

## **Tier Response Criteria**

ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management  
401 KAR 101:030.  
Tiered response system.  
RELATES TO: KRS 224.01-410  
STATUTORY AUTHORITY: KRS 224.01-410

The Kentucky State Police (KSP) or local city or county law enforcement agency will complete the Clandestine Drug Lab Preliminary Assessment Tier Selection Criteria (TAS), DEP 1016 January 2009, which will assign the appropriate tiered response cleanup level. KSP will notify the local health department the day they become aware of a property contaminated by its use as a clandestine meth drug lab.

### **Classification as a Tier 1 (1) A tier 1 includes the following:**

- (a) Crime scene evidence suggests that the meth production (cooking) process was initiated,
- (b) Limited amounts of reagents or precursors are present and open
- (c) It is uncertain whether a 'cook' was completed; or
- (d) Evidence suggests one (1) or two (2) anhydrous ammonia (Nazi) 'cooks' were completed, yielding less than two (2) ounces of meth per manufacturing event;
- (e) Evidence suggests meth manufacturing lasted less than three (3) days;
- (f) Minor spills and staining may be observed on surfaces near the suspected cooking location;
- (g) Red Phosphorus (Red-P) and P2P/Methylamine method cooks are not classified as a tier 1.

### **Classification as a Tier 2 (1) A tier 2 includes the following:**

- (a) Crime scene evidence suggests that a limited amount of methamphetamine, reagents, or precursors were produced;
- (b) Evidence suggests one (1) or two (2) Red Phosphorus (Red-P) or three (3) to four (4) 'Nazi' method 'cooks' could have been completed, yielding less than two (2) ounces of meth per manufacturing event;
- (c) Evidence suggests meth manufacturing generally lasted longer than three (3) days, but less than two (2) weeks;
- (d) Spills and staining may be observed in several areas of the structure.
- (e) P2P/Methylamine method cooks are not classified as a tier 2. They default to a tier 3 or tier 4, based on assessment.

**Classification as a Tier 3 (1) A tier 3 includes the following:**

- (a) Crime scene evidence suggests that numerous Red-P and/or Nazi 'cooks', or precursors and reagent manufacturing have occurred;
- (b) Evidence suggests each cook that was completed could yield more than two (2) ounces but less than one (1) pound of meth per manufacturing event.
- (c) Evidence suggests meth manufacturing was conducted over an extended period of time, but longer than two (2) weeks, possibly from many weeks to several months
- (d) Moderate to severe spills and staining are often observed in the cooking areas and throughout the structure.
- (e) Evidence of releases outside the structure are often observed including but not limited to burn pits, open dumps, and outside cooking areas.
- (f) Tier 3 is the default tier classification for meth manufacturing involving the P2P/Methylamine method.
- (g) Tier 3 should be considered the default tier classification for homes and rental property with re-occurring 'cooks', and for those properties where there is insufficient evidence to complete the Preliminary Assessment form.

**Classification as a Tier 4 (1) A tier 4 includes the following:**

- (a) Crime scene evidence suggests that this lab is capable of producing large quantities, greater than one (1) pound or multiple pounds of methamphetamine, reagents, or precursors during a production event.
- (b) A principle-determining factor for this tier classification is evidence of potentially severe environmental effects outside the structure due to potentially large quantities of hazardous materials dumped or released, or drummed and/or buried wastes discovered on the property.
- (c) Evidence suggests meth manufacturing was conducted over an extended period of time, longer than two (2) weeks, but possibly many weeks to several months.
- (d) Significant spills and staining are common inside and outside the structure.
- (e) This tier classification would be appropriate for homes, rental properties, commercial buildings, and/or farms where large capacity methamphetamine labs, "super labs", or supporting precursor/reagent labs are located.
- (f) Law enforcement agencies must consult with EEC prior to making this Cleanup Tier Recommendation.
- (g) Releases of hazardous substances, pollutants, or contaminants to the environment must be reported immediately and corrected pursuant to KRS 224.01-400.