

Senate Bill No. 983

Passed the Senate August 31, 2000

Secretary of the Senate

Passed the Assembly August 25, 2000

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 25354.5 of the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 983, 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. 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 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.

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

SECTION 1. Section 25354.5 of the Health and Safety Code is amended to read:

25354.5. (a) Any state or local law enforcement officer or investigator or other law enforcement agency employee who, in the course of an official investigation or



enforcement action regarding the manufacture of any illegal controlled substance, comes in contact with, or is aware of, the presence of a substance that the person suspects is a hazardous substance at a site where an illegal controlled substance is or was manufactured, shall notify the department for the purpose of taking removal action, as necessary, to prevent, minimize, or mitigate damage that might otherwise result from the release or threatened release of the hazardous substance, except for samples required to be kept for evidentiary purposes.

(b) (1) Notwithstanding any other provision of law, upon receipt of a notification pursuant to subdivision (a), the department shall take removal action, as necessary, with respect to any hazardous substance that is an illegal controlled substance, a precursor of a controlled substance, a material intended to be used in the unlawful manufacture of a controlled substance, or a waste material from the unlawful manufacture of a controlled substance. The department may expend funds appropriated from the Illegal Drug Lab Cleanup Account created pursuant to subdivision (e) to pay the costs of removal actions required by this section. The department may enter into oral contracts, not to exceed ten thousand dollars (\$10,000) in obligation, when, in the judgment of the department, immediate corrective action to a hazardous substance subject to this section is necessary to 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 or designated local response agency within whose jurisdiction the removal action will take place, if the local environmental officer or designated local response agency does both of the following:

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



(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, the designated local response agency, 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, the designated local response agency, 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, the designated local response agency, 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.

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

(2) On or before January 1, 2002, the department shall adopt regulations, in consultation with the Office of



Environmental Health Hazard Assessment, to provide state and local agencies with procedures and standards for taking remedial actions with respect to any hazardous substance release that is an illegal controlled substance, a precursor of a controlled substance, a material intended to be used in the unlawful manufacture of a controlled substance, or a waste material from the unlawful manufacture of a controlled substance. The procedures and standards shall assure that the site of the release is cleaned to a level that the department determines would adequately protect the health and safety of all future occupants of the site.

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

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

Approved _____, 2000

Governor

