

Assembly Bill No. 1071

Passed the Assembly September 4, 2015

Chief Clerk of the Assembly

Passed the Senate September 3, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1071, 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.

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

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

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

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

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

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

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

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

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

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

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

(3) “Supplemental environmental project” means an environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake in settlement of the action and to offset a portion of a civil penalty.

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

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

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

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

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

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

Approved _____, 2015

Governor