



MyRWA Supplemental Environmental Project (SEP) Library Application Instructions and Information

Please complete either the online fill-able PDF found at www.MysticRiver.org/sep or the application form in its entirety by hand. Save electronic copy and email to SEP@mysticriver.org. Mail hard copies to MyRWA (address on bottom of page).

1. What is a Supplemental Environmental Project (SEP)?

Through its SEP policy, the Environmental Protection Agency (EPA) allows a violator of environmental laws to do more than simply correct its violation(s). A SEP is an environmentally beneficial project that a violator voluntarily agrees to perform, in addition to actions required to correct the violation(s), as part of an enforcement settlement. When volunteering to perform a SEP, a company must show that it can and will complete the project, and must provide all funds used to finance the project. EPA provides oversight to ensure that the company does what it promises to do. EPA, however, does not manage or control the funds.

2. How do SEPs benefit the public?

SEPs are designed to protect and improve the environment and public health, beyond that achieved by compliance with applicable laws. SEPs may directly or indirectly benefit the public by preventing pollution or addressing environmental justice concerns. Finding more effective ways to address community environmental concerns that result from a company's violations is a major objective of EPA's SEP policy. Not only can community involvement assure greater consideration of community needs in specific SEPs, but it can lead to increased communication and trust between all concerned parties—a foundation for long-term environmental improvement.

3. Who may do a SEP, and what is the benefit for the violating company?

In addition to correcting the violation(s), a violating company may propose one or more SEPs as part of a settlement. As the examples in this report demonstrate, SEPs have been implemented by large and small companies, hospitals, federal facilities, and state and local governments. To gain approval for conducting a SEP, a company must identify and demonstrate a willingness and ability to implement an appropriate project that primarily benefits public health or the environment. These projects must provide benefits beyond what compliance with the law requires.

If a company performs a SEP, EPA may reduce the penalty assessed. In addition to this economic incentive, a company may improve the quality of life for the surrounding community and as a result, build a better relationship with the community.

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4. What are the categories of acceptable SEPs?

As described below, EPA has seven specific categories of projects that can be acceptable SEPs. In addition to these SEPs, EPA allows companies to perform other types of projects that have environmental or public health benefits.

Pollution Prevention: These SEPs involve changes that reduce or eliminate some form of pollution, or that reduce a pollutant's toxicity prior to recycling, treatment, or disposal. Examples include use of less toxic materials to make products, modifications in the production process to reduce material losses, changes in product design which require less polluting processes, or improved housekeeping. EPA places a high priority on pollution prevention approaches, since these reduce the potential for future pollution, and may lead to more widespread, environmentally-beneficial changes in their business or industry activities.

Pollution Reduction: These SEPs are similar to pollution prevention SEPs in terms of outcome. But instead of eliminating a source of pollution, they reduce the amount or danger of the pollution which reaches the environment. Examples include improved treatment or control of pollutants and recycling and reuse of chemicals or materials.

Public Health: Such SEPs may include examining residents in the community put at risk by the violations to determine if anyone has experienced health problems related to the violation, as well as related medical treatment or rehabilitation therapy.

Environmental Restoration and Protection: These SEPs improve the condition of the land, air, or water in the area damaged by the violation. For example, by purchasing land or developing conservation programs for the land, a company could protect a natural habitat for wildlife or a source of drinking water. Beyond preservation, such a SEP might involve restoring natural areas that are vital to long-term protection of the environment or public health.

Assessments and Audits: Any violating company may agree to examine its operations for pollution prevention opportunities, and determine if it can reduce the use, production, or generation of hazardous materials and other wastes. These audits go well beyond standard business practices. In addition, small businesses (with less than 100 employees) or small communities (less than 2,500 residents) can receive credit for agreeing to conduct audits to determine their compliance with environmental laws in order to avoid future violations.

Environmental Compliance Promotion: These are SEPs in which the violator helps other companies achieve compliance and reduce pollution related to the type of violation. For example, a company which violated the Clean Air Act may train other companies on how to comply with the Act.

Emergency Planning and Preparedness: These SEPs provide technical assistance and training to state or local emergency planning and response organizations to help them better respond to chemical emergencies. For example, a company may provide a local fire department with additional equipment to deal with a hazardous waste situation.

Other Types of Projects: Other acceptable SEPs would be those that have environmental merit but do not fit within the categories listed above. These types of projects must be fully consistent with all other provisions of the SEP Policy