

CERTIFICATION OF METH HOUSES

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Environmental Quality Code by amending the certification and authority of persons to decontaminate and inspect contaminated buildings.

Highlighted Provisions:

This bill:

▶ provides that persons certified as a decontamination specialist may only evaluate and decontaminate real property contaminated by hazardous substances;

▶ creates the position of decontamination inspector and provides for certification of decontamination inspectors; and

▶ provides that:

• a certified decontamination specialist may not act as a decontamination inspector; and

• a certified decontamination inspector may not act as a decontamination specialist.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **19-6-902**, as enacted by Laws of Utah 2004, Chapter 249
 29 **19-6-904**, as enacted by Laws of Utah 2004, Chapter 249
 30 **19-6-906**, as enacted by Laws of Utah 2004, Chapter 249



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **19-6-902** is amended to read:

34 **19-6-902. Definitions.**

35 As used in this part:

36 (1) "Board" means the Solid and Hazardous Waste Control Board, as defined in
37 Section 19-1-106, within the Department of Environmental Quality.

38 (2) "Certified decontamination inspector" means an individual who has met the
39 standards for certification as a decontamination inspector and has been certified by the board
40 under Subsection 19-6-906(2).

41 ~~(2)~~ (3) "Certified decontamination specialist" means an individual who has met the
42 standards for certification as a decontamination specialist and has been certified by the board
43 under Subsection 19-6-906(2).

44 ~~(3)~~ (4) "Contaminated" or "contamination" means polluted by hazardous materials
45 that cause property to be unfit for human habitation or use due to immediate or long-term
46 health hazards.

47 ~~(4)~~ (5) "Contamination list" means a list maintained by the local health department of
48 properties:

49 (a) reported to the local health department under Section 19-6-903; and

50 (b) determined by the local health department to be contaminated.

51 ~~(5)~~ (6) "Decontaminated" means property that at one time was contaminated, but the
52 contaminants have been removed.

53 ~~(6)~~ (7) "Hazardous materials":

54 (a) has the same meaning as "hazardous or dangerous materials" as defined in Section
55 58-37d-3; and

56 (b) includes any illegally manufactured controlled substances.

57 ~~(7)~~ (8) "Health department" means a local health department under Title 26A, Local
58 Health Authorities.

59 [(8)] (9) "Owner of record":

60 (a) means the owner of real property as shown on the records of the county recorder in
61 the county where the property is located; and

62 (b) may include an individual, financial institution, company, corporation, or other
63 entity.

64 [(9)] (10) "Property":

65 (a) means any real property, site, structure, part of a structure, or the grounds
66 surrounding a structure; and

67 (b) includes single-family residences, outbuildings, garages, units of multiplexes,
68 condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers,
69 manufactured housing, shops, or booths.

70 [(10)] (11) "Reported property" means property that is the subject of a law enforcement
71 report under Section 19-6-903.

72 Section 2. Section **19-6-904** is amended to read:

73 **19-6-904. Decontamination specialist reporting to local health departments.**

74 (1) A certified decontamination specialist is required to report to the local health
75 department the location of any property that is the subject of decontamination work by that
76 decontamination specialist. The report shall be submitted prior to commencement of the
77 decontamination work.

78 (2) The report under Subsection (1) shall include:

79 (a) sufficient information to allow the local health department to investigate and verify
80 the location of the property, including the address and description of the property; and

81 (b) a proposed work plan for decontaminating the property.

82 (3) Upon completion of the decontamination process, a certification decontamination
83 inspector shall submit a report certifying that the property is decontaminated [~~shall be~~
84 ~~submitted~~] to the local health department within 30 days.

85 Section 3. Section **19-6-906** is amended to read:

86 **19-6-906. Decontamination standards -- Specialist certification standards --**
87 **Rulemaking.**

88 (1) The Department of Health shall make rules under Title 63, Chapter 46a, Utah
89 Administrative Rulemaking Act, in consultation with the local health departments and the

90 Department of Environmental Quality, to establish:

91 (a) decontamination and sampling standards and best management practices for the
92 inspection and decontamination of property and the disposal of contaminated debris under this
93 part;

94 (b) appropriate methods for the testing of buildings and interior surfaces, and
95 furnishings, soil, and septic tanks for contamination; and

96 (c) when testing for contamination may be required.

97 (2) The Department of Environmental Quality Solid and Hazardous Waste Control
98 Board shall make rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, in
99 consultation with the Department of Health and local health departments, to establish within
100 the Department of Environmental Quality Division of Environmental Response and
101 Remediation:

102 (a) certification standards for any private person, firm, or entity involved in the
103 decontamination of contaminated property~~[-and]~~, and which include the requirement that a
104 certified decontamination specialist may not also act as a certified decontamination inspector
105 while certified as a decontamination specialist;

106 (b) certification standards for any private person, firm, or entity involved in the
107 inspection of contaminated property to determine if the property has been decontaminated, and
108 which include the requirement that a certified decontamination inspector may not also act as a
109 certified decontamination specialist while certified as a decontamination inspector; and

110 ~~(b)~~ (c) a process for revoking the certification of a decontamination specialist or
111 decontamination inspector who fails to maintain the certification standards.

112 (3) All rules made under this part shall be consistent with other state and federal
113 requirements.

114 (4) The board has authority to enforce the provisions under Subsection (2).

Legislative Review Note
as of 1-30-08 6:41 PM

Office of Legislative Research and General Counsel