



County of Santa Cruz

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DISTRICT ATTORNEY'S OFFICE

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KATHRYN CANLIS
DISTRICT ATTORNEY

November 8, 2001

BOARD AGENDA: November 20, 2001

Tony Campos, Chairman and
Members of the Board of Supervisors
Governmental Center
701 Ocean Street, Room 500
Santa Cruz, California 95060

RE: SPECIAL ADDITIONAL CERTIFICATION OF COMPLIANCE FOR ANTI-DRUG
ENFORCEMENT PROGRAM FOR FISCAL YEAR 2001-02

Dear Chairman Campos and Members of the Board:

In June 2001, your Board authorized us to reapply to the Office of Criminal Justice Planning (OCJP) for fiscal year 2001-02 Anti-Drug Abuse Enforcement Program (ADA) funding in the amount of \$253,438.

However, on August 30, 2001, the Bureau of Justice Assistance (BJA) notified OCJP that a special condition relating to the seizure and removal of clandestine methamphetamine labs has been attached to this year's Byrne funding for this program. Acceptance of this special condition was a prerequisite to receive California's share of the funding. After lengthy discussions with BJA, OCJP Executive Staff decided to accept the special condition rather than decline the funding.

As a result, OCJP forwarded the attached Certification of Compliance regarding the aforementioned special condition to us. They have requested that we identify which one of the four options we choose to implement and to have the document signed by the District Attorney and the Chairperson of the Board. We have chosen to accept the Byrne funds for fiscal year 2001-02, but we will not use them in the seizure or removal of clandestine methamphetamine laboratories. Seizure, removal, and transportation of hazardous materials that result from the operations of clandestine methamphetamine laboratories are handled by agencies other than Santa Cruz County law enforcement. The South Bay Methamphetamine Task Force, made of various federal, State, and local agencies from the Santa Clara County area, is responsible for the hazardous material

WATSONVILLE OFFICE

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clean up related to sites within the County. Additionally the California Department of Justice Laboratory is responsible for the seizure and control of evidence found at any County site that may be hazardous material.

Once OCJP receives the completed certification with the correct signatures, they will be able to complete processing of our grant application and put our county into Grant Award Agreement. As soon as we are in Grant Award Agreement, OCJP can process our expenses associated with ADA Program.

THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:

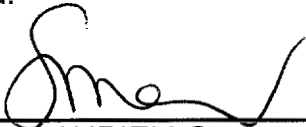
1. Authorize the Chairperson of the Board to sign the attached Byrne-Funded Projects, Certification of Compliance, Methamphetamine Laboratory Operations.

Sincerely,



KATHRYN CANLIS
DISTRICT ATTORNEY
COUNTY OF SANTA CRUZ

Approved:



SUSAN A. MAURIELLO
COUNTY ADMINISTRATIVE OFFICER

jmr

ADABOScertltr

**BYRNE-FUNDED PROJECTS
CERTIFICATION OF COMPLIANCE
METHAMPHETAMINE LABORATORY OPERATIONS**

This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratories, including the seizure and/or removal of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"].

The United States Environmental Protection Agency (USEPA) has determined that, "law enforcement responsibilities terminate when the law enforcement official notifies the property owner of record, the state, and the local environmental or public health agencies in writing of a possible site contamination at a clandestine lab."

Law enforcement personnel may seize as evidence and remove any bottles, cans, jugs and other containers, as well as contaminated apparatus and chemical samples from a clandestine drug site, however, law enforcement agencies are not responsible for the cleanup/remediation of any rooms, buildings or surrounding environments, including septic systems, rivers, streams or contaminated soils.

I, KATHRYN CANLIS, hereby certify that:
(Type the name of the official authorized to sign grant award, same person as on line 13 on Grant Award Face Sheet)

GRANTEE: COUNTY OF SANTA CRUZ

IMPLEMENTING AGENCY: COUNTY OF SANTA CRUZ DISTRICT ATTORNEY

PROJECT TITLE: ANTI-DRUG ABUSE ENFORCEMENT PROGRAM

(Check one of the following four boxes)

☐ Will **not** accept the Byrne funds for the period of July 1, 2001 to June 30, 2002.

OR

☒ Will accept the Byrne funds for the period of July 1, 2001 to June 30, 2002, but will not use them in the **seizure or removal** of clandestine methamphetamine laboratories.

OR

☐ Will accept the Byrne funds for the period of July 1, 2001 to June 30, 2002, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Grantee will provide medical screening of personnel assigned or to be assigned by the grantee to the seizure of clandestine methamphetamine laboratories;
2. Grantee will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure of clandestine methamphetamine laboratories;
3. Grantee will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;
4. Grantee will notify the Department of Toxic Substances Control (DTSC), and send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized; and
5. Grantee will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary,;
 - (i) Respond to the minor's health needs that relate to methamphetamine toxicity;
 - (ii) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (iii) Arrange for medical testing for methamphetamine toxicity; and
 - (iv) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

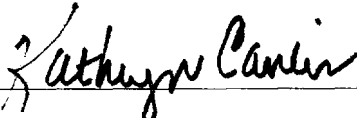
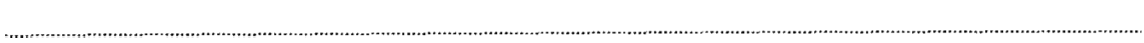
OR

☐ Will accept the Byrne funds for the period of July 1, 2001 to June 30, 2002, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure and/or removal** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Grantee will provide medical screening of personnel assigned or to be assigned by the grantee to the seizure and/or removal of clandestine methamphetamine laboratories;
2. Grantee will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure and/or removal of clandestine methamphetamine laboratories;
3. Grantee will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;

4. Grantee will send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized;
5. Grantee will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary,:
 - (v) Respond to the minor's health needs that relate to methamphetamine toxicity;
 - (vi) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (vii) Arrange for medical testing for methamphetamine toxicity; and
 - (viii) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.
6. Grantee will assign properly trained personnel to prepare a Hazard Assessment and Recognition Plan (HARP) for the clandestine methamphetamine laboratory site;
7. Grantee or DTSC will utilize qualified disposal personnel to remove the chemicals, associated glassware, equipment, and contaminated materials and wastes from the clandestine methamphetamine laboratory site;
8. Grantee or DTSC will dispose of the chemicals, associated glassware, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licenses recycling facilities; and
9. Grantee or DTSC will monitor the records involving the transport, disposal and recycling components of subparagraphs numbered 7. and 8. immediately above in order to ensure proper compliance.

All appropriate documentation must be maintained on file by the project and available for OCJP or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the grantee may be ineligible for award of any future grants if the Office of Criminal Justice Planning (OCJP) determines that any of the following has occurred: **(1)** the grantee has made false certification, or **(2)** violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION	
<p>I, the official named below, am the same individual authorized to sign the Grant Award Agreement [line 13 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.</p>	
Authorized Official's Signature:	
Authorized Official's Typed Name:	Kathryn Canlis
Authorized Official's Title:	District Attorney
Date Executed:	November 5, 2001
Federal ID Number:	94-6000534
Executed in the City/County of:	County of Santa Cruz
AUTHORIZED BY:	
<input type="checkbox"/> City/County Financial Officer <input type="checkbox"/> City Manager <input checked="" type="checkbox"/> Governing Board Chair	
Signature:	
Typed Name:	Tony Campos
Title:	Chairperson of the Board