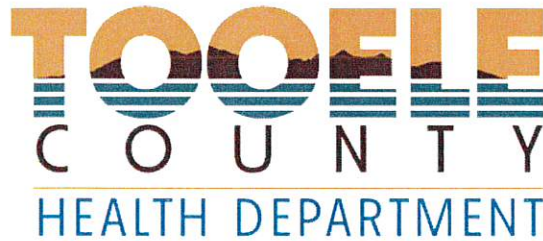


HEALTH REGULATION #16

DECONTAMINATION OF CHEMICALLY CONTAMINATED PROPERTIES



Adopted by the Tooele County Board of Health

Revised November 18, 2025

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Tooele County Health Department

By: Grant Sunada
Director

1.0 PURPOSE

The requirements found in Utah Administrative Code R392-600 Illegal Drug Operations Decontamination Standards are adopted and incorporated by reference by the Department. The purpose of this regulation is to protect the public's health, safety, and welfare by establishing standards, procedures, and responsibilities for the regulation of the occupancy and use of property where hazardous or dangerous chemicals or chemical residues commonly associated with the manufacture and/or use of illegal drugs or other hazardous or dangerous chemicals are or may be present; the regulation of the decontamination of such contaminated properties; and the regulation of the disposal of hazardous or dangerous materials and contaminated debris removed from contaminated properties.

2.0 AUTHORITY

- 2.1** It is the responsibility of the Tooele County Health Department to provide reporting and decontamination oversight of chemically contaminated properties for the protection of the citizens of Tooele County as legislated under Section Title 19, Chapter 6, Part 9 of the Utah Code Annotated, 1953, as amended.
- 2.2** The Tooele County Board of Health is authorized to make standards and regulations pursuant to Subsection 26A-1-121(1) of the Utah Code Annotated, 1953, as amended.
- 2.3** The Tooele County Board of Health is authorized to establish and collect fees pursuant to Subsection 26A-1-114 of the Utah Code Annotated, 1953, as amended.
- 2.4** All fees shall be set by the Board of Health and the Department may charge additional fees for enforcement and follow-up inspections as set by the Board of Health.

3.0 DEFINITIONS

For the purposes of this Regulation, the following terms, phrases, and words shall have the meanings herein expressed:

- 3.1** "Chemically contaminated property" shall mean any property that has been contaminated by activities associated with the manufacture or use of methamphetamine or other illicit drugs.
- 3.2** "Department" shall mean the Tooele County Health Department.
- 3.3** "Director" shall mean the Director of the Tooele County Health Department.

- 3.4 “Methamphetamine” shall include any material, compound, mixture, or preparation which contains any quantity of methamphetamine, its salts, isomers, and salts of its isomers.
- 3.5 All other definitions contained in Utah Administrative Code R392-600 shall apply to this regulation, if applicable.

4.0 POWERS AND DUTIES

The Department shall be responsible for the administration of this regulation and shall:

- 4.1 Require the owner of record of chemically contaminated properties, or properties used to store hazardous or dangerous chemicals and precursors, to decontaminate the properties in order to restore them to a safe and livable condition and to their intended use;
- 4.2 Require the owner of record, lessee, or occupant to secure them against unauthorized entry until they are fit for use; and properly dispose of any materials removed from such sites. If the owner, lessee, or occupant fails to secure the closed property, the department may proceed to secure it and charge the direct costs against the property owner, lessee, or occupant. With approval of the Director, a lien may be placed against the property to recover said costs.
- 4.3 Issue permits and charge fees as necessary to implement the provisions, requirements, and standards of this regulation;
- 4.4 Require preliminary testing to be performed on the property and issue notices and orders as necessary to effect the purposes of this regulation;
- 4.5 Deny, suspend, or revoke the work plan and permit of any person that fails to comply with the requirements of this regulation, and other applicable regulations of the Department;
- 4.6 Close and secure structures that fail to meet the requirements of this regulation and other applicable Department regulations, and that have been found to be a threat to the public’s health, safety, or welfare.

5.0 SCOPE

- 5.1 In order to ensure proper decontamination procedures, permits from the Department shall be required before decontamination begins.

- 5.2 In order to protect the health, safety, and welfare of the public, contaminated properties shall be conspicuously posted.
- 5.3 The responsibilities of the Department regarding a chemically contaminated property shall be:
- a) Determining if contamination exists;
 - b) Posting the property;
 - c) Notifying the owner of record or occupant that occupancy is prohibited until decontamination is completed;
 - d) Maintaining oversight of the decontamination of the property; and
 - e) Authorizing re-use when deemed appropriate.

6.0 DEPARTMENT TO PLACARD PROPERTY

- 6.1 If the Department finds a property is chemically contaminated, the Department shall designate the property unfit for use and conspicuously post the property with "Closed to Occupancy" signs.
- 6.2 Property closed to occupancy may not be entered by anyone except those authorized by the owner of record to conduct a pre-decontamination site assessment or those permitted by the Department to conduct decontamination activities. No one may inhabit the property, that is, no one is to sleep or prepare meals on the property.
- 6.3 A "Closed to Occupancy" placard shall display at least the following information:
- a) The Department's name;
 - b) The telephone number of the Department;

7.0 RESPONSIBILITIES OF THE OWNER OF RECORD

- 7.1 The owner of record shall, if the Department closes a property to occupancy, keep the property secured against unauthorized entry until such time as the Department approves a final report from a decontamination specialist indicating the property is no longer contaminated.
- 7.2 The owner of record in any hearing concerning whether a property is unfit for use has the burden of showing that the property is not contaminated and is fit for use.

8.0 RESPONSIBILITIES OF THE DECONTAMINATION SPECIALIST

- 8.1 The decontamination specialist or owner of record shall obtain a permit from the Department before proceeding with any decontamination activity on any property the Department has closed to occupancy pursuant to this regulation.
- 8.2 The decontamination specialist or owner of record shall pay any fees charged by the Department for processing an application for a permit to do decontamination work under this regulation. Any additional reviews, inspections, or other requests for Department time may result in additional fees.
- 8.3 If during the decontamination process it becomes necessary to modify the approved plan, written application shall be made to the Department. The decontamination specialist shall have written approval from the Department before proceeding with the modified work plan.

9.0 PERMIT TO DECONTAMINATE

- 9.1 The decontamination specialist or owner of record shall apply for a permit from the Department to decontaminate a property the Department has deemed unfit for use due to chemical contamination.
- 9.2 The decontamination specialist shall not start any decontamination prior to issuance of the permit.
- 9.3 The results of any observations or laboratory analysis completed to test for contamination, prepare a bid, or work plan shall be given to the owner of record and copies forwarded to the Department.
- 9.4 Applicable fees, preliminary assessment and work plan signed by both the owner of record and decontamination specialist shall accompany the application for a permit.
- 9.5 A copy of the permit shall be posted near the main entrance in an uncontaminated, conspicuous location where persons not in specialized personal protective equipment may read it safely. A copy shall be re-posted as necessary.
- 9.6 Permits shall expire 60 days from the date of issue. A 30-day extension for an expired permit may be granted upon submission of a written request and progress summary. If after 90 days from the original issuance date of a permit the decontamination is not complete, all work on the property will cease. Application for a new permit must be accompanied by a new work plan and applicable fees will be required before work can resume.

10.0 EXEMPTIONS

This regulation does not apply to commercial or industrial sites where a person's manufacturing process uses a hazardous or dangerous chemical, if the site is appropriately licensed, permitted, or regulated by state or federal agencies.

11.0 ENFORCEMENT

- 11.1** It shall be the duty of the Department to perform inspections, reviews, and other actions as necessary to ensure compliance with this regulation.
- 11.2** Department inspections may be made with the consent of the owner of record, occupant, or other responsible person. If consent is not granted, a search may be made pursuant to a search warrant issued by a court of competent jurisdiction.

12.0 RIGHT TO APPEAL

Appeals concerning this regulation are governed by the Tooele County Health Department appeals procedures.

13.0 PENALTIES

- 13.1** Any person who is found guilty of violating any of the provisions of this regulation, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a Class A misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 13.2** Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 13.3** In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this regulation shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, chemical contamination, cause of sickness or infection, health hazard, or sanitation violation including attorney's fees and costs and any administrative fees that the Department may adopt.
- 13.4** Compliance with this regulation is not a defense if charged with any environmental crimes or violation of any local, state, or federal law.

- 13.5 Prosecution under this regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

14.0 SEVERABILITY

- 14.1 If any provision, clause, sentence, or paragraph of this regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application and to this end the provisions of this regulation are hereby declared to be severable.
- 14.2 In the event that this Regulation conflicts with any state laws or rules and regulations from any State Agency, the conflicting portion of this Regulation shall be superseded and comply with all state laws and regulations, while all non-conflicting provisions shall remain in force.

IN WITNESS WHEREOF, the Tooele County Board of Health has passed, approved, and adopted this regulation this 18th day of November, 2025.

ATTEST:

TOOELE COUNTY BOARD OF HEALTH



GRANT SUNADA,
Health Officer



Board of Health Representative

Board Chair

Title of Signatory (Printed Name/Position)