

1 SENATE BILL NO. 201
2 INTRODUCED BY V. RICCI

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CLEANUP LAWS FOR PROPERTIES
5 CONTAMINATED WITH METHAMPHETAMINES OR OTHER DANGEROUS DRUGS; PROVIDING FOR
6 CERTIFICATION OF REMEDIATION CONTRACTORS; REVISING DECONTAMINATION STANDARDS;
7 PROVIDING DEFINITIONS; AND AMENDING SECTIONS 75-10-1302, 75-10-1303, AND 75-10-1304, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Remediation certification required -- investigation of complaint --**

12 **penalties.** (1) A person may not represent to the public that the person is certified to assess or remediate
13 inhabitable property or volunteer property contaminated by methamphetamine residues or other dangerous
14 drug residues unless the person is certified under this part.

15 (2) The department may investigate a complaint or other information received concerning practice
16 by an uncertified person of activities authorized by this part.

17 (3) For a person guilty of violating subsection (1), the department may:

18 (a) for a first offense:

- 19 (i) revoke the person's license or certification;
- 20 (ii) issue a fine of not more than \$1,000; and
- 21 (iii) require completion of not less than 10 hours of certification training; and

22 (b) for a second offense:

- 23 (i) revoke the person's license or certification;
- 24 (ii) issue a fine of not more than \$2,000; and
- 25 (iii) require completion of not less than 20 hours of certification training.

26
27 NEW SECTION. **Section 2. Decontamination of volunteer property -- verification -- no public**

28 **list.** (1) The department shall determine if and verify when a volunteer property has met all decontamination

1 requirements pursuant to 75-10-1303.

2 (2) The department may not list any volunteer properties on a publicly accessible website or other
3 locations.

4

5 **Section 3.** Section 75-10-1302, MCA, is amended to read:

6 **"75-10-1302. Definitions.** Unless the context requires otherwise, in this part, the following definitions
7 apply:

8 (1) "Contractor" means any person or company certified by the department to perform the
9 assessment or remediation of inhabitable property or volunteer property contaminated by methamphetamine
10 residues or other dangerous drug residues pursuant to 75-10-1304.

11 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

12 (2)(3) (a) "Inhabitable property" means any building or structure used as a clandestine
13 methamphetamine drug lab or that has been contaminated from smoke from the use of methamphetamine or
14 other dangerous drug residues that is intended to be primarily occupied by people, either as a dwelling or a
15 business, including a storage facility, mobile home, or recreational vehicle, that may be sold, leased, or rented
16 for any length of time.

17 (b) The term does not mean any water system, sewer system, land, or water outside of a building
18 or structure described in subsection (2)(a).

19 (3)(4) "Surface material" means any porous or nonporous substance common to the interior of a
20 building or structure, including but not limited to ceilings and walls, window coverings, floors and floor
21 coverings, counters, furniture, heating and cooling duct work, and any other surfaces to which inhabitants of the
22 building or structure may be exposed.

23 (5) "Volunteer property" means any property owner requesting that the department determine if the
24 property is contaminated with hazardous chemical residues created by smoke from the use of
25 methamphetamine or other dangerous drugs."

26

27 **Section 4.** Section 75-10-1303, MCA, is amended to read:

28 **"75-10-1303. Decontamination standards -- rulemaking authority -- samples.** (1) The

1 decontamination standard for ~~methamphetamine inside inhabitable property~~ or volunteer property is less than
 2 or equal to 1.5 micrograms of methamphetamine ~~per~~ for each 100 square centimeters of surface material
 3 unless a different standard is adopted by the department by rule to protect human health. The department may
 4 adopt standards by rule for precursors to methamphetamine that are consistent with the standard for
 5 methamphetamine.

6 (2) (a) The department may by rule establish the number and locations of surface material
 7 samples to be collected based on the circumstances of the contamination and acceptable testing methods.

8 (b) In the absence of a rule described in subsection (2)(a), at least ~~three~~ six samples must be
 9 collected from the surface material most likely to be contaminated at each property, including at least three
 10 samples from the heating, ventilation, and air conditioning systems at each property."

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12 **Section 5.** Section 75-10-1304, MCA, is amended to read:

13 **"75-10-1304. Contractor certification -- department authority.** (1) The department ~~is authorized to~~
 14 shall establish by rule minimum standards for the training and certification of contractors and their employees
 15 who are to perform the assessment or remediation of inhabitable property or volunteer property contaminated
 16 by methamphetamine residues or other dangerous drug residues.

17 (2) The department ~~may shall~~ train and test or ~~may shall~~ approve courses to train and test
 18 contractors and their employees in the proper methods of assessing, remediating, and testing inhabitable
 19 property or volunteer property contaminated by methamphetamine residues or other dangerous drug residues.

20 If the department conducts the training and testing of contractors and their employees, it may adopt rules to
 21 provide for the assessment of reasonable fees to cover the state's costs of providing the training and testing.

22 (3) The department shall establish by rule procedures for the certification of contractors and their
 23 employees, including procedures for the decertification of contractors and their employees for cause. The rules
 24 may provide for the assessment of reasonable fees to cover the cost of the contractor certification program.

25 (4) Any contractor and the contractor's employees certified to perform the remediation of
 26 inhabitable property in any other state are approved for certification in Montana unless the department
 27 determines that the certification process in the other state is not substantially similar to the minimum
 28 certification standards established by the department.

