

AMENDED IN ASSEMBLY APRIL 7, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2781

Introduced by Assembly Member Eduardo Garcia

February 19, 2016

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 amended, 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 *and* 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~~ *monetary penalty* be deposited in the Supplemental Environmental Projects ~~and in the Disadvantaged Communities Fund.~~ *Fund, which would be created by the bill.* The bill would require the moneys in the fund, upon appropriation, to be used to implement environmental projects in 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 71118 of the Public Resources Code is
2 amended to read:

3 71118. (a) For purposes of this section, the following terms
4 have the following meanings:

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

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

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

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

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

20 (2) Allowing the amount of a supplemental environmental
21 project to be up to 50 percent of the enforcement action brought
22 under the jurisdiction of a board, department, or office within the
23 agency and requiring ~~an additional~~ 10 percent of the enforcement
24 action *monetary penalty* be deposited in the Supplemental
25 Environmental Projects ~~and in the~~ Disadvantaged Communities
26 Fund, created pursuant to Section 71119.

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

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

34 (c) The Secretary for Environmental Protection shall consolidate
35 the projects compiled pursuant to paragraph (3) of subdivision (b)
36 into one list and post that list on the agency’s Internet Web site.

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

1 71119. The Supplemental Environmental Projects ~~and~~ *in the*
2 Disadvantaged Communities Fund is hereby created. All moneys
3 deposited in the fund shall be available, upon appropriation by the
4 Legislature, to implement environmental projects in disadvantaged
5 communities, as identified pursuant to Section ~~39711~~. *39711 of*
6 *the Health and Safety Code*. Priority shall be given to projects on
7 the list compiled pursuant to subdivision (c) of Section 71118.

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