

Senate Bill 15

By: Senators Douglas of the 17th, Johnson of the 1st, Goggans of the 7th, Rogers of the 21st,
Hawkins of the 49th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to provide for quarantining and certified clean up of sites where
3 methamphetamine was unlawfully manufactured; to define certain terms; to provide for
4 notices of quarantine and the filing thereof in the offices of clerks of superior courts; to
5 provide for lists of persons authorized to perform testing, clean up, and certify fitness of
6 previously quarantined property; to provide for filing of certificates of fitness in the offices
7 of clerks of superior courts; to provide for lifting of quarantines; to provide for a registry of
8 quarantined properties and the removal of properties from such list; to provide for continued
9 applicability of other provisions of said chapter; to provide for rules and regulations; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
14 management, is amended by adding a new article to read as follows:

15 style="text-align:center">"ARTICLE 10

16 12-8-220.

17 As used in this article, the term:

18 (1) 'Board' means the Board of Natural Resources.

19 (2) 'Director' means the director of the division.

20 (3) 'Division' means the Environmental Protection Division of the department.

21 12-8-221.

22 (a) Any real property, including but not limited to any structure or room in any structure
23 on such property, wherein the manufacture of methamphetamines in violation of Code
24 Section 16-13-31 occurs or has occurred may be quarantined by the local law enforcement
25 agency having jurisdiction where such property is located. The local law enforcement
26 agency which quarantines the property shall be responsible for posting signs indicating that
27 the property has been quarantined and, to the extent they can be reasonably identified, for
28 notifying all parties having any right, title, or interest in the quarantined property,
29 including, but not limited to, any lienholders.

30 (b)(1) Any person who has an interest in property quarantined pursuant to this Code
31 section may file a petition in the superior court of the county in which the property is
32 located. Such a petition shall be for the purpose of requesting that the court order the
33 quarantine of such property be lifted for one of the following reasons:

34 (A) The property was wrongfully quarantined; or

35 (B) The property has been properly cleaned and all hazardous materials removed, and
36 it is now safe for human use, but the local law enforcement agency that imposed the
37 quarantine refuses to lift it.

38 (2) The court shall take such proof as it deems necessary to rule upon a petition filed
39 pursuant to this subsection and, after hearing such proof, may grant the petition and lift
40 the quarantine or deny the petition and maintain the quarantine.

41 (c) Any person who knowingly and willfully inhabits quarantined property, offers such
42 property to the public for temporary or indefinite habitation, or removes any signs or
43 notices of such quarantine shall be guilty of a misdemeanor.

44 12-8-222.

45 (a) The director shall compile and maintain a list of persons who are certified industrial
46 hygienists in accordance with Chapter 21A of Title 43 and are qualified by the director for
47 purposes of this article. Such persons shall be authorized to test properties in which a
48 process intended to result in the manufacture of methamphetamines has occurred in
49 violation of Code Section 16-13-31 to determine if a property is safe for human use. Such
50 property may include, but is not limited to, leased or rented property such as a hotel or
51 motel room, rented home or apartment, or any residential property.

52 (b)(1) The director shall also compile and maintain a list of persons authorized to
53 perform clean up of property where the unlawful manufacture of methamphetamine has
54 occurred. Such lists shall be posted on a website maintained by the department.

55 (2) Only contractors certified by the director shall be authorized to conduct such
56 decontamination services. In order to become a certified contractor, a contractor shall:

- 57 (A) Register with the director;
58 (B) Post a surety bond or obtain other financial assurance in the amount of
59 \$500,000.00;
60 (C) Provide a certificate issued by an insurance company licensed to do business in this
61 state, certifying that the contractor has a public liability insurance policy in an amount
62 deemed sufficient by the director for any personal or property damages that might occur
63 to third parties arising from the performance of decontamination services by the
64 contractor or his or her employees or agents;
65 (D) Certify that decontamination will be performed safely and in accordance with this
66 article and any rules and regulations promulgated pursuant thereto; and
67 (E) Certify that each clean up conducted meets the decontamination standard required
68 by this article and any rules and regulations promulgated pursuant thereto.
69 Upon registration, the director shall either accept or deny the contractor's certification.
70 The director may revoke the certification of any contractor for cause and may collect the
71 forfeited financial assurance of any contractor found to be in violation of this subsection.

72 12-8-223.

73 Once a property has been quarantined, any party having a right, title, or interest in the
74 quarantined property, including but not limited to any lienholders, may contact a certified
75 industrial hygienist qualified by the director to perform appropriate testing on such
76 property to determine whether hazardous waste is present or a contractor from the list
77 maintained by the director for clean up and removal of all hazardous waste from such
78 property. The property shall remain quarantined until a certified industrial hygienist named
79 on the director's list compiled pursuant to Code Section 12-8-222 certifies to the
80 quarantining law enforcement agency that the property is safe for human use.

81 12-8-224.

82 (a) Whenever any real property, including but not limited to any structure or room in any
83 structure on such property, is quarantined by a local law enforcement agency pursuant to
84 Code Section 12-8-221 due to the manufacture of methamphetamine, an officer of the local
85 law enforcement agency quarantining the property shall file a signed and notarized notice
86 of methamphetamine lab quarantine in the office of the clerk of superior court in the county
87 in which the real property or any portion of the real property lies. The clerk of court shall
88 record such notice in the record series containing the title deeds and shall index the notice
89 with the owner or owners of the real property as the grantor and with the local law
90 enforcement agency giving the notice as the grantee. No fee shall be collected for this
91 filing.

92 (b) A notice in a form substantially as follows is sufficient to comply with subsection (a)
 93 of this Code section:

94 Notice of Methamphetamine Lab Quarantine:

95 Notice is hereby given that an illegal laboratory for the manufacture of methamphetamine
 96 was seized at the location described below on (date). This real property has been
 97 quarantined by (name of local law enforcement agency) pursuant to O.C.G.A. Section
 98 12-8-221. This property shall remain quarantined until a certified industrial hygienist
 99 named on the list of the director of the Environmental Protection Division of the
 100 Department of Natural Resources pursuant to O.C.G.A. Section 12-8-222 certifies that
 101 the property is safe for human use.

102 Name of Property Owner or Owners: _____

103 Property Address: _____

104 Apartment or Unit Number (if applicable): _____

105 Description of Property Sufficient to Identify: _____

106 Name of Person and Agency Giving Notice: _____

107 Signature of Person Giving Notice Title/Position: _____

108 Date: _____

109 Notary Public: _____ (Seal)'

110 12-8-225.

111 (a) Whenever a certified industrial hygienist named on the director's list pursuant to Code
 112 Section 12-8-222 determines that the property quarantined pursuant to Code Section
 113 12-8-221 is safe for human use, based upon the standards prescribed pursuant to this
 114 article, such person or entity shall issue a signed and notarized certificate of fitness.

115 (b) The owner or any person having any right, title, or interest in the real property,
 116 including, but not limited to, any lienholders, may file the certificate of fitness in the office
 117 of the clerk of superior court in the county in which the real property or any portion of the
 118 property lies. The clerk of court shall record such certificate in the record series containing
 119 the title deeds and shall index the certificate with the owner or owners of the real property
 120 as the grantee and the local law enforcement agency that issued the quarantine as grantor.
 121 The fee for such filing shall be as for notices and certificates pertaining to real estate in
 122 accordance Code Section 15-6-77.

123 (c) A form substantially as follows shall be sufficient to comply with subsection (a) of this
 124 Code section:
 125 'Certificate of Fitness:
 126 Notice is hereby given that the real property quarantined by (name of local law
 127 enforcement agency) pursuant to O.C.G.A. Section 12-8-221 at the location described
 128 below has been tested by a certified industrial hygienist named on the list of the director
 129 of the Environmental Protection Division of the Department of Natural Resources
 130 compiled pursuant to O.C.G.A. Section 12-8-222 and has been remediated by a person
 131 or entity authorized by the director pursuant to O.C.G.A. Section 12-8-222 to perform
 132 clean up of property used to manufacture methamphetamine.

133 I, the undersigned, hereby certify that the real property at this location is safe for human
 134 use pursuant to O.C.G.A. Section 12-8-222 in accordance with the rules and regulations
 135 of the Department of Natural Resources as currently are in effect.

136 Name of Property Owner or Owners: _____

137 Property Address: _____

138 Apartment or Unit Number (if applicable): _____

139 Description of Property Sufficient to Identify: _____

140 Name of Certified Industrial Hygienist: _____

141 Signature of Certified Industrial Hygienist: _____

142 Date: _____

143 Notary Public: _____ (Seal)'

144 12-8-226.

145 (a) Within seven days of issuing an order of quarantine, the local law enforcement agency
 146 that issued the order shall transmit to the director at least the following information
 147 regarding the site:

148 (1) The date of the quarantine order;

149 (2) The county in which the site is located;

150 (3) The address of the site;

151 (4) The name of the owner of the site; and

152 (5) A brief description of the site, such as single-family home, apartment, motel, wooded
 153 area, or other type of structure or use.

154 (b) The director shall maintain a registry of all properties reported by a local law
 155 enforcement agency that have been under order of quarantine for at least 60 days. The
 156 registry shall be available for public inspection at the division and shall be posted on the
 157 department's website. Listed properties shall be removed from the registry when a local

158 law enforcement agency reports that the quarantine has been lifted in accordance with this
159 article.

160 12-8-227.

161 Nothing in this article shall relieve any person who has an interest in property quarantined
162 pursuant to this Code section from any other applicable obligations imposed under this
163 chapter.

164 12-8-228.

165 The board shall promulgate such rules and regulations as are reasonable and necessary to
166 implement this article, including but not limited to rules and regulations concerning the
167 inspection, testing, decontamination standards for methamphetamine and its precursors or
168 other hazardous wastes or hazardous substances related to the unlawful production of
169 methamphetamine, and quarantine of property affected by this article; provided, however,
170 that the decontamination standard for methamphetamine shall be a specified amount not
171 exceeding 0.1 microgram of methamphetamine per 100 square centimeters of interior
172 building surface material to which an inhabitant may be exposed."

173 **SECTION 2.**

174 All laws and parts of laws in conflict with this Act are repealed.