

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

August 4th, 2022
1:00 p.m. Central Time
Nebraska State Office Building – Lower Level A
301 Centennial Mall South, Lincoln, Nebraska
Phone call information: 888-820-1398; Participant code: 3213662#

The purpose of this hearing is to receive comments on proposed changes to Title 178, Chapter 24 of the Nebraska Administrative Code (NAC) – *Methamphetamine Cleanup*. The proposed changes remove all duplicate statutory, unnecessary, and inconsistent language from the regulations. The proposed changes also update definitions; update terminology; update decontamination standards; correct spelling and punctuation; clarify ambiguous language; update section headings and formatting; and restructure the regulatory chapter.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide oral comments. Interested persons may provide verbal comments in person or by participating via phone conference line by calling 888-820-1398; Participant code: 3213662#.

Interested persons may attend the hearing and provide verbal or written comments, or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals who are deaf or hard of hearing may call DHHS via the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 178	Prepared by: Deb wilson
Chapter: 24	Date prepared: 10/1/2021
Subject: Methamphetamine Cleanup	Telephone: 402-471-0560

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

TITLE 178

ENVIRONMENTAL HEALTH

CHAPTER 24

METHAMPHETAMINE CLEANUP

24-001. SCOPE AND AUTHORITY. These regulations establish procedures that a property owner must follow in the decontamination of methamphetamine contaminated property. Authority for these regulations is found in Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-2432 to 71-2435. ~~Persons cleaning up clandestine drug labs must consult with state and local agencies regarding decontamination of these properties. These agencies include the Nebraska Department of Health and Human Services, the Nebraska Department of Environmental Quality, the Nebraska State Patrol, local law enforcement, and the local public health department.~~

24-002. DEFINITIONS. Definitions set out in Neb. Rev. Stats. §2432 to 71-2324 and the following apply to this chapter.

002.01 ABSORPTION FIELD. ~~Absorption field~~ a A series of trenches containing coarse aggregate ~~(for example, gravel or crushed stone)~~ into which a perforated or open joint pipe is placed. Discharge from a septic tank is distributed through these pipes into the trenches and the surrounding soil.

002.02 AIR DISTRIBUTION SYSTEM. ~~Air distribution system means~~ the heating and air-conditioning system.

002.03 ALKALINE. ~~Alkaline means~~ a A solution with a potential hydrogen (pH) greater than 7.0, or a basic, ~~(non-acidic)~~ solution.

002.04 ASBESTOS. ~~Asbestos means~~ a A sbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.

~~ATSM means ASTM International (formerly American Society for Testing and Materials).~~

002.05 BACKGROUND CONCENTRATION. ~~Background concentration means~~ the level of a chemical substance collected from environmental media that is naturally occurring, ~~and/or~~ or is not associated with methamphetamine production at a site, ~~and/or~~ or is less than existing State regulatory ~~and/or~~ or risk-based standards, or both.

002.06 CERTIFIED HAZARDOUS MATERIALS MANAGER (CHMM). ~~Certified Hazardous Materials Manager (CHMM) means~~ a An individual who has been certified by and is in good standing with the Institute of Hazardous Materials Management as a certified hazardous materials manager (CHMM).

002.07 CHAIN OF CUSTODY (COC). ~~Chain of Custody (COC) means a~~ A procedure used to document each person that has had possession or control of an environmental sample from its collection to ~~its~~ analysis. ~~The purpose of a COC document is to record the handling history of a sample from the collection, transportation, and receipt process.~~

~~Characterize means a description of the quality, quantity and/or properties of a chemical substance by sampling environmental media (for example, soil, air, water, or from surfaces such as countertops or flooring), and conducting subsequent analysis.~~

002.08 CHEMICAL OF POTENTIAL CONCERN (COPC). ~~Chemical of potential concern (COPC) means a~~ An element or compound collected from environmental media that is being assessed to determine if it is a health concern for humans in contact with it. Chemicals of potential concern may include reagents and products used in the manufacturing and production of methamphetamine, including, but not limited to methamphetamine, its salts, optical isomers, and salts of its isomers.

~~Clandestine drug lab means any area where glassware, heating devices, or other equipment or precursors, solvents, or related articles or reagents are used to unlawfully manufacture methamphetamine.~~

002.09 CONFIRMATION SAMPLING. ~~Confirmation sampling means v~~ Verifying by on-site ~~and/or~~ laboratory analysis, or both, that the concentration of a chemical of concern is below a State regulatory ~~and/or~~ risk-based standard, or both, by collecting samples of environmental media.

002.10 CONTAMINANT. ~~Contaminant means a~~ A chemical of potential concern present at a site in environmental media that is present above State regulatory and risk-based standards.

~~Contaminated property means an enclosed area of any property or portion thereof intended for human habitation or use which has been contaminated by chemicals, chemical residue, methamphetamine, methamphetamine residue, or other substances from a clandestine drug lab.~~

002.11 CONTAMINATION. ~~Contamination means t~~ The presence of a chemical or chemicals of potential concern at a site in environmental media that is present above State regulatory ~~and/or~~ risk-based standards, or both.

002.12 COOKING AREA. ~~Cooking area means t~~ The specific location within a structure ~~(for example, a particular room in a home)~~ where ~~the~~ methamphetamine was prepared.

002.13 DECONTAMINATION. ~~Decontamination means t~~ To treat or remove a contaminant, or contaminants to reduce concentrations below State regulatory ~~and/or~~ risk-based standards, whichever is the most conservative.

002.14 DECONTAMINATION CONSULTANT. ~~Decontamination Consultant means a~~ Certified Hazardous Materials Manager (CHMM) or an individual with experience in environmental site assessment and decontamination whose work-plan is approved by a certified hazardous materials manager (CHMM).

~~Department means the Department of Health and Human Services (DHHS).~~

002.15 EMULSIFIER. ~~Emulsifier is~~ Emulsifier means and An additive that promotes the formation of a stable mixture or (emulsion) of ingredients that do not normally bind together, ~~(for example, oil and water).~~ An emulsifier is a type of surfactant.

002.16 ENVIRONMENTAL MEDIA OR MEDIUM. ~~Environmental media or medium means~~ Soil, air, water, or substances collected from wiping indoor surfaces, such as countertops or flooring.

002.17 HIGH-EFFICIENCY PARTICULATE AIR (HEPA). ~~HEPA means High-Efficiency Particulate Air.~~ A HEPA filtering system which includes a specially constructed filter membrane ~~that is~~ capable of capturing 99.97% of particles, typically as small as 0.3 microns or 300 nanograms per cubic meter (300ng/m³).

002.18 IMMUNOASSAY. ~~Immunoassay means a~~ A laboratory technique that makes use of the binding between an antigen and its homologous antibody in order to identify and quantify a substance.

~~Methamphetamine means methamphetamine, its salts, optical isomers, and salts of its isomers. Methamphetamine has a CAS (Chemical Abstracts Service) registration number of 537-46-2.~~

~~Local public health department means a public health department as defined in Neb. Rev. Stat. § 71-1626 and which is the local public health department serving the municipality or county where a clandestine drug lab has been discovered.~~

~~NDEQ means the Nebraska Department of Environmental Quality.~~

~~NIOSH means the National Institute of Occupational Safety and Health.~~

002.19 PERSONAL PROTECTIVE EQUIPMENT LEVEL C. ~~PPE Level C means level C is e~~ Personal protective equipment to that includes s disposable outerwear that is hooded, and poly-coated to protect against the permeation of liquids and gases, that is (ASTM F1001 certified); a full-face or half-mask with air purifying combination respirators for particulates, gases and vapors, (NIOSH approved) that is approved by the National Institute of Occupational Safety and Health; 2 ~~two~~ pairs of chemical-resistant gloves, (both inner and outer); and chemical resistant boots. Personal protective equipment PPE is designed to prevent or minimize ingestion, inhalation and ~~or~~ dermal contact exposure to with contaminants.

002.20 PHENYL-2-PROPANONE (P2P). ~~P2P means the phenyl-2-propanone~~ A method used to manufacture and produce methamphetamine. Phenyl-2-propanone P2P is a chemical precursor of methamphetamine.

002.21 PHOTO IONIZATION DETECTOR. ~~PID means Photo-Ionization Detector. A PID is a~~ A portable gas detector used to identify the presence of volatile organic compounds (VOCs), toxic and combustible gases.

002.22 POROUS. ~~Porous means Porous s~~Surfaces at a site, ~~(for example,~~ countertops, flooring, drywall, and fabrics), ~~;~~ which may be susceptible to permeation by liquids, gases or powders.

002.23 POTENTIAL HYDROGEN (pH). ~~pH means a~~ A measure, on a scale from 0 to 14, of the acidity, ~~(less than 7.0),~~ or alkalinity, ~~(greater than 7.0),~~ of a solution, ~~;~~ where 7.0 is considered neutral.

002.24 PRECURSOR. ~~Precursor means a~~ A chemical or compound that precedes the formation of the final chemical or compound in a sequence of chemical reactions.

002.25 PROPER DISPOSAL. ~~Proper disposal means t~~The discarding of precursors, reagents, contaminated environmental media, ~~or and~~ other items found at the site, ~~according to in accordance with~~ applicable regulations ~~which can be found by contacting the local public health department and the Nebraska Department of Environmental Quality's Waste Management Section.~~

002.26 PROPERTY OWNER OR OWNERS. ~~Property Owner means t~~The owner ~~(s) or owners~~ of record, who is ~~or~~ are the title-holder ~~(s) or holders~~ of the property as shown in ~~on the~~ county records, ~~and may be an individual, corporation or other entity.~~

002.27 REAGENT. ~~Reagent means a~~ A chemical substance used to produce a chemical reaction to detect, measure or produce other substances.

002.28 RISK-BASED STANDARD. ~~Risk-based standard means a~~ A concentration of a chemical substance that is not to be exceeded in a particular environmental medium ~~and/or~~ at a site, or both, in order to reduce the potential for adverse health effects as a result of exposure.

002.29 SEPTIC SYSTEM. ~~Septic System means a~~ A domestic wastewater treatment system, consisting of a septic tank and a soil absorption system. Waste is piped directly from the structure home into the system where bacteria decompose the waste, sludge settles to the bottom of the tank, and the treated effluent flows out into the soil absorption field through drainage pipes.

~~Sequestering agent means a substance that captures or prevents another substance from coming out of, or precipitating from a solution.~~

002.30 SHARPS. ~~Sharps means h~~Hypodermic needles.

~~002.31 SITE. Site means a~~An enclosed area of any property or portion intended for human habitation or use, that has been used for the manufacturing and production of methamphetamine, ~~and~~ that has been contaminated by chemicals of potential concern.

~~002.32 SOLVENT. Solvent means a~~ A substance, ~~(for example, water or another liquid),~~ that is capable of dissolving or dispersing one or more other substances.

~~002.33 SURFACTANT. Surfactant means a~~ A chemical that reduces surface tension at the interface between oil and water molecules, keeping the mixture from separating into layers. ~~An emulsifier is a type of surfactant.~~

~~USEPA means the United States Environmental Protection Agency.~~

~~002.34 VENTILATION SYSTEM. Ventilation system means a~~Any system within a structure that is designed to vent indoor air to the outdoors ~~(for example, a bathroom venting fan or a stove range hood).~~

~~002.35 VOLATILE ORGANIC COMPOUNDS. VOCs mean Volatile Organic Compounds. These e~~Chemicals that typically have high vapor pressures and can evaporate easily at ambient ~~or~~ (room) temperature. ~~Several VOCs are used in the manufacturing and production of methamphetamine.~~

~~002.36 WIPE KIT. Wipe kit means s~~Sterile gauze pads, filter papers, solvents, templates, gloves, etc., ~~and other items that comprise the methamphetamine sampling supplies that are used by the Decontamination Consultant~~ to test for methamphetamine at the site.

~~24-003 REPORTING METHAMPHETAMINE CONTAMINATED PROPERTY~~

~~24-003.01 Property Owner Discovery: A property owner with knowledge of a clandestine drug lab on his/her property shall report such knowledge and location as soon as practicable to the local law enforcement agency or to the Nebraska State Patrol.~~

~~24-003.02 Law Enforcement Discovery: A law enforcement agency that discovers a clandestine drug lab in the State of Nebraska shall report the location of such lab to the Nebraska State Patrol within 30 days after making the discovery. Such report shall include:~~

- ~~1. The date of discovery of such lab;~~
- ~~2. The county where the property containing such lab is located; and~~
- ~~3. A legal description of the property or other description(s), or address of such sufficient to clearly establish the location.~~

~~24-003.02A Required List of Chemicals: As soon as practicable after such discovery, the law enforcement agency shall provide the Nebraska State Patrol with a complete list of the chemicals found at or removed from the location of such lab, including:~~

- ~~1. Methamphetamine;~~
- ~~2. Its precursors;~~

- ~~3. Solvents; and~~
- ~~4. Related reagents.~~

~~24-003.02B Nebraska State Patrol Notification Requirements: Upon receipt, the Nebraska State Patrol shall promptly forward a copy of such report and list as specified in 178 NAC 23-003.02 and 23-003.02A to the:~~

- ~~1. Department;~~
- ~~2. Department of Environmental Quality;~~
- ~~3. Municipality or county where the lab is located;~~
- ~~4. Director of the local public health department serving such municipality or county; and~~
- ~~5. Property owner.~~

~~24-0034. LOCAL PUBLIC HEALTH DEPARTMENT. The local health department must:~~

~~24-004.01 Responsibility: The local public health department shall monitor the rehabilitation of any contaminated property in accordance with standards and procedures set out in these regulations.~~

~~24-0034.012 NOTIFICATION. Notification: The local public health department must notify~~ of and provide the property owner with a copy of these regulations to ensure that proper posting and restrictions to the property are in place as soon as possible.

~~24-0034.023 MONITORING SITES. Monitoring Sites: Monitoring by the local public health department must include ensuring that the property to ensure~~ all openings to the site are posted with warning signs until the property has been properly decontaminated and released for human habitation.

~~24-0045. SITE PREPARATION FOR DECONTAMINATION.:~~ The contaminated property must be prepared for decontamination as follows:

- ~~(A)1.~~ The local public health department, must provide appropriate warning signs to the property owner, and ensure that the warning signs are posted prominently at all points of entry into the site;
- ~~(B)2.~~ The signs must state that the property has been contaminated with hazardous materials;
- ~~(C)3.~~ Warning signs must remain in place until the local public health department has released the property for human habitation;
- ~~(D)4.~~ Access to the site must be restricted by the property owner to only those individuals directly responsible for implementing the decontamination procedures;
- ~~(E)5.~~ The air distribution system must be isolated between the decontamination area and other residential units, if applicable, ~~(for example, a duplex or apartment)~~ to ensure airborne contamination cannot be carried into other areas. The decontamination area may include one or more unit(s) or the entire complex;
- ~~(F)6.~~ Openings, such as doors, must be sealed off between the decontamination area and other areas that have not been contaminated using polyethylene sheeting with a minimum thickness of 4-mil (0.004 inch) to provide a moisture and vapor barrier;
- ~~(G)7.~~ The structure must be aired out for ~~three to five days (a minimum of 72 hours)~~ before beginning decontamination. The building's windows must ~~all~~ be opened and exhaust fans

must be used to ~~move~~ ~~circulate~~ air out of the structure. The structure must remain secure ~~from unauthorized entry~~ during this process; and

- ~~(H)8-~~ A visual inspection of the contaminated property must be ~~completed~~ ~~done~~ to determine the specific locations where clandestine laboratory chemicals were manufactured, stored, or disposed of. ~~The results of the This~~ visual inspection must ~~be include~~ documented~~ation~~ and ~~include~~ a description of:
- ~~(i)a-~~ Hazardous chemicals ~~and/or~~ chemical storage tanks, ~~or both that are present at the site that may have been overlooked by response personnel;~~
 - ~~(ii)b-~~ The air distribution system;
 - ~~(iii)c-~~ The ventilation system~~(s)~~ ~~or systems;~~
 - ~~(iv)d-~~ The water supply system, (if a private well is present);
 - ~~(v)e-~~ The plumbing and septic system;
 - ~~(vi)f-~~ Stained porous surfaces;
 - ~~(vii)g-~~ Burn pits or trash piles; and
 - ~~(viii)h-~~ Areas of suspected soil contamination.

~~24-0045.01~~ DECONTAMINATION WORK PLAN.~~Decontamination Work Plan:~~ As part of performing the decontamination, the property owner or a ~~d~~Decontamination ~~c~~Consultant must provide the local public health department with a written decontamination work plan. The plan must include:

- ~~(A)1-~~ A detailed site map with floor plan to scale;
- ~~(B)2-~~ A description of the health and safety procedures that will be followed, including the use of personal protective equipment to be worn while in or on the contaminated portion of the property;
- ~~(C)3-~~ A detailed summary and photos of all locations where decontamination will occur;
- ~~(D)4-~~ A detailed summary of all procedures to be employed ~~in~~ removing contamination ~~and/or~~ cleaning the site to minimize human exposure; and
- ~~(E)5-~~ A schedule outlining the timeframe for completing the decontamination.

~~A sample of a written work plan is available from the Department's Risk Assessment Program at 301 Centennial Mall South, P.O. Box 95026, Lincoln, NE 68509-5026, or on the Department's Risk Assessment webpage at: <http://www.dhhs.ne.gov/puh/enh/riskasse/exposechem.htm>.~~

~~24-005.01A Decontamination Consultant Responsibility: Copies of certificates and credentials must be submitted by the Decontamination Consultant to the Department's Risk Assessment Program prior to beginning work at the site.~~

24-0056. REQUIREMENTS DURING THE PERFORMANCE OF THE SITE DECONTAMINATION. The property owner or the ~~d~~Decontamination ~~c~~Consultant must:

- ~~(A)1-~~ Obtain written approval of the decontamination work plan from the local public health department ~~as specified in 178 NAC 24-0045.01~~. The property owner or ~~d~~Decontamination ~~c~~Consultant must follow and meet the timeframes for completion as set forth in the approved work plan;
- ~~(B)2-~~ Restrict access of the contaminated property to only those individuals directly involved in implementing and monitoring the decontamination activities. ~~These individuals may include:~~
 - ~~a. Decontamination Consultants;~~
 - ~~b. The property owner;~~

~~c. — Members of the property owner(s) family; and~~

~~d. — Unpaid volunteers.~~

~~(C)3.~~ Notify and make aware all individuals directly involved in implementing and monitoring the decontamination activities of the health hazards at the contaminated property and follow the approved health and safety procedures;

~~(D)4.~~ Require each individual who enters the contaminated property to sign in;

~~(E)5.~~ Maintain sign-in sheets for the duration of the decontamination project and make them available to the local public health department when requested;

~~(F)6.~~ Require all individuals who enter the work area to use personal protective equipment (PPE) providing Level C protection. Personal protective equipment PPE must be worn to prevent or minimize ingestion, inhalation, and other routes of contact exposure with contaminants;

~~(G)7.~~ Require all individuals, before leaving the work area to:

~~(i)a.~~ Remove all disposable outer clothing;

~~(ii)b.~~ Place clothing in a plastic bag; and

~~(iii)c.~~ Properly dispose of them.;

~~(H)8.~~ Clean the surfaces of all tools and equipment used in the work area prior to removal from the contaminated property; and

~~(I)9.~~ Contact the local public health department and the Nebraska Department of Environment and Energy NDEQ Waste Management Section to determine how to appropriately dispose of all contaminated materials, waste and debris from the site according to in accordance with all applicable waste regulations.

~~24-0067. PERFORMANCE OF SITE DECONTAMINATION.:~~ A property owner who ~~wants to~~ performs site decontamination must contact the local public health department to ensure ~~that~~ all applicable local, state, and federal regulations are complied with in the decontamination process. ~~A list of Decontamination Consultants is available from the Department's Risk Assessment Program, 301 Centennial Mall South, P.O. Box 95026, Lincoln, NE 68509-5026, or on the Department's Risk Assessment webpage at: <http://dhhs.ne.gov/puh/enh/riskasse/exposechem.htm>.~~

~~It is recommended that a Decontamination Consultant be used to complete the decontamination in order to meet the standards set forth in these regulations.~~

~~24-007.01 Pre-1980 Residences:~~ Decontamination may lead to the disturbance of other materials such as asbestos or lead paint (if the residence is pre-1980) which may require services by a licensed contractor who specializes in the remediation of these materials. Contact the Department with any questions or concerns.

~~24-0067.012 PHASE 1 – REMOVAL OF ITEMS FOR DISPOSAL.Phase 1 – Removal Of Items For Disposal:~~ In order to remove items for disposal, the property owner or a ~~d~~Decontamination ~~c~~Consultant must:

~~(A)1.~~ Complete a thorough assessment of the property for sharps. Care must be taken to identify sSharps that are ~~often~~-hidden or stored in obscure places that and pose a hazard to decontamination workers. Sharps must not be handled directly. ~~Use t~~ongs

- or pliers must be used to pick up sharps. Sharps must be placed in a labeled puncture-proof container and sealed for proper disposal;
- ~~(B)2-~~ Remove all household chemical products. Some materials ~~(for example, paint, oil, and, pesticides)~~, require special handling and disposal. ~~Contact the~~ local public health department and the ~~NDEQ Waste Management Section~~ Nebraska Department of Environment and Energy must be contacted for ~~guidelines on~~ for identifying, handling, and disposal of these substances;
- ~~(C)3-~~ Remove and dispose of all general site debris;
- ~~(D)4-~~ Remove and dispose of all items that cannot be properly decontaminated.; These items include but are not limited to:
- ~~(i)a-~~ Window mounted air conditioning units;
 - ~~(ii)b-~~ Ceiling fans; and
 - ~~(iii)c-~~ Drop in or acoustic ceiling tiles;
- ~~(E)4-~~ Remove and dispose of ~~a~~All fabric items from the cooking area. No attempt must be made to remove stains from porous fabric items or other items that can be easily disposed of. ~~It is prohibited to attempt to remove stains from porous fabric items or other items that can be easily disposed of. Some chemicals used in the manufacturing of methamphetamine, such as iodine and red phosphorus, if spilled, result in staining. Attempting to remove these stains can produce toxic and deadly vapors. These items include, but are not limited to:~~
- ~~a-~~ Carpeting;
 - ~~b-~~ Drapery; and
 - ~~c-~~ Fabric covered furniture; and
- ~~(F)6-~~ Place ~~Contain~~-debris, fabric items from the cooking area, and items that cannot be properly decontaminated, as listed in ~~178 NAC 24-006.01 items 3, 4, and 5~~ this chapter, in a container. ~~and assure that these items are~~ The container must not be accessible to the public when placed ~~others while~~ outside of the structure. Dumpsters must be covered and locked while awaiting ~~prior to landfill~~ disposal; and
- ~~(G)7-~~ Disconnect ~~Turn off~~ electricity to the contaminated area, if possible.; aAll electrical outlets and light fixtures must be covered to prevent exposure to water during cleaning.

~~24-0067.023~~ PHASE 2 – CLEANING PROCEDURES. ~~Phase 2 – Cleaning Proceecures:~~ The property owner or decontamination consultant must adhere to the following cleaning procedures ~~and products must be used in order to properly decontaminate the site.~~

006.02(A)1- RECONTAMINATION PREVENTION. ~~Clean o~~One room must be cleaned at a time. When complete, ~~close~~ the door must be closed and the room isolated ~~the room~~ to prevent recontamination.

006.02(B)2- CLEANING SOLUTION. ~~Use an alkaline aqueous cleaning solution~~ (A water-based mixture with a potential hydrogen (pPH) greater than 7) must be used to remove the oily residue that remains after cooking methamphetamine and for neutralizing many of the remaining ~~chemicals~~ residuals. ~~Most commercially available alkaline cleaners also contain additives to improve cleaning (for example,~~

~~sequestering agents, emulsifiers, and surfactants). Always follow the manufacturer's recommendations for use. Examples of alkaline aqueous cleaners include:~~

- ~~a. Baking soda;~~
- ~~b. Hydrogen peroxide;~~
- ~~c. Neutrasol;~~
- ~~d. Neutrasorb;~~
- ~~e. Simple Green; and~~
- ~~f. Spray Clean.~~

~~The use of trade names does not imply endorsement.~~

~~24-0067.02(C)3A. AIR DISTRIBUTION SYSTEM AND VENTILATION SYSTEMS. Air Distribution System and Ventilation System(s) Cleaning Procedures The procedures for cleaning air distribution and ventilation systems are as follows.~~

- ~~(i)1. The air distribution system and ventilation system(s) must be turned off and remain off throughout the decontamination process;:-~~
- ~~(ii)2. All air filters must be removed and properly disposed of;:-~~
- ~~(iii)3. All air registers must be removed and cleaned with detergent and water solution (following the manufacturer's guidelines) and rinsed thoroughly. This procedure must be repeated two additional times, using new detergent solution and rinse water each time;:-~~
- ~~(iv)4. A fan-powered high-efficiency particulate air (HEPA) filtration system as defined in 178 NAC 24-002 must be connected to the ductwork to develop negative air pressure to aid in removal of particulates;:-~~
- ~~(v)5. Rotary brushes or other forms of mechanical agitators must be inserted into all ductwork openings to loosen and remove particulates;:-~~
- ~~(vi)6. All ductwork openings must be sealed off using polyethylene sheeting with a minimum thickness of 4-mil (0.004 inch) thickness) to prevent recontamination until further decontamination work at the site has been completed;:-~~
- ~~(vii)7. After cleaning, the dDecontamination cConsultant must test surfaces in the air distribution system and the ventilation system(s) for the presence of methamphetamine; and-~~
- ~~(viii)8. The dDecontamination cConsultant must provide the results to the local public health department.~~

~~24-0067.02(D)3B. REMOVABLE ITEMS. Cleaning Procedures for Removable Items The procedures for cleaning removable items are as follows.~~

- ~~(i)1. All removable items (for example, appliances, mini-blinds, and light fixtures), that are not disposed of must be cleaned by both high-efficiency particulate air (HEPA) vacuuming and, following all manufacturers' guidelines, one of the following methods:
 - ~~(1)a. Steam cleaning with a hot water and detergent solution and extraction by wet vacuum;~~
 - ~~(2)b. Washing in a washing machine or dishwasher with hot water and a detergent solution; or~~~~

- (3)e. For non-porous surfaces only, wash by wiping down with hot water and an alkaline aqueous cleaning solution;
- (ii)2. Items as described in 178 NAC 24-0067.03(D)(i)B, ~~item 4~~ must then be moved out of the room prior to continuing with decontamination of the ceiling, walls, and floor(s);
- (iii)3. After cleaning, the ~~d~~Decontamination ~~c~~Consultant must test all items for the presence of methamphetamine; ~~and~~
- (iv)4. The ~~d~~Decontamination ~~c~~Consultant must provide the results to the local public health department.

24-0067.02(E)3G SURFACE CLEANING. ~~Surface Cleaning Procedures. The procedures for cleaning of surfaces are as follows.~~

- (i)1. ~~With the exception of Other than~~ concrete flooring, ~~cover~~ the floor of the room must be covered with polyethylene sheeting with a minimum thickness of 4-mil (0.004 inch) and taped ~~up~~ onto the baseboard to contain excess solution while rinsing the ceiling and walls;:-
- (ii)2. ~~Use a~~ An alkaline aqueous cleaning solution. ~~This solution~~ must be applied to all remaining exposed surfaces (~~for example~~, ceilings, walls, doors, windows and closets). A sprayer must be used for applying the cleaning solution. The solution must be left on the surfaces for a minimum of 10 ~~ten~~ minutes prior to removal;:-
- (iii)3. Beginning at the ceiling, all surfaces must be scrubbed, including walls, windows, doors and closets;:-
- (iv)4. An extraction machine, ~~(similar to a carpet-cleaning machine that simultaneously rinses and collects the rinsate in the attachment),~~ or pressure washer must be used to rinse and extract the contamination from the scrubbed surfaces. ~~Heated water must be used to effectively remove the oily residue. Two decontamination workers at this stage must be used, one to rinse and the other one to wet vacuum. Rinseing and or extraction must be completed in one direction to remove contamination without redistributing it to decontaminated areas;:-~~
- (v)5. ~~Remove t~~The polyethylene sheeting must then be removed and ~~repeat~~ the decontamination process repeated for the floor. ~~Rinseing and or extraction must be completed in one direction to remove contamination without so as to not redistributeing it to decontaminated areas;:-~~
- (vi)6. Adjustment of the potential hydrogen (pH) and dilution may be required before disposal of the extracted liquid to a drain. ~~Contact t~~The local public health department and the Nebraska Department of Environment and Energy must be contacted NDEQ Waste Management Section prior to disposal;:-
- (vii)7. When the cleaning procedures are complete, the windows to the structure must be opened, and fans set up to ventilate air-out the site for ~~one to two days (a minimum of 24 hours minimum),~~ to draw out excess moisture generated during the cleaning procedures;:-
- (viii)8. After cleaning, the ~~d~~Decontamination ~~c~~Consultant must test surfaces for the presence of methamphetamine; ~~and-~~
- (ix)9. The ~~d~~Decontamination ~~c~~Consultant must provide the results to the local public health department.

~~24-0067.02(F)3D PLUMBING AND SEPTIC SYSTEM CLEANING. Plumbing and Septic System Cleaning Procedures-The procedures for cleaning plumbing and septic systems are as follows.~~

- ~~(i)1.~~ The accessible plumbing components, ~~(for example, traps),~~ where chemicals of potential concern have been disposed of must be cleaned and tested to meet the standards specified in ~~this chapter 178 NAC 24-010; and~~
- ~~(ii)2.~~ The septic system, ~~(if present),~~ must be pumped as part of the decontamination. The system must be pumped prior to site cleaning and again after completion of site decontamination to avoid overflow into the absorption field. ~~Nebraska Department of Environment and Energy regulations NDEQ Title 118 and 122 requirements~~ must be met in order to protect ground water, ~~and~~ ~~Additional oversight by the Nebraska Department of Environment and Energy NDEQ~~ may be required.

~~24-0067.02(G)3E SOIL DECONTAMINATION.-Soil Decontamination Procedures-The procedures for decontaminating soil are as follows.~~

- ~~(i)1.~~ To ensure compliance with ~~Nebraska Department of Environment and Energy regulations NDEQ Titles 118,128, and 132, the Nebraska Department of Environment and Energy NDEQ~~ must be consulted regarding removal of contamination in, or decontamination of:
 - ~~(1)a.~~ Burn areas;
 - ~~(2)b.~~ Trash areas; and
 - ~~(3)c.~~ Dump sites;
- ~~(ii)2.~~ If soil or ground water cleanup is required, the cleanup standards selected must be:
 - ~~(1)a.~~ At or below background ~~concentration;~~ or
 - ~~(2)b.~~ Equal to or less than state regulatory standards ~~of 178 NAC 24-009,~~ if applicable, and if not applicable, federal risk-based standards outlined in the ~~United States Environmental Protection Agency Risk-Based Concentrations Table~~ for residential, or if relevant, industrial exposure. ~~The United States Environmental Protection Agency USEPA table is available for viewing can be accessed at the following web address:~~
~~<https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables>~~
~~http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/GenericTables/index.htm~~
- ~~(iii)~~ Alternative values may be proposed but approval is required by the ~~Nebraska Department of Environment and Energy NDEQ and the Department's Risk Assessment Program.~~

~~24-0078. CONFIRMATION SAMPLING. Confirmation—Sampling:~~ A ~~d~~decontamination ~~c~~consultant must collect confirmation samples for analysis after completion of the decontamination procedures. Samples collected for offsite quantitative laboratory analysis, ~~(versus onsite semi-quantitative immunoassay),~~ must be analyzed using ~~United States Environmental Protection Agency USEPA modified method #8270.~~ ~~This document is available for viewing at the Department of Health and Human Services, Division of Public Health, Environmental Health, 301 Centennial Mall South, Lincoln, Nebraska 68509.~~ Confirmation sampling is required to ensure that concentrations of the chemicals of potential versus

concern are not present at the site above the standards required in 178 NAC 24-00940. If the standards are not achieved, the property owner or a ~~d~~Decontamination ~~c~~Consultant must perform additional decontamination until these standards are met.

24-0078.01 PROCEDURES. Confirmation Sampling Procedures Confirmation sampling procedures are as follows.

- ~~(A)1.~~ All sample locations must be photographed;
- ~~(B)2.~~ Samples must be collected from all areas identified in this section following the sampling procedures outlined in this section; 178 NAC 24-008.
- ~~(C)3.~~ All samples must be collected by strict adherence to the sample kit or laboratory instructions;
- ~~(D)4.~~ At a minimum, one sample media blank, treated in the same fashion but without wiping, must be submitted for every ten samples collected;
- ~~(E)5.~~ All samples must be obtained, handled, and preserved under a chain-of-custody (COC) procedure;
- ~~(F)6.~~ All samples must be labeled with the:
 - ~~(i)a.~~ Site address;
 - ~~(ii)b.~~ Sample location;
 - ~~(iii)c.~~ Sample number;
 - ~~(iv)d.~~ Date and time of collection; and
 - ~~(v)e.~~ Name of sample collector; and
- ~~(G)7.~~ All samples must be analyzed for methamphetamine.

24-0078.02 AIR DISTRIBUTION SYSTEM AND VENTILATION SYSTEMS. Confirmation Sampling for Air Distribution System and Ventilation System(s) Confirmation sampling procedures for air distribution system and ventilation systems are as follows.

- ~~(A)24-008.02A.~~ A wipe kit as specified in 178 NAC 24-002 must be used to collect the confirmation sample;
- ~~(B)24-008.02B.~~ At a minimum, one 100 square centimeter (~~approximately 4 inches x 4 inches~~) wipe sample must be collected and analyzed from the ductwork directly inside the inlet of the air distribution system, (where air is brought into the system, as opposed to not from a vent where air is forced back out of the system,) and A sample must also be collected and analyzed from within the first 12 inches of each ventilation system (~~within the first 12 inches~~); and
- ~~(C)24-008.02C.~~ Disposable templates or masking tape must be attached to the area to be sampled. The sample area must not be touched prior to collection of the sample. The template must be left in place until the test results are known.

24-0078.03 REMOVABLE ITEMS AND SURFACES. Confirmation Sampling for Removable Items and Surfaces Confirmation sampling procedures for removable items and surfaces are as follows.

- ~~(A)24-008.03A.~~ A wipe kit as specified in 178 NAC 24-002 must be used to collect the confirmation sample;
- ~~(B)24-008.03B.~~ At a minimum, one 100 square centimeter (~~approximately 4 inches x 4 inches~~) wipe sample must be collected and analyzed from:
 - ~~(i)1.~~ All surfaces in the cooking area, (ceiling, floor, each wall, and countertops);
 - ~~(ii)2.~~ Each room or /area at the site potentially impacted by contamination;

- ~~(iii)3.~~ Each room or /area served by the air distribution system; and
- ~~(iv)4.~~ From all removable items that the property owner would like to retain; ~~(for example, blinds, fixtures, and furniture).~~

~~(C)24-008.03C~~ At a minimum, one sample media blank, treated in the same fashion but without wiping, must be submitted for every ten samples collected; and

~~(D)24-008.03D~~ Disposable templates or masking tape must be attached to the area to be sampled. The sample area must not be touched prior to collection of the sample. The template must be left in place until the test results are known.

24-0078.04 PLUMBING AND SEPTIC SYSTEMS. ~~Plumbing and Septic System(s) — Confirmation Sampling~~ Confirmation sampling procedures for plumbing and septic systems are as follows.

~~(A)24-008.04A~~ All accessible plumbing must be tested for volatile organic compounds VOCs, using instrumentation such as a photo ionization detector PID to determine if there are potentially harmful or combustible gases present. Instrument manufacturer guidelines must be followed for use and analysis of total volatile organic compounds VOCs. The equipment probe must be held in the plumbing pipe above the trap for a minimum of 60 seconds; and

~~(B)24-008.04B~~ The Nebraska Department of Environment and Energy NDEQ must be consulted to determine required confirmation sampling for the septic system. A sample of the septic tank liquid, if applicable, must be collected and analyzed for the site chemicals of potential concern.

24-0078.05 MERCURY. ~~Indoor Air Confirmation Sampling for Mercury~~ Confirmation sampling procedures for mercury presence in indoor air are as follows.

~~(A)24-008.05A~~ If the cooking method is unknown or is known to be the phenyl 2 propane (P2P) Method, confirmation sampling of indoor air must be performed; using a mercury vapor analyzer, to analyze for the presence of mercury; and

~~(B)24-008.05B~~ The indoor temperature of the structure must be documented and maintained between 75 and 80 degrees Fahrenheit throughout the sampling; and

~~(C)24-008.05C~~ At a minimum, one real time confirmation sample for mercury analysis must be collected in each room on the level of the structure where the methamphetamine cooking area was located, from a breathing zone height of between three to four feet from ground level. All collection locations must be documented.

24-0089. REPORTING. This section addresses the requirements for reporting the confirmation sampling results and releasing the property.

24-0089.01 RELEASING THE PROPERTY. ~~Releasing the Property:~~ The ~~d~~Decontamination ~~c~~Consultant must submit the confirmation sampling results to the local public health department. If the results do not indicate the levels of contaminants have been reduced to meet the standards, the decontamination process must be repeated and samples taken in those rooms or /areas of concern. The local health department must write a letter to the property owner, releasing the property, if the test results meet the standards outlined in these regulations.

24-00940. DECONTAMINATION STANDARDS ∴ The standards listed below must be met before the local health department can release the property for human habitation and commercial or other use.

Method	Chemical	Sample Type	Decontamination Standard
<u>Phenyl-2-propanone (P2P)</u>	Lead (total) ¹	Surface Area Wipe	Less than or equal to 40µg/ft ²
	Mercury ²	Air	Less than or equal to 300 ng/m ³
	Methamphetamine ³	Surface Area Wipe	Less than or equal to <u>1.5</u> <u>0.1</u> µg/100cm ²
	Total <u>Volatile Organic Compounds-VOCs</u> ⁴	Air*	Less than or equal to 1 ppm
Ephedrine/ Pseudoephedrine	Methamphetamine ³	Surface Area Wipe	Less than or equal to <u>1.5</u> <u>0.1</u> µg/100cm ²
	Total <u>Volatile Organic Compounds VOCs</u> ⁴	Air*	Less than or equal to 1 ppm
Unknown	Lead (total) ¹	Surface Area Wipe	Less than or equal to 40µg/ft ²
	Mercury ²	Air	Less than or equal to 300 ng/m ³
	Methamphetamine ³	Surface Area Wipe	Less than or equal to <u>1.5</u> <u>0.1</u> µg/100cm ²
	Total <u>Volatile Organic Compounds VOCs</u> ⁴	Air*	Less than or equal to 1 ppm

(1) Units in micrograms of lead per square foot

(2) Units in nanograms of mercury per cubic meter of air

(3) Units in micrograms of methamphetamine per 100 square centimeters

(4) Units in parts per million

*Air from plumbing trap

~~24-011 PENALTY: A property owner who knowingly allows human habitation or use of the contaminated property prior to release by the local health department may be subject to a civil penalty not to exceed \$1,000.00 dollars.~~