

AMENDED IN ASSEMBLY AUGUST 18, 2000

AMENDED IN ASSEMBLY AUGUST 7, 2000

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 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 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~~. *The department is required to take specified actions upon the request of the local environmental health officer. 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~~ *and 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 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.

The bill would additionally authorize the designated local response agency to make this request to the department and would also make conforming changes.

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

1 may enter into oral contracts, not to exceed ten thousand
2 dollars (\$10,000) in obligation, when, in the judgment of
3 the department, immediate corrective action to a
4 hazardous substance subject to this section is necessary to
5 remedy or prevent an emergency.

6 (2) The department shall, as soon as the information is
7 available, report the location of any removal action that
8 will be carried out pursuant to paragraph (1), and the
9 time that the removal action will be carried out, to the
10 local environmental health officer *or designated local*
11 *response agency* within whose jurisdiction the removal
12 action will take place, if the local environmental officer
13 *or designated local response agency* does both of the
14 following:

15 (A) Requests, in writing, that the department report
16 this information to the local environmental health officer
17 *or designated local response agency*.

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

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

29 (2) During the removal action, for purposes of
30 complying with the manifest requirements in Section
31 25160, the department, the county health department,
32 the local environmental health officer, *the designated*
33 *local response agency*, or their designee may sign the
34 hazardous waste manifest as the generator of the
35 hazardous waste. In carrying out that action, the
36 department, the county health department, the local
37 environmental health officer, *the designated local*
38 *response agency*, or their designee shall be considered to
39 have acted in furtherance of their statutory
40 responsibilities to protect the public health and safety and

1 the environment from the release, or threatened release,
2 of hazardous substances, and the department, the county
3 health department, the local environmental health
4 officer, *the designated local response agency*, or their
5 designee are not responsible parties for the release or
6 threatened release of the hazardous substances.

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

11 (d) (1) Except as provided in paragraph (2), the
12 department may adopt regulations to implement this
13 section in consultation with appropriate law enforcement
14 ~~and local environmental agencies.~~ *agencies, local*
15 *environmental agencies, and designated local response*
16 *agencies.*

17 (2) On or before January 1, 2002, the department shall
18 adopt regulations, in consultation with the Office of
19 Environmental Health Hazard Assessment, to provide
20 state and local agencies with procedures and standards
21 for taking remedial actions with respect to any hazardous
22 substance release that is an illegal controlled substance,
23 a precursor of a controlled substance, a material intended
24 to be used in the unlawful manufacture of a controlled
25 substance, or a waste material from the unlawful
26 manufacture of a controlled substance. The procedures
27 and standards shall assure that the site of the release is
28 cleaned to a level that the department determines would
29 adequately protect the health and safety of all future
30 occupants of the site.

31 (e) The Illegal Drug Lab Cleanup Account is hereby
32 created in the General Fund and the department may
33 expend any money in the account, upon appropriation by
34 the Legislature, to carry out the removal actions required
35 by this section. The account shall be funded by moneys
36 appropriated directly from the General Fund.

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

O

