PERFORMANCE PARTNERSHIP AGREEMENT

between the

FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

and the

U.S. ENVIRONMENTAL PROTECTION AGENCY,
REGION IV: SOUTHEAST

FEDERAL FISCAL YEARS 2021, 2022 AND 2023

November 10, 2020

Statement of Purpose

The Florida Department of Environmental Protection (DEP) has entered the Performance Partnership Grant (PPG) with the Environmental Protection Agency (EPA) since federal fiscal year 2012. Based on the success of that effort, DEP is entering into a Performance Partnership Agreement (PPA) to further increase the efficiency and flexibility needed to accomplish Florida and federal environmental goals. This PPA complements the PPG process by serving as the work plan for EPA grants awarded to the state. The development of the performance partnerships simplifies grant administration, provides the opportunity to prioritize the use of these funds as set forth in the PPA, and allows for a reduction in the state and federal resources devoted to grant oversight, reporting, and administration.

This agreement covers a three-year period for federal fiscal years 2021, 2022 and 2023. Although the agreement will cover a three-year period, DEP will apply for its grants annually.

The focus of the PPA is the EPA/Florida Priorities and Commitment List (P&C List). DEP and EPA are committed to working together to develop a simplified P&C List that includes Florida, regional and national environmental priorities. The P&C List will be updated annually on an as-needed basis.

Parties to the Agreement

The parties to the agreement will be the EPA and DEP. DEP will provide most of the resources necessary to carry out the agreement. EPA will provide resources to manage the agreement and the Performance Partnership Grant (PPG) from the federal point of view. It is anticipated that the agreement will provide the opportunity for DEP and EPA to work more closely and cooperatively to achieve the goals outlined within the agreement.

Programs Covered by the Agreement

The following federal programs are covered by this agreement.

1. Clean Air Act Grant (CAA Section 105)
2. Resource Conservation & Recovery (RCRA) (RCRA Section 3011(a))
3. Underground Water Source Protection (UIC) (SDWA Section 1443(b))
4. Public Water System Supervision (SDWA Sections 1443(a) and 1451(a)(3))
5. Water Pollution Control (CWA Section 106, surface and ground water)

Reporting

The PPA/PPG process is designed to reduce the level of EPA oversight and state reporting using mutually agreeable priorities and environmental indicators. DEP already submits a significant amount of information to EPA under national and regional reporting requirements. In addition, DEP will provide EPA with an end-of-year report and (as circumstances dictate) a mid-term report. The mid-year report will focus on those activities and performance measures where satisfactory progress has not been made and will include proposed changes needed to address these exceptions. The end-of-year report will be submitted by January following the end

of each federal fiscal year for which this agreement is in place. This report will summarize progress and discuss any areas where DEP has failed to meet the established indicators or is experiencing difficulties in making the progress anticipated.

During the year, EPA's and DEP's representatives will communicate routinely regarding any areas of concern that have been raised by their respective staffs and/or to discuss issues that could affect the agreement.

This reporting is intended to meet the requirements under 40 CFR Part 35 for a joint evaluation process for state grants, including PPGs. The elements are:

1. A discussion of accomplishments as measured against work plan commitments;
2. A discussion of the cumulative effectiveness of the work performed under all work plan components;
3. A discussion of existing and potential problem areas; and
4. Suggestions for improvement, including, where feasible, schedules for making improvements.

If there are any conflicts between this agreement and the P&C List contained in Appendix A, this agreement will govern. Further, if needed, DEP and EPA will convene a PPA meeting to discuss any issues that have arisen as part of this review process. EPA and DEP will hold such a PPA meeting at least once in the three-year cycle of the PPA.

DEP will continue normal reporting of data to national databases, as well as continue required program reporting and enforcement related actions.

Schedule of Reporting Dates and Milestones

The dates below relate specifically to PPA reporting such as progress and accomplishment reporting. These dates do not replace or eliminate agreed-upon reporting and data submissions for specific commitments as outlined in the P&C List.

DATE	MILESTONE
September 14, 2020	Submit Draft of the FFY 2021 P&C List / PPG Application
November 1, 2020	Submit finalized PPA
December 31, 2020	Submit End-of-Year report for FFY 2020 PPA
April 1, 2021	Begin FFY 2022 P&C List negotiations
May 30, 2021	Submit Mid-Year report for FFY 2021 (if applicable)
August 1, 2021	Submit Draft of the FFY 2022 P&C List / PPG Application

November 1, 2021	Submit finalized PPA
December 31, 2021	Submit End-of-Year report for FFY 2021 PPA
April 1, 2022	Begin FFY 2023 P&C List negotiations
May 30, 2022	Submit Mid-Year report for FFY 2022 (if applicable)
August 1, 2022	Submit Draft of the FFY 2023 P&C List / PPG Application
November 1, 2022	Submit finalized PPA
December 31, 2022	Submit End-of-Year report for FFY 2021 PPA
April 1, 2023	Begin FFY 2024 P&C List negotiations
May 30, 2023	Submit Mid-Year report for FFY 2023 (if applicable)
August 1, 2023	Submit Draft of the FFY 2024 P&C List / PPG Application

Reopening the Agreement

Although the PPA has a three-year term, either EPA or DEP can request reopening the PPA by notifying the other party in writing at least 60 days in advance. In general, reopening the agreement will be limited to addressing major omissions, new or unanticipated requirements, sudden and significant changes in funding levels or available resources, resolving major legal proceedings, or any combination of these. DEP and EPA can annually renegotiate or update portions of the PPA on an as needed basis. If the adjustments are minor and are mutually agreeable, the PPA shall be revised or updated by written correspondence between the parties. If the adjustments are significant, then the parties will need to reopen the agreement.

Dispute Resolution

DEP and EPA agree that the following process will be used to resolve any disputes that cannot be settled by consensus agreement, although both parties agree that every effort will be made to resolve all issues in a timely fashion without resorting to this process.

1. The dispute shall be defined in writing by both parties, with the issues and obstacles clearly stated by both parties.
2. Written disputes shall be submitted to the DEP Deputy Secretary and the EPA's Senior Program Manager for Region IV.
3. The above parties shall discuss the dispute and attempt to reach a decision within two weeks of the submission.
4. If agreement cannot be reached at this level within the two-week timeframe, the dispute shall be raised to a higher level in each organization following the same process.

Comparison of Florida Department and Division Programs with EPA Strategic Plan Goals

Grant	DEP Division/Office	DEP Program	EPA Strategic Goals *FY 2011-2015 EPA Strategic Plan*	EPA Objectives *FY 2011-2015 EPA Strategic Plan*
CAA (Section 105)	• Division of Air Resource Management • Regulatory District Offices	• Air Resource Management • Compliance Assurance	• Goal 1: Addressing Climate Change and Improving Air Quality • Goal 5: Enforcing Environmental Laws	• Objective 1.2: Improve Air Quality • Objective 5.1: Enforce Environmental Laws
RCRA	• Division of Waste Management • Regulatory District Offices	• Hazardous Waste • Compliance Assurance	• Goal 3: Cleaning up Communities & Advancing Sustainable Development • Goal 5: Enforcing Environmental Laws	• Objective 3.2: Preserve Land • Objective 3.3: Restore Land • Objective 5.1: Enforce Environmental Laws
UIC	• Division of Water Resource Management • Regulatory District Offices	• Underground Injection Control • Compliance Assurance	• Goal 2: Protecting America's Waters	• Objective 2.1: Protect Human Health
PWSS (Drinking Water)	• Division of Water Resource Management • Regulatory District Offices	• Drinking Water • Compliance Assurance	• Goal 2: Protecting America's Waters • Goal 5: Enforcing Environmental Laws	• Objective 2.1: Protect Human Health • Objective 5.1: Enforce Environmental Laws
CWA (Section 106)	• Division of Water Resource Management • Division of Environmental Restoration & Assessment • Office of Water Policy • Regulatory District Offices	• Assessment • Groundwater • Monitoring • NPDES Permitting • Stormwater • Total Maximum Daily Loads (TMDL) • Watershed Protection • Water Quality Standards • Enforcement • Compliance Assurance	• Goal 2: Protecting America's Waters • Goal 5: Enforcing Environmental Laws	• Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems • Objective 5.1: Enforce Environmental Laws

APPENDICES

Appendix A: EPA/DEP Priorities and Commitment List

Appendix B: EPA/DEP Priorities and Commitment List Contacts

Appendix C: Level of Service (LOS) Work Plan

Appendix D: LOS Compliance/RCRA Permitting and Corrective Action
LOS WP Compliance

Appendix E: General PPA Information

Appendix F: DEP Strategic Priorities

Appendix G: DEP Demonstration of Quality Assurance Competency Letter and Attachments

Appendix H: Acronyms

Signature Page

The Florida Department of Environmental Protection and USEPA Region IV are pleased to enter into this FFY 2021-2023 Environmental Performance Partnership Agreement. This agreement continues our efforts to establish more effective working relationships between DEP and EPA.

For the Florida Department of Environmental Protection

Deputy Secretary, Regulatory Programs

11-10-2020
Date Signed

For USEPA Region IV: Southeast

EPA Region IV Administrator

12/2/20
Date Signed