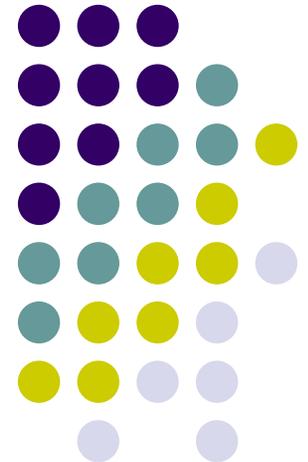


Methamphetamine Contaminated Property Cleanup Act of 2005

AB 1078/SB 536/AB 2587

Corey Yep Sr. Hazardous Substances Scientist
Department of Toxic Substances Control
8810 Cal Center Drive
Sacramento, CA 95826
(916) 255-6589



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Methamphetamine Contaminated Property Cleanup Act of 2005



Objectives

- Discuss ways to accomplish goals
- Identify concerns, issues and needs
 - Re-assess issues/needs brought up in 2006
 - Identify others
- Share experiences
- Identify potential solutions

Methamphetamine Contaminated Property Cleanup Act of 2005



- 2005 Legislative Session
 - AB 1078 (Keene and Liu)
 - SB 536 (Bowen)
 - Effective January 1, 2006
- 2006 Legislative Session
 - AB 2587 (Keene and Liu)
 - Effective January 1, 2007

Methamphetamine Contaminated Property Cleanup Act of 2005



- Chapter 6.9.1, HSC
- Applicability: Meth contaminated property
 - Land, structures or part of structure
 - Mobile homes, manufactured housing, RVs and the parks they are located
 - If the mobile/manufactured home or RV are not in parks, then they are treated like land, structure, or part of a structure

Methamphetamine Contaminated Property Cleanup Act of 2005



- Requires cleanup of meth contaminated property before human re-occupancy
- Implemented by the Local Health Officer (LHO) or their Designee
- Provides specific authority to the LHO to require the property owner to cleanup meth contaminated property

Methamphetamine Contaminated Property Cleanup Act of 2005



- Outlines a process with timelines to follow for cleanup
- LHO option to conduct cleanup
- LHO provides the park owner at least a 10 day notice before proceeding with cleanup

Methamphetamine Contaminated Property Cleanup Act of 2005



- Park owner has the option to remove, dismantle, demolish or abate the nuisance
 - Registered owner doesn't comply with the order or doesn't pay the LHO
- Provides cost recovery for LHO

Methamphetamine Contaminated Property Cleanup Act of 2005



- Real property liens
- Special occupancy or mobile park owner
 - Treat the costs incurred as rent
 - Can includes costs incurred by LHO
 - Sell the RV or mobile/manufactured home to recover costs to the park owner and LHO

Methamphetamine Contaminated Property Cleanup Act of 2005



- Sets interim re-occupancy standards
- Methamphetamine (0.1 ug/100 cm²)
 - If applicable, lead (20 ug/ft²) and mercury (50 ng/m³ air)
- A health-based meth standard will replace interim standards when adopted by DTSC

Methamphetamine Contaminated Property Cleanup Act of 2005



- DTSC requirements (SB 536)
 - 10/1/07: Health-based meth standard
 - Sampling and analytical procedures
 - 10/1/08: Health-based standards for phosphine, methyl iodide, iodine
 - 10/1/09: Investigation/cleanup procedures

Methamphetamine Contaminated Property Cleanup Act of 2005



Process

- Law enf. notifies LHO of meth lab activities
- LHO
 - 2 days - Warning sign
 - 5 days - inspect property and determine whether property is contaminated or not
 - May presume meth contamination

Methamphetamine Contaminated Property Cleanup Act of 2005



- Determine responsibility for cleanup
 - Land: park owner
 - RV, mobile/manufactured home – registered owner
 - Both – either one or both
- Issue order to property owner and interests
 - Post order within 1 day of issuing order

Methamphetamine Contaminated Property Cleanup Act of 2005



- Lien real property
- RV: Vehicle license stop
 - DMV: Involuntary Transfer Section
 - Call (916) 657-7704
- Mobile/Manufactured Homes: Restraints
 - Housing and Community Development
 - Statement of Facts (HCD 476.6)
 - <http://www.hcd.ca.gov/codes/rt/forms.htm>

Methamphetamine Contaminated Property Cleanup Act of 2005



- Mobile/manufactured homes not in parks -
lien the real property and place a restraint
on mobile/manufactured home
- Property owner retains a contractor within
30 days of the order
 - Must demonstrate to the LHO
 - Must be an authorized contractor

Methamphetamine Contaminated Property Cleanup Act of 2005



- Authorized contractor
 - Meth lab remediation contractor and CIH
 - Current certified hazwoper training and annual refreshers
 - Any additional requirements as applicable or required by LHO

Methamphetamine Contaminated Property Cleanup Act of 2005



- Property owner or authorized contractor
 - Submits a PSA workplan to LHO (30 days)
 - PSA workplan is signed and notarized by remediation contractor and CIH
- LHO
 - Reviews/approves PSA workplan (10 days)
 - IDs deficiencies in PSA workplan (15 days)

Methamphetamine Contaminated Property Cleanup Act of 2005



- Property owner/contractor performs cleanup within 90 days of approval
 - LHO may extend the time needed to finish
- Contractor prepares PSA report when remediation is completed
 - Submits PSA report to the LHO
 - PSA report is signed and notarized by remediation contractor and CIH

Methamphetamine Contaminated Property Cleanup Act of 2005



- LHO reviews PSA report and issues no further action (NFA)
 - After payment releases real property liens, restraints, and vehicle license stops
 - Restraint release - destroyed or permanently salvaged
 - Sends copy of release to all affected parties

Methamphetamine Contaminated Property Cleanup Act of 2005



- Keep decontamination records for 3 years after NFA determination
 - Property owner
 - LHO
 - Park owner who opts to remediate the RV, mobile/manufactured home

Methamphetamine Contaminated Property Cleanup Act of 2005



LHO

- Clarifies authority over meth contaminated mobile/manufactured homes, RVs and parks
- Determines whether mobilehome or manufactured home is destroyed or permanently salvaged

Methamphetamine Contaminated Property Cleanup Act of 2005



Warning Notice

- Identify where the meth lab was seized - park, mobile/manufactured home/RV or both
- Address information (RV vehicle ID number, RV space number, etc.)

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Order served to:

- Mobile/manufactured home: legal owner, junior lienholder and registered owner
- RVs: legal and registered owner
- Park owner

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Park owner may terminate tenancy with 3 day notice

- After receiving an order
- If mobile/manufactured home or RV registered owner doesn't
 - comply with order
 - pay city/county remediation costs

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Park owner may remove, dismantle, demolish, dispose or abate the nuisance

- Must use an authorized contractor
- Serve a “noncurable 3 day notice to quit”
- Within 30 days of regaining property or abandonment of tenancy

Methamphetamine Contaminated Property Cleanup Act of 2005



- Registered owner doesn't pay LHO
- Registered owner doesn't comply with the order
- If takes on responsibility of mobile home or RV cleanup
 - Must follow process outlined for property owner

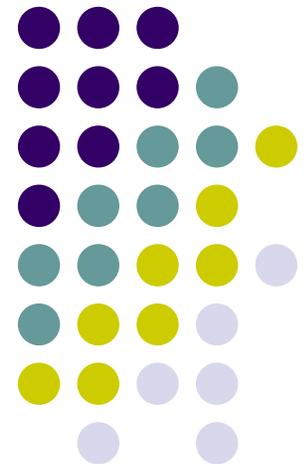


Resources

- http://www.dtsc.ca.gov/SiteCleanup/ERP/Meth_Resources.cfm
 - Listserv
 - Redesigned methamphetamine website
- <http://www.ccdeh.com/ab1078>
 - AB 1078 Clinic presentations
 - Word docs for LHO/Designee meth lab implementation

Methamphetamine Contaminated Property Cleanup Act of 2005

Contaminated Property Cleanup:
Accomplishing the Goals



Methamphetamine Contaminated Property Cleanup Act of 2005



Objectives

- Identify concerns, issues and needs
 - Re-assess issues/needs brought up in 2006
 - Identify others
- Share experiences
- Identify potential solutions

Meth Implementation Clinics



Applicability

- Meth labs before 1/1/2006
- Meth labs in mobile/manufactured homes, parks, and RV before 1/1/2007

Meth Implementation Clinics



Applicability

- RVs, campers, etc. on the move
- Contamination due to meth smoking
- Other types of clandestine labs

Meth Implementation Clinics



DTSC

- Enforceable health-based cleanup standards
- Bright line performance standards
- Regulations or guidance
- “escape hatches” in regulations

Meth Implementation Clinics



Training

- Remediation contractor and CIH training on PSA and meth labs
- Types of meth labs
- Liens and records search
- Sampling and analytical methods

Meth Implementation Clinics



Enforcement

- Civil penalty

LHO

- “immediate determination” of contamination
 - Presumption of contamination
- Obtaining information from law enforcement

Meth Implementation Clinics



Disclosure

- Can't track history of structure, lien is removed after cleanup and payment
- Sufficiency of real estate due diligence
- SB 189 – Sellers disclosure

Meth Implementation Clinics



PSA workplan and report

- Adequate investigation or overkill
- Case by case or one size fits all workplan
 - Best professional judgment

Meth Implementation Clinics



PSA workplan and report

- CIH stamp and notarization
- CIH Liability with signoff without investigation and cleanup involvement
- Contractor and CIH conflict of interest

Meth Implementation Clinics



Sampling and Analytical

- Adequate sampling to show contamination or no contamination
- Exposed surfaces vs. nonexposed surfaces

Meth Implementation Clinics



Sampling and Analytical

- Meth residue analysis and standard methods for analysis
- Minimum analytical lab qualifications
- Adequate analytical lab QC and QA



Meth Implementation Clinics

Remediation

- Personal property
- Nonporous vs. porous materials
- Gut and go and confirmation sampling
- Disposal of contaminated debris
- Encapsulation and disclosure

Meth Implementation Clinics



Funding

- LHO cost recovery for no contamination determinations
 - CUPA fee authority or other authorities
 - Ch. 6.9.1 augments other authorities
- Low cost loans for property owners
 - Insurance claims

Meth Implementation Clinics



Funding

- Initial costs for remediation conducted by city/county
- Mobile homes, manufactured homes, RVs remediation by city/county or park owner

Methamphetamine Contaminated Property Cleanup Act of 2005



Contact

Ms. Corey Yep

Senior Hazardous Substances Scientist

Office of Legislative and Regulatory Policy

Emergency Response and Special Projects
Branch

Dept. of Toxic Substances Control

(916) 255 6589

cyep@dtsc.ca.gov