

# COACHELLA VALLEY ENVIRONMENTAL JUSTICE ENFORCEMENT TASK FORCE

## DRAFT AGENDA

Wednesday, September 25, 2019 | 3:00 – 5:00 pm

Coachella Valley Mosquito & Vector Control District, 43420 Trader Place, Indio CA 92201

To Join by Phone: call 1-800-704-9804, participant code 588492#

**Welcome & Introductions** 3:00 pm

**Member Updates and Announcements** 3:10 pm

**[IVAN Updates](#)** 3:30 pm

**Supplemental Environmental Projects (SEP) Solicitation** 3:40 pm

***Adriana Godinez, Colorado River Basin Regional Water Board***

Regional Water Board staff will provide the necessary information about the agency's SEP solicitation process for interested parties to successfully submit a SEP proposal to the SEP Proponent List.

**Toxics Release Inventory (TRI) Online Tools** 4:10 pm

***Angela Baranco, USEPA – Region 9***

USEPA Region 9 staff will describe tools available online for community members to learn about chemicals in their neighborhoods.

**Monthly Salton Sea Update** 4:40 pm

**Closing** 4:50 pm

Next Meeting – Wednesday, October 23, 2019, 3:00 – 5:00 pm

**Adjourn** 5:00 pm

## ENVIRONMENTAL JUSTICE ENFORCEMENT TASK FORCE - COACHELLA VALLEY

Community Chair: Miguel Hernandez, Comité Civico del Valle (760) 351 8761 ext. 113, [miguel@ccvhealth.org](mailto:miguel@ccvhealth.org)

Government Chair: Maria Davydova, Colorado River Basin Regional Water Board 760-776-8947, [maria.davydova@waterboards.ca.gov](mailto:maria.davydova@waterboards.ca.gov)

# COACHELLA VALLEY ENVIRONMENTAL JUSTICE ENFORCEMENT TASK FORCE

## OBJECTIVE

*The main objective of this group is to address environmental justice concerns in Coachella Valley through a collaborative effort between the community and public agencies. Monthly task force meetings are held to promote agency transparency and accountability, provide education and outreach, offer an opportunity for meaningful public participation, and to support citizen science.*

## MEETING PROTOCOL

- During introductions, clearly state your name and affiliation
- Raise your hand to be recognized by the facilitator to speak
- Briefly repeat your name and affiliation every time you speak
- Avoid acronyms or be sure to define them at first use each meeting

## GROUND RULES

All participants agree to adhere to several basic working agreements for a productive meeting:

### HONOR TIME

*Arrive on time and stay for the whole meeting, if possible (we understand if you have prior commitments). Stay on time and on topic.*

### PARTICIPATE WITH INTENTION

*Give your full attention during the meeting. Listen and ask genuine questions. Wait for your turn to speak and do not start side conversations. Silence your cell phone.*

### MAINTAIN A RESPECTFUL SPACE

*Avoid ascribing motives to the actions of others. Be aware of hidden assumptions and articulate them. Speak honestly and without blame or judgment.*

### SHARE RESPONSIBILITY

*All attendees share the responsibility to implement the task force's objectives in ways that are consistent with their community's or organization's needs.*

### THE CO-CHAIRS FACILITATE THE MEETING

*As facilitators, the co-chairs may intervene to enforce these ground rules; please respect their right to do so.*

## ENVIRONMENTAL JUSTICE ENFORCEMENT TASK FORCE - COACHELLA VALLEY

Community Chair: Miguel Hernandez, Comité Civico del Valle (760) 351 8761 ext. 113, [miguel@ccvhealth.org](mailto:miguel@ccvhealth.org)

Government Chair: Maria Davydova, Colorado River Basin Regional Water Board 760-776-8947, [maria.davydova@waterboards.ca.gov](mailto:maria.davydova@waterboards.ca.gov)

# **COCHELLA VALLEY ENVIRONMENTAL JUSTICE ENFORCEMENT TASK FORCE**

## **AGENDA ITEM**

**Meeting Date**

September 25, 2019

**Title**

Supplemental Environmental Projects (SEP)

**Presenter**

Adriana Godinez, WRCE, Colorado River Basin Regional Water Board (Regional Water Board)

**Contact Info**

Adriana.Godinez@waterboards.ca.gov, (760) 346-6585

**Description**

Regional Water Board staff will provide the necessary information about the agency's SEP solicitation process for interested parties to successfully submit a SEP proposal to the SEP Proponent List.

**Background Information**

The Regional Board is the public agency responsible for protecting water quality in watersheds of Imperial, Riverside, San Bernardino and San Diego Counties. As part of its activities, the Regional Board may issue administrative civil liability complaints (ACLCs) to dischargers in response to violations of the California Water Code, including waste discharge requirements, discharge prohibitions, enforcement orders, or other orders of the Regional Board. Monetary assessments collected through resolution of ACLCs are paid to either the State Water Resources Control Board (State Board) Cleanup and Abatement Account (CAA) or Waste Discharge Permit Fund (WDPF). The State Board administers the CAA and WDPF, and funds are used to address important water quality cleanup and abatement activities through the state. As an alternative to depositing the entirety of the ACLC assessments in the CAA, the Regional Board may allow a portion of the assessment to be used for important and valuable water quality improvement projects within the Region, known as SEPs. SEPs shall directly benefit groundwater, surface water, or drinking water quality or quantity, and the beneficial uses of the waters of the State within the Region. SEPs must also provide a benefit to the public at large and are not otherwise required of the discharger by any rule or regulation of any federal, state, or local entity, or proposed as mitigation to offset the impacts of a discharger's project(s).

**Attachments and Links**

Solicitation letter, FAQ, and SEP Proposal Form are attached below.



## Colorado River Basin Regional Water Quality Control Board

August 1, 2019

### **SOLICITATION OF SUPPLEMENTAL ENVIRONMENTAL PROJECT PROPOSALS AND INVITATION TO SEP PROCESS WORKSHOPS**

#### **To Interested Parties:**

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) would like to invite your organization to become a part of our Supplemental Environmental Project (SEP) Proponent List and invite your organization to the Regional Board's upcoming SEP process workshops.

The Regional Board is the public agency responsible for protecting water quality in watersheds of Imperial, Riverside, San Bernardino and San Diego Counties. As part of its activities, the Regional Board may issue administrative civil liability complaints (ACLs) to dischargers in response to violations of the California Water Code, including waste discharge requirements, discharge prohibitions, enforcement orders, or other orders of the Regional Board. Monetary assessments collected through resolution of ACLs are paid to either the State Water Resources Control Board (State Board) Cleanup and Abatement Account (CAA) or Waste Discharge Permit Fund (WDPF). The State Board administers the CAA and WDPF, and funds are used to address important water quality cleanup and abatement activities through the state.

As an alternative to depositing the entirety of the ACL assessments in the CAA, the Regional Board may allow a portion of the assessment to be used for important and valuable water quality improvement projects within the Region, known as SEPs.

SEPs shall directly benefit groundwater, surface water, or drinking water quality or quantity, and the beneficial uses of the waters of the State within the Region. SEPs must also provide a benefit to the public at large and are not otherwise required of the discharger by any rule or regulation of any federal, state, or local entity, or proposed as mitigation to offset the impacts of a discharger's project(s).

The requirements for SEPs are contained in the State Board Policy on Supplemental Environmental Projects (Policy), which is available at our [Enforcement Website](#). Along with the SEP requirements, the Regional Board adopted Resolution [R7-2019-0037](#), establishing the process for the SEP program and prioritizing SEPs that address problems specific to the Regional Board's areas of concern. The process for the SEP program includes: (1) the Regional Board soliciting projects, (2) staff reviewing proposals to determine whether the projects qualify as SEPs and meet the SEP Policy criteria and Regional Board priorities, and (3) placing the qualifying SEPs on the Regional Board SEP List following the determination (placement of a project on the SEP List does not guarantee Regional Board approval).

## **Supplemental Environmental Projects FAQ**

In 2017, the State Water Resources Control Board updated its [Policy on Supplemental Environmental Projects](#); this Policy became effective on May 3, 2018 when the Office of Administrative Law approved the regulatory action. The FAQ below are intended to help the public understand the Supplemental Environmental Project (SEP) process and learn how they may submit proposals for SEPs.

### **What is a SEP?**

A SEP is a valuable water quality project that benefits public health and/or the environment, and off-sets a portion of a fine or penalty.

### **Who does the SEP Policy apply to?**

The Policy applies to the nine Regional Water Boards and to the State Water Board's Divisions, including the Division of Water Rights, Division of Water Quality, and Division of Drinking Water and its Districts. Within this document, these entities are referred to as "Regional Boards/Divisions" or "Water Boards".

### **What is the relationship between an ACLC and a SEP?**

The State Water Board and Regional Water Boards may issue an Administrative Civil Liability Complaint (ACLC) when a Discharger (also known as a Permittee, Diverter, Violator, or Settling Party) has allegedly caused a violation. An ACLC lists the alleged violations and proposes a liability, using the method described in the [2017 Enforcement Policy](#). Upon receipt of an ACLC, a Discharger may choose to either contest the matter or settle the matter. During settlement talks, the Discharger may propose a SEP to offset a portion of the penalty.

### **What are some more details about SEPs?**

A person or business ("Discharger") that is subject to an enforcement action may voluntarily agree to undertake a SEP. The project cannot otherwise be required of the Discharger and must consist of actions that go above and beyond the Discharger's normal obligations. The Discharger's commitment to perform a SEP is included in a legally enforceable settlement document which is approved by the Water Board before implementation. The SEP is chosen by the Discharger, either by proposing their own project or selecting a project from a Regional Board/Division's proposed SEP list. In general, the cost of a SEP may offset no more than 50% of the penalty. However, up to 100% of a penalty may be offset by a SEP that meets exceptional circumstances, furthers the human right to water, or benefits a Disadvantaged Community, an Environmental Justice community, or a community with financial hardship.

### **Who is responsible for completing a SEP?**

SEPs are either performed by the Discharger or by a third party funded by the Discharger. The Water Boards do not have the authority to directly manage or administer a SEP.

### **What is the SEP List?**

The 2017 SEP Policy states that the State Water Board and each Regional Water Board/Division shall maintain SEP Lists. These lists contain SEPs that have been proposed by any public or private agency. The lists are available for review by a Discharger during settlement discussions, and the Discharger may propose completing a SEP on the list as a condition of settlement. The SEP which is chosen must have a nexus to the violation, that is, a relationship between the nature or location of the violation and the

**Colorado River Basin Regional Water Quality Control Board's Supplemental  
Environmental Project (SEP) Proposal Form**

Please review the SEP FAQ prior to completing this form. All submitted forms will be reviewed by Regional Board staff for consideration of inclusion on the Board's SEP List. Regional Board staff will follow-up directly with the applicant if any additional information is necessary. Please contact Adriana Godinez at [Adriana.Godinez@waterboards.ca.gov](mailto:Adriana.Godinez@waterboards.ca.gov) if you have general questions about submitting a SEP proposal.

Name of Project

Project Applicant

Address

Contact person and title

Contact phone number and email

Project Category (check all that apply)

- ☐ Public health
- ☐ Pollution prevention
- ☐ Pollution reduction
- ☐ Environmental restoration and protection
- ☐ Assessments and audits
- ☐ Environmental compliance promotion
- ☐ Other project with environmental and/or public health benefits
- ☐ Project location (include, as appropriate, city, county, address, waterbody)
- ☐ None of the above

# **COACHELLA VALLEY ENVIRONMENTAL JUSTICE ENFORCEMENT TASK FORCE**

## **AGENDA ITEM**

**Meeting Date**

September 25, 2019

**Title**

TRI Online Tools

**Presenter**

Angela Baranco, Fatima Ty, USEPA – Region 9

**Contact Info**

baranco.angela@epa.gov | ty.fatima@epa.gov | 415-972-3550

**Description**

USEPA Region 9 staff will describe tools available online for community members to learn about chemicals in their neighborhoods. Presenters wish to increase awareness about these tools and respond to any questions or concerns about the tools.

**Background Information**

The Toxics Release Inventory (TRI) is a resource for learning about toxic chemical releases and pollution prevention activities reported by industrial and federal facilities. TRI data support informed decision-making by communities, government agencies, companies, and others. Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) created the TRI Program. Online tools can show facility-specific information by location.

**Attachments and Links**

<https://www.epa.gov/toxics-release-inventory-tri-program>

<https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-and-tools>