

Frequently Asked Questions

1. What does DTSC's Draft Supplemental Environmental Projects (SEPs) Policy do?

DTSC's Draft SEPs Policy prioritizes SEPs in California's most impacted communities where hazardous waste laws were broken. The Policy describes the categories of acceptable SEPs and performance options, and outlines the legal and administrative requirements for performing and successfully completing a SEP.

2. What are SEPs?

SEPs are projects that improve public health or the environment. A SEP is paid for by a company or individual for breaking an environmental law. A SEP can partially fulfill a penalty for breaking an environmental law. A SEP must improve, restore, protect, or reduce risks to public health and/or the environment beyond that achieved by following environmental laws. Communities where environmental laws were broken can directly benefit from SEPs.

3. What are the benefits of SEPs?

When a company or person breaks an environmental law, it does harm to the environment or people living nearby. SEPs provide an opportunity for a violator to make a positive contribution to communities. SEPs create partnership opportunities and are an example of good government. Usually fines are the penalty given for breaking such a law. SEPs make sure that the money from those fines goes to repair the harm done to the environment or health of people living nearby.

4. How does DTSC prioritize environmental justice within its SEP Policy?

DTSC is required by law to prioritize enforcement actions affecting the most impacted communities. The California Environmental Health Screening Tool (CalEnviroScreen) and other information sources are used to identify these communities. SEPs projects will be encouraged in the most impacted communities.

5. Who can propose a SEP?

A SEP can be proposed by a company or person, during settlement of an enforcement action by DTSC. SEPs can also be proposed by a community group, a non-profit organization or qualifying foundation that has experience with SEPs.

6. How is the monetary value of a SEP assessed?

Up to 50% of the total penalty may be allocated to an acceptable SEP.

7. What is the process for submitting a SEP proposal?

DTSC will provide a copy of DTSC's SEP Policy.

- The company or person may submit a written proposal for a SEP that meets the requirements of the Policy.

- The company or person may also choose to make a donation to CalEPA's EJ Small Grants Programs or Enforcement Training Account.
- They may alternatively choose a project proposed by a foundation, community member or a qualified non-profit organization.

DTSC must give final approval to any proposed SEP. The implementer of the SEP is responsible for reporting progress, completion, and accounting for the monies spent on the SEP to DTSC.

8. Is there a time limit on when a SEP can be proposed or implemented?

A SEP may be proposed any time before finalizing settlement of an enforcement action.

9. When is a SEP considered complete?

A SEP is completed when the Project objectives are achieved in accordance with the Policy and terms of the enforcement action. DTSC will provide a written statement indicating the SEP has been satisfactorily completed and any remaining liability is waived.

10. What if the SEP is not satisfactorily completed?

If a SEP is not satisfactorily completed the company or individual is liable for the full-assessed penalty, minus any completed portion of the SEP. They must also pay for any oversight costs incurred by DTSC.

11. How can I participate?

DTSC is holding four public workshops on its draft SEPs Policy. The goal of the workshops is for DTSC to answer questions and get feedback on its draft SEPs policy. You can participate by:

- RSVP to the workshop of your choice to roger.kintz@dtsc.ca.gov.
- Provide comments via email at: SEP-comment@dtsc.ca.gov.

12. How long is the Public Comment Period?

DTSC is providing a 45-day public comment period from March 2, 2015 through April 16, 2015. The public comment period will end on April 17th, 2015.