

I. SEP PROPOSAL EVALUATION SHEET

Project:

Does it improve, protect, or reduce risks to public health or the environment?

A. What kind of project is it?

- Public Health:
- Pollution Prevention:
- Pollution Reduction:
- Environmental Restoration and Protection:
- Assessments and Audits:
- Environmental Compliance Promotion:
- Other Projects:

B. Confirm that the project is not one of the following:

1. General public educational or public environmental awareness projects (e.g., sponsoring public seminars on water issues, conducting tours of environmental controls at a facility or treatment plant, or promoting recycling in a community).
2. General cash contributions to environmental research at a college or university that are not directed towards a specific, approved project defined in the stipulated order and that otherwise complies with this Policy.
3. General cash donations to community groups, environmental organizations, state/local/federal entities, or any other third party that are not directed towards a specific, approved project defined in the stipulated order and that otherwise complies with this Policy.
4. Projects for which the settling party does not retain full responsibility to ensure satisfactory completion.
5. Projects that are not clearly defined in the stipulated order to ensure adequate nexus and transparency of the use of public funds.

Attachment 4

6. Projects which, though beneficial to a community or environment, are unrelated to the Water Boards' mission (e.g., making a contribution to a non-profit, public interest, environmental or other charitable organization, donating playground equipment, etc.).
7. Studies, assessments, or monitoring projects except as described in section V.E.(assessments and audits)
8. Projects which the settling party, SEP recipient, or SEP implementer has already committed to undertake based on existing commitments of federal or state loans, contracts, grants, or other forms of financial assistance or non-financial assistance.
9. Projects that are expected to become profitable to the settling party within the first five years of implementation (within the first three years for SEPs implemented by settling parties that are small businesses or small communities) are prohibited. After that time period, profitable projects where the environmental or public health benefit outweighs the potential profitability to the settling party may be allowable with approval by the Director of OE.
10. Projects that provide raw materials only, with no commitment from the settling party for a completed project utilizing the raw materials (e.g., donating rail ties and gravel for a fish ladder but not actually ensuring that the ladder is built).
11. Projects that are not complete, discrete actions with tangible water-related environmental or public health benefits.
12. Projects for which completion depends on the actions or contributions of individuals or entities that are neither party to the settlement nor hired by the settling party as an implementer or administrator. The term "action" as used above does not include permitting approvals or other action by a local, state, or federal agency necessary to implement the project. Monetary contributions necessary to implement the project that have been encumbered at the time of settlement specifically for the project are permissible.
13. SEPs may not include actions that a third party is legally required to perform by any federal, state, or local law or regulation (also referred to as third party compliance projects).