

**ASSEMBLY BILL**

**No. 1787**

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**Introduced by Assembly Member Gomez**

February 4, 2016

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An act to amend Section 12812.2 of the Government Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1787, as introduced, Gomez. California Environmental Protection Agency: cross-media enforcement unit.

Existing law establishes the California Environmental Protection Agency (CalEPA) under the supervision of the Secretary for Environmental Protection, and requires CalEPA, among other things, to identify disadvantaged communities for certain investment opportunities based on geographic, socioeconomic, public health, and environmental hazard criteria, as specified. Existing law requires the secretary's deputy secretary for law enforcement and counsel to, in consultation with the Attorney General, establish a cross-media enforcement unit to assist boards, departments, offices, or other agencies that implement a law or regulation within the jurisdiction of CalEPA, as specified.

This bill would require the cross-media enforcement unit to prioritize the state's most disadvantaged communities, as specified.

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. Section 12812.2 of the Government Code is  
2 amended to read:

3 12812.2. (a) One of the deputies to the Secretary for  
4 Environmental Protection shall be a deputy secretary for law  
5 enforcement and counsel, who, subject to the direction and  
6 supervision of the secretary, shall have the responsibility and  
7 authority to do all of the following:

8 (1) Develop a program to ensure that the boards, departments,  
9 offices, and other agencies that implement laws or regulations  
10 within the jurisdiction of the California Environmental Protection  
11 Agency take consistent, effective, and coordinated compliance  
12 and enforcement actions to protect public health and the  
13 environment. The program shall include training and cross-training  
14 of inspection and enforcement personnel of those boards,  
15 departments, offices, or other agencies to ensure consistent,  
16 effective, and coordinated enforcement.

17 (2) (A) In consultation with the Attorney General, establish a  
18 cross-media enforcement unit to assist a board, department, office,  
19 or other agency that implements a law or regulation within the  
20 jurisdiction of the California Environmental Protection Agency,  
21 to investigate and prepare matters for enforcement action in order  
22 to protect public health and the environment. The unit may inspect  
23 and investigate a violation of a law or regulation within the  
24 jurisdiction of the board, department, office, or other agency,  
25 including a violation involving more than one environmental  
26 medium and a violation involving the jurisdiction of more than  
27 one board, department, office, or agency. The unit shall exercise  
28 its authority consistent with the authority granted to the head of a  
29 department pursuant to Article 2 (commencing with Section 11180)  
30 of Chapter 2 of Part 1. *In exercising its authority pursuant to this*  
31 *section, the unit shall prioritize the state’s most disadvantaged*  
32 *communities.*

33 (B) *For purposes of this paragraph, “state’s most disadvantaged*  
34 *communities” means communities identified by the California*  
35 *Environmental Protection Agency, through the California*  
36 *Communities Environmental Health Screening Tool, also known*  
37 *as CalEnviroScreen, created pursuant to Section 39711 of the*  
38 *Health and Safety Code, as the disadvantaged communities most*

1 *disproportionately burdened and vulnerable to multiple sources*  
2 *of pollution.*

3 (3) Refer a violation of a law or regulation within the jurisdiction  
4 of a board, department, office, or other agency that implements a  
5 law or regulation within the jurisdiction of the California  
6 Environmental Protection Agency to the Attorney General, a  
7 district attorney, or city attorney for the filing of a civil or criminal  
8 action.

9 (4) Exercise the authority granted pursuant to paragraph (3)  
10 only after providing notice to the board, department, office, or  
11 other agency unless the secretary determines that notice would  
12 compromise an investigation or enforcement action.

13 (b) Nothing in this section shall authorize the deputy secretary  
14 for law enforcement and counsel to duplicate, overlap, compromise,  
15 or otherwise interfere with an investigation or enforcement action  
16 undertaken by a board, department, office, or other agency that  
17 implements a law or regulation subject to the jurisdiction of the  
18 California Environmental Protection Agency.

19 (c) The Environmental Protection Agency shall post on its Web  
20 site, updated no later than December 1 of each year, the status of  
21 the implementation of this section.