



U.S. DEPARTMENT OF  
**ENERGY**

OFFICE OF  
**ENVIRONMENTAL  
MANAGEMENT**

# Supplemental Environmental Projects

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## □ Supplemental Environmental Projects (SEPs):

Environmentally beneficial projects or activities that are not otherwise (legally) required, but may be completed as part of the settlement of an environmental enforcement action. They are in addition to actions required to become compliant and once approved are incorporated into the enforceable agreement.

## □ SEP Purpose/Benefits & Policy:

- EPA Purpose: “Encourage and obtain environmental and public health protection and benefits that may not otherwise have occurred in the settlement of an enforcement action.”
- 2015 Update to the 1998 U.S. Environmental Protection Agency Supplemental Environmental Projects Policy, issued March 30, 2015.
- “DEQ Guidance Document #GD98-1 Supplemental Environmental Projects,” issued March 12, 1998.

## □ DOE Policy

- Propose SEPs in lieu of penalties due from DOE.
- **SEPs** are part of the settlement with the Idaho Department of Environmental Quality (DEQ) for missing the Dec. 31, 2015 milestone to empty the INTEC Sodium Bearing Waste tanks.
  - *The SEPs were undertaken in connection with the settlement of an enforcement action taken by the Idaho Department of Environmental Quality for alleged violations of the requirements of the Hazardous Waste Management Act.*

## □ Four SEPs were approved by DEQ and are completed or underway:

- Western States Project - Completed 4<sup>th</sup> Quarter FY15
- Wood Creek Jack & Rail Fencing Project – Completed 1<sup>st</sup> Quarter FY16
- City of Salmon Clean Woodstove Project - Underway
- Nature Conservancy Rock Creek Restoration and Reconnection Project – Underway

# Completed SEPs

## □ Western States Project

- **Scope:** Donation to a fund that provides support to train state environmental regulatory personnel, including the State of Idaho.
- **SEP Commitment:** CWI donated \$50,000 and DOE donated \$8,679.
- **Status:** Completed 4<sup>th</sup> Quarter FY16.

## □ Wood Creek Jack and Rail Fencing Project

- **Scope:** A failing fence was replaced around spring heads on the Fort Hall Reservation to keep cattle from the spring heads to reduce sediment and wastes from entering Wood Creek, a tributary to the Blackfoot River 5 miles downstream. The Tribes constructed the fence. The Tribes also planted native plants, at their expense, around the spring heads to expedite recovery of the area.
- **SEP Commitment:** \$15,521 from DOE
- **Status:** Completed 1<sup>st</sup> quarter FY16, on schedule and within budget.



## □ City of Salmon, Idaho, Clean Wood Stove Project

- **Scope:** The City of Salmon manages this project to provide up to \$1000 rebates to residents of Salmon for updating their older woodstoves to less polluting EPA-certified woodstoves or other environmentally friendly heating appliances to improve air quality in and around Salmon, Idaho.
- **SEP Commitment:** \$35,000 from DOE
- **Term:** July 2015 - December 2016
- **Status:** 13 rebate applications submitted and all 35 rebate slots have been reserved. Invoices & payment completed for 6 projects.

# SEPs Underway (cont.)

## □ Rock Creek Restoration and Reconnection Project

- **Scope:** Restore Rock Creek stream health and habitat on the Rock Creek Ranch for sage grouse, fish, and other animals. The project will improve water quality, vegetation, and stream function, and provide fish passage and connectivity between Rock Creek and the lower Big Wood River near Magic Reservoir. DOE provides support to the Nature Conservancy and their project partners - Trout Unlimited, Wood River Land Trust and the Idaho Department of Fish and Game.
- **SEP Commitment:** \$200,000 from DOE
- **Term:** July 2015 through September 2016 (The full project term is through June 2017).
- **Status:** The Project Team selected a design and engineering firm and initiated project design and field verification for stream bank restoration, stream channel reconnections, fish passage improvements, and priority wetlands mapping.

# Rock Creek Restoration Project



# BACKGROUND

- ❑ **\$648,000 Total Penalty from the March 2015 Consent Order settling the Jan. 6, 2015 Notice of Violation.**
  
- ❑ **60/40 Split with CWI (\$388,800/\$259,200)**
  
- ❑ **Penalty Allocation:**
  - \$ 338,800 Paid to DEQ by CWI
  - \$ 309,200 Supplemental Environmental Projects
    - \$58,679 Western States Project (\$50,000 CWI & \$8,679 DOE)
    - \$15,521 Wood Creek Jack & Rail Fencing Project (DOE)
    - \$35,000 Salmon Clean Wood Stove Project (DOE)
    - \$200,000 Nature Conservancy Rock Creek Project (DOE)

## □ EPA and DEQ Policy & Guidance On SEPs

- Memorandum dated March 30, 2015 subject, “Issuance of the 2015 Update to the 1998 U.S. Environmental Protection Agency Supplemental Environmental Projects Policy 2015,” from Cynthia Giles, EPA HQ Assistant Administrator to Regional Administrators.
- Memorandum dated March 12, 1998, subject “DEQ Guidance Document #GD98-1 Supplemental Environmental Projects,” from Wallace N. Cory, DEQ Administrator to All DEQ Staff.

## □ SEP Key Characteristics and Categories

- Characteristics: “Environmentally beneficial,” “in settlement of an enforcement action,” and “not otherwise legally required to perform.”
- Categories: Public Health, Pollution Prevention, Pollution Reduction, Environmental Restoration and Protection, Assessments and Audits, Environmental Compliance Promotion, Emergency Planning and Preparedness
- Not Acceptable: Public education/awareness projects, research contributions, cash donations to environmental organizations, projects profitable to the defendant, projects using external financing or financial assistance.