

Supplemental Environmental Projects: Common Misconceptions

MIDWEST ENVIRONMENTAL COMPLIANCE CONFERENCE

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Overview

- ▶ What and Why
- ▶ Characteristics
- ▶ Common Misconceptions
- ▶ Region 7 SEPs

What and Why?

- ▶ “An environmentally beneficial project or activity that is not required by law, but that a defendant agrees to undertake as part of the settlement of an enforcement action.” (2015 Updated SEP Policy)
- ▶ Benefits local community, improves human health and the environment, and improves company's image = win-win for everyone!

2015 SEP Policy

United States Environmental Protection Agency
Supplemental Environmental Projects (SEP)
Policy 2015 Update

<https://www.epa.gov/sites/production/files/2015-04/documents/sepupdatedpolicy15.pdf>

Characteristics of SEPs

Because SEPs are part of an enforcement settlement, they must meet certain legal requirements:

- ▶ Must be a nexus between the violation and human health or environmental benefits
- ▶ Must benefit the community affected by the violation(s)
- ▶ Must improve, protect, or reduce risks to public health or the environment
- ▶ Must be an action that the facility is not otherwise legally required to perform

Common Misconceptions

- ▶ Are SEPs voluntary?
- ▶ Can EPA recommend providers?
- ▶ Is having a good environmental project enough to justify a SEP?
- ▶ Can project costs cover the entire penalty amount?

When in doubt, refer to the 2015 SEP Policy!

Nexus

A relationship between the violation(s) and the proposed project only exist if the project:

- ▶ Is designed to minimize the likelihood that similar violations will occur in the future;
- ▶ Decreases the adverse impact to public health or the environment to which the violation(s) contributes; or
- ▶ Reduces the risk to public health or the environment potentially affected by the violation(s).

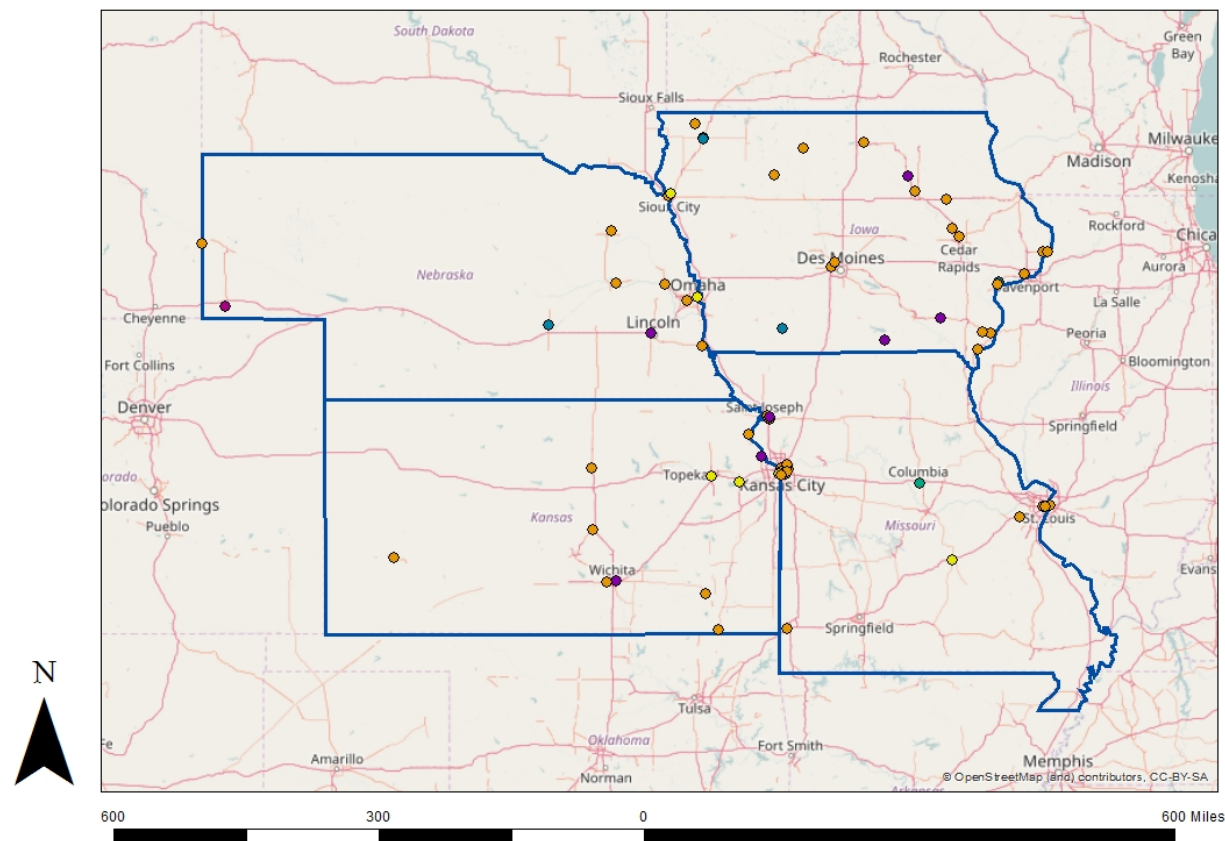
Project Credit

The percentage of credit depends on 6 factors:

1. Benefits to the public or environment
2. Innovation
3. Environmental Justice
4. Community Input
5. Multimedia Impacts
6. Pollution Prevention

EPA Region 7 RCRA SEPs

USEPA Region 7 RCRA SEPs



R7 SEP Types Over The Last 16 Years

SEP Type	Total
Environmental Audits and Assessments	13
Environmental Compliance Promotion	4
Emergency Planning and Preparedness	6
Environmental Restoration and Protection	4
Pollution Prevention and Reduction	58

R7 SEP Examples – St. Louis, MO

- ▶ Washington University
- ▶ Environmental Audits and Assessment project
- ▶ Completed 2010; \$45,000 Benefit
- ▶ One-time school laboratory cleanout, removal, & outreach event for St. Louis, Mo., Public School District



Thank you!

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Or visit: <https://www.epa.gov/enforcement/supplemental-environmental-projects-seps>