



## CAL/EPA ENVIRONMENTAL ENFORCEMENT AND TRAINING ACCOUNT GRANT PROGRAM

### 2011 Distribution Report

Effective January 1, 2003, the Environmental Enforcement Training Act (Pen. Code, § 14300 *et seq.*) created the Environmental Enforcement Training Account (14300 Account). Under the authority of the Secretary of the California Environmental Protection Agency (Cal/EPA), the 14300 Account serves as a source of funding for environmental enforcement and training.

In establishing the 14300 Account, the Legislature recognized that enforcement of environmental laws is essential to protect human health, the environment, and the state's economy. The 14300 Account is a key component of the state's efforts to support coordinated and uniform environmental enforcement. It provides funding to ensure that all counties in California, including rural counties, have the ability to prosecute violations of environmental laws effectively, thus maximizing deterrence throughout the state. Funds from the Account are also used to provide regulators, law enforcement and prosecutors with the special training necessary to understand complex environmental laws, detect violations, and prepare and present enforcement actions.

Although contributions to the 14300 Account may come from public and private funding sources, virtually all funding for the 14300 Account comes from judgments in local, state and federal environmental law enforcement actions. These contributions are often referred to as Supplemental Environmental Projects or SEPs. For more information on SEPs, please see Cal/EPA's website at <http://www.calepa.ca.gov/enforcement/policy/>.

Since 2003, funds in the Environmental Enforcement Training Account have been allocated according to the formula outlined in Penal Code section 14314:

- 25% to the Environmental Circuit Prosecutor Project;
- 25% to the California District Attorneys Association (CDAA) to provide environmental enforcement training to prosecutors, investigators, and regulators;
- 25% to the California Commission on Peace Officers Standards and Training (POST), up to \$100,000; and
- The remaining balance to the Secretary for Environmental Protection for grants to be awarded to public agencies or private nonprofit organizations to support statewide environmental enforcement education and training programs for peace officers, investigators, state and local environmental regulators and public prosecutors.

Senate Bill 428 (Strickland, Chapter 304, Statutes of 2011) amended the allocations formula in Penal Code section 14314. The modified allocation formula took effect January 1, 2012, and is as follows (changes in bold):

- 25% to the Environmental Circuit Prosecutor Project;
- 25% to the CDAA to provide environmental enforcement training to prosecutors, investigators, and regulators;
- 25% to the POST up to \$100,000, **but POST may decline all or part of the funds allocated, with any funds so declined going to the Secretary for reallocation for the environmental training of peace officers;** and
- The remaining balance to the Secretary of Environmental Protection for grants to be awarded to public agencies or private nonprofit organizations for the purposes of supporting statewide environmental enforcement, education and training programs for peace officers, investigators, state and local environmental regulators and public prosecutors.

The actual amounts of grant funds available depend on the amount of money deposited into the 14300 Account and the amount of grant funds disbursed in previous year(s). Cal/EPA solicits grant applications from September 1 through September 30 annually. For complete information about the process, please see our webpage at <http://www.calepa.ca.gov/enforcement/grants/14300.htm>.

### **2011 Distribution**

A total of \$140,525.88 was distributed, as follows:

#### Statutory Distributions

- \$35,131.47 to the Environmental Circuit Prosecutor Project
- \$35,131.47 to the CDAA to provide environmental enforcement training
- \$35,131.47 to POST

#### Grant Distributions

- \$35,131.47 to the Environmental Circuit Prosecutor Project to provide additional prosecutorial resources to rural counties for enforcement of the state's environmental laws.

### **Circuit Prosecutor Project 2011 Statistics**

In 2011, there were two Circuit Prosecutors handling localized environmental cases and one Statewide Circuit Prosecutor, who handled multi-jurisdictional cases involving one or more rural counties. The Circuit Prosecutors opened 10 criminal cases and closed 6 of them, resulting in \$26,517 in criminal fines, 120 days jail time, 120 days of community service and 10 years of probation. Civilly, the Circuit

Prosecutors opened 39 cases and closed 29 cases, resulting in \$609,760 in civil penalties and cost recovery in addition to injunctive relief. The Statewide Circuit Prosecutor opened 8 multi-county cases and closed 7 cases, resulting in over \$54 million in civil penalties, cost recovery and supplemental environmental projects benefitting both urban and rural counties.

### **Environmental Training Project 2011 Statistics**

In 2011, 14300 Account funds were used by the CDAA to sponsor, co-sponsor, or participate in the following training activities:

- Environmental Crimes Prosecution 101: Basics to Advanced
- Science for Prosecutors
- Advanced Topics in Environmental Enforcement
- Environmental Protection Committee meetings at CDAA's winter and summer conferences
- Publication of the Environmental Crimes Manual, Second Edition