



Guidelines
for
Law Enforcement Agencies
for the Remediation of
Clandestine Laboratories or Clandestine Laboratory Sites

April 28, 2011

On Tuesday, 02/22/2011, the Division of Criminal Investigation (DCI) was advised by the Drug Enforcement Administration (DEA) that the funding DEA provides to state and local law enforcement agencies for clandestine laboratory and clandestine laboratory site clean-up **was no longer available.**

DCI immediately began to seek other funding sources in an attempt to defray the costs associated with clandestine laboratory (Clan Lab) and clandestine laboratory site (Clan Lab site) clean-up. DCI met with representatives from the Department of Natural Resources (DNR) and it was identified that the Environmental Protection Agency (EPA) has limited funding available to reimburse local law enforcement agencies for some of the cost associated with Clan Lab and Clan Lab site clean up. The EPA can reimburse an agency up to \$25,000 for the costs associated with a lab/site clean-up.

This letter provides direction on how to handle a Clan Lab or Clan Lab site if located in your jurisdiction. In addition, it also has a link to the EPA website in order to request reimbursement for costs associated with Clan Lab and/or Clan Lab site clean-up. Some important points to be aware of:

- If you locate a Clan Lab or Clan Lab site in your jurisdiction, you should have a member of the Clandestine Laboratory Enforcement And Response (CLEAR) Task Force evaluate the site and process any evidence that may be needed for a criminal prosecution. **Failure to properly manage a clan lab or clan lab site and the waste could be a violation of both OSHA and DNR regulations.
- The law enforcement agency (LEA) conducting the investigation of the Clan Lab or Clan Lab site must contact a hazardous waste contractor certified to remediate lab sites in Wisconsin.
- The LEA must pay for the cost of the lab/site clean-up and then request reimbursement for the costs through the EPA. In the EPA application for reimbursement, the LEA must justify why the requesting LEA is unable to pay the cost associated with the clean up, i.e. beyond financial means of LEA (number of labs, size of lab), the site posed an imminent risk (or threat) to human health or the environment (risk of fire or explosion, site not secured, near school or day-care, actual or potential threat to drinking water, soils, or groundwater, or other site specific factors), or the LEA was not able to recover the costs from the responsible party.

Also included are links to the list of the DNR Regional Spill Coordinators <http://dnr.wi.gov/org/aw/rr/spills/coordinators.pdf> and DNR approved contractors <http://dnr.wi.gov/org/aw/rr/spills/zone.pdf> . These contractors are certified hazardous waste clean-up companies who guarantee a two-hour response time and are familiar with the required response documentation required for reimbursement. Although there is no obligation to use DNR approved contractors, these contractors competitively bid to provide clean-up services for the DNR and therefore, their cost should be competitive. The decision to hire any specific clean-up company is your own.

The DCI Site Safety Officer who responds to the lab/site will provide an EPA identification number to the requesting LEA for submission to the contracted clean-up company. This number is required for the contractor to transport the materials recovered from the lab/site.

If your agency encounters a Clan Lab or Clan Lab dump site in your jurisdiction, the following procedure is recommended:

- 1) Upon discovery/notification of a lab/site, secure the scene and contact your agency's drug officer or county drug unit.
- 2) The drug officer or drug unit will then contact the DCI field office for the area and request a response from DCI.
- 3) The DCI field office's Special Agent in Charge will arrange to process the lab/site with members of the CLEAR Task Force.
- 4) The DCI Site Safety Officer will relinquish custody of any identified hazardous materials to the requesting LEA. The Site Safety Officer will also provide an EPA number required by the hazardous materials contractor.
- 5) The requesting LEA should contact an authorized hazardous materials contractor and request the contractor remediate the lab/site.
- 6) The hazardous materials contractor will respond and clean up the lab/site. The contractor will then bill the requesting LEA for the lab/site clean-up costs. The LEA should pay the contractor.
- 7) The LEA should then request reimbursement from EPA via their website: <http://www.epa.gov/oem/content/lgr/>. For additional information regarding local government reimbursement contact is Steve Faryan @ 312-353-9351 or Faryan.Steven@epamail.epa.gov.

If you have any questions in regard to this procedure or anything related to methamphetamine use or production, please feel free to contact State Methamphetamine Program Coordinator SAIC Peter M. Thelen @ 920.832.2750 or thelenpm@doj.state.wi.us.