

AMENDED IN ASSEMBLY JULY 6, 2000

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 983

Introduced by Senator Bowen

February 26, 1999

~~An act to repeal and add Section 2892 of the Public Utilities Code, relating to telecommunications. An act to amend Section 25354.5 of the Health and Safety Code, relating to hazardous substances.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 983, as amended, Bowen. ~~Telecommunications; commercial mobile radio service; emergency calls~~ *Hazardous substances; controlled substances response actions.*

Existing law requires the Department of Toxic Substances Control to take removal actions with respect to a hazardous substance that is an illegal controlled substance, including waste material from the unlawful manufacture of a controlled substance, and the department is authorized to expend funds appropriated from the Illegal Drug Lab Cleanup Account in the General Fund for this purpose. The department is authorized to adopt regulations to implement these provisions, in consultation with appropriate law enforcement and local environmental agencies.

This bill would require the department, by January 1, 2002, to adopt regulations, in consultation with the Office of Environmental Health Hazard Assessment, to provide state and local agencies with standards and procedures, for taking

a removal action at such a hazardous substance release site, including providing for a level of cleanup that would protect the health and safety of the future occupants of the site.

~~Existing law requires the Public Utilities Commission to require that every facilities-based cellular service provider provide access for end users on its system to the local emergency telephone services described in a specified provision of the Warren-911-Emergency Assistance Act, that they utilize the “911” code as the primary access number for those services, and that “911” calls from cellular units be routed to the nearest appropriate California Highway Patrol communications center.~~

~~This bill would repeal the above provisions and instead would require that a provider of commercial mobile radio service, as defined in specified federal law, provide access for end users of that service to the local emergency telephone systems described in the act, that “911” be the primary access number for those services, and that user validation or any similar procedure not be required. The bill would require that a provider of commercial mobile radio service not charge any airtime, access, or similar usage charge for any “911” call placed from a commercial mobile radio service telecommunications device to a local emergency telephone system. The bill would require a “911” call from a commercial mobile radio service telecommunications device to be routed to the Department of the California Highway Patrol.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 2892 of the Public Utilities Code~~
- 2 *SECTION 1. Section 25354.5 of the Health and Safety*
- 3 *Code is amended to read:*
- 4 25354.5. (a) Any state or local law enforcement
- 5 officer or investigator or other law enforcement agency
- 6 employee who, in the course of an official investigation or
- 7 enforcement action regarding the manufacture of any
- 8 illegal controlled substance, comes in contact with, or is
- 9 aware of, the presence of a substance that the person

1 suspects is a hazardous substance at a site where an illegal
2 controlled substance is or was manufactured, shall notify
3 the department for the purpose of taking removal action,
4 as necessary, to prevent, minimize, or mitigate damage
5 that might otherwise result from the release or
6 threatened release of the hazardous substance, except for
7 samples required to be kept for evidentiary purposes.

8 (b) (1) Notwithstanding any other provision of law,
9 upon receipt of a notification pursuant to subdivision (a),
10 the department shall take removal action, as necessary,
11 with respect to any hazardous substance that is an illegal
12 controlled substance, a precursor of a controlled
13 substance, a material intended to be used in the unlawful
14 manufacture of a controlled substance, or a waste
15 material from the unlawful manufacture of a controlled
16 substance. The department may expend funds
17 appropriated from the Illegal Drug Lab Cleanup Account
18 created pursuant to subdivision (e) to pay the costs of
19 removal actions required by this section. The department
20 may enter into oral contracts, not to exceed ten thousand
21 dollars (\$10,000) in obligation, when, in the judgment of
22 the department, immediate corrective action to a
23 hazardous substance subject to this section is necessary to
24 remedy or prevent an emergency.

25 (2) The department shall, as soon as the information is
26 available, report the location of any removal action that
27 will be carried out pursuant to paragraph (1), and the
28 time that the removal action will be carried out, to the
29 local environmental health officer within whose
30 jurisdiction the removal action will take place, if the local
31 environmental officer does both of the following:

32 (A) Requests, in writing, that the department report
33 this information to the local environmental health officer.

34 (B) Provides the department with a single 24-hour
35 telephone number to which the information can be
36 reported.

37 (c) (1) For purposes of Chapter 6.5 (commencing
38 with Section 25100) or this chapter, any person who is
39 found to have operated a site for the purpose of
40 manufacturing an illegal controlled substance or a

1 precursor of an illegal controlled substance is the
2 generator of any hazardous substance at, or released
3 from, the site that is subject to removal action pursuant
4 to this section.

5 (2) During the removal action, for purposes of
6 complying with the manifest requirements in Section
7 25160, the department, the county health department,
8 the local environmental health officer, or their designee
9 may sign the hazardous waste manifest as the generator
10 of the hazardous waste. In carrying out that action, the
11 department, the county health department, the local
12 environmental health officer, or their designee shall be
13 considered to have acted in furtherance of their statutory
14 responsibilities to protect the public health and safety and
15 the environment from the release, or threatened release,
16 of hazardous substances, and the department, the county
17 health department, the local environmental health
18 officer, or their designee are not responsible parties for
19 the release or threatened release of the hazardous
20 substances.

21 (3) The officer, investigator, or agency employee
22 specified in subdivision (a) is not a responsible party for
23 the release or threatened release of any hazardous
24 substances at, or released from, the site.

25 (d) ~~The~~ (1) *Except as provided in paragraph (2), the*
26 *department may adopt regulations to implement this*
27 *section in consultation with appropriate law enforcement*
28 *and local environmental agencies.*

29 (2) *On or before January 1, 2002, the department shall*
30 *adopt regulations, in consultation with the Office of*
31 *Environmental Health Hazard Assessment, to provide*
32 *state and local agencies with procedures and standards*
33 *for taking removal actions with respect to any hazardous*
34 *substance release that is an illegal controlled substance,*
35 *a precursor of a controlled substance, a material intended*
36 *to be used in the unlawful manufacture of a controlled*
37 *substance, or a waste material from the unlawful*
38 *manufacture of a controlled substance. The procedures*
39 *and standards shall assure that the site of the release is*
40 *cleaned to a level that the department determines would*

1 *adequately protect the health and safety of all future*
2 *occupants of the site.*

3 (e) The Illegal Drug Lab Cleanup Account is hereby
4 created in the General Fund and the department may
5 expend any money in the account, upon appropriation by
6 the Legislature, to carry out the removal actions required
7 by this section. The account shall be funded by moneys
8 appropriated directly from the General Fund.

9 (f) The responsibilities assigned to the department by
10 this section apply only to the extent that sufficient
11 funding is made available for that purpose.

12 ~~is repealed.~~

13 ~~SEC. 2. Section 2892 is added to the Public Utilities~~
14 ~~Code, to read:~~

15 ~~2892. (a) As used in this section, the term~~
16 ~~“commercial mobile radio service” has the same meaning~~
17 ~~as the term “commercial mobile service,” as defined in~~
18 ~~subsection (d) of Section 332 of Title 47 of the United~~
19 ~~States Code.~~

20 ~~(b) A provider of commercial mobile radio service~~
21 ~~shall provide access for end users of that service to the~~
22 ~~local emergency telephone systems described in the~~
23 ~~Warren 911 Emergency Assistance Act (Article 6~~
24 ~~(commencing with Section 53100) of Chapter 1 of Part 1~~
25 ~~of Division 2 of Title 5 of the Government Code). “911”~~
26 ~~shall be the primary access number for those emergency~~
27 ~~systems. A provider of commercial mobile radio service,~~
28 ~~in accordance with all applicable Federal~~
29 ~~Communication Commission orders, shall transmit all~~
30 ~~“911” calls from technologically compatible commercial~~
31 ~~mobile radio service communication devices without~~
32 ~~requiring user validation or any similar procedure. A~~
33 ~~provider of commercial mobile radio service shall not~~
34 ~~charge any airtime, access, or similar usage charge for any~~
35 ~~“911” call placed from a commercial mobile radio service~~
36 ~~telecommunications device to a local emergency~~
37 ~~telephone system.~~

1 ~~(c) A “911” call from a commercial mobile radio~~
2 ~~service telecommunications device shall be routed to the~~
3 ~~Department of the California Highway Patrol.~~

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