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1149 SOUTH BROADWAY, 10<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90015  
TEL: (213) 485-0587  
FAX: (213) 485-3939  
WWW.LACITYSAN.ORG

September 25, 2017

## ELECTRONIC MAIL

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000

Dear Ms. Townsend:



## COMMENT LETTER – “COMMENTS – SEP POLICY AMENDMENT”

The City of Los Angeles (City) Sanitation (LASAN) appreciates the opportunity to provide public comments to the State Water Resources Control Board (State Water Board) on the proposal to amend the policy on Supplemental Environmental Projects (SEPs). SEPs are “an environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake in settlement of the action and to offset a portion of a civil penalty.” This policy if adopted will revise and supersede the State Water Board’s February 2009 Policy on SEPs.

Overall, the proposed policy reflects much of the current practice for approval and oversight of SEPs. In general, LASAN supports SEPs because they provide great benefit within the local community and allocate scarce resources effectively. LASAN supports the proposed policy, including the following:

1. Allowing the SEP amounts to be greater than 50% if SEPs benefit disadvantaged communities according to Section VIII.B, “in cases where the SEP is located in or benefits a disadvantaged communities (DAC), an environmental justice (EJ) community or a community that has a financial hardship, or where the SEP substantially furthers the human right to water; and
2. Allowing oversight costs up to 10% to be included as part of the total SEP amount according to Section VIII.G, “In cases where the SEP directly benefits a DAC, an EJ Community, a community with financial hardship, or furthers the Human Right to Water.”

However, LASAN has general concerns with some of the proposed provisions that would limit flexibility in the application of SEP in the future. LASAN concurs with the comments submitted by California Association of Sanitation Agencies (CASA) during the public hearing conducted by the State Water Board last September 20, 2017 and would like to provide the following recommendations

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for your consideration: a) review the list of projects identified to be not acceptable as SEPs (Section IV); b) remove the requirement that “all SEP funds must be expended on the SEP project specifically defined in the stipulated order with 24 months of the order’s adoption” (Section VIII.D); and c) clarify the language that the “Water Boards reserve the right to change this Policy, at any time, without prior notice” (Section I.B). LASAN is a member of CASA.

LASAN would like to thank the State Water Board for providing the opportunity to submit comments for its consideration. Should you have any questions regarding this comment letter, please contact Mr. Hassan Rad, Regulatory Affairs Division Manager, at Hassan.Rad@lacity.org or at (213) 847-5186.

Sincerely,



ENRIQUE C. ZALDIVAR, Director  
LA Sanitation

ECZ:AR/HR:es

c: Traci Minamide, LA Sanitation/EXEC  
Lisa Mowery, LA Sanitation/EXEC  
Adel Hagekhalil, LA Sanitation/EXEC  
Mas Dojiri, LA Sanitation/EXEC  
Tim Dafeta, LA Sanitation/HWRP  
Roshan Aflaki, LA Sanitation/DCTWRP, LAGWRP  
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Michael Simpson, LA Sanitation/IWMD  
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Hassan Rad, LA Sanitation/RAD  
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Dale Burgoyne, LA Sanitation/FMD