

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN ASSEMBLY JULY 6, 2000

AMENDED IN SENATE APRIL 5, 1999

**SENATE BILL**

**No. 983**

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**Introduced by Senator Bowen**

February 26, 1999

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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. Hazardous substances: controlled substances ~~response~~ *remedial* 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~~ *remedial* 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.

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 25354.5 of the Health and Safety  
2 Code is amended to read:  
3 25354.5. (a) Any state or local law enforcement  
4 officer or investigator or other law enforcement agency  
5 employee who, in the course of an official investigation or  
6 enforcement action regarding the manufacture of any  
7 illegal controlled substance, comes in contact with, or is  
8 aware of, the presence of a substance that the person  
9 suspects is a hazardous substance at a site where an illegal  
10 controlled substance is or was manufactured, shall notify  
11 the department for the purpose of taking removal action,  
12 as necessary, to prevent, minimize, or mitigate damage  
13 that might otherwise result from the release or  
14 threatened release of the hazardous substance, except for  
15 samples required to be kept for evidentiary purposes.  
16 (b) (1) Notwithstanding any other provision of law,  
17 upon receipt of a notification pursuant to subdivision (a),  
18 the department shall take removal action, as necessary,  
19 with respect to any hazardous substance that is an illegal  
20 controlled substance, a precursor of a controlled  
21 substance, a material intended to be used in the unlawful  
22 manufacture of a controlled substance, or a waste  
23 material from the unlawful manufacture of a controlled  
24 substance. The department may expend funds  
25 appropriated from the Illegal Drug Lab Cleanup Account  
26 created pursuant to subdivision (e) to pay the costs of  
27 removal actions required by this section. The department  
28 may enter into oral contracts, not to exceed ten thousand  
29 dollars (\$10,000) in obligation, when, in the judgment of  
30 the department, immediate corrective action to a  
31 hazardous substance subject to this section is necessary to  
32 remedy or prevent an emergency.

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

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

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

(c) (1) For purposes of Chapter 6.5 (commencing with Section 25100) or this chapter, any person who is found to have operated a site for the purpose of manufacturing an illegal controlled substance or a precursor of an illegal controlled substance is the generator of any hazardous substance at, or released from, the site that is subject to removal action pursuant to this section.

(2) During the removal action, for purposes of complying with the manifest requirements in Section 25160, the department, the county health department, the local environmental health officer, or their designee may sign the hazardous waste manifest as the generator of the hazardous waste. In carrying out that action, the department, the county health department, the local environmental health officer, or their designee shall be considered to have acted in furtherance of their statutory responsibilities to protect the public health and safety and the environment from the release, or threatened release, of hazardous substances, and the department, the county health department, the local environmental health officer, or their designee are not responsible parties for the release or threatened release of the hazardous substances.

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

1 (d) (1) Except as provided in paragraph (2), the  
2 department may adopt regulations to implement this  
3 section in consultation with appropriate law enforcement  
4 and local environmental agencies.

5 (2) On or before January 1, 2002, the department shall  
6 adopt regulations, in consultation with the Office of  
7 Environmental Health Hazard Assessment, to provide  
8 state and local agencies with procedures and standards  
9 for taking ~~removal~~ *remedial* actions with respect to any  
10 hazardous substance release that is an illegal controlled  
11 substance, a precursor of a controlled substance, a  
12 material intended to be used in the unlawful manufacture  
13 of a controlled substance, or a waste material from the  
14 unlawful manufacture of a controlled substance. The  
15 procedures and standards shall assure that the site of the  
16 release is cleaned to a level that the department  
17 determines would adequately protect the health and  
18 safety of all future occupants of the site.

19 (e) The Illegal Drug Lab Cleanup Account is hereby  
20 created in the General Fund and the department may  
21 expend any money in the account, upon appropriation by  
22 the Legislature, to carry out the removal actions required  
23 by this section. The account shall be funded by moneys  
24 appropriated directly from the General Fund.

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