

## ACT 170

H.B. NO. 2039

A Bill for an Act Relating to Decontamination of Illegal Drug Manufacturing Sites.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the contamination of properties used to illegally manufacture methamphetamines poses a threat to public health and welfare. The legislature also finds that there is no established protocol for the protection of first responders and for the subsequent decontamination and cleanup of these illegal manufacturing sites.

The purpose of this Act is to direct the department of health to establish interim procedures and guidelines for emergency and long-term decontamination and cleanup of illegal methamphetamine manufacturing sites.

SECTION 2. Notwithstanding the requirements of chapter 91, Hawaii Revised Statutes, within ninety days of the effective date of this Act, the department of health shall adopt interim rules for procedures and guidelines for emergency and long-term decontamination and cleanup of illegal methamphetamine manufacturing sites. These procedures and guidelines shall apply to properties that have been used to manufacture or store methamphetamine and its precursor hazardous materials, until the department of health develops permanent rules for a comprehensive program for emergency and long-term decontamination and cleanup of illegal methamphetamine manufacturing sites. The department shall oversee and implement the procedures and guidelines using current state statutes and rules to the extent feasible.

The interim and permanent rules for procedures and guidelines shall include but not be limited to the following areas:

- (1) Emergency response and inspection;
- (2) Decontamination;
- (3) Environmental cleanup; and
- (4) Disposal of hazardous materials and wastes associated with the unauthorized manufacturing or storage of methamphetamine.

The interim rules shall remain effective until the department adopts permanent rules, pursuant to chapter 91, Hawaii Revised Statutes, which shall be on or before December 31, 2007.

SECTION 3. (a) The department shall also identify and evaluate the requirements necessary to establish a statewide program for decontamination and cleanup of illegal methamphetamine sites to ensure that program procedures provide for decontamination, remediation, and safe reoccupancy and reuse that is prompt and efficient.

(b) The evaluation shall include:

- (1) An assessment of soil and groundwater impacts as a result of the illegal manufacturing of methamphetamine at selected residential and other buildings in Hawaii;
- (2) A review of cleanup procedures at actual locations where methamphetamine was illegally manufactured in Hawaii;

- (3) Recommended protocols for the first responder community that include the methods to be used in assessing the potential dangers of chemical contamination and protecting first responders;
- (4) A review of relevant department of health and Hawaii law enforcement records;
- (5) A review of standards and protocols used by other states and federal agencies or recommended by other organizations; and
- (6) Additional legislation necessary to permit the department to ensure that contaminated sites are promptly and efficiently cleaned up and made ready for safe reoccupancy and reuse, particularly in terms of the department's ability to enforce its rules.

The department shall submit its interim procedures and guidelines and a report of its evaluation of the requirements of a statewide program to decontaminate illegal methamphetamine manufacturing sites, together with any necessary legislation, to the legislature not later than twenty days prior to the convening of the regular session of 2007, and its permanent rules and evaluation no later than twenty days prior to the convening of the regular session of 2008.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 5, 2006.)