

**EL DORADO COUNTY
ENVIRONMENTAL MANAGEMENT DEPARTMENT
POLICIES AND PROCEDURES MANUAL**

POLICY #: SWHM-2	<u>SUBJECT</u> CLANDESTINE DRUG LABS RESPONSE AND REMEDIATION
ISSUED: November 18, 1999	
EFFECTIVE: November 18, 1999	
CANCELLATION DATE:	
SUPERSEDES:	

AUTHORITY: California Health and Safety Code Chapter 6.5
Hazardous Waste Control

POLICY: Solid Waste and Hazmat Division staff routinely respond to clandestine drug laboratories to assist law enforcement personnel, to ensure that all hazardous wastes and related materials are properly disposed of and to oversee any additional cleanup of residual contamination that may be necessary prior to allowing any re-occupancy of an affected dwelling.

Response procedures for clandestine laboratories include all standard procedures normally followed for other types of hazmat incidents. These procedures include assessment, identification of hazards, developing an action/safety plan, performing the containment or initial clean up, decontamination and documentation. Additional tasks specific to drug labs may include the dismantling of an active lab, taking samples to be used as evidence, obtaining approval for State funding of disposal, oversee the work of private contractors and overseeing the cleanup of residual contamination. This policy will not restate standard procedures. Rather, it focuses on tasks specific to clandestine drug labs.

1. Response

Notifications of clandestine drug laboratories may come from the public, from Central Dispatch or directly from the El Dorado County Narcotics Enforcement Task Force (ENET). If the notification has not come from ENET, then ENET must be notified immediately. Contact with an ENET detective must be established to ascertain the nature and size of the lab. This information will determine the appropriate response in terms of staffing levels and equipment requirements.

The first task unique to drug labs may be the dismantling of an active cooking operation. If the site assessment reveals an active cooking operation and chemists from the State Department of Justice (DOJ) are involved in the response, then those chemists will be given the task of dismantling the laboratory equipment. If DOJ

chemists are not involved, proceed with caution. Once the ENET detectives have determined that any existing booby traps have been removed an entry can be made. Power and water supplies connected to cooling equipment and condensers should be left on. Power supplies to sources of heat should be disconnected first and reaction vessels allowed to cool completely. With continuous air monitoring, equipment may then be dismantled. Special attention must be given to safety, proper personal protective equipment (PPE) selection, air monitoring, adequate ventilation and decontamination.

The second and more common task specific to drug labs is the collection of samples for evidence. Proper sampling methods include the use of clean equipment, container labeling and chain of custody documentation. All samples shall be signed over to the ENET detectives prior to leaving the site. The samples will be transported to the DOJ lab for analysis.

The third specific task is the performance of a site assessment to determine what contamination may exist. Hazardous waste contamination can be in the form of soil, septic tank/leach field and surface contamination of dwellings and household items. Potentially contaminated areas can be identified by interviews of suspects, and by the presence of dead vegetation, unusual staining or chemical odors.

2. Disposal of Hazardous Wastes and Materials

Over half of the laboratories discovered in El Dorado County have relatively small amounts of hazardous waste. After samples are taken, these wastes can often be disposed of through the household hazardous waste disposal program. Wastes should be segregated into primary hazard categories onsite in order to be packaged in accordance with our Department's standard lab packing protocol.

For laboratories having large quantities of waste, disposal funding may be obtained through the Department of Toxic Substances Control's (DTSC) Illegal Drug Lab Cleanup Account (IDLCA). If all funding criteria are satisfied, IDLCA funds may be used for disposal of chemical wastes and for removal of grossly contaminated soil. The written guidance for accessing funding is stored in the response van file cabinet. Specific criteria for receiving funding include the wastes must be hazardous, the responsible party is unwilling or unable to pay, and the incident occurred on private property. Environmental Management responders must oversee private cleanup contractors' removal actions and provide written reports to DTSC.

All glassware, lab equipment, and any items involved in the manufacturing process must be rendered useless. All glassware must be broken and control equipment must be destroyed. This waste can then be packaged with compatible materials destined for landfill. No materials contaminated with red phosphorous may be packaged with this debris. If hypodermic needles are present they shall be placed in a sharps container. If ammunition is discovered it shall be given to the ENET detectives or if discovered later taken to El Dorado County Sheriff's Department's

property and evidence storage area.

3. Remediation of Residual Contamination

Prior to leaving the site, dwellings and any associated outbuildings must be posted with a warning sign. The warning sign will state that a clandestine drug lab was seized and there still may be hazardous substances onsite. If during the environmental assessment the presence of contamination is tentatively identified or suspected, the property owner must be contacted and sent a Notice and Order and a copy of the drug lab protocol by certified mail. The Notice and Order advises property owners of the situation and directs them to follow the drug lab protocol. The protocol lists the steps which must be taken in order to ensure that any contaminated buildings are not re-occupied prior to adequate clean up. Property owners must contract with a certified industrial hygienist (CIH) to evaluate and decontaminate the property if required, to qualify for re-occupancy approval.

4. Re-occupancy of Affected Dwellings

The CIH will perform sampling of potentially contaminated areas. Based upon the sampling results the CIH will prepare and submit a proposed cleanup plan to the department for review. If the report indicates that no further action is required and the department agrees with that report, a closure letter will be issued to the property owner and re-occupancy of the building may then take place.

If the report indicates that additional cleanup is required the cleanup must be performed by a hazardous waste handler and hauler. Reports proving proper disposal must be received by our department. The need for confirmation sampling will then be discussed with the CIH. If confirmation sampling and a final report by the CIH confirm that the property has been properly cleaned, a closure letter will be issued to the property owner and re-occupancy of the building may then take place.

Failure to properly complete the cleanup of the property will result in the recording of a certificate of nuisance against the property at the County Assessor's office.

Director of Environmental Management

Date

DRUG LAB PROTOCOL

This protocol is designed to help you with the process of evaluating and decontaminating your property to qualify for re-occupancy approval.

NOTE: IF THIS DEPARTMENT DOES NOT HEAR FROM YOU WITHIN 7 WORKING DAYS OF THE RECEIPT OF THE DRUG LAB NOTICE, A CERTIFICATE OF NUISANCE AGAINST YOUR PROPERTY WILL BE RECORDED AT THE EL DORADO COUNTY ASSESSOR'S OFFICE.

SECURING YOUR PROPERTY:

1. Ensure that the building is not re-occupied. This may include changing the locks or boarding up the building. The items inside the building may be contaminated with chemicals that were used to manufacture illegal drugs. If you allow any of the items inside the building to be removed, you the property owner may be personally liable if someone is exposed to chemical residue left over from the lab.

SAMPLING

2. Contact a Certified Industrial Hygienist (CIH). Inform them that a drug lab was discovered on your property and request an estimate of the costs to evaluate the property for re-occupancy. Also, tell them that confirmation sampling may be needed at the end of any cleanup, and to provide you an estimate of the costs. The CIH will need to contact this department to obtain information about the types of chemicals used, the quantity involved, the manufacturing method and the locations of areas which may be contaminated.

NOTE: CERTIFIED INDUSTRIAL HYGIENISTS CAN BE FOUND IN THE SACRAMENTO AREA YELLOW PAGES UNDER INDUSTRIAL HYGIENE CONSULTANTS. THIS IS A COMPETITIVE BUSINESS AND YOU MAY WANT TO OBTAIN ESTIMATES FROM MORE THAN ONE CIH.

3. Once you have contracted with a CIH, provide this department with the hygienist's name. We may need to be onsite during the sampling to ensure that our concerns are met. Test results should be available in about two weeks after the sample are taken.
4. Once you receive the sample results and the proposed cleanup plan, ensure that the CIH has also sent a copy of this information to our department.
5. We will review the analytical data and the proposed cleanup plan for completeness. If the results indicate that no further actions are necessary and this department agrees with the report, a closure letter will be issued to you and re-occupancy of the building may then take place.

CLEANUP

6. If the property is contaminated, it must be cleaned up by a Hazardous Waste Handler and Hauler. The cleanup will generate hazardous waste which will have to be documented and disposed of properly.
7. Once the cleanup, either you or the company you hired must send a copy of all reports to this office along with copies of the documents proving proper disposal. We will review the cleanup reports and determine if confirmation sampling is necessary.
8. If further confirmation sampling is required, the CIH will review the reports from the cleanup company and contact this department to discuss where the samples will be taken.
9. The CIH will take the confirmation samples and when the results have returned, review the results. A recommendation from the CIH will be forwarded to you and this department.
10. If the property has been properly cleaned, a closure letter will be sent from this office authorizing re-occupancy.

Date

Address

SUBJECT: ILLEGAL DRUG LABORATORY DISCOVERY

Address

APN #

Dear Mr :

A clandestine laboratory for the manufacture of illegal drugs was seized on *date*, at the above referenced property. Known hazardous chemicals and contaminated materials were removed from the property and were disposed of pursuant to federal and state laws.

Because drug manufacturing is known to use and produce substances identified as hazardous to human health and the environment, there are locations on the property that may be contaminated. There is evidence that drug manufacturing occurred *area description*. The known hazardous materials and contaminated soil was removed from the site. There may be additional and/or residual hazardous material contamination on this property.

This Department is hereby directing you to comply with the following by *date*:

- If chemical contamination exists on your property it poses a significant risk to the life, health, safety, and welfare of the adjacent neighbors and any future property occupants. Therefore, obtain the services of a Certified Industrial Hygienist (CIH) to conduct an environmental assessment of *area description*.
- The CIH should coordinate with this office for a more complete description of the areas suspected to be contaminated.
- After following the attached protocol for sampling and cleanup, the Industrial Hygienist must submit a written report, which verifies any contamination has been removed and all hazardous waste, including contaminated soil, has been disposed of properly.

Failure to comply with this order by *date* will result in a Notice of Non-Compliance being filed with the El Dorado County Recorder's Office. The Notice will remain in effect until the Department approves a final report by the Industrial Hygienist.

Please contact me at (530) 621-5300 if you have any questions.

Respectfully,

Hazardous Material Specialist
Solid Waste and Hazardous Materials Division

WARNING! WARNING! WARNING! WARNING!

A CLANDESTINE LABORATORY FOR THE MANUFACTURE OF ILLEGAL DRUGS AND/OR HAZARDOUS CHEMICALS WAS SEIZED AT THIS LOCATION ON _____. KNOWN HAZARDOUS CHEMICALS HAVE BEEN REMOVED AND DISPOSED OF PURSUANT TO FEDERAL, STATE AND LOCAL LAWS.

HOWEVER, THERE STILL MAY BE HAZARDOUS SUBSTANCES OR WASTE PRODUCTS ON THIS PROPERTY, EITHER IN BUILDINGS, THE GROUND OR GROUND WATER. PLEASE EXERCISE CAUTION WHILE ON THESE PREMISES.

WARNING! WARNING! WARNING! WARNING!

Chapter 3 DEFINITIONS

SECTION 301 – GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to dangerous under the provisions of Section 302 of this code.

HOUSING CODE is the *Uniform Housing Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

SECTION 302—DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than is was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
 11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
 12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
 14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength; (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
 15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
 17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
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Chapter 10 SUBSTANDARD BUILDINGS

SECTION 1001 – DEFINITION

1001.1 General. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite or rooms, or the premises on which the same is location, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001.2 Inadequate Sanitation. Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
6. Lack of adequate heating facilities.
7. Lack of, or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code.
10. Lack or required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the health officer.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

1001.3 Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
7. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

1001.4 Nuisance. Buildings or portions thereof in which there exists any nuisance as defined in this code are deemed substandard buildings.

1001.5 Hazardous Electrical Wiring. Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

1001.6 Hazardous Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

1001.7 Hazardous Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.

1001.8 Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing for exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

1001.9 Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered a substandard building.

1001.10 Faulty Materials of Construction. The use of materials of construction, except those which are specifically allowed or approved by this code and the Building Code, and which have been adequately maintained in good and safe condition, shall cause a building to be substandard.

1001.11 Hazardous or Unsanitary Premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions on a premises constitutes fire, health or safety hazards which shall be abated in accordance with the procedures specified in Chapter 11 of this code.

1001.12 Inadequate Exits. Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exit, or when other conditions exist which are dangerous to human life.

1001.13 Inadequate Fire-protection or Firefighting Equipment. Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipments have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

1001.14 Improper Occupancy. All building or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.
