An act to amend Section 71118 of, and to add Section 71119 to, the Public Resources Code, relating to environmental justice.

LEGISLATIVE COUNSEL’S DIGEST

AB 2781, as introduced, Eduardo Garcia. Supplemental environmental projects.

Existing law requires each board, department, and office within the California Environmental Protection Agency that has enforcement authority to establish a policy on supplemental environmental projects that benefits disadvantaged communities that includes, among other things, allowing the amount of a supplemental environmental project to be up to 50% of the enforcement action.

This bill would require the policy to also include a requirement that an additional 10% of an enforcement action to be deposited in the Supplemental Environmental Projects and Disadvantaged Communities Fund. The bill would require the moneys in the fund, upon appropriation, to be used to implement environmental projects in disadvantaged communities, as specified.


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

SECTION 1. Section 71118 of the Public Resources Code is amended to read:
(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 and requiring an additional 10 percent of the enforcement action be deposited in the Supplemental Environmental Projects and Disadvantaged Communities Fund, created pursuant to Section 71119.

(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 paragraph (3) of subdivision (b) into one list and post that list on the agency’s Internet Web site.

SEC. 2. Section 71119 is added to the Public Resources Code, to read:

71119. The Supplemental Environmental Projects and Disadvantaged Communities Fund is hereby created. All moneys deposited in the fund shall be available, upon appropriation by the Legislature, to implement environmental projects in disadvantaged communities, as identified pursuant to Section 39711. Priority
shall be given to projects on the list compiled pursuant to subdivision (c) of Section 71118.