



# The Environmental Enforcement and Training Grant Program

## Local Environmental Enforcement & Training Act of 2002

### (AB 2486, Keeley)

## SUMMARY

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Effective January 1, 2003, AB 2486 (Keeley) amends existing Penal Code § 14300 et seq. to establish a vehicle for funding environmental enforcement training. The new law also codifies the Environmental Circuit Prosecutor Project and provides a potential source of financial support for the Project. No state funds were allocated in the legislation or the state budget. In order to be successful, contributions from settlements and judgments and other donations are needed to capitalize the program.

## BACKGROUND

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In 1998, the California Environmental Protection Agency (Cal/EPA), in association with the California District Attorneys Association (CDAA), the Department of Fish & Game, and the United States Environmental Protection Agency established the Environmental Circuit Prosecutor Project (ECPP) to fill a gap in the enforcement of water, air, and other environmental laws in small and rural counties in California. The ECPP provides environmental prosecutors to small rural counties in California that lack the expertise and personnel to prosecute environmental crimes.

The Environmental Enforcement and Training Act of 2002 (AB 2486, Keeley) is the product of a working group established in response to the Governor's 2001 veto message on AB 960 (Keeley), which was exclusively an attempt to provide a source of support for the ECPP. The working group included representatives of Cal/EPA and its boards and departments, the Department of Fish & Game, Butte County District Attorney Michael Ramsey, Shasta County District Attorney McGregor Scott, the California District Attorneys Association (CDAA), the Los Angeles District Attorney's Office, the Attorney General's Office, the Commission on Peace Officer Standards and Training (POST), and legislative staff.

The work of this group resulted in the drafting of AB 2486 that was signed into law by Governor Gray Davis.

In addition to providing a funding source for the ECPP, the Act establishes the Environmental Enforcement and Training Grant Program, which will be a funding source for environmental enforcement training programs through CDAA, POST, and Cal/EPA.

## THE NEW LAW

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The new law amends Penal Code § 14300 et seq. and establishes the Environmental Enforcement and Training Account under the authority of the Secretary of Cal/EPA. The Account is authorized to receive donations from sources such as settlements and court judgments. No state funds have been allocated to the account.

The Account will be used as a source of funding for the ECPP and training for public prosecutors, peace officers, firefighters, investigators, and state and local environmental regulators. The law also codifies the Environmental Circuit Prosecutor Project as a cooperative effort of the CDAA and Cal/EPA.

The new law provides that:

- 25% of the funds in the account will help support the ECPP.
- 25% of the funds go directly to CDAA to help provide necessary training for environmental prosecutors and others.
- 25% (up to \$100,000) will go to POST for peace officer training targeted at the detection and investigation of environmental crimes.
- 25% will be used by the Secretary of Cal/EPA to provide training and enforcement grants. This can include support for existing training programs such as the Cal/EPA Cross-Media Symposium and the Cal/EPA Inspector Training Academy.

The maximum amount that can be spent from the account each year is \$2 Million.

## WHY YOU SHOULD CONTRIBUTE FUNDS TO THE ACCOUNT

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- ✓ Training public prosecutors, peace officers, firefighters, and local and state environmental regulators, and supporting local prosecution efforts encourages fair and uniform enforcement of environmental laws throughout the state.
- ✓ Specialized training programs for prosecutors, investigators, and local and state enforcement and inspection personnel are critical to the success of our enforcement programs.
- ✓ The direction of money from enforcement cases to support enforcement programs supports the concept that the “polluter pays.”
- ✓ Budget cuts are putting existing training and enforcement efforts at risk. Contributions to the Environmental Enforcement and Training Account will provide a non General Fund source of funding for enforcement and training programs.
- ✓ The ECPP is a resource for ideas, information, and assistance for both large and small counties, as well as state environmental regulators.
- ✓ Since its inception, the ECPP has opened approximately 840 environmental cases, both civil and criminal, and obtained more than \$ 20.8 million in fines, penalties, costs, and supplemental environmental projects. Circuit prosecutors have also obtained significant jail time for egregious offenders. As of the third quarter of 2002, the project had roughly 298 open cases.

## TO MAKE CONTRIBUTIONS OR FOR MORE INFORMATION

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### Contact:

Carol Monahan  
Assistant General Counsel  
Office of the Secretary  
California Environmental Protection Agency  
(916) 322-3638  
(916) 445-5563 (fax)  
[cmonahan@calepa.ca.gov](mailto:cmonahan@calepa.ca.gov)

Grant applications will be available in 2003.

Gale Filter  
California District Attorneys Association  
(916) 443-2017  
(916) 443-0540 (fax)  
[gfilter@cdaa.org](mailto:gfilter@cdaa.org)

Please contact one of us prior to judgment being entered so that required language may be included in any settlement that directs monies to the account.

Thank you for your support!