



MEMO

TO: Local Environmental Health Professionals
FROM: Ed Coleman / Bonnie Rouse – Department of Environmental Quality
DATE: August 9, 2004
SUBJECT: Roles and Responsibilities of DEQ in Incidences Involving Methamphetamine

The issue of methamphetamine production and use is a huge concern for many Montana state agencies - from the Department of Environmental Quality (DEQ) to the Department of Justice (DOJ) to the Department of Corrections (DOC) to the Department of Public Health and Human Services (DPPHS) to the Office of Public Instruction (OPI). Furthermore, it must also be acknowledged that local government representatives need some guidance on where to seek assistance on the methamphetamine-related issues that may arise. Ultimately, a guidance document of this type will be developed; but until then, the goals of this memo are 1) to clearly state the roles and responsibilities of DEQ staff as related to methamphetamine, and 2) offer some additional sources (but not an all-inclusive list) of assistance.

Department of Environmental Quality's Roles and Responsibilities as Related to Methamphetamine (also referred to as Meth)

The Department of Environmental Quality (DEQ) is the state agency responsible for enforcing environmental laws. In accordance with the *2003-2004 Clandestine Methamphetamine Laboratories Mitigation Plan for Montana*, when Drug Task Force members suspect that a hazardous material release has impacted soils, water or drain systems outside the physical structure of a clandestine lab they should notify the DEQ. The DEQ then documents the report using the standard complaint form. This information is then entered into the Enforcement Division's database, allowing DEQ to track the number of complaints and the locations of clandestine labs.

Based on the suspected impact to the outdoor environment, the DEQ will contact the property owner and provide clean-up recommendations. We recommend sampling and analytical procedures, and supply DEQ's *Hiring an Environmental Consultant* guide, including the qualification matrix and list of contractors. To evaluate lab waste dumps outside the structure and in septic tanks, an inventory of the materials encountered at the meth lab site is helpful. Unfortunately, inventories are rarely available and, even if they are, the list of products is not complete due to the unknowns encountered by law enforcement agents. DEQ's recommendation has been to sample for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH). The reason for this is that DEQ's *Risk Based Corrective Action* (RBCA) guidance is based on these analytical methods. If laboratory results indicate contaminate concentrations above cleanup standards, DEQ will monitor the responsible parties clean-up actions. If the contaminants of concern are not listed in RBCA, we can also use

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Montana Circular WQB-7 for water quality standards or EPA Region 9's *Preliminary Remediation Goals* (PRGs) for evaluating and cleaning up contaminated sites.

Many of the notifications received by the Enforcement Division require no DEQ action because there has been no impact to the environment outside the clandestine lab. However, an increasing number of calls have been requests for information concerning clean up or decontamination procedures inside the lab structure. The Enforcement Division will provide the DEQ's *Hiring an Environmental Consultant* guide including the qualification matrix and list of contractors. In addition, a copy of the *Koch Crime Institute's Cleaning Up Former Methamphetamine Labs* guidelines is sometimes provided. The Enforcement Division points out that DEQ has no jurisdiction inside the structure and the information provided is guidance only.

DEQ Contacts:

For Guidance or Policy Questions

Bonnie Rouse
Planning, Prevention, & Assistance Division
Business and Community Assistance Program
1-800-433-8773, brouse@state.mt.us <mailto:brouse@state.mt.us>

To Report Possible Environmental Contamination

Ed Coleman
Enforcement Division
Complaint Management Section
1-406-444-5328, ecoleman@state.mt.us <mailto:ecoleman@state.mt.us>

Other Assistance Providers:

For Information on Threat to Public Health or Cleanup of the Indoor Environment:

Terry Krantz
Chief, Communicable Disease Control and Prevention Bureau
Dept. of Public Health and Human Services
1-406-444-4735, tkrantz@state.mt.us <mailto:tkrantz@state.mt.us>

For Information on Criminal Enforcement Related to Methamphetamine
(First contact your local sheriff or police department)

Mike Batista
Administrator, Div. of Criminal Investigation
Dept. of Justice
1-406-444-3874,
mbatista@state.mt.us <mailto:mbatista@state.mt.us>

**Montana Board of Crime Control
Multi-jurisdictional Drug Task Forces
Clandestine Methamphetamine Laboratories
Hazard Mitigation Plan**

Annex B

Montana Department of Environmental Quality

The Department of Environmental Quality (DEQ) is the state agency responsible for enforcing environmental laws. When Drug Task Forces suspect that a hazardous material release has impacted soils, water, or drain systems outside the physical structure of the clan lab, they should notify the DEQ. Proper notification shall contain: the physical location of the clan lab; the clan lab property owner and their address; an inventory of chemicals encountered at the clan lab scene; whether it appears that chemicals were disposed down drains in the structure; location of any lab chemical dump outside of the structure; an indication of how long the lab was active; and, a Drug Task Force contact. Notification can be made through the Department of Military Affairs Disaster & Emergency Services Division (DES) at 406-841-3911. DES and DEQ will protect any information indicated by a law enforcement agency to be confidential in the pursuance of a criminal investigation or prosecution.

The DEQ, when properly notified will:

1. Evaluate the environmental conditions at and around the site of a closed clan laboratory on public land (state or federal), notify appropriate local public health agencies and provide technical assistance if resources allow.
2. Coordinate with the responsible party when required by state law and advise private property owners and local public health agencies on remediating contamination.

Director
Department of Environmental Quality

Date

**Montana Board of Crime Control
Multi-jurisdictional Drug Task Forces
Clandestine Methamphetamine Laboratories
Mitigation Plan**

**Annex C
Department of Public Health and Human Services**

The Department of Public Health and Human Services, Child and Family Services Division, Centralized Intake (1-866-820-5437) will respond to calls from law enforcement services when a minor is at the site of a clandestine methamphetamine drug laboratory, as follows:

1. Unless the minor is criminally involved in the methamphetamine lab activities or is subject to arrest for other criminal violations, Department personnel will take charge of the minor and proceed in accordance with Montana law and local protocol. Actions taken by the Department may include providing emergency protective services or placement of the minor with a non-custodial parent who is not involved in the methamphetamine lab activities, or such other actions as may be appropriate under the circumstances.
2. Department personnel will meet law enforcement personnel at a designated, neutral location which is not the location of the clandestine methamphetamine drug laboratory for the purposes of taking charge of the minor.
3. The Department will ensure that medical testing, examinations, or other necessary health care responses as a result of methamphetamine toxicity will be undertaken to the extent that Medicaid coverage is available for said testing, examinations or health care. In the event that Medicaid coverage is not available for said testing, examinations or health care, the Department will advise the non-custodial parent or other person responsible for the health and well-being of the minor (who shall not be a parent involved in the methamphetamine lab activities) that medical testing, examinations, or other necessary health care responses as a result of methamphetamine toxicity should be immediately undertaken.

The Department of Public Health and Human Services, Public Health and Safety Division in partnership with the Department of Environmental Quality will be involved (as directed through potential legislation to be introduced under the auspices of the Environmental Quality Council) in the physical indoor remediation of a methamphetamine lab as follows:

1. Adopt the Washington state methamphetamine residue standards as the Montana standards;
2. Provide training (in residue sampling) to county sanitarians who will be collecting residue for testing;
3. Recognize certification (from other states) of county health officials or private companies authorized to clean up methamphetamine labs;
4. Develop the process to certify county health officials and private sector companies doing the remediation (to an acceptable level) for human occupancy.

Department Director
Department of Public Health and Human Services

Date

Child Abuse & Neglect Hot Line 1-866-820-5437