

## POLICY 28. FOUND HAZARDOUS MATERIALS

### A. Definition

1. Hazardous waste is a material, which in its present form, is not to be re-used in its present form and is intended to be discarded, or is recyclable, and which due to its present chemical, physical or infectious characteristics may pose a substantial threat to public health, safety and/or the environment when improperly managed, transported or disposed.

### B. Hazardous materials laws

1. The law regulates the discharge of a wide variety of hazardous materials into the surface or ground waters. Materials that come under these rules include incinerator residue, solid waste, sewage, garbage, munitions, chemical waste, biological materials, dredged soil, and radioactive materials. (See Water Code Section 13373 and 18 U.S.C. 1362(6)).
2. Laws dealing with hazardous waste management are found in the Health and Safety Code (Hazardous Waste Control Act), the Water Code, and the Food and Agriculture Code 3. The Hazardous Waste Control Act begins with Health and Safety Code Section 25100. The Act provides for several criminal offenses and civil penalties for conduct that involves the unsafe handling of hazardous waste as defined in the code.
3. The willful or negligent discharge of such pollutants into surface or underground water systems is a 1-year misdemeanor under Water Code Section 13387(a). Other offenses exist for discharging hazardous waste into state waters (Water Code Sections 13265 & 13271).
4. Health and Safety Code Section 25189.5(a) & (b) make it a felony to knowingly or negligently dispose of or cause the disposal of "hazardous waste" at a facility or location not authorized or permitted by law. Per 25189.5(c) it is a felony to knowingly or negligently transport "hazardous waste" to a facility or location not permitted for disposal.
5. Health and Safety Code Section 25191(a) makes it a crime to falsify compliance documents such as labels, permits, manifests; to possess altered or concealed compliance documents; and to transport without proper registration. In each of these offenses the suspect must know of the possession, alteration or falsification in order to be guilty.
6. It is a crime for a handler or employee to knowingly fail to report the release or threatened release of hazardous materials (H&S 25515.3(b)). Other provisions include Fish and Game Code Sections 5650 & 12002(a) & (b).

### C. Hazardous materials (non-drug lab)

1. The safety of the public and deputies responding to incidents involving hazardous materials is of utmost importance.
2. Upon receiving a radio call of abandoned hazardous materials, the deputy should respond to the scene and contact the reporting party.
3. After evaluating and confirming that there may be hazardous materials at the site, the deputy shall call for the fire department to assist with identifying the specific hazardous material(s) and setting up a safe perimeter.
4. Close examination of items suspected to be hazardous materials shall be done only if there is no threat of safety to the deputy or if the deputy is properly attired. The decision to examine items suspected to be hazardous materials will be left to the judgment of the deputy.
5. If there does not appear to be a threat to the deputy's safety, the deputy shall perform an examination of the items to determine if there are indeed hazardous materials that must be disposed of properly. Any of the following may indicate the presence of such hazardous materials:
  - a. labels on containers indicating the material is poisonous or corrosive
  - b. warning notices on the containers
  - c. the presence of leakage from the container
  - d. the presence of fumes or noxious odors
  - e. the existence of corrosion on the container
6. Once the deputy has confirmed that there exists a hazardous materials incident, the deputy shall request deployment of the Department's Hazardous Materials Management Unit (HazMat) through the Sheriff's Communications Center.
7. Upon arrival at the site, the HazMat Team will inspect and analyze the materials. They will then attempt to identify the property owner and will call out a private disposal company. If the material is too dangerous to move due to exposure, the Sheriff's Bomb Unit will be requested to respond. The Sheriff's Bomb Unit will respond or contact the appropriate party depending on the nature of the material.

### D. Drug labs

1. The manufacturing and processing of certain controlled substances in drug labs involve hazardous materials. Deputies responding to a suspected drug lab shall perform the following steps:

- a. The deputy shall determine if there are persons inside the structure and attempt to make contact with them.
  - b. If the resident or residents come to the door of the suspected drug lab, the deputy may request a permissive search. If the permissive search request is denied and the deputy has probable cause that a drug lab may be present, the deputy must secure the perimeter and obtain a search warrant before going any further (excluding exigent circumstances). If no one answers the door, the deputy shall secure the perimeter and obtain a search warrant before entering the premises.
  - c. For the purposes of this policy, exigent circumstances” are those which justify an immediate warrantless entry and securing the interior premises if the deputy reasonably believes that volatile chemicals and/or fumes are present. Once the interior premises have been secured and the volatile chemicals and/or fumes have been neutralized, the exigent circumstances no longer exist and the deputy must withdraw. A search warrant must be obtained before proceeding further.
2. Deputies lawfully entering a structure and finding what appears to be an illegal drug lab will adhere to the following procedure:
- a. DO NOT TURN ON THE LIGHTS (the structure may be booby-trapped)
  - b. DO NOT ALLOW ANYONE TO SMOKE IN THE AREA
  - c. BACK OUT IMMEDIATELY and immediately request the Narcotics Task Force (NTF/DEA) through the Sheriff’s Communications Center
  - d. Once NTF/DEA arrives to take command of the incident, the deputy should debrief the NTF/DEA Team
  - e. Request the fire department to assist with further identifying items and performing any necessary evaluations
  - f. Do not allow anyone to enter the lab except authorized, essential personnel
  - g. Prior to making entry into a suspected drug lab, deputies should be alert to potential “booby traps” around and in the structure. If the deputy suspects, in any way, that the location is “booby trapped, the deputy shall immediately notify the Sheriff’s Bomb Unit and back away.

#### E. Reports of chemical odors

1. Periodically, the Sheriff’s Communications Center will receive a report complaining of a strong anesthetic odor in the area or from an apartment or out building. The responding deputy should perform the following steps for such incidents:

- a. contact the reporting party and locate the suspected apartment or other structure
  - b. if there is any evidence that the source of the odor may be a drug lab, the deputy should follow the steps outlined in Section D (Drug Labs) of this policy
2. If there is evidence of flammable vapors, the deputy shall request the fire department to respond to the scene. Deputies should evacuate nearby residents from the potentially flammable vapors. For public safety, it is advisable to clear adjacent or nearby residents.

*Reference: Department P&P Section 6.114 - Handling of Hazardous Materials Incident*