Message

From: Mcgill, Thomas [Mcgill.Thomas@epa.gov]
Sent: 8/14/2017 3:45:55 PM
To: Walker, Mary [walker.mary@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]
Subject: Fwd: latest communication with FDEP re: assumption
Attachments: assumption regulatory cross-walk - DRAFT 8-11-17.docx; ATT00001.htm

FYI...

Sent from my iPhone

Begin forwarded message:

> **From:** "Mcgill, Thomas" <Mcgill.Thomas@epa.gov>
> **Date:** August 11, 2017 at 3:48:09 PM EDT
> **To:** "Walker, Mary" <walker.mary@epa.gov>
> **Subject: latest communication with FDEP re: assumption**
>
> FYI...
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>
> **From:** Mcgill, Thomas
> **Sent:** Friday, August 11, 2017 3:45 PM
> **To:** 'Green, Justin B.' <Justin.B.Green@dep.state.fl.us>; 'Seward, Margaret' <Margaret.Seward@dep.state.fl.us>
> **Cc:** McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
> **Subject:** RE: regulatory cross-walk
>
> Hello Justin and Megan,
>
> In my email below I mentioned that I was in the process of verifying whether the regulatory crosswalk I shared was comprehensive in terms of the authorities of a state program that we would need to see in a 404 assumption package. Based on vetting this with my colleagues with the Office of Water and within the Region, I believe that while the crosswalk will be extremely useful for organizing what is required pursuant to EPA regulations, there are some additional Corps regulations that need to be considered. I am attaching another version of the crosswalk that includes references to additional Corps regulations. Some of the referenced Corps regulations are informational/instructional rather than reflecting additional requirements of an assumption package. However, as we discussed in our Aug 2 call there are important federal requirements for administering a permitting and enforcement program that are included in the Corps regulations but not EPA's regulations.
>
> My goal of sharing the crosswalk is to provide a helpful tool for you to explore assumption, and not something that supersedes any of our statutory and regulatory requirements in regards to assumption. I've also revised the crosswalk to clarify that it is a draft document as it may be further refined, and I've also included some other caveats. Ultimately, if you don't find the crosswalk to be helpful please disregard it. My colleagues and I are committed to provide any needed assistance throughout this process, and if there are better ways than using the crosswalk for us to work through the various issues we are happy to do whatever works best for you.
>
> In regards to next steps, we are happy to arrange regular calls and are also happy to come down to Tallahassee at any time if that is helpful to your process. In addition, during our Aug 2 call we briefly

discussed a jurisdictional issue regarding wetland plants, and we'd like to follow-up with you on that matter when it's convenient. Please let us know if you have ideas on how best to proceed.

Thanks.

Tom

From: Mcgill, Thomas
Sent: Wednesday, August 2, 2017 5:48 PM
To: 'Green, Justin B.' <Justin.B.Green@dep.state.fl.us>; Seward, Margaret <Margaret.Seward@dep.state.fl.us>
Cc: McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Able, Tony <Able.Tony@epa.gov>
Subject: regulatory cross-walk

Justin and Megan,

Per our discussion this afternoon I'm attaching a regulatory cross-walk that includes the authorities of a state program that we would need to see in a 404 assumption package. While I believe this is comprehensive in terms of the scope of authorities that need to be in place for an approvable assumption package, I am in the process of verifying that within my office. This cross-walk template was used by EPA in our work with other states that have explored assumption, and while we included some examples of other state authorities within the attachment we removed the specific citations for the purpose of keeping those states anonymous. Hopefully you'll find this document useful.

We look forward to continuing our discussions and please don't hesitate to follow-up with us if you have any questions or would like to discuss any issues related to this.

Tom