. The City or its contractors may remove property
25 as part of its remediation effort.

26 Section 6. PENALTIES.

27 (A) If an owner fails to provide any notice required by this section, the owner shall
28 be subject to imprisonment up to 90 days and/or a fine of up to \$500 and is liable for
29 any harm resulting from the owner's failure to comply with the requirements of this
30 section.

31 (B) A person who knowingly violates a notice of removal that is issued by a law
32 enforcement officer under this ordinance is subject to imprisonment up to 90 days

1 and/or a fine of up to \$500 for each day such person fails to comply with the notice of
2 removal.

3 (C) All other violations of this ordinance shall be subject to the penalty
4 provisions of Section 1-1-99 ROA 1994. ”

5 Section 2. Severability Clause. If any section, paragraph, word or phrase of this
6 ordinance is for any reason held to be invalid or unenforceable by any court of
7 competent jurisdiction, such decision shall not affect the validity of the remaining
8 provisions of this ordinance. The Council hereby declares that it would have passed
9 this ordinance and each section, paragraph, sentence, clause, word or phrase thereof
10 irrespective of any provision being declared unconstitutional or otherwise invalid.

11 Section 3. Compilation. Section 1 of this ordinance shall be incorporated in and
12 made part of the Revised Ordinances of Albuquerque, New Mexico.

13 Section 4. Effective Date: This ordinance shall take effect five days after
14 publication by title and general summary.

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[+Bracketed/Underscored Material+] - New
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METHAMPHETAMINE HEALTH EFFECTS

Methamphetamine is a synthetic amphetamine or stimulant that is produced and sold illegally in pill form, capsules, powder, or chunks. Methamphetamine (Meth) is extremely addictive and can be smoked, inhaled, injected, or ingested. Meth affects the central nervous system and causes the brain to release dopamine, a natural chemical that makes an individual feel pleasure and eventually results in a permanent altering of the brain's natural chemistry.

The primary hazard associated with improper clean-up of a lab is the presence of residual amounts of the drug. In most cases after a clean-up using routine 'house cleaning' procedures, the drug residual is generally insufficient to affect adults. **However, even very small residual amounts can cause severe adverse health effects in children.** Secondary hazards include the various types of chemicals used in the manufacture of the drug, which can pose health risks to all persons occupying the facility. As such, if a property is to be re-occupied, it should be thoroughly decontaminated prior to reoccupation of any owner and/or tenants.

COMPONENTS USED TO MANUFACTURE METHAMPHETAMINE

The following is a list chemicals and materials that are commonly used in the manufacture of methamphetamine.

Acetone
Anhydrous ammonia
Brake fluid
Brake cleaner
Drain cleaners
Ethyl ether (starting fluid)
Iodine crystals
Lighter fluid
Lithium metal/Lithium batteries
Lye

Pool acid/Muriatic acid (hydrochloric acid)
Red phosphorus
Sodium metal
Cold medicine containing pseudoephedrine
Ephedrine
Laboratory glassware and scales
Coffee filters

also may be found on-site:

Acetic anhydride
Benzaldehyde
Benzyl chloride
Benzyl cyanide
Chloroephedrine
Diethylamine and its salts
Hydriodic acid
Methylamine and its salts
Nitroethane
Phenylpropanolamine
Thionylchloride
Anhydrous Ammonia

PERSONAL BELONGINGS

Facilities used as methamphetamine labs (homes, apartments, motel rooms, etc.) may contain personal belongings for individuals occupying the premises. These personal belongings may have been contaminated during the manufacture of the illegal drug. In order to provide cleaning of the facility property itself, these belongings must be removed from the premises and stored pending disposition. As such, it is recommended that the clean-up company remove the personal property from the premises, then clean and sort / store the objects in an on-site secure storage unit outside the facility. As part of the removal/cleaning process, the property should be sorted and stored according to the items which are to be immediately disposed vs. retained and according to the respective owners, if such information is available. The cleaning up of a meth lab shall be supervised by a third party **Qualified Environmental Hygienist** and any cleanup performed by a **Certified Hazardous Waste & Remediation Specialist**, the property owner shall be discouraged from participating in the remediation without supervision. **Under no circumstances should testing and remediation specialist be affiliated to avoid any impurity. Post cleanup sample and/or samples will be taken prior to decontamination process to establish a baseline. The Hygienist may choose to take more than one composite sample from the structure, dwelling, Motor Home and/or Recreational Vehicle. These test results shall be made available to the assigned inspector prior to decontamination.**

Considerations:

A. If an object is to be disposed; such disposal should be in a properly licensed landfill which deals in hazardous waste. Items to be disposed should be **bagged and tagged hazardous waste** prior to their transport to the landfill. **Limited salvage should be allowed!**

B. As objects which are to be retained are removed from the premises and cleaned, representative samples should be taken to insure that the objects have been adequately decontaminated. Disposition of stored objects should not be made until they are determined, by sampling results, to have acceptable levels of contamination. (**<0.5 micrograms/sq. ft**)

C. Once the personal items are removed from the premises, the facility should be cleaned according to the methods and procedures noted in the "Cleanup Procedures" section that follows.

OTHER CLEAN-UP CONSIDERATIONS

In addition to the contamination resulting from the manufacture of meth in a facility, there may be other contaminants of which the owner and clean-up personnel should be aware. Of primary concern are asbestos containing materials, molds, and lead-based paints. Asbestos or lead-based paint may be present in or on materials such as drywall, joint compound, floor tiles and others. If these materials are to be removed or disturbed and the facility was constructed prior to 1979, it is recommended that samples of the material be collected by a trained inspector and tested for asbestos or lead content. Under the regulations of the Occupational Safety and Health Administration (OSHA), positive asbestos/lead content requires that the material be removed by properly trained personnel using appropriate personal protection. Disposal of the materials must be in compliance with applicable regulations. Other regulations may also apply, depending on whether or not the meth lab is located in a single-family dwelling or in a multi-unit complex. If these materials are removed, clearance sampling should include air and/or surface testing to determine if levels are within acceptable parameters. Depending upon the maintenance of the facility before and while it was used as a meth lab, mold growth also may be present. While there are no regulations governing mold growth removal, such clean-up and treatment should be in accordance with generally recommended procedures, and clearance sampling should include air and surface testing to determine if mold levels are within generally accepted levels for occupancy.

CLEAN-UP PROCEDURES

After a lab is seized by law enforcement, professionals trained to handle hazardous materials are generally called in to remove lab chemicals and wastes. The property will be posted as **Substandard Building Unsafe to Occupy within 24hrs. And will remain posted until decontamination is completed.** The following are general minimum procedures for clean-up after the initial removal of lab chemicals and wastes.

1. Air out the property prior to clean-up.

Prior to clean-up every effort must be made to air out the property for the safety of the crew. For security reasons, the property is usually kept closed during the investigation. As such, the property must be aired out (windows and, if possible, doors open) for at least two days before cleaning begins to reduce the possibility of creating a flammable or combustible atmosphere inside the property. After the initial airing out of the property and to promote additional volatilization (dissolving into the air) of some types of chemicals, windows and doors should be closed and the temperature inside the home increased to approximately 90 degrees F for at least three days. During this time, the property must remain off limits unless it is necessary to make short visits to the property. If entry is required during the heating process, it should be accompanied by air monitoring for combustible atmospheres and toxics. Following the heating process, the property should be opened and allowed to air out for a minimum of three days.

2. Remove and dispose of contaminated household items and materials (see also the previous "Personal Belongings" section).

During the meth cooking process, vapors are produced that can spread and be absorbed by nearby porous materials such as carpeting, drapes, clothing, bedding, furniture fabrics, etc. Spilled chemicals, supplies and equipment can further contaminate non-lab items. Household items and materials may also collect dust and powder from the chemicals involved in the manufacturing process. These materials must be removed and disposed as contaminated waste.

A. All household furnishings that are visibly contaminated, stained or have an odor should be removed from the property and disposed according to applicable regulations. **Limited salvage should be allowed!**

B. Porous surfaces, such as walls, floors, ceilings, etc., can hold contamination from the cooking process, especially in those areas where the cooking and preparation were performed. For such materials with odors, visible staining or discoloration, complete removal and replacement of that surface section is required. **This includes removal and replacement of wall board and floor coverings (carpeting, etc.).**

Areas without visible staining or discoloration or areas in which removal is not feasible should be intensively cleaned with a trisodium phosphate (TSP) wash followed by a double rinse with clean water. Following the cleaning procedure, apply a physical barrier such as paint or epoxy to the surface.

3. Thoroughly clean all surfaces

A. Thoroughly clean all non-porous and/or finished surfaces with a trisodium phosphate (TSP) wash followed by a double rinse with clean water. All cleaning waste water should be disposed into a sanitary sewer.

B. Porous or unfinished surfaces should be cleaned by a thorough scrubbing with a stiff bristle brush and trisodium phosphate (TSP), followed by a double rinse with clean water. Where possible, the surface should then be sealed with a suitable sealer or paint.

4. Clean all ventilation system components.

Ventilation systems (heating, air conditioning) will collect fumes and dust and redistribute them throughout the property. The vents, ducts, filters and the walls and ceilings near ventilation ducts can become contaminated.

Clean-up (ref. Step #3 for cleaning agents) requires the removal and disposal of all system filters, removal and cleaning of the grills, cleaning of the surfaces around the grills (return and supply) and a thorough cleaning of the inside of the duct system, the heating unit and air conditioning unit. Ventilation systems that use flex type ducts require the removal and replacement of the flex ducts, as this type of duct will be severely damaged by the rigorous cleaning process.

5. Clean or replace all plumbing drains.

Plumbing systems may become contaminated when the waste chemicals are disposed down the drain. If chemical odors, pH or PID readings indicate contaminated P-traps, these should be removed and replaced, or thoroughly cleaned. Any removed plumbing should be disposed as contaminated waste. If the plumbing system includes a septic tank and drain field, or if there are indications of waste chemicals being disposed on the ground around the building, testing to determine the extent of contamination must be performed and clean-up of the contaminated soil must be conducted in accordance with applicable regulations.

6. Repaint all surfaces.

Repainting of all surfaces must be conducted following the cleaning process. Even those areas that people do not normally touch should be painted to lock any remaining contaminants into place, to reduce the possibility of them becoming airborne.

7. Conduct a post clean-up airing out.

After cleaning, the property should again be heated and aired out to allow any remaining volatiles to disperse. **A minimum of (2) swipes per. room should be taken unless the site is visually contaminated.** As in the pre-cleaning procedure, windows and doors should be closed and the temperature inside the home increased to approximately **90 degrees F** for at least three days. During this time, the property should remain off limits unless it is necessary to make short visits to the property. Following the heating process, the property should be opened up and **aired out for a minimum of three days.**

8. Conduct final clearance testing.

Final testing to determine the clean-up effectiveness should be conducted by an independent third party. While there is no existing regulatory standard for clearance, the standard practice

for "Final Clearance" monitoring (after cleanup) is for methamphetamine and not the chemicals used in manufacture, UNLESS the cleanup was ineffective in reducing total VOC and acids to acceptable levels (ambient and neutral ~pH 7). Refer to the "Clean-up (Clearance) Sampling" section for clearance criteria.

9. Project Records/Documentation

The clean-up company should thoroughly document all clean-up activities to Include, but not limited to:

- A. Key personnel on the project.
- B. All materials, equipment, furnishings, etc. removed and disposed.
- C. Cleaning methods and procedures.
- D. Documentation of paints, coatings, etc. used.

A copy of the final clearance testing must be provided to the property owner and the investigative authorities. The owner should be advised that all project documentation should be part of a "Disclosure" statement if or when the property is sold, rented or leased.

PERSONNEL PROTECTIVE EQUIPMENT

Initial Clean-up

During the initial materials removal and cleaning procedure the following PPE is recommended:

- A. Impermeable protective clothing such as vinyl, Saranex®, or equivalent.
- B. Chemical resistant protective footwear.
- C. Chemical resistant gloves.
- D. Full face air purifying respirators with P100/Acid Gas combination cartridges.

Post Clean-up Painting

During the painting procedure, the following PPE is recommended:

- A. Protective clothing such as Tyvec®, or equivalent.
- B. Chemical resistant protective footwear.
- C. Chemical resistant gloves.
- D. Half face air purifying respirators with P100/Organic or Acid Gas combination cartridges.

PERSONNEL DECONTAMINATION

Initial Clean-up Decontamination Procedures

Upon exiting, each worker should proceed through a "wash and rinse" decontamination procedure to remove contaminants from the PPE. After the wash and rinse decontamination procedure, the disposable items are removed and placed in waste containers. Any PPE, such as the chemical resistant boots, respirators, etc., that are to be reused must be thoroughly decontaminated prior to reuse. All decon waste material, including disposable PPE, must become part of the project waste stream and should be bagged and disposed in a sanitary landfill.

Post Clean-up Painting Decontamination Procedures

Upon exiting, each worker should remove and discard the PPE clothing and gloves as contaminated material. Any PPE that is to be reused must be thoroughly decontaminated prior to reuse. All decon waste material must become part of the project waste stream and disposed in a sanitary landfill.

SIGNS AND SYMPTOMS OF EXPOSURE

Throughout the cleaning process, all site personnel should be informed of and on alert for the symptoms noted below. If at any time such symptoms are noted, the project should cease until the site can be evaluated for chemical levels, PPE use and other situations or conditions that could lead to adverse health symptoms due to exposure.

Respiratory (nose & throat) irritation
Headaches
Dizziness
Skin & eye irritation
Nausea
Vomiting
Confusion

CLEAN-UP (CLEARANCE) SAMPLING

1. Personal Belongings

As noted in the "Personal Belongings" section, these items may be contaminated and must be cleaned and/or disposed accordingly. For those items which are to be retained, clearance sampling to determine the amount of contamination remaining after cleaning may be done either as the items are cleaned, or after they have been stored, but before they are released to the owner. Items to be disposed do not need to be cleaned or pass clearance testing. They should be bagged and transported to a licensed sanitary landfill.

2. Facility

Clearance sampling of the meth lab facility (home, apartment, motel room, etc.) should be completed after the post clean-up airing out of the facility, and before re-occupancy by an independent third party.

3. Final Clearance Criteria - clean and test until:

A. all surfaces show a methamphetamine level of less than 0.5micrograms/sq. ft.;

B. PID (calibrated with 100 ppm iso-butylene) readings are at or below ambient (outside); and

C. all surfaces show a pH level of 6.8 and less than 8.0 .

4. Report

The company providing clearance sampling should document all sampling activities to include, but not limited to:

A. Key personnel on the project.

B. Sample chain of custody.

C. Sample analytical report(s).

COSTS

Costs for clean-up, clearance sampling, and restoration of a facility used as a methamphetamine lab are undetermined and unregulated by our authority. Dependent upon several factors including the size, chemicals used chemical saturation of the structure and/or belongings will determine the cost associated with the decontamination of the meth lab site.

REFERENCES

The above methodology is based on a compilation of information obtained from the:

CERL, Inc.

Koch Crime Institute

Illinois Department of Public Health

Kansas Health & Environment Department and others

Colorado State Ordinance