

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
REPORT ON ENFORCEMENT**

**Prepared pursuant to Item 0555-001-0044(7)
SUPPLEMENTAL REPORT OF THE 1999 BUDGET**

Pursuant to Item 0555-001-0044(7) of the Supplemental Report of the 1999 Budget Act, the Secretary of the California Environmental Protection Agency ("Cal/EPA") is required to report on the progress made in the area of the enforcement of environmental protection laws, in light of the programmatic augmentation in the 1999 Budget Act. The Budget Act appropriated \$500,000 to Cal/EPA for the new programs and duties contained in AB 1102, Chapter 65 of the Statutes of 1999. AB 1102 added section 12812.2 to the Government Code. This section specifies the duties of the Cal/EPA Deputy Secretary for Law Enforcement and Counsel and directs that person to:

- 1) Develop a program to ensure that Cal/EPA entities, or local government entities that implement laws or regulations within its jurisdiction, take consistent, effective, and coordinated compliance and enforcement actions.
- 2) Establish a cross-media enforcement unit to assist Cal/EPA entities, or local government entities that implement laws or regulations within its jurisdiction, to investigate and prepare matters for enforcement action.
- 3) Refer violations of law or regulation within the jurisdiction of Cal/EPA, or local government entities that implement laws or regulations within its' jurisdiction, to outside prosecutors such as the Attorney General or District Attorney.

Accomplishments to Date

Cal/EPA has taken several steps to improve agency enforcement programs. Prior to January 1, 2000 (the effective date of Government Code § 12812.2), Secretary Hickox requested that all Cal/EPA Boards and Departments conduct a review of their enforcement programs, identify challenges and shortcomings and possible solutions. This was completed at the end of 1999. This review was used in developing Cal/EPA's Comprehensive Enforcement Initiative Budget Change Proposal (BCP) and other planning processes. Agency Boards and Departments are following through with workplans for accomplishing many of the goals identified in the review process.

Regarding the specific mandates of Government Code section 12812.2 to develop a program to ensure that the governmental entities within its jurisdiction take consistent, effective, and coordinated compliance and enforcement actions, staff positions were created and filled, and planning for future actions has been accomplished. Pursuant to the notice provided to the Legislature regarding this Budget Item, these funds were/will be expended during fiscal year 1999-2000 as follows:

- \$250,000 to create 4.5 positions to develop the programs that will ensure that Cal/EPA entities take consistent, effective, and coordinated compliance and enforcement actions and otherwise carry out the requirements of Government Code section 12812.2.
- \$100,000 directed to expand support of the Cal/EPA Annual Enforcement Symposium, a multi-media training event to be held in May 2000.
- \$150,000 provided to the California District Attorneys Association to support the program needs for the Circuit Prosecutor Project, to provide the availability of formal enforcement options throughout the state.

New Staff Positions

The \$250,000 for staff positions created the following new positions:

- A Career Executive Assignment ("CEA") position, Assistant General Counsel for Enforcement, at Cal/EPA under the direction of the Deputy Secretary to coordinate the new cross media training program, develop plans to create the agency's cross media enforcement unit and to focus exclusively on enforcement issues. This position has been filled.
- Three and one-half positions, housed at the Air Resources Board, under the supervision of the Deputy Secretary, were created to develop, implement and monitor a new basic inspector training program, including cross-media elements, for all Cal/EPA Offices, Boards and Departments.

Several initial planning steps have been accomplished. The training program will include a new Cal/EPA inspector certification program. An intra-agency task force was established to oversee the development of the program's training standards and curricula. So far, program accomplishments include:

- collecting information regarding existing multi-media training programs and policies;
- identifying and establishing contact with Cal/EPA Board and Department staff responsible for inspector training;
- researching existing/available/past inspector and investigator training programs and courses that may have pertinent material;
- developing criteria for assessment of existing training programs and courses; and
- auditing applicable Cal/EPA Board and Department training courses.

Curriculum design is still ongoing and expected to be completed by the end of this fiscal year. Future activities for this fiscal year include developing draft cross-media certification standards and curricula for approval by the Cal/EPA Enforcement Coordinators; identifying existing curricula which meets existing standards; modifying existing curricula to meet the standards; and, compiling and developing training to complete the curriculum established for the initial program.

Cal/EPA Enforcement Symposium

The Cal/EPA Annual Enforcement Symposium is a cross media training event that offers regulators, prosecutors, law enforcement personnel and industry a unique opportunity to learn about the latest issues in environmental crimes and an overview of cross media issues. The Enforcement Symposium is scheduled for May 2000 in San Diego. The \$100,000 will be used to provide additional support development of this event.

Circuit Prosecutors Project

\$150,000 was provided to the California District Attorneys Association for the Circuit Prosecutor Project. The Project provides experienced environmental attorneys to prosecute environmental crimes in rural counties. The Project also provides training and support to attorneys, law enforcement and regulatory staff at both state and local levels. From 1999 to date, the Project has accepted over 300 new cases and obtained over \$2,750,000 in fines, penalties, costs and contributions. The one time funding in provided by this Budget item was utilized for one time (non recurring) program support.

Additional Plans in Progress

Creation of an Agency Cross Media Enforcement Unit

Due to necessary planning activities, the agency level cross-media enforcement unit required by Government Code section 12812.2 has not yet been created. Since it is planned that the unit will include peace officers, the need for Peace Officer Standards and Training certification and Penal Code authority still need to be addressed. To address Cal/EPA's responsibilities during the remainder of the fiscal year, Cal/EPA is entering an MOU with the Air Resources Board (ARB) to allow ARB's Strategic Environmental Investigations (SEI) Unit to carry out the agency's statutory responsibilities under the direction of the Deputy Secretary. The SEI unit will also assist in the development of a BCP and other plans that are needed to establish the agency level enforcement unit in fiscal year 2001-2002.