

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN ASSEMBLY MAY 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1071**

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**Introduced by Assembly Members Atkins and Eduardo Garcia**

February 26, 2015

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An act to add Section 71118 to the Public Resources Code, relating to environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1071, as amended, Atkins. Supplemental environmental projects.

Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist the secretary in developing an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities of the California Environmental Protection Agency's boards, departments, and offices that may impede the achievement of environmental justice.

This bill would require each board, department, and office within the agency *that has enforcement authority* to establish a specified policy on supplemental environmental projects, as defined, that benefits disadvantaged communities, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Many communities across California are located in areas  
4 disproportionately impacted from multiple sources of pollution,  
5 including air and water pollution, leading to higher rates of  
6 respiratory illness, hospitalizations, and premature death.

7 (2) These environmentally impacted communities, also known  
8 as environmental justice communities, need resources to  
9 appropriately address environmental health impacts and to  
10 implement community-led solutions.

11 (3) One way that environmental justice communities can see  
12 direct environmental and public health benefits in their  
13 neighborhoods is through the implementation of supplemental  
14 environmental projects, which allow entities in violation of  
15 environmental laws to voluntarily undertake environmental projects  
16 as part of a settlement of an enforcement action.

17 (4) Currently, not all boards, departments, and offices within  
18 the California Environmental Protection Agency have policies on  
19 supplemental environmental projects, and those with policies  
20 largely lack a focus on how to best help environmental justice  
21 communities.

22 (b) Therefore, it is the intent of the Legislature that all boards,  
23 departments, and offices *within the California Environmental*  
24 *Protection Agency that have enforcement authority* develop a  
25 policy on supplemental environmental projects that includes a  
26 focus on benefiting environmental justice communities and  
27 engaging community-based organizations through an accessible  
28 and open public process.

29 SEC. 2. Section 71118 is added to the Public Resources Code,  
30 to read:

31 71118. (a) For purposes of this section, the following terms  
32 have the following meanings:

33 (1) “Agency” means the California Environmental Protection  
34 Agency.

35 (2) “Disadvantaged community” means a community identified  
36 pursuant to Section 39711 of the Health and Safety Code.

37 (3) “Supplemental environmental project” means an  
38 environmentally beneficial project that a person subject to an

1 enforcement action voluntarily agrees to undertake in settlement  
2 of the action and to offset a portion of a civil penalty.

3 (b) Each board, department, and office within the agency *that*  
4 *has enforcement authority* shall establish a policy on supplemental  
5 environmental projects that benefits disadvantaged communities.  
6 The policy shall include, but need not be limited to, all of the  
7 following:

8 (1) A public process to solicit potential supplemental  
9 environmental projects from disadvantaged communities.

10 (2) Allowing the amount of a supplemental environmental  
11 project to be up to 50 percent of the enforcement action brought  
12 under the jurisdiction of a board, department, or office within the  
13 agency.

14 (3) An annual list of supplemental environmental projects that  
15 may be selected to settle a portion of an enforcement action under  
16 the jurisdiction of a board, department, or office within the agency.

17 (4) A consideration of the relationship between the location of  
18 the violation and the location of the proposed supplemental  
19 environmental project.

20 (c) The Secretary for Environmental Protection shall consolidate  
21 the projects compiled pursuant to subdivision (b) into one list and  
22 post that list on the agency's Internet Web site.