

## NM DISCLOSURE

**20.4.5.11 CONTENTS OF NOTICE OF CONTAMINATION.** The notice of contamination required by 20.4.5.10 NMAC shall contain the following in both English and Spanish or other appropriate tribal language.

- A.** The word "warning" in large bold type at the top and bottom of the notice.
- B.** A statement that a clandestine drug laboratory was identified at the property.
- C.** The date of the identification.
- D.** The address or location of the property where the clandestine drug laboratory was identified. A description of the residually contaminated portion of the property, including a structure, room, apartment or unit number if not the entire or a vehicle registration or vehicle identification number if appropriate.
- E.** The name of the law enforcement agency that identified the clandestine drug laboratory and that agency's telephone number.
- F.** A statement that hazardous substances, toxic chemicals, or other residual contamination from operation of the clandestine drug laboratory may still be present.
- G.** A statement that a person other than the owner or the owner's agent may not enter, occupy, or use the clandestine drug laboratory property or otherwise knowingly and intentionally violate the provisions of the notice of contamination until remediation of the residually contaminated portion of the property has taken place in accordance with 20.4.5.16 NMAC and such remediation has been approved by the department.
- H.** A statement that a person may not knowingly and intentionally disturb the notice of contamination posted at the clandestine drug laboratory.
- I.** A statement that the owner of the property shall remediate the residually contaminated portion of the property in compliance with 20.4.5.16 NMAC.
- J.** A statement that until remediation is complete, the owner or the owner's agent shall not sell, lease, rent, loan, assign, exchange, or otherwise transfer the residually contaminated portion of the property without providing notice of its existence as required by 20.4.5.13 NMAC.
- K.** A statement that failure of the owner to comply with the requirements of this part may result in a fine of up to \$10,000 per day pursuant to Section 74-4-12 NMSA 1978 , and is a petty misdemeanor pursuant to Section 74-1-10 NMSA 1978.
- L.** Contact information for the department.

[20.4.5.11 NMAC - N, 1/01/2008]

### **20.4.5.13 USE AND TRANSFER OF CLANDESTINE DRUG LABORATORY.**

**A.** An owner shall not sell, lease, rent, loan, assign, exchange or otherwise transfer the clandestine drug laboratory property unless the owner does the following:

(1) provides written notice to the purchaser, lessee, renter, borrower, assignee, exchange partner or other transferee, with a copy to the department's hazardous waste bureau, of the existence of the clandestine drug laboratory; and  
(2) receives a written acknowledgment, and provides a copy to the department's hazardous waste bureau, that the notice was received by the purchaser, lessee, renter, borrower, assignee, exchange partner or other transferee.

**B.** A person other than the owner or the owner's agent may not enter, occupy, or use the clandestine drug laboratory or otherwise knowingly and intentionally violate the provisions of the notice of contamination until remediation of the residually contaminated portion of the property has taken place in accordance with 20.4.5.16 NMAC. Persons performing work for a law enforcement agency, the department, or a remediation firm are excepted from this prohibition.

[20.4.5.13 NMAC - N, 1/01/2008]