

DTSC Funding Policy for Removal of Hazardous Materials from Illegal Drug Labs

ILLEGAL DRUG LABORATORY CLEANUP ACCOUNT:

The Illegal Drug Lab Cleanup Account (IDLCA) was created in the General Fund with passage of Senate Bill 47x which amended the Health & Safety Code. The amendment authorized the California Department of Toxic Substances Control (DTSC) to expend funds from the IDLCA. These expenditures allow DTSC to provide state or local law enforcement agencies with assistance in removal actions at sites where these operations occur. **These funds can be accessed by contacting the DTSC Emergency Response Duty Officer.**

TO REQUEST STATE FUNDING:

State funding for removal of suspected hazardous substances from clandestine drug labs may be requested by state or local law enforcement agencies, or by other local government agencies working with law enforcement agencies on a drug lab, or abandoned drug lab wastes.

Such an agency wanting to request state funding during normal work hours (Monday-Friday, 8-5), should call the State Department of Toxic Substances Control (DTSC) at (800) 260-3972 or (916) 255-6504, and request to speak to the DTSC Emergency Response Duty Officer. After Hours, weekends, or on holidays, call the Governor's Office of Emergency Services' (OES) Warning Control Center at (800) 852-7550. Notify OES of the incident and of the fact that you are requesting state assistance for the cleanup. They will contact the DTSC Emergency Response Duty Officer who will then contact you.

INFORMATION REQUIRED

Before requesting assistance, you should:

- 1) Identify the materials to be removed, and separate them from materials to be left behind. Materials eligible for removal include:
 - Precursors and chemicals used in the manufacture of illegal drugs at illegal drug labs.
 - Hazardous materials and hazardous waste that poses a threat to human health or the environment.

The hazardous waste contractor sent by the DTSC Duty Officer will only perform those actions and remove those materials authorized by the DTSC Duty Officer. Do not expect them to take any other actions or to remove anything else unless you are willing to pay for it. Do not ask or expect the Duty Officer or the contractor to remove solid waste (trash, garbage, etc).

- 2) Determine the quantity released, if any.
- 3) If you have the necessary training and equipment, HAZCAT (perform hazard categorization tests) to identify or categorize the hazards presented by the substances, such as pH and flammability.
- 4) Prepare an inventory, which includes the quantity of each type of material requiring removal, and the approximate quantity of contaminated soil, if any.
- 5) Determine the location of the incident relative to waterways, public access, and nearest population.
- 6) Determine whether the property is publicly or privately owned (areas under the control of Indian reservations or federal agencies may not be eligible for funding).
- 7) Gather any available information regarding the responsible party (RP), that is, the drug lab operator.

THE EMERGENCY RESPONSE DUTY OFFICER

The Emergency Response Duty Officer will evaluate the above information to determine if the incident is eligible for funding. If the incident qualifies for funding from the IDLCA:

- 1) The Emergency Response Duty Officer will contact and dispatch a contractor to perform the removal and disposal. **This is not a reimbursement program.** Do not contact a local contractor and dispatch them on your own. **If you do contact a contractor and request their services, your agency will be responsible for any costs incurred.**
- 2) The Emergency Response Duty Officer will establish the scope of work for the contractor. Any changes to the scope of work must be approved by the Emergency Response Duty Officer. **DTSC will not pay for work that was not authorized by the Emergency Response Duty Officer.**
- 3) The Emergency Response Duty Officer will provide you with a Clandestine Laboratory Unit Expenditure (CLUE) number, which must be on all documentation submitted to DTSC.
- 4) If the incident exceeds the resources available from DTSC, the Emergency Response Duty Officer will contact the U.S. Environmental Protection Agency and notify them of the incident and request assistance.

DOCUMENTATION

As a condition of receiving funding, the requesting agency is required to provide on-scene oversight, including documentation of removal actions. This includes filling out and signing the Clandestine Laboratory Incident Report (CLIR), and the Clan Lab Cleanup Work Log. The requesting agency must also sign the Hazardous Waste Manifest.

The CLIR, Cleanup Work Log, and any other documentation should be mailed to DTSC within 10 working days of the initial funding request. **All such information should be mailed to:**

**DTSC, Emergency Response Unit
P.O. Box 806
Sacramento, CA 95812**

NOTE: If These Reports and Supporting Documentation Are Not Submitted, Future Funding May Be Jeopardized.

SPECIAL POLICIES

EPA IDENTIFICATION NUMBERS

The agency requesting funds for cleanup of drug lab wastes must include an EPA Identification (EPA ID) number on the manifest. Normally, the requesting agency will use the county Clandestine Drug Lab EPA ID number. The Emergency Response Duty Officer can provide this number to on-scene personnel. If the responsible party is conducting a removal and needs an EPA ID number to manifest the waste, they may obtain a one-time EPA ID number by calling DTSC at (800) 618-6942 or (916) 255-1136 Monday – Friday, 8AM - 5PM, or by calling US-EPA after hours at (415) 744-2000.

EXCLUDED MATERIALS

The cleanup of the following materials at, or associated with a drug lab will not be funded unless special circumstances exist which are determined by DTSC to represent a significant threat to human health or the environment:

- Waste oil.
- Gasoline in a regular gasoline container.
- Diesel fuel.
- Radioactive waste.
- Infectious waste, except that needles and syringes found at drug labs will be funded.
- Household size hazardous materials a person may legally possess.
- Freon containers or flammable liquid containers which are empty and dry, unless

there is some residue/contamination on them which constitutes a direct contact hazard.

- Propane cylinders that are empty or contain propane.
- Oxygen cylinders that are empty or contain oxygen.

RADIOACTIVE WASTE

DTSC does not handle radioactive materials. Radioactive wastes are handled by the State Department of Health Services Radiologic Health Branch. They should be contacted for assistance on an incident involving radioactive materials. They can be contacted Monday - Friday from 8AM - 5PM at (916) 445-0931 and after hours through OES.

INFECTIOUS WASTE

Infectious waste may be disposed of in ways other than at a Class I landfill. It is legal to discharge these wastes to the sewer or, for solid objects, to autoclave them. DTSC funding is not available for infectious wastes, except that, at illegal drug labs, and at abandoned drug lab waste sites, removal and disposal of needles and syringes will be funded.

GOVERNMENT LAND

Indian reservations and properties owned by the Federal Government may not be eligible for funding. The specific agency in control of the property will bear responsibility for the cleanup unless a clear emergency exists which the responsible agency is unable to address in a proper and timely manner. In remote areas or other instances where ownership is uncertain, the Emergency Response Duty Officer may authorize funding if a delay to verify ownership would create an endangerment.