

Proposed Rule
LSA Document #09-671

DIGEST

Amends [318 IAC 1-1-1](#), [318 IAC 1-2-6](#), [318 IAC 1-2-8](#), [318 IAC 1-2-10](#), [318 IAC 1-2-14](#), [318 IAC 1-2-17](#), [318 IAC 1-2-20](#), [318 IAC 1-2-21](#), [318 IAC 1-3-2](#), [318 IAC 1-3-5](#), [318 IAC 1-4-3](#), [318 IAC 1-4-4](#), [318 IAC 1-5-2](#), [318 IAC 1-5-3](#), [318 IAC 1-5-4](#), [318 IAC 1-5-9](#), [318 IAC 1-5-11](#), [318 IAC 1-6-2](#), and [318 IAC 1-6-3](#) and adds [318 IAC 1-2-9.5](#), [318 IAC 1-2-12.5](#), [318 IAC 1-4-2.2](#), [318 IAC 1-4-2.3](#), [318 IAC 1-4-2.4](#), [318 IAC 1-4-2.5](#), [318 IAC 1-4-2.6](#), [318 IAC 1-4-2.7](#), [318 IAC 1-5-1.3](#), [318 IAC 1-5-1.4](#), [318 IAC 1-5-1.5](#), [318 IAC 1-5-1.6](#), [318 IAC 1-5-5.3](#), [318 IAC 1-5-5.5](#), [318 IAC 1-5-6.1](#), [318 IAC 1-5-6.2](#), and [318 IAC 1-5-9.5](#) to clarify and streamline certain requirements, reduce the scope of the rule to "dwellings", and adopt various provisions of the U.S. Environmental Protection Agency's "Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August 2009". Repeals [318 IAC 1-2-2](#), [318 IAC 1-2-3](#), [318 IAC 1-3-1](#), [318 IAC 1-3-3](#), [318 IAC 1-3-4](#), [318 IAC 1-4-2](#), [318 IAC 1-5-1](#), [318 IAC 1-5-5](#), [318 IAC 1-5-6](#), [318 IAC 1-5-7](#), [318 IAC 1-5-8](#), and [318 IAC 1-5-10](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[318 IAC 1-1-1](#); [318 IAC 1-2-2](#); [318 IAC 1-2-3](#); [318 IAC 1-2-6](#); [318 IAC 1-2-8](#); [318 IAC 1-2-9.5](#); [318 IAC 1-2-10](#); [318 IAC 1-2-12.5](#); [318 IAC 1-2-14](#); [318 IAC 1-2-17](#); [318 IAC 1-2-20](#); [318 IAC 1-2-21](#); [318 IAC 1-3-1](#); [318 IAC 1-3-2](#); [318 IAC 1-3-3](#); [318 IAC 1-3-4](#); [318 IAC 1-3-5](#); [318 IAC 1-4-2](#); [318 IAC 1-4-2.2](#); [318 IAC 1-4-2.3](#); [318 IAC 1-4-2.4](#); [318 IAC 1-4-2.5](#); [318 IAC 1-4-2.6](#); [318 IAC 1-4-2.7](#); [318 IAC 1-4-3](#); [318 IAC 1-4-4](#); [318 IAC 1-5-1](#); [318 IAC 1-5-1.3](#); [318 IAC 1-5-1.4](#); [318 IAC 1-5-1.5](#); [318 IAC 1-5-1.6](#); [318 IAC 1-5-2](#); [318 IAC 1-5-3](#); [318 IAC 1-5-4](#); [318 IAC 1-5-5](#); [318 IAC 1-5-5.3](#); [318 IAC 1-5-5.5](#); [318 IAC 1-5-6](#); [318 IAC 1-5-6.1](#); [318 IAC 1-5-6.2](#); [318 IAC 1-5-7](#); [318 IAC 1-5-8](#); [318 IAC 1-5-9](#); [318 IAC 1-5-9.5](#); [318 IAC 1-5-10](#); [318 IAC 1-5-11](#); [318 IAC 1-6-2](#); [318 IAC 1-6-3](#)

SECTION 1. [318 IAC 1-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-1-1](#) Applicability

Authority: [IC 13-14-1-15](#)

Affected: [IC 6-1.1-25-4.1](#)

Sec. 1. (a) This article applies to the following:

- (1) The owner of a contaminated property as defined in [318 IAC 1-2-18](#).
- (2) A person who applies to be listed or who is listed by the department as qualified to inspect and clean up contaminated property.
- (3) A person who cleans up contaminated property under this article.
- (4) **Subject to subsection (b)**, a county that takes possession of a contaminated property in accordance with [IC 6-1.1-25-4.1](#).

(b) This article does not apply to a contaminated property that a county takes possession of under [IC 6-1.1-25-4.1](#) unless that property is, or will be, occupied while in the possession of the county. A county may transfer a contaminated property in accordance with [IC 6-1.1-25-4.1](#) without complying with this article if the county notifies the person who receives the tax deed to the property that the property is a contaminated property. However, the person who receives the tax deed to a contaminated property from the county under [IC 6-1.1-25-4.1](#) must comply with this article.

(Department of Environmental Management; [318 IAC 1-1-1](#); filed Feb 21, 2007, 1:56 p.m.:
[20070321-IR-318060125FRA](#))

SECTION 2. [318 IAC 1-2-6](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-2-6](#) "Clean", "cleanup", or "clean up" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 9-22](#)

Sec. 6. "Clean", "cleanup", or "clean up" means actions taken after the operation used for illegal manufacture of a controlled substance has been dismantled by a law enforcement agency or its agents. Those actions include the following:

- (1) Decontamination of a ~~structure, mobile home, vehicle, or watercraft~~, **dwelling**, followed by inspection and certification of decontamination **final confirmation testing** under [318 IAC 1-5](#).
- (2) Removal of all potentially contaminated material as described in [318 IAC 1-5-4](#).**
- ~~(2) (3)~~ Demolition of a ~~structure or mobile home~~ **dwelling** under [318 IAC 1-6](#).
- (4) Disposal of a mobile home under [329 IAC 10](#).**
- ~~(3) (5)~~ Disposal of a **recreational** vehicle under [IC 9-22](#).
- ~~(4)~~ Destruction of a watercraft and disposal under [329 IAC 10](#).

(Department of Environmental Management; [318 IAC 1-2-6](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 3. [318 IAC 1-2-8](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-2-8](#) "Contaminated property" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 5-2-15](#); [IC 6-6-5-1](#); [IC 9-13-2-150](#); [IC 10-11-8-2](#); [IC 13-11-2-42](#); [IC 16-18-2-104](#); [IC 36-7-9](#)

Sec. 8. (a) "Contaminated property" means ~~real property~~, a: vehicle

- (1) dwelling** as defined in ~~[IC 9-13-2-196](#)~~, a [IC 16-18-2-104](#);
- (2) mobile home** as defined in [IC 6-6-5-1](#); or a ~~watercraft~~
- (3) recreational vehicle** as defined in ~~[IC 9-13-2-198.5](#)~~ [IC 9-13-2-150](#);

that has been used for the illegal manufacture of a controlled substance.

(b) For an apartment building, multifamily dwelling, condominium, hotel, or motel, the term is limited to the unit that was identified by the ~~law enforcement agency~~ as having been used for the illegal manufacture of a controlled substance if all of the following are true:

- (1) The entry to the unit is located on the:
 - (A) outside of the structure; or
 - (B) interior of the structure and is closed by a fire door assembly.
- (2) The unit has no other opening to another unit or space.
- (3) The heating, ventilating, and air conditioning system for that unit is enclosed within that unit and is separate from the heating, ventilating, and air conditioning system of any other unit, except for:
 - (A) a hot water boiler that serves more than one (1) unit in the structure; or
 - (B) an air conditioning condenser located outside the structure.

~~(c) The property is not a contaminated property if the law enforcement agency that identifies the property as having been~~ **(4) No other factors exist that would cause contamination to spread from the unit** used for the illegal manufacture of a controlled substance ~~determines that:~~ **to other units, including, but not limited to:**

- ~~(1) the process used to manufacture the controlled substance has not been started;~~
- ~~(2) all chemicals to be used in the illegal manufacture of the controlled substance have been removed; and~~
- ~~(3) no contamination related to the illegal manufacture of a controlled substance is present.~~
 - (A) fire or explosion;**
 - (B) structural damage; and**
 - (C) mechanical damage or malfunction.**

~~(d) (c)~~ The term includes any areas outside a structure that were used for the disposal of chemicals used in the illegal manufacture of a controlled substance.

~~(e) (d)~~ A property is no longer a contaminated property when the certificate of decontamination prepared under [318 IAC 1-5-9](#) for that property has been issued or the activities required by [318 IAC 1-6-2](#) have been completed. **property has been demolished in accordance with [318 IAC 1-6](#).**

(Department of Environmental Management; [318 IAC 1-2-8](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 4. [318 IAC 1-2-9.5](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-2-9.5](#) "Controlled substance" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-11-2-42](#); [IC 35-48-1-9](#); [IC 35-48-2](#)

Sec. 9.5. "Controlled substance" has the meaning set forth in [IC 35-48-1-9](#). Controlled substances are described in [IC 35-48-2](#).

(Department of Environmental Management; [318 IAC 1-2-9.5](#))

SECTION 5. [318 IAC 1-2-10](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-2-10](#) "Decontaminate" or "decontamination" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 10. "Decontaminate" or "decontamination" means removal of chemicals used in the illegal manufacture of a controlled substance from a contaminated property that occurs after the operation used for illegal manufacture of a controlled substance has been dismantled by a law enforcement agency or its agents. Decontamination may include either or both of the following:

- (1) Reduction of activities that reduce the level of the controlled substance to or below the final decontamination levels listed in [318 IAC 1-5-2](#), Table 1.
- (2) Removal of all potentially contaminated materials under [318 IAC 1-5-4](#).

(Department of Environmental Management; [318 IAC 1-2-10](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 6. [318 IAC 1-2-12.5](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-2-12.5](#) "Final confirmation testing" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 12.5. "Final confirmation testing" means activities conducted in accordance with [318 IAC 1-5](#) to demonstrate that a contaminated property meets the final decontamination levels described in [318 IAC 1-5-2](#).

(Department of Environmental Management; [318 IAC 1-2-12.5](#))

SECTION 7. [318 IAC 1-2-14](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-2-14](#) "Inspect" or "inspection" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 14. (a) "Inspect" or "inspection" means the activities conducted to confirm that the property meets the decontamination levels in [318 IAC 1-5-2](#), Table 1, or to confirm that decontamination is not required. These activities are regulated by [318 IAC 1-5](#) and include the following:

- (1) Sampling.
- (2) Analysis by an independent laboratory.
- (3) Reporting of laboratory results.

- (b) The term does not include activities of any of the following:
- (1) ~~State and local law enforcement agencies.~~
 - (2) ~~Hazardous materials responders.~~
 - (3) ~~Local health departments.~~ **final confirmation testing.**

(Department of Environmental Management; [318 IAC 1-2-14](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 8. [318 IAC 1-2-17](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-2-17](#) "Method 8270D" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 35-48-1-18](#)

Sec. 17. "Method ~~8270G~~ **8270D**" means Method ~~8270G~~, **8270D**, "Semivolatile Organic Compounds by Gas Chromatography/Mass Spectroscopy", from "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. Environmental Protection Agency Publication SW-846, Third Edition (November 1986), Revision 3 (December 1996). **SW-846** is available from the ~~Superintendent of Documents~~, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. **979050, St. Louis, MO 63197-9000 or online order at <http://bookstore.gpo.gov/> or <http://www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm>.**

(Department of Environmental Management; [318 IAC 1-2-17](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 9. [318 IAC 1-2-20](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-2-20](#) "Qualified inspector" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-11-2-158](#)

Sec. 20. "Qualified inspector" means ~~a person~~ **an individual** who has:

- (1) **met all criteria in [318 IAC 1-4](#); and**
- (2) been placed on the qualified inspector list.

(Department of Environmental Management; [318 IAC 1-2-20](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 10. [318 IAC 1-2-21](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-2-21](#) "Qualified inspector list" defined

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-11-2-158](#)

Sec. 21. "Qualified inspector list" means the list of ~~persons~~ **individuals** that the department has determined to be qualified to carry out the duties **of qualified inspectors** described in ~~[318 IAC 1-5-1](#) for qualified inspectors.~~ **[318 IAC 1-5-1.3](#) through [318 IAC 1-5-1.6](#).**

(Department of Environmental Management; [318 IAC 1-2-21](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 11. [318 IAC 1-3-2](#) IS AMENDED TO READ AS FOLLOWS:

318 IAC 1-3-2 Cleanup required

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 6-1.1-25-4.1](#); [IC 9-22](#); [IC 13-14-8-8](#); [IC 16-19-3](#); [IC 16-20-1](#); [IC 16-41-20](#)

Sec. 2. (a) The owner of the ~~a~~ contaminated property shall clean up the contaminated property as required by this article before:

- ~~(1) continuing to occupy or use~~ **occupying or using** the property as a dwelling;
- ~~(2) reoccupying or reusing the property;~~
- ~~(3) allowing the property to be reoccupied or reused; or~~
- ~~(4)~~ **(2)** transferring any interest in the property to another person.

(b) The owner of the ~~a~~ contaminated property may use any of the following to clean up the contaminated property:

- ~~(1) Decontamination of the property or removal of all potentially contaminated material;~~
- ~~(2) Demolition of a structure;~~
- ~~(3) Disposal of a vehicle~~
- ~~(4) Destruction and disposal of a watercraft.~~ **who cleans up that property using a cleanup method other than demolition shall retain a qualified inspector from the qualified inspector list to carry out the duties listed in [318 IAC 1-5](#).**

(Department of Environmental Management; [318 IAC 1-3-2](#); filed Feb 21, 2007, 1:56 p.m.:
[20070321-IR-318060125FRA](#))

SECTION 12. [318 IAC 1-3-5](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-3-5](#) Decontamination by the owner of the contaminated property

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 5. (a) The owner of a contaminated property shall not ~~decontaminate~~ **clean up** property controlled by that person unless the ~~decontamination~~ **cleanup** is done under the supervision of a qualified inspector.

(b) **Supervision by a qualified inspector means that work performed by the owner of a contaminated property shall not issue a is:**

- (1) described on a written work order, contract or agreement provided by the qualified inspector; and**
- (2) visually inspected by the qualified inspector before the certificate of decontamination under [318 IAC 1-5-9](#) for property owned or controlled by that person is issued.**

(c) Examples of work that the owner of the contaminated property may do under the supervision of a qualified inspector include, but are not limited to, the following:

- (1) Removal of potentially contaminated materials as described in [318 IAC 1-5-4](#).**
- (2) Disposal of materials removed from the property in accordance with [329 IAC 10](#).**
- (3) Washing, painting, coating, or sealing surfaces as directed by the qualified inspector.**
- (4) Removal of contaminated soil and disposal of that soil in accordance with [329 IAC 10](#).**

(d) The owner of the contaminated property shall not do any of the following:

- (1) Sampling, sample preparation, control of samples, or delivery of samples to a laboratory.**
- (2) Activity that directly exposes the owner or other persons working on the owner's behalf to chemical hazards resulting from the manufacture of the controlled substance or the cleaning process used.**
- (3) Removal of chemicals, equipment, or containers used in or resulting from illegal manufacture of a controlled substance.**

(Department of Environmental Management; [318 IAC 1-3-5](#); filed Feb 21, 2007, 1:56 p.m.:
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SECTION 13. [318 IAC 1-4-2.2](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-4-2.2](#) Criteria for listing: experience

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2.2. (a) A qualified inspector shall have accumulated at least forty (40) hours of experience doing any of the following:

- (1) Cleaning contaminated properties.
- (2) Supervising emergency response operations, cleanup or remediation operations, corrective actions, or operations involving hazardous wastes that were regulated under the rules of the federal Occupational Safety and Health Administration in 29 CFR 1910.120, revised as of July 1, 2009.
- (3) Other equivalent experience acceptable to the commissioner.

(b) Documentation of the required experience must include copies of time sheets, job reports, letters from employers or clients, or an affidavit from the applicant describing the jobs worked on and the number of hours worked. Other documents acceptable to the commissioner that show equivalent proof of the required experience that are acceptable to the commissioner may also be used.

(Department of Environmental Management; [318 IAC 1-4-2.2](#))

SECTION 14. [318 IAC 1-4-2.3](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-4-2.3](#) Criteria for listing: formal training

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2.3. A qualified inspector shall have completed one (1) of the training options in the following Table 1:

Table 1. Required Formal Training Options

Training option	Minimum training hours	Documentation
Training required for on-site management and supervisors under 29 CFR 1910.120(e)*	48 hours, including: 40 hours of initial training required by 29 CFR 1910.120(e)(3)*, plus at least 8 additional hours of specialized training as described in 29 CFR 1910.120(e)(4)*	The certificate issued by the training provider and signed by a trainer certified under 29 CFR 1910.120(e)*
Training required for workers engaged in emergency response to hazardous substance releases under 29 CFR 1910.120(q)*	48 hours, including: 24 hours of training for hazardous materials technicians required by 29 CFR 1910.120(q)(6)(iii)*, or 24 hours of training for hazardous materials specialists required by 29 CFR 1910.120(q)(6)(iv)*, plus 24 hours of training for on scene incident commanders required by 29 CFR 1910.120(q)(6)(v)*	The certificate issued by the training provider and signed by a trainer certified under 29 CFR 1910.120(q)*
Equivalent training acceptable to the commissioner	48 hours including at least 8 hours of supervisor level training	Certificates issued by the course provider

*All references to 29 CFR 1910.120 are to the regulations of the federal Occupational Safety and Health Administration, revised as of July 1, 2008. The Code of Federal Regulations is available for viewing and downloading at <http://www.gpoaccess.gov/cfr/index.html>, for purchase online at <http://bookstore.gpo.gov/>, or purchase by mail from the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000.

(Department of Environmental Management; [318 IAC 1-4-2.3](#))

SECTION 15. [318 IAC 1-4-2.4](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-4-2.4](#) Criteria for listing: annual refresher training

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2.4. To remain on the qualified inspector list, each qualified inspector shall receive annual refresher training that meets the requirements of the rules of the federal Occupational Safety and Health Administration in 29 CFR 1910.120, revised as of July 1, 2009. Evidence of this refresher training is the certificate provided by the training provider and signed by a trainer certified under 29 CFR 1910.120.

(Department of Environmental Management; [318 IAC 1-4-2.4](#))

SECTION 16. [318 IAC 1-4-2.5](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-4-2.5](#) Criteria for listing: briefing

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2.5. A qualified inspector shall have received a briefing on this article and problems associated with illegal manufacture of controlled substances in Indiana provided by the department.

(Department of Environmental Management; [318 IAC 1-4-2.5](#))

SECTION 17. [318 IAC 1-4-2.6](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-4-2.6](#) Criteria for listing: examination

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2.6. A qualified inspector shall have passed an examination on cleanup and inspection of contaminated properties under this article administered by the department with a score of at least eighty percent (80%).

(Department of Environmental Management; [318 IAC 1-4-2.6](#))

SECTION 18. [318 IAC 1-4-2.7](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-4-2.7](#) Criteria for listing: liability insurance

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2.7. Each qualified inspector shall maintain professional liability or errors and omissions insurance in the amount of at least one million dollars (\$1,000,000). Evidence of this insurance is the current certificate of liability insurance.

(Department of Environmental Management; [318 IAC 1-4-2.7](#))

SECTION 19. [318 IAC 1-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-4-3](#) Application to be listed on the qualified inspector list

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 3. (a) ~~A person~~ **An individual** who wishes to be listed on the qualified inspector list must apply to the department in writing. The application may be in any form but must include all of the following information:

- (1) Full name, address, telephone, and electronic mail contact information.
- (2) Copies of documents showing the applicant meets all criteria in section 2 of this rule **following:**
 - (A) **Documentation of the experience required by section 2.2 of this rule.**
 - (B) **Certificates showing the training required by sections 2.3 and 2.4 of this rule.**
 - (C) **The most recently issued certificate of liability insurance.**
- (3) Complete information showing how the ~~person~~ **individual** should be described on the qualified inspector list.

(b) The application must be mailed or delivered to the Indiana Department of Environmental Management, Office of Land Quality, ~~Remediation Services Branch, Room 1101,~~ **Legal Counsel**, 100 North Senate Avenue **MC 65-45**, Indianapolis, Indiana 46204-2251.

(Department of Environmental Management; [318 IAC 1-4-3](#); filed Feb 21, 2007, 1:56 p.m.:
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SECTION 20. [318 IAC 1-4-4](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-4-4](#) Qualified inspector list

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 4. (a) The department will maintain a current list of all ~~persons~~ **individuals** who have been found by the department to have met the requirements of ~~section 2~~ of this rule.

(b) The purpose of the qualified inspector list is to allow owners of contaminated properties, local health departments, and other persons to:

- (1) locate qualified inspectors; and
- (2) verify that ~~a person~~ **an individual** is qualified to inspect and clean up contaminated properties.

(c) Listing of ~~a person~~ **an individual** on the qualified inspector list does not convey a property right.

(d) The qualified inspector list will be available to the public ~~as follows:~~

- ~~(1) In person or by mail at Indiana Department of Environmental Management, Office of Land Quality, Remediation Services Branch, Room 1101, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.~~
- ~~(2) By telephone at (317) 232-4535 or toll-free at (800) 451-6027 in Indiana.~~
- ~~(3) electronically on the department's website at <http://www.in.gov/idem/>.~~ **<http://www.in.gov/idem/4178.htm>.**

(e) The department will review each application for completeness. When the ~~person or persons~~ **individual** identified in the application ~~have~~ **has** demonstrated that all criteria of this rule have been met, the department ~~will~~ **may** place that ~~person or persons~~ **individual** on the qualified inspector list.

(f) The department will remove ~~a person~~ **an individual** from the qualified inspector list who submits a written request for removal from the list to the address in section 3(b) of this rule.

(g) The department may remove ~~a person~~ **an individual** from the qualified inspector list if the person demonstrates a failure to meet one (1) or more of the requirements of this article.

(h) The department may return ~~a person~~ **an individual** to the qualified inspector list when the condition that caused the department to remove that ~~person~~ **individual** from the list has been corrected.

(Department of Environmental Management; [318 IAC 1-4-4](#); filed Feb 21, 2007, 1:56 p.m.:
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SECTION 21. [318 IAC 1-5-1.3](#) IS ADDED TO READ AS FOLLOWS:

Rule 5. Inspection and Cleanup of Contaminated Property

[318 IAC 1-5-1.3](#) Duties of the qualified inspector: initial assessment

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 5-2-15](#)

Sec. 1.3. (a) The qualified inspector shall conduct an initial assessment of the contaminated property that includes all of the following:

- (1) Review the Indiana state police methamphetamine laboratory occurrence report prepared under [IC 5-2-15](#) relevant to that property.**
- (2) Consult with the law enforcement agency that terminated the laboratory and the local health department to determine the types and amounts of contamination that may reasonably be expected to be present.**
- (3) Survey the entire contaminated property to determine the scope and extent of the contamination covering all of the following:**
 - (A) All areas used for human habitation, including finished or unfinished basements.**
 - (B) Attics and crawlspaces.**
 - (C) Heating, ventilating, and air conditioning system.**
 - (D) Outbuildings, vehicles, and containers that may have been used for the illegal manufacture of a controlled substance.**
 - (E) Common spaces, hallways, or other areas in multiple dwelling units that may be contaminated.**
 - (F) The septic system or sewage disposal system.**
 - (G) Areas outside the contaminated property that may have been used for disposal of chemicals used in the illegal manufacture of a controlled substance.**
- (4) Test the contaminated property before cleaning, taking all samples required by section 6.1 of this rule using the sampling procedure described in section 6.2 of this rule. Analyze all samples in accordance with Method 8270D or an equivalent method or practice.**
- (5) Testing of the following is not required:**
 - (A) Potentially contaminated materials that will be removed under section 4 of this rule.**
 - (B) Carpeting.**
 - (C) A crawlspace that is not accessible to:**
 - (i) the dwelling portion of the structure; or**
 - (ii) a basement.**
- (6) Prepare a written cleanup plan that:**
 - (A) documents the conditions and the contamination levels found at the property;**
 - (B) describes the cleanup activities that will be required to meet the final decontamination levels in section 2 of this rule;**
 - (C) identifies how all waste resulting from the cleanup will be disposed of; and**
 - (D) includes a diagram and description of the contaminated property.**

(b) Property that:

- (1) has been tested as required by sections 6.1 and 6.2 of this rule during the initial assessment; and**
- (2) is found to have no contamination levels that exceed the final decontamination levels in section 2 of this rule;**

may be certified cleaned under section 9 of this rule without additional cleaning.

(c) For additional guidance on methamphetamine laboratory cleanup and handling of personal property, read "Voluntary Guidelines for Methamphetamine Laboratory Cleanup", U.S. Environmental Protection Agency, August 2009, available online at <http://www.epa.gov/oem/methlab.htm>.

(Department of Environmental Management; [318 IAC 1-5-1.3](#))

SECTION 22. [318 IAC 1-5-1.4](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-5-1.4](#) Duties of the qualified inspector: cleanup

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 1.4. The qualified inspector shall do all of the following:

- (1) Ventilate the structure for a minimum of twenty-four (24) hours before beginning cleanup and maintain ventilation throughout the cleanup.
- (2) Clean or supervise cleaning of all rooms and spaces found to have levels of a controlled substance that exceed the final decontamination level described in section 2 of this rule as follows:
 - (A) If potentially contaminated materials are removed, remove and dispose of those materials as required by section 4 of this rule.
 - (B) If the property is decontaminated, perform all decontamination activities required by sections 5.3 and 5.5 of this rule.
 - (C) If the property is demolished, ensure that all activities required by [318 IAC 1-6](#) are completed.
- (3) Have the septic system pumped out by a person who is licensed or permitted to manage wastewater under [327 IAC 7.1](#). Notify the person who pumps out the septic system that the property was used for illegal manufacture of a controlled substance.
- (4) Remove and dispose of contaminated soil or waste resulting from illegal manufacture of a controlled substance found outside the structure in accordance with section 3 of this rule.
- (5) Dispose of wastes resulting from cleaning in accordance with the following:
 - (A) [327 IAC 7.1](#) for wastewater from a septic system.
 - (B) [329 IAC 3.1](#) for hazardous wastes.
 - (C) [329 IAC 10](#) for all other wastes resulting from decontamination.
 - (D) The requirements of the publicly owned treatment works for wastewater disposed of in a sanitary sewer system.
- (6) Personally examine the contaminated property to verify that all required work has been completed before certifying the property cleaned under section 9 of this rule.

(Department of Environmental Management; [318 IAC 1-5-1.4](#))

SECTION 23. [318 IAC 1-5-1.5](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-5-1.5](#) Duties of the qualified inspector: final confirmation testing

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 1.5. (a) The qualified inspector shall do all of the following:

- (1) Perform final confirmation testing of the contaminated property in accordance with this rule when decontamination is complete.
- (2) Obtain all samples required by section 6.1 of this rule using the sampling procedure in section 6.2 of this rule.
- (3) Analyze the samples using Method 8270D or another equivalent method or practice at an independent laboratory.
- (4) Obtain from the analytical laboratory all reports and data required by the method or practice used and retain those reports as required by section 11 of this rule.
- (5) Determine if the level of contamination in the highest sample obtained is equal to or lower than the final decontamination level in section 2 of this rule.

(b) If testing during the initial assessment shows that all samples are below the final decontamination level described in section 2 of this rule, then:

- (1) final confirmation testing is not required; and
- (2) the results of the initial assessment may be used as the final confirmation testing.

(c) Final confirmation testing is not required in those portions of the contaminated property that were cleaned by removing all potentially contaminated materials.

(Department of Environmental Management; [318 IAC 1-5-1.5](#))

SECTION 24. [318 IAC 1-5-1.6](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-5-1.6](#) Duties of the qualified inspector: documentation

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 1.6. When all activities required by this article have been completed, the qualified inspector shall do all of the following:

- (1) Certify in accordance with section 9 of this rule that the property has been cleaned.
- (2) Provide the original certificate of decontamination to the property owner and provide copies of the certificate of decontamination to the local health department and the department.
- (3) Permit independent third party validation of any records and analytical data relevant to the contaminated property if requested by the property owner, the local health department, or the department.

(Department of Environmental Management; [318 IAC 1-5-1.6](#))

SECTION 25. [318 IAC 1-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-5-2](#) Final decontamination levels

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2. (a) ~~Before issuing a certificate of decontamination, the qualified inspector shall inspect the contaminated property for the chemicals listed in Table 1 that are~~ **The final decontamination level for the controlled substance** determined to be present during the review of law enforcement reports and the initial assessment required by section 1(1) through 1(3) of this rule. **is five-tenths (0.5) microgram per one hundred (100) square centimeters determined using Method 8270D or an equivalent method or practice.**

(b) ~~The qualified inspector shall use the sampling procedures in this rule.~~ **final decontamination levels for iodine is no visible contamination.**

(c) Analysis for the contaminants listed in Table 1 must use:

- (1) Method 8270C; or
- (2) ~~an equivalent method or practice.~~

(d) ~~The qualified inspector shall determine if the levels of chemicals listed in Table 1 that were identified during the initial assessment performed under section 1(3) of this rule are equal to or lower than the decontamination levels in Table 1.~~

Table 1.

Chemical	Chemical Abstract Service Registry Number	Final Decontamination Level
Methamphetamine	7632-10-2 or 537-46-2	0.5 µg/100-cm ²
Amphetamine	300-62-9	0.5 µg/100-cm ²
Ephedrine	299-42-3	0.5 µg/100-cm ²
Pseudoephedrine	90-82-4	0.5 µg/100-cm ²

Methcathenone	412117-24-5	0.5 µg/100 cm ²
Lysergic acid diethylamide (LSD)	50-37-3	0.5 µg/100 cm ²
3,4-methylenedioxy-methamphetamine (MDMA) (Ecstasy)	(No CAS number)	0.5 µg/100 cm ²
Phencyclidine (PCP)	60124-79-0	0.5 µg/100 cm ²
Gamma hydroxybutyrate (GHB)	591-81-4	0.5 µg/100 cm ²

⁴ (c) An alternate final decontamination level may be used for a specific contaminated property if that alternate level is:

- (1) based on the levels of chemicals found during the initial assessment required by section 1 of this rule; and
- (2) **consistent with** the planned reuse of the property; is
- (3) at least as protective of human health as the corresponding final decontamination level; and is
- (4) accepted by the commissioner.

(e) (d) All sample analysis must be conducted by an independent laboratory.

(Department of Environmental Management; [318 IAC 1-5-2](#); filed Feb 21, 2007, 1:56 p.m.:
[20070321-IR-318060125FRA](#))

SECTION 26. [318 IAC 1-5-3](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-5-3](#) Contamination outside a contaminated structure

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 3. If the **initial** assessment required by section 4(3) **1.3** of this rule ~~indicates that contamination exists~~ **identifies contaminated or stained soil, burn piles, areas of dead vegetation, or waste resulting from illegal manufacture of a controlled substance** outside the contaminated structure, the qualified inspector shall:

- (1) remove **or supervise removal of** all contaminated material ~~including~~ **and** soil;
- (2) dispose **of or supervise disposal** of all contaminated material and soil in accordance with [329 IAC 10](#);
- and
- (3) document removal **and disposal** in the certificate of decontamination issued under section 9 of this rule.

(Department of Environmental Management; [318 IAC 1-5-3](#); filed Feb 21, 2007, 1:56 p.m.:
[20070321-IR-318060125FRA](#))

SECTION 27. [318 IAC 1-5-4](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-5-4](#) Removal of all potentially contaminated material in lieu of decontamination

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 4. (a) Instead of having the property decontaminated to meet the decontamination levels in ~~Table 4 of~~ section 2 of this rule, the owner of the contaminated property may remove all potentially contaminated material from the interior of the structure or dwelling unit identified as a contaminated property. **To obtain a certificate of decontamination under this article, removal of contaminated material must be done under the supervision of a qualified inspector.**

(b) ~~The owner of the contaminated property who removes contaminated materials in lieu of decontamination shall remove~~ All of the following **must be removed** from the contaminated property:

- (1) All contents of the structure or dwelling unit and all personal property.
- (2) All plaster and lath, wallboard, and paneling covering all walls and ceilings.
- (3) All **carpeting and other porous** floor covering. ~~However, the subflooring may be left in place and sealed if~~

~~there is no visible contamination present.~~

(4) All cabinets, shelves, and closet fixtures.

(5) All interior doors, baseboards, and moldings.

(6) All appliances.

(7) All plumbing and electrical fixtures except as provided in subsection (c).

(8) Window air conditioners.

~~(9) Any remaining equipment or materials used in or resulting from the illegal manufacture of a controlled substance.~~

(9) Flexible heating, ventilating, and air conditioning ductwork or ductwork containing fiberglass.

(c) The following may remain in ~~the structure or dwelling unit~~ **place** if they are thoroughly washed with solvent ~~and then washed again with~~ detergent and water:

(1) Exterior window assemblies.

(2) Exterior doors.

(3) Plumbing and electrical systems and light fixtures that are not enclosed in walls and ceilings.

(4) Recessed light fixtures.

(5) Ceramic or porcelain plumbing fixtures **that:**

(A) are not visibly contaminated; or

(B) do not show chemical staining or etching from chemicals used in the manufacture of a controlled substance.

(6) Heating, ventilating, and air conditioning appliances except window air conditioners.

(7) Ceramic tile or vinyl floor covering that has been thoroughly washed with detergent and water.

(d) Subflooring may be left in place if it has been:

(1) vacuumed with a commercial vacuum cleaner using a high efficiency particulate air (HEPA) filter to remove demolition residue and dust; and

(2) sealed with at least two (2) coats of an oil-based, epoxy, or polyurethane paint or sealer. The paint or sealer must be:

(A) specified by the manufacturer for such a purpose; and

(B) applied as directed by the manufacturer.

~~(d)~~ **(e) Heating, ventilating, and air conditioning ductwork, except flexible ductwork or ductwork containing fiberglass, may remain in the structure place if:**

(1) it has been decontaminated; ~~and~~

(2) a qualified inspector has inspected the ductwork in accordance with this rule; **and**

(3) the ductwork meets the final decontamination level in section 2 of this rule.

~~(e)~~ **(f) Insulation in exterior walls may remain in place if it is covered with a vapor barrier.**

~~(f)~~ **(g) Plumbing and electrical systems enclosed in walls and ceilings may remain in place without cleaning.**

~~(g)~~ **(h) Except as provided in subsection (e), final confirmation testing** of rooms or spaces where removal was done is not required if the removal was done in accordance with this section.

~~(h)~~ **(i) Materials removed under this section must not be sold or transferred to another person.**

~~(i)~~ **(j) All materials removed under this section must be disposed of in accordance with [329 IAC 10](#) ~~no~~ not more than seventy-two (72) hours after removal.**

~~(j)~~ **(k) The qualified inspector shall document removal and disposal of potentially contaminated material under this section in the certificate of decontamination.**

*(Department of Environmental Management; [318 IAC 1-5-4](#); filed Feb 21, 2007, 1:56 p.m.:
[20070321-IR-318060125FRA](#))*

SECTION 28. [318 IAC 1-5-5.3](#) IS ADDED TO READ AS FOLLOWS:

318 IAC 1-5-5.3 Decontamination procedure

Authority: [IC 13-14-1-15](#)

Affected: [IC 13-14-1-15](#)

Sec. 5.3. (a) The qualified inspector shall decontaminate a contaminated property using the procedure described in this section.

(b) Remove and dispose of all of the following before cleaning:

- (1) Carpeting and carpet padding and other porous floor covering.**
- (2) All furniture and other household goods.**
- (3) Plumbing fixtures that are visibly contaminated, etched, or stained.**
- (4) Kitchen or bathroom countertops that are:**
 - (A) visibly contaminated, etched, or stained; or**
 - (B) made of wood, granite, or ceramic or stone tile.**
- (5) All appliances and electronic equipment that:**
 - (A) are visibly contaminated; or**
 - (B) may have been used in the manufacture of a controlled substance.**
- (6) Electrical outlet covers and wall switch plate covers.**

(c) Remove and replace all wall and ceiling surfaces that:

- (1) show visible signs of staining; or**
- (2) are emitting chemical odors.**

(d) Vacuum all walls and floors before washing using a commercial grade vacuum cleaner with a high efficiency particulate air (HEPA) dust collection system.

(e) Have the heating, ventilating, and air conditioning (HVAC) system cleaned by a contractor who specializes in cleaning HVAC systems. Dispose of all flexible ductwork and ductwork containing fiberglass. Seal the HVAC system to prevent recontamination during the rest of the cleaning process.

(f) Wash ceilings, walls, and floors, in that order, as follows:

- (1) Use a commercial or household detergent or soap product.**
- (2) Follow the manufacturer's directions to determine the concentration of the solution.**
- (3) Do not use:**
 - (A) bleach;**
 - (B) trisodium phosphate;**
 - (C) methanol;**
 - (D) peroxide-based materials; or**
 - (E) proprietary materials;**

for cleaning.

- (4) Thoroughly cover the entire surface.**
- (5) Follow each wash with a thorough rinse using clean water and clean cloth rags.**
- (6) Rinse ceilings, walls, and floors in that order.**
- (7) Repeat the washing and rinsing procedure three (3) times.**
- (8) Use a commercial wet-dry vacuum to minimize the amount of water left in the materials cleaned.**
- (9) Change cloth rags, detergent-water solutions, and rinse water frequently. Dispose of cloth rags in accordance with this article.**
- (10) Begin cleaning at the back of the structure and work toward the front. To avoid recontaminating a room:**
 - (A) seal the room with four (4) to six (6) mil sheet plastic; and**
 - (B) do not reenter the room until ready for final decontamination testing.**

(g) Clean rough or porous surfaces as described in section 5.5 of this rule.

(h) Wash and rinse water may be disposed of in a sanitary sewer system if permitted by the system operator. Do not dispose of decontamination wastewater in a septic system.

(i) If:

- (1) staining is noted around sinks, toilets, or tubs;
 - (2) a strong chemical odor is coming from household plumbing; or
 - (3) decontamination wastewater is disposed of in the sewer system;
- flush the plumbing system with a generous amount of clean water.

(j) Following washing and rinsing, perform final decontamination testing in accordance with sections 6.1 and 6.2 of this rule.

(k) When all surfaces exhibit contamination levels equal to or lower than the final decontamination levels in section 2 of this rule, completely coat all surfaces with an oil-based, epoxy, or polyurethane paint or sealer. The paint or sealer must be:

- (1) specified by the manufacturer for such a purpose; and
- (2) applied as directed by the manufacturer.

(Department of Environmental Management; [318 IAC 1-5-5.3](#))

SECTION 29. [318 IAC 1-5-5.5](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-5-5.5](#) Cleaning rough or porous surfaces

Authority: [IC 13-14-1-15](#)

Affected: [IC 13-14-1-15](#)

Sec. 5.5. (a) Unpainted concrete, concrete block, or brick in any portion of the property used as a dwelling, including an unfinished basement accessible to the first floor by stairs, must be cleaned as follows:

- (1) Unpainted concrete, concrete block, or brick must be pressure-washed twice at a pressure of at least two thousand five hundred (2,500) pounds per square inch and a temperature of at least one hundred thirty (130) degrees Fahrenheit using a commercial detergent and then rinsed with clean water at a pressure of at least two thousand five hundred (2,500) pounds per square inch and a temperature of at least one hundred thirty (130) degrees Fahrenheit. Use a commercial wet vacuum to remove excess water. All wash and rinse water must be collected and disposed of in a permitted publicly owned treatment works.
- (2) After pressure washing and thoroughly drying, the unpainted concrete, concrete block, or brick must be completely sealed with at least two (2) coats of an oil-based, epoxy, or polyurethane paint or sealer. The paint or sealer must be:
 - (A) specified by the manufacturer for such a purpose; and
 - (B) applied as directed by the manufacturer.

(b) Except as provided in subsections (c) and (d), unpainted wood, ceiling tiles, and porous ceiling coatings must be removed and disposed of in accordance with [329 IAC 10](#). Porous ceiling coatings that may contain asbestos must be managed in accordance with [329 IAC 10-8.2-4](#).

(c) Unpainted wood that forms a structural element in any portion of the property used as a dwelling, including a basement accessible to the first floor by stairs, must be:

- (1) vacuumed using a commercial grade vacuum cleaner with a high efficiency particulate air (HEPA) dust collection system; and
- (2) completely sealed with at least two (2) coats of an oil-based, epoxy, or polyurethane paint or sealer applied as directed by the manufacturer.

(d) Porous ceiling coatings with a low potential for human contact may be left in place and sealed with at least two (2) coats of an oil-based, epoxy, or polyurethane paint or sealer applied as directed by the manufacturer.

(e) Cleaning and testing is not required in a crawlspace that is not accessible to the dwelling portion of

the structure including a basement.

(Department of Environmental Management; [318 IAC 1-5-5.5](#))

SECTION 30. [318 IAC 1-5-6.1](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-5-6.1](#) Final confirmation samples

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 6.1. (a) The qualified inspector shall obtain all samples required by the following Table 2 in accordance with section 6.2 of this rule:

Table 2. Required Wipe Samples
Number of wipe samples in

Sample set ¹	sample set	Location of wipe samples
Each room ²	4 ²	center of ceiling, floor, and two walls ²
Additional samples in each kitchen	4	countertop, sink, stove or cook top, and floor in front of stove or cook top ³
Kitchen and laundry appliances that will remain in the dwelling (refrigerator, oven, microwave, hotplate, toaster oven, coffee maker)	2 per appliance	inside and outside surface
Additional samples in each bathroom	4	countertop, sink, toilet, and shower or bathtub
Heating, ventilating, and air conditioning system	4	cold air return and 3 other locations in the system

¹Each set of samples listed in Table 2 may be combined and analyzed as a single sample.

²Samples are not required from rooms where all potentially contaminated materials were removed in accordance with section 4 of this rule. For testing during the initial assessment, do not sample carpeting. The sample set for each carpeted room tested during the initial assessment consists of three (3) wipe samples from the ceiling and two (2) walls.

³If the stove or cook top has been removed, sample the vent hood or a cabinet in the immediate vicinity of the stove or cook top. Do not include wipe samples from replaced appliances.

(b) In addition to the samples listed in Table 2, all quality control and quality assurance samples required by the analytical method used shall be obtained.

(c) All samples must be analyzed in accordance with Method 8270D or an equivalent method or practice.

(Department of Environmental Management; [318 IAC 1-5-6.1](#))

SECTION 31. [318 IAC 1-5-6.2](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-5-6.2](#) Sample collection procedure

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-11-2-104](#)

Sec. 6.2. (a) Samples required by section 6.1 of this rule must be taken as described in this section.

(b) Ensure that all of the following have been removed from the contaminated property before final confirmation testing:

- (1) Carpeting and other floor covering.
- (2) Drapery.
- (3) Furniture.
- (4) Clothing.
- (5) Paper and textiles.
- (6) Food.
- (7) Other household goods.
- (8) Household hazardous waste as defined in [IC 13-11-2-104](#).

(c) None of the materials listed in subsection (b) may be replaced before the final confirmation samples required by section 6.1 of this rule have been collected.

(d) Wipe samples must be collected as follows:

- (1) Document the areas of the structure to be sampled in a map or sketch. Identify the location of each sample.
- (2) Use a template for each area to be sampled. Templates must be made of stainless steel, aluminum, aluminum foil, Teflon, or another material that will not contaminate the sample and is resistant to methanol. Each template must expose an area ten (10) centimeters by ten (10) centimeters square for a total of one hundred (100) square centimeters to be sampled. Templates must be secured to the surface being sampled using tape.
- (3) Use a new set of clean, nonpowdered impervious gloves for each sample set collected.
- (4) Wet the sample media with two (2) milliliters of methanol.
- (5) Press firmly with the sample media, using caution to avoid touching the surface outside the template, as follows:
 - (A) For smooth surfaces, wipe the sampling area in each template from side to side in an overlapping "S" motion until the entire sample surface is covered. Do not overlap strokes. Fold the sample media with the sampled side in without allowing the media to contact any other surfaces. Repeat the wiping method with the folded sample media, wiping from top to bottom on the second pass.
 - (B) Blot rough surfaces, ensuring that the entire surface is blotted. Fold the sample media with the sampled side in without allowing the media to contact any other surfaces. Repeat the blotting method with the folded sample media,
- (6) Fold the media in half again with the sampled side in. Seal the sample media in a sample container and label with the sample number and location. All wipe samples that make up a sample set should be placed in the same sample container.

(e) Sample media must be one (1) of the following:

- (1) Rayon/polyester or cotton general purpose medical sponges.
- (2) Eleven (11) centimeter filter paper (Whatman™ 40 ashless or equivalent).
- (3) Filter paper, including Whatman™ 40, 41, 42, 43, 44, 540, 541, Ahlstrom 54, VWR 454, S & S WH Medium, or other filter paper with equivalent performance.
- (4) Cotton gauze pads, including Johnson & Johnson cotton squares or equivalent.

(f) The following quality control and quality assurance practices must be used throughout the sampling operation:

- (1) Collect samples in a uniform manner.
- (2) Ensure as few people as possible handle the samples.
- (3) Collect at least one (1) blank sample media for every ten (10) wipe samples collected. This blank media should be:
 - (A) treated with methanol;
 - (B) folded but not wiped;
 - (C) placed in a separate sample container; and
 - (D) marked appropriately.
- (4) Handle sample media with stainless steel forceps, tweezers, or gloved fingers.
- (5) Change gloves with each sample set to avoid cross-contamination.
- (6) Complete a sample label for each sample set with waterproof, nonerasable ink and note sample

number, date, time, location, and sampler's ID.

(7) Seal samples immediately upon collection. Document when seals are broken or replaced. Reseal open boxes of unused containers.

(8) Store all samples in a secure locked location.

(9) Maintain chain of custody records for all samples.

(10) Deliver samples to the laboratory using second day mail delivery or as directed by the laboratory.

(Department of Environmental Management; [318 IAC 1-5-6.2](#))

SECTION 32. [318 IAC 1-5-9](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-5-9](#) Certificate of decontamination

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 16-41-20](#); [IC 32-21-5-5.5](#)

Sec. 9. (a) The certificate of decontamination provides the basis for:

(1) removal of the property from the methamphetamine laboratory website established under [IC 32-21-5-5.5](#); and

(2) lifting of an order issued under [IC 16-41-20](#).

~~(a) (b) When the final decontamination levels listed in Table 1 of section 2 requirements of this rule have been met, the qualified inspector shall certify in writing all of the following that apply to the property:~~

~~(1) Decontamination has been completed and all applicable the final decontamination levels have level listed in section 2 of this rule has been met.~~

~~(2) Contamination levels were found to be below the final decontamination level listed in section 2 of this rule.~~

~~(3) All potentially contaminated materials have been removed from the property.~~

~~(4) All work required by this article has been completed.~~

(c) The certification must be:

(1) on the form provided by the commissioner; and

(2) signed by the qualified inspector.

~~(b) Within five (5) days of receiving validated reports and data from the analytical laboratory;~~ (d) The qualified inspector shall provide all of the following:

(1) The original certificate of decontamination to the owner of the contaminated property.

(2) A copy of the certificate of decontamination to all of the following:

(A) The local health department.

(B) The **Local Health Department Outreach Office, Public Health and Preparedness Commission**, Indiana State Department of Health, ~~Office of Primary Care, 2J~~, 2 North Meridian Street, ~~Section 3A~~, Indianapolis, IN 46204 **or by facsimile to (317) 233-7761.**

(C) Indiana Department of Environmental Management, Office of Land Quality, Remediation Services Branch, Room 1101, **Legal Counsel**, 100 North Senate Avenue **MC 65-45**, Indianapolis, Indiana 46204-2251 **or by facsimile to (317) 233-5517.**

(e) The owner of a contaminated property shall not issue a certificate of decontamination for property owned or controlled by that person.

(Department of Environmental Management; [318 IAC 1-5-9](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 33. [318 IAC 1-5-9.5](#) IS ADDED TO READ AS FOLLOWS:

[318 IAC 1-5-9.5](#) Certificate of decontamination for disposal of a mobile home

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 9.5. The qualified inspector shall document disposal of a mobile home in a municipal solid waste landfill in accordance with section 9 of this rule. The certificate of decontamination must indicate which landfill accepted the mobile home, and the disposal receipt or other documentation of disposal provided by the landfill must be attached to the certificate of decontamination.

(Department of Environmental Management; [318 IAC 1-5-9.5](#))

SECTION 34. [318 IAC 1-5-11](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-5-11](#) Record retention

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 11. ~~The person who signs the certificate of decontamination~~ **qualified inspector** shall make the following records and documents relevant to decontaminations and inspections performed by that person available upon request to the owner of the contaminated property, the department, the local health department, and the state department of health for a period of at least five (5) years after the certificate of decontamination has been issued:

- (1) A copy of the certificate of decontamination.
- (2) All data and reports received from the laboratory that analyzes the post-decontamination samples relevant to the property.
- (3) Copies of relevant laboratory records required by the analytical method used.
- (4) Field sampling logs.

(Department of Environmental Management; [318 IAC 1-5-11](#); filed Feb 21, 2007, 1:56 p.m.: [20070321-IR-318060125FRA](#))

SECTION 35. [318 IAC 1-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-6-2](#) Duties of a demolition contractor

Authority: [IC 5-2-15](#); [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 2. **(a)** The demolition contractor shall do all of the following:

- (1) Review the Indiana state police methamphetamine laboratory occurrence report prepared by the law enforcement agency under [IC 5-2-15](#) for that property.
- (2) Perform a visual inspection of the contaminated property to identify safety and health hazards at the property that can affect the health of persons at or near the property.
- ~~(3) Notify the local health department of the following:~~
 - ~~(A) That demolition will be conducted at that location.~~
 - ~~(B) The date that demolition will begin.~~
- ~~(4)~~ **(3)** Remove the septic tank or ensure the septic tank has been emptied. Notify the person who pumps out the septic system that the property was used for illegal manufacture of a controlled substance.
- ~~(5)~~ **(4)** Protect all persons at the contaminated property from hazards identified at that property, including respiratory protection if needed.
- ~~(6)~~ **(5)** Remove all soil that has been contaminated with chemicals used in the illegal manufacture of a controlled substance.
- ~~(7)~~ **(6)** Prevent salvaging of materials from the contaminated property or transfer of those materials to another person.
- ~~(8)~~ **(7)** Dispose of all materials resulting from activities under this rule in accordance with [329 IAC 10](#) ~~no~~ not more than seventy-two (72) hours after demolition is completed.

(b) Compliance with this rule does not supersede the property owner's responsibility to comply with other state or local requirements.

(Department of Environmental Management; [318 IAC 1-6-2](#); filed Feb 21, 2007, 1:56 p.m.):

SECTION 36. [318 IAC 1-6-3](#) IS AMENDED TO READ AS FOLLOWS:

[318 IAC 1-6-3](#) Notice that demolition has been completed

Authority: [IC 13-14-1-15](#); [IC 35-48-4](#)

Affected: [IC 13-14-1-15](#)

Sec. 3. ~~Not more than five (5) days after completing demolition,~~ The demolition contractor shall notify the following in writing that demolition has been completed:

(1) The local health department.

(2) The **Local Health Department Outreach Office, Public Health and Preparedness Commission,** Indiana State Department of Health, ~~Office of Primary Care, 2J, 2 North Meridian Street, Section 3A,~~ Indianapolis, IN 46204 **or by facsimile to (317) 233-7761.**

(3) ~~The Indiana Department of Environmental Management, Office of Land Quality, Remediation Services Branch, Room 1101,~~ **Legal Counsel,** 100 North Senate Avenue **MC 65-45,** Indianapolis, Indiana 46204-2251 **or by facsimile to (317) 233-5517.**

(Department of Environmental Management; [318 IAC 1-6-3](#); filed Feb 21, 2007, 1:56 p.m.:
[20070321-IR-318060125FRA](#))

SECTION 37. THE FOLLOWING ARE REPEALED: [318 IAC 1-2-2](#); [318 IAC 1-2-3](#); [318 IAC 1-3-1](#); [318 IAC 1-3-3](#); [318 IAC 1-3-4](#); [318 IAC 1-4-2](#); [318 IAC 1-5-1](#); [318 IAC 1-5-5](#); [318 IAC 1-5-6](#); [318 IAC 1-5-7](#); [318 IAC 1-5-8](#); [318 IAC 1-5-10](#).

[Notice of Public Hearing](#)

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