Florida State Profile
October 2020

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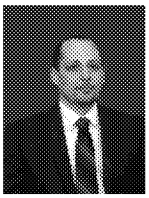
Florida Environmental Leadership

Florida Department of Environmental Protection
Noah Valenstein, Secretary

Secretary Noah Valenstein oversees the Florida Department of Environmental Protection and was appointed Secretary by Governor Rick Scott on May 23, 2017. He returned to DEP with nearly 15 years of public service experience with governmental agencies and a passion for natural resource protection. Secretary Valenstein most recently served as Executive Director for the Suwannee River Water Management District, where he oversaw the protection and conservation of water and land resources across 15 counties. His previous experience includes working on environmental, agricultural and energy issues in the Executive Office of the Governor and Florida House of Representatives, as well as with several of Florida's leading environmental non-profit groups. Secretary Valenstein was born in Gainesville, Florida and graduated with honors from the University of Florida's School of Natural Resources and Environment. He also holds a law degree from Florida State University. Secretary Valenstein resides in Tallahassee with his wife, Jennifer and daughter, Ava.

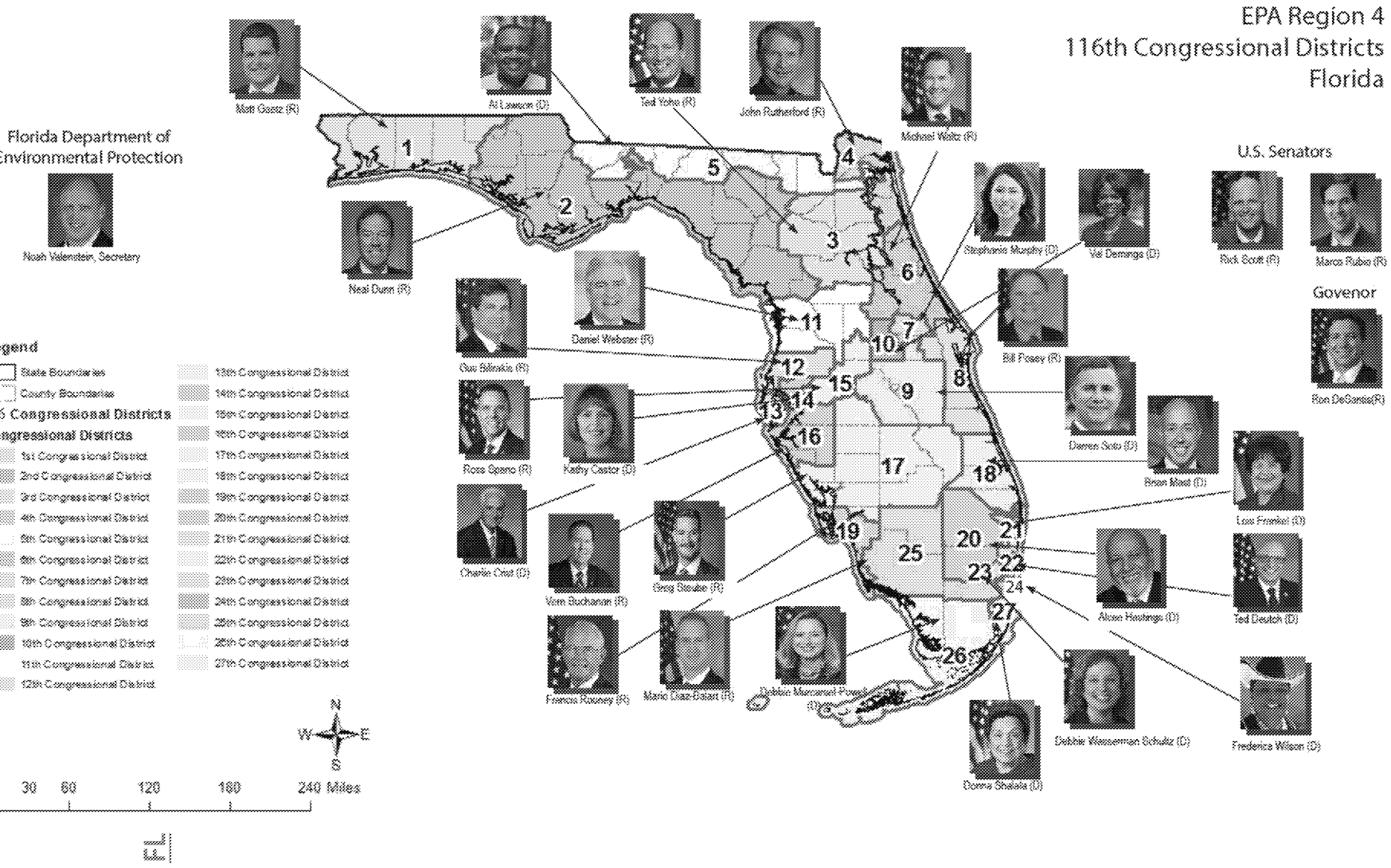


Florida Department of Environmental Protection
John Truitt, Deputy Secretary for Regulatory Programs

John Truitt is the Deputy Secretary for Regulatory Programs. In this role, he provides oversight and direction to DEP's five regulatory divisions - [HYPERLINK "https://live-depweb.pantheonsite.io/air" \h], [HYPERLINK "https://live-depweb.pantheonsite.io/water" \h], [HYPERLINK "https://live-depweb.pantheonsite.io/waste" \h], Florida Geological Survey and Office of Emergency Response along with [HYPERLINK "https://live-depweb.pantheonsite.io/districts" \h]. The regulatory programs carry out DEP's role in permitting facilities (such as manufacturing and power plants) and providing them assistance with compliance.

Previously, Mr. Truitt served as DEP's Chief Advisor for Environmental and Regulatory Policy. He also served Floridians as a Chief Prosecuting Attorney and section manager at the Department of Health, a Chief Advisor to a Commissioner at the Public Service Commission and a Chief Attorney at the Office of Public Counsel.

Prior to his legal career serving the State of Florida, Mr. Truitt served in the U.S. Army on two occasions, including an extended combat tour in Iraq. Mr. Truitt earned his law degree with a focus on environmental and land use law from Florida State University's College of Law.


EPA Region 4
116th Congressional Districts
Florida
Florida Department of Environmental Protection
Noah Valenstein, Secretary
U.S. Senators
Rick Scott (R)
Marco Rubio (R)
Govenor
Ron DeSantis(R)
Matt Gaetz (R)
Al Lawson (D)
Ted Yoho (R)
John Rutherford (R)
Michael Waltz (R)
Stephanie Murphy (D)
Val Demings (D)
Neal Dunn (R)
Daniel Webster (R)
Gus Bilirakis (R)
Bill Posey (R)
Darren Soto (D)
Ross Spano (R)
Kathy Castor (D)
Brian Mast (D)
Lois Frankel (D)
Charlie Crist (D)
Vern Buchanan (R)
Greg Steube (R)
Alcee Hastings (D)
Ted Deutch (D)
Francis Rooney (R)
Mario Diaz-Balart (R)
Debbie Mucarsel-Powell (D)
Debbie Wasserman Schultz (D)
Frederica Wilson (D)
Donna Shalala (D)
Legend
State Boundaries
County Boundaries
116 Congressional Districts
Congressional Districts
1st Congressional District
2nd Congressional District
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4th Congressional District
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Florida Agricultural Leadership

Florida Department of Agriculture and Consumer Services
Nicole "Nikki" Fried, Commissioner

Nicole "Nikki" Fried, Florida's 12th Commissioner of Agriculture and Consumer Services, is a lifelong Floridian, attorney and passionate activist. Born and raised in Miami, Commissioner Fried graduated from the University of Florida, where she received her bachelor's, master's and juris doctorate degrees. While in law school, she served as student body president, the first woman to hold the position in nearly two decades.

Before her election, Fried worked as an advocate in Tallahassee, representing at-risk children and the Broward County School Board, and working to expand patient access to medical marijuana.

Fried has served in the Alachua County Public Defender's Office as head of the Felony Division, and worked with law firms as a government consultant, advocating on behalf of clients before the Florida Legislature. Working in private practice in South Florida, she defended homeowners against foreclosure during the 2007-2008 housing crisis.

Throughout her career she has served with numerous organizations including the Young Lawyers Board of Governors, Broward Days Board of Directors, Legal Needs of Children Bar Committee, LeRoy Collins Institute, Girl Scouts of Southeast Florida, University of Florida Governmental Relations Advisory Committee, University of Florida Board of Trustees, Florida's Children First, and others. Fried is a member of Florida Blue Key, the oldest and most prestigious leadership honorary in the state of Florida.

Florida Ag Statistics:

- Number of Operations – 47,590
- Number of Acres Operated – 9.73 million acres. FL is 34.3 million acres (28% land in agriculture)
- Total value of agricultural products sold – $7.36 billion / year
- Value of sales by Commodity group – Nursery, greenhouse; fruits, tree nuts, berries; vegetables, melons, potatoes, sweet potatoes; hay; cattle and calves; milk from cows; poultry and eggs.
- U.S. Rank Top Commodity by Sales:
    - Nursery, greenhouse; fruits, tree nuts, berries- #2 in the U.S.
    - Vegetables, melons, potatoes, sweet potatoes- #2 in the U.S.
    - Fruits, tree nuts, berries- #3 in the U.S.
    - Horses, ponies, mules, burros, donkeys- #3 in the U.S.
    - Hay - #6 in the U.S.

    - Aquaculture- #9 in the U.S.
    - Tobacco- #10 in the U.S.

- State website: [HYPERLINK "http://www.freshfromflorida.com" \h]

STATE STATISTICS

Population: 20,271,272 as of 2015 (U.S. Census), also Florida contains the highest % of people over 65 (17%).
Demographics: 60.1% [HYPERLINK "https://en.wikipedia.org/wiki/White_people" \h], 20% [HYPERLINK "https://en.wikipedia.org/wiki/Hispanics" \h] or Latino (of any ethnicity or national origin),17% [HYPERLINK "https://en.wikipedia.org/wiki/African_American" \h] (includes Afro-Caribbeans), 2.1% [HYPERLINK "https://en.wikipedia.org/wiki/Asian_American" \h], and 1.4% others ([HYPERLINK "https://en.wikipedia.org/wiki/Native_Americans_in_the_United_States" \h]).
Tribes: Miccosukee Tribe of Indians of Florida and Seminole Tribe of Florida
Miles of Coastline: Florida has the [HYPERLINK "https://en.wikipedia.org/wiki/List_of_U.S._states_by_coastline" \h] in the [HYPERLINK "https://en.wikipedia.org/wiki/Contiguous_United_States" \h], approximately 1,350 miles (2,170 km), not including the contribution of the many [HYPERLINK "https://en.wikipedia.org/wiki/Barrier_Island" \h].
Acres of Wetlands: 11 million acres of wetlands, more than any of the other 47 conterminous States.
Economy: State's economic development is based on tourism, agriculture, industry, construction, international banking, biomedical and life sciences, healthcare research, simulation training, aerospace and defense, and commercial space travel have contributed to the state's economic development. Behind tourism, agriculture is the second largest industry in the state. Citrus fruit, especially oranges, are a major part of the economy, and Florida produces the majority of citrus fruit grown in the United States. Phosphate mining is the state's third-largest industry. The state produces about 75% of the phosphate required by farmers in the United States and 25% of the world supply The Gross Domestic Product (GDP) of Florida in 2016 was $926 billion. Its GDP is the 4th largest economy in the US.

Minority Population in Region 4

African American		percent of African Americans in R4	Hispanic		percent of Hispanic Americans in R4	Asian		percent of Asian Americans in R4
R4			R4			R4		
AL	1,281,118	9.4	AL	185,602	2.7	AL	67,036	4.3
FL	3,200,663	23.5	FL	4,223,806	62.1	FL	573,083	37.2
GA	3,054,098	22.4	GA	853,689	12.5	GA	365,497	23.7
KY	376,213	2.8	KY	132,836	2.0	KY	62,029	4.0
MS	1,115,801	8.2	MS	81,481	1.2	MS	32,560	2.1
NC	2,151,456	15.8	NC	800,120	11.8	NC	252,585	16.4
SC	1,332,188	9.8	SC	235,682	3.5	SC	75,674	4.9
TN	1,107,178	8.1	TN	290,059	4.3	TN	113,398	7.4
	13,618,715			**6,803,275**			**1,541,862**	

Poverty Population in Region 4.

	State Population living below the poverty line	Percentage by Region population living below the poverty line in each State (%)	Percent of Population in each State living below the poverty line
AL	888,290	8.4	**19**
FL	3,047,343	28.7	**16**
GA	1,688,932	15.9	**17**
KY	800,226	7.5	**18**
MS	643,883	6.1	**22**
NC	1,627,602	15.3	**17**
SC	815,755	7.7	**18**
TN	1,095,466	10.3	**17**

KEY ISSUES

American Creosote Works, Pensacola (Superfund)

Cong. Gaetz (R) District -1

- ACW Pensacola is a former wood treater. The site has had several forms of remedial action to the soil and groundwater performed since the 1980's.
- The Sitewide Remedial Design was finished in September 2019. Though not signed yet, FDEP and EPA have agreed to sign the SSC for the future remedial action. Remedial Action funding from the Priority Panel is needed.
- FDEP and EPA agreed on the final plan to delineate the offsite residential yards. During the week of August 31st, LSASD sampled 41 of 43 residential yards. Access to one property was denied; a second location was inaccessible due to fencing. Results of the soil sampling is not available at this time.
- At the request of the City of Pensacola, a Post-Hurricane (Sally) NPL Site Assessment was conducted to address off-site wells damaged by the storm. Water flowed from one of the damaged wells leaving a trail of stained soil. Stained soils were drummed and will be disposed after receipt of analytical results. The soil staining appeared consistent with iron-producing bacteria with no evidence of site-related creosote.

Escambia Wood Treating Company, Pensacola, Escambia County (Superfund)

- Escambia County is using the County-owned portions of the Site for staging storm debris from Hurricane Sally. The Site is engineered to be redeveloped as a commerce park and can be safely used for debris management. The RPM is supporting FDEP and Escambia County to maintain protectiveness and comply with the O&M Plan.
- EPA's completed responses include a 1991 Time-Critical Removal Action, 1996 Interim Remedial Action (voluntary residential relocation), and the 2006 Final Soil Remedial Action.
- Listed on the NPL in 1994.
- From 2007 to 2010, EPA completed the cleanup of more than 100 acres of soil contamination.
- In 2019, EPA completed partial deletion of 50 acres of the 100-acre Site from the NPL.
- The OU2 groundwater cleanup is awaiting funds.

Fairfax Street Wood Treaters, Jacksonville, Duval County (Superfund)

- The Remedial Action (RA) began and finished in 2019.
- 12.5 acres and 51 Residential properties were remediated to unlimited use and unrestricted exposure cleanup standards.
- Approximately 60,000 tons of contaminated soil and 300,000 gallons of contaminated water were removed.
- The site achieved RA Completion, Construction Complete, Sitewide Ready for Anticipated Use, issuance of a Ready for Reuse Determination, and was deleted from the National Priorities List in 9 months.
- The Site was deleted from the National Priorities List on August 18, 2020 and a celebration is planned for late October 2020 at the site.

Hurricane Sally Response

- On September 16th, Hurricane Sally made landfall near Gulf Shores, Alabama with sustained winds of 110 mph.
- The storm quickly lost power after making landfall but generated substantial storm surge and torrential rainfall to some areas of our coastal zone and inland zone, which were our major concerns relative to EPA activity.
- EPA did not receive any requests for support from the Alabama or Florida or the federally recognized Indian Tribes for ESF-10 or ESF-3 support in the field or at State Emergency Operations Centers.
- EPA did receive mission assignments for Federal Operational Support (FOS) to FEMA for intelligence sharing under ESF-10 relative to oil and chemical storage facilities and NPL sites.

- Under our own jurisdiction and funding, and in coordination with Florida and Alabama, EPA R4 conducted remote outreach to oil and chemical facilities in impacted areas of Florida and Alabama and evaluated vulnerability and follow up needs for Superfund sites. We have identified no significant upsets to facility operations or discharges or releases from these facilities or sites.
- Additionally, impact to water/wastewater infrastructure reports have been relatively minor within Alabama and Florida and are being handled at the state and local levels. There have been numerous reports of sheens and sunken vessels in the coastal zone which is under U.S. Coast Guard jurisdiction for oil and hazmat response. EPA stands by to assist USCG and our state and Tribal stakeholders as needed.
- Impact assessments were performed at FRP facilities in prioritized areas of Alabama, Florida and Georgia. No significant issues were identified.

Iron Triangle Site, Escambia County (Superfund)

- Site was prioritized for time-critical removal to mitigate risks associated with lead contamination in soil at the former industrial facility.
- Over 15,500 tons on lead contaminated soil was excavated and disposed.
- The time-critical removal was completed July 16, 2020.

Petroleum Products Superfund Site, Pembroke Park, Broward County (Superfund)

- A former waste oil recycling facility (approximately 2 acres) that was closed out and backfilled in the early 1970's. The property is now used for commercial/industrial purposes and has more than fifteen large warehouse/storage buildings constructed over two former waste oil pits.
- Remediation of the site will require demolition of at least five of the warehouse/storage buildings to access and remediate the contaminated soils and waste oil sludge buried underneath. Remediation costs are projected between $50 to $60 million and will result in disruption of the storage unit business and that of the small business that operate out of numerous bay units.
- A Proposed Plan will be released upon the Administrator's approval. A ROD is scheduled for the fourth quarter of 2021.

Tyndall Air Force Base (TAFB) Cleanup, Panama City, Bay County (Superfund)

Cong. Gaetz (R) District -1

- Tyndall AFB is continuing to cleanup 35+ Operable Units while rebuilding and recovering from a direct hit from Hurricane Michael in 2018.
- The Federal Facilities Agreement was signed in FY2014.
- Since 2016, Region 4 coordinated with the Air Force and the Florida Department of Environmental Protection to achieve ten Records of Decision, five removals, and four major remedial actions to protect human health and the environment. Over 200,000 cubic yards of soil have been excavated, treated, and/or shipped to an off-site disposal facility.
- These cleanup efforts now make hundreds of acres available for redevelopment as the base recovers and rebuilds from the impact of a direct hit from Hurricane Michael.
- In 2020 alone, 4 RODs were signed, 2 Remedial Actions have been done, and 3 Removals have been done.
- At Tyndall Elementary School, built on a former gunnery training range, lead shot was removed from the sandy soil. Over 25,000 cubic yards of contaminated soil were addressed, thus protecting children's health and enabling the school system to perform needed renovations.

404 Assumption (Water)

- On August 20, 2020, EPA Region 4 received a formal request from the State of Florida for authorization to administer a Clean Water Act section 404 program.
- On August 28, 2020, the EPA issued a letter to Governor DeSantis providing notification that EPA has determined the submission to be complete. The EPA also notified the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the Nation Marine Fisheries Service of the EPA's receipt of a complete package and solicited comments within 90 days (by November 17, 2020) as required by federal regulations.
- On August 31, 2020, the EPA invited the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida and the Poarch Band of Creek Indians to consult on the EPA's action on the State of Florida's request. All three tribes accepted the officer. EPA held consultation calls with the Seminole Tribe on September 28, 2020; with the Poarch Creek October 7, 2020; and with the Miccosukee Tribe on October 8, 2020.
- On September 2, 2020, the EPA initiated formal consultation under the Endangered Species Act with the U.S. Fish and Wildlife Service.
- The EPA also initiated consultation under Section 106 of the National Historic Preservation Act (NHPA) and invited 8 tribes (Seminole Tribe, the Miccosukee Tribe of Indians of Florida, the Poarch Band of Creek Indians, the Muscogee (Creek) Nation, the Alabama-Coushatta Tribe of Texas, the Coushatta Tribe of Louisiana, the Mississippi Band of Choctaw Indians, and the Choctaw Nation of Oklahoma), the State Historic Preservation Officer (SHPO), the Florida Department of Environmental Protection and the Advisory Council on Historic Preservation to participate in the NHPA consultation.
- The Seminole Tribe, the Miccosukee Tribe, the Choctaw Nation of Oklahoma, the Poarch Creek, the Muscogee (Creek) Nation, the SHPO, and FDEP have responded and requested consultation. In response to these requests, EPA held consultation meetings with the Seminole Tribe, the Choctaw Nation of Oklahoma, the Poarch Band of Creek Indians, the Muscogee (Creek) Nation, and the Miccosukee Tribe of Indians of Florida.
- On September 16, a Federal Register notice was published that: (1) announced the receipt of the request from the State of Florida; (2) solicits comments within a 45-day period on EPA's action ending on November 2, 2020; (3) announces 2 virtual public hearings to be held respectively on October 21 and October 27, 2020; and (4) solicits comments on the EPA's undertaking under NHPA. The EPA also provided notice to the public through publication on the Region 4 website, issuing emails to more than 700 interested parties and publishing the notice in 5 newspapers including the Orlando Sentinel, the Miami Herald, the Palm Beach Post, the Tallahassee Democrat, and the Tampa Bay Times.
- The EPA needs to take action on the State of Florida's request within 120 days (i.e., by December 17, 2020).

Harmful Algal Blooms (Water)

- HABs are a common occurrence in South Florida, especially in Lake Okeechobee and the downstream St. Lucie and Caloosahatchee estuaries.
- Significant algal bloom and red tide events occurred in 2016 and 2018 that resulted in human health issues, marine mammal and fish kills, and widespread economic losses. During 2020, releases to the St. Lucie and Caloosahatchee estuaries have been minimal as a result of holding Lake Okeechobee levels low going into the summer wet season.
- In July 2020, Lake Okeechobee showed a 45% bloom potential concentrated in the center of the lake. Various algae samples taken by the SFWMD in canals surrounding Lake Okeechobee contained some microcystin, but none showed cyanobacteria.
- During 2020, saltwater red tide has not been problematic, as it was in 2019. The long-term solution for preventing HABs is the reduction of nutrients from agriculture, failing septic tanks, and fertilizer use at homes with programs being implemented under Florida's authorities.

Everglades Agricultural Area Reservoir (Water)

- The EAA Reservoir is a top priority for Governor DeSantis of Florida in order to move more clean water south to the Everglades and reduce harmful releases from Lake Okeechobee into the Caloosahatchee and St. Lucie estuaries. The South Florida Water Management District began construction on August 28, 2020, for the canals needed to deliver water into the 6,500-acre Stormwater Treatment Area component of the project.
- The Army Corps of Engineers Headquarters completed the Section 1308 report required by WRDA 2018 in order to begin construction. The report addresses the concerns, recommendations, and conditions identified by the Secretary in the review assessment titled "Review Assessment of SFWMD's Central Everglades Planning Project, Section 203 Post Authorization Change Report. Some of the project concerns identified were ensuring that water quality standards are met and dam safety for the reservoir feature.
- On April 17, 2020, the Corps Jacksonville Regulatory program issued the CWA 404 permit for construction of the A-2 STA feature for this project.
- On February 2, 2020, the EPA Region 4 commented on the FEIS by providing general support for the project, as well as support for the Corps' determination that the A-2 STA requires an NPDES permit. EPA noted that the Army Corps of Engineers is currently in consultation with the Miccosukee and Seminole Tribes regarding water quality concerns and that a working group would be formed to address their concerns. The Corps has sought EPA's input on water quality standards, treatment and permitting issues. EPA also provided supportive comments on the DEIS on July 10, 2018.

Aquaculture (Water/NEPA)

- In February 2017, the USEPA entered a Memorandum of Understanding (MOU) with six other federal agencies with the purpose of improving coordination and to streamline the regulatory permitting process for aquaculture facilities in Federal waters in the Gulf of Mexico (GOM). The six other federal agencies are: Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers (USACE), U.S. Coast Guard (USCG), and U.S. Fish and Wildlife Service (USFWS).
- EPA is the permit issuance agency for facilities discharging pollutants into federal waters. In accordance with the MOU, issuance of the permit described below will be done in close coordination with other federal agencies.
- In January 2018, EPA R4 received a permit application from Kampachi Farms (since renamed Ocean Era) for a proposed aquaculture facility located approximately 45 miles from the western coast of Florida. The proposed project is research-scale using a single net pen to produce approximately 80,000 lbs of Almaco Jack for one stocking cycle.
- The federal agency aquaculture MOU was implemented in the development of the NPDES permit and EA for NEPA. It expedited the consultation and coordination responsibilities needed to issue the permit.
- The permit was public noticed on August 30, 2019 for 30 days. Based on the significant public interest in the draft permit and requests for a public hearing, EPA R4 held a public hearing on January 28, 2020 and the public comment period was extended through February 4, 2020. Over 44,500 comments to the draft permit and proposed NEPA decision were received.
- On September 30, 2020 R4 issued both a FONSI in fulfillment of NEPA and issued the NPDES permit.

Affordable Clean Energy (ACE) Final Rule (ARD)

- EPA Region 4 is working with each of our states as they development their state plan submittals (due 7/8/22).

City of Valdosta, GA Consent Order with GA EPD (ECAD)

- Between 12/3/19 and 12/5/19, a contractor error at a lift station resulted in an approximately 7.5-million-gallon sewage discharge that eventually reached the Withlacoochee River. The spill occurred approximately 40 miles upstream of the GA-FL state line.
- In June 2016, the City of Valdosta relocated their Withlacoochee Wastewater Treatment Plant to higher ground, which reduced the number of overflows due to continual plant flooding. However, the City is continuing to fix problems throughout their entire sewer system.
- GA EPD executed a Consent Order with the City of Valdosta on August 11, 2020. The order contains a penalty amount and work to address on-going problems and prevent future spills.
- Region 4 worked closely with GA EPD, providing technical support, during the development of the enforcement action. Region 4 is also engaging with local elected officials in the North Florida area to help address their concerns and relay their requests to GA EPD.

Glade County, Florida ICE Detention Facility (ECAD)

- On June 30, 2020, we were made aware from the Federal Facility Enforcement Office of a possible FIFRA issue at federal facilities in Regions 4, 9 and 10. News articles are reporting that detainees at ICE facilities allege that the disinfectants being used to control coronavirus are being misapplied, causing illnesses including headaches, nausea, fainting, skin rashes, and nose bleeds among facility detainees.
- 30+ Members of Congress sent a letter to the Department of Homeland Security's Inspector General on June 23, 2020, seeking an investigation into the use of chemical disinfectants at ICE facilities in "California, Florida, and elsewhere."
- It has been alleged that the product "Mint Disinfectant" produced by the Spartan Chemical Company may have been misused at the Glades County Detention Center in Florida.
- On July 10, 2020, EPA Region 4 referred this matter to the Florida Department of Agriculture and Consumer Services (FDACS) to investigate under its state authority. States have primary enforcement authority over matters involving the use of pesticides.
- FDACS conducted an inspection on July 23, 2020. On September 8, 2020, FDACS issued an Advisory Letter to the Glades County Detention Facility for misuse of a registered pesticide – facility stated it uses a 5 min contact time when the label requires 10 min. FDACS also assessed penalties to the Registrant and Distributor for the sale of a state-unregistered pesticide (product is registered by EPA).
- On September 14, 2020, EPA received copies of the actions by FDACS. EPA R4 will refer observed misbranding issues with recommendation for a formulation sample to R3, where the product was produced.

Coal Combustion Residuals (CCR) Rule (LCRD)

- FDEP is adopting the 2016 Federal CCR Rule via a bifurcated Rulemaking process, with part of the Rule (i.e. items that are already in the States Rules which are wholly contained in other Rules) being adopted via a fast track process, with limited public comment, and other CCR specific parts of the Rule being adopted via their Environmental Rule Commission.

- FDEP has tentatively pushed back their timeline to submit a CCR package to R4 to January 2021, due to FL not being able to meet with their Environmental Regulatory Commission (ERC). The ERC is appointed by the governor, there have not been new members appointed, and all terms have lapsed. FDEP is waiting to hear if the ERC can be convened in October, despite all members terms having expired, or if they must wait until January 2021, which is the more likely scenario. There is a possibility that FDEP may send Region 4 a draft rule for courtesy review. These rules are the same CCR Rule's that EPA has already reviewed with the States slight changes. The next meeting with FDEP is scheduled on 10/15/20

State Authorizations (LCRD)

The Florida Department of Environmental Protection (FDEP) submitted a final complete Program Revision Application, dated September 16, 2019, seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. Florida's revisions include provisions contained in certain federal rules promulgated between July 1, 2017 and June 30, 2019, otherwise known as RCRA Clusters XXVI and XXVII. This submission also included revisions to checklist 233. A proposed authorization was published on February 25, 2020. No comments were received and a final notice was published and made effective on June 1, 2020. EPA also has done a review of draft adoption for Checklist 242.

Leaking Underground Storage Tanks Cleanup Backlog (LCRD)

- Florida has been able to greatly reduce their UST cleanup backlog, the highest in the nation, by capturing the number of cleanups completed by responsible parties. Since the end of the Inland Protection Trust Fund as a UST finance assurance mechanism in 1999, all new UST cleanups became the responsibility of the owner/operator. By now accounting for those cleanups, Florida has been able to reduce their backlog of UST cleanups to less than 3,000.
- Florida FY20 RCRA Subtitle I cooperative agreements are awarded as both LUST and LUST Prevention funding. FDEP received $700,000 in LUST Prevention and $1,900,00 in LUST funding for FY20.

RCRA Subtitle C: Last Updated: July 2020 (LCRD)

- Florida FY20 RCRA Subtitle C (3011) grant funds are awarded through a Performance Partnership Award (PPA) by EPA Region 4 Mission Support Division (MSD). Florida was awarded funding in the amount of $3,083,667.

PCB Program: (LCRD)

- **EPA/Florida DEP - Memorandum of Agreement (MOA)**, dated August 13, 2020, to provide a framework to facilitate the coordinated cleanup of certain sites in Florida that are contaminated with polychlorinated biphenyls (PCBs). PCB regulations found at 40 CFR Part 761 authorize Coordinated Approvals under certain conditions based on existing federal or state permits, or enforcement or decision documents. A TSCA PCB Coordinated Approval provides a mechanism for federal and state environmental officials to better coordinate PCB activities and maximize limited resources.

Port Everglades Expansion Project – (NEPA/Water)

- The project is the deepening and expansion of Port Everglades harbor (WRDA authorized). The Army Corps of Engineers (COE) Jacksonville District is the lead agency with EPA as a cooperating agency due to its responsibilities under MPRSA Section 103 for the expansion of the Ocean Dredged Materials Disposal site (ODMDS) and transportation of the dredged material.
- Key environmental issues include coral (endangered species), mangroves (wetlands) and water quality. EPA Region 4 is serving on the Interagency Working Group hosted by the COE to work on these issues, specifically regarding avoidance and minimization of impacts, habitat assessment protocols, mitigation of impacts, and related issues. EPA R4 (dive team) has also worked with National Marine Fisheries Service (NMFS) to do sediment assessments on the reef tract related to this project.
- EPA provided a draft EA, draft SMMP, and draft rule for public review related to the expansion of the ODMDS offshore this calendar year. EPA published a preliminary FONSI on August 7, 2020 for 30 days. The goal is to finalize the expansion of the ODMDS by the end of CY 2020. COE rescinded a Record of Decision in 2016 and expects to publish new NEPA documents later this year.

- COE is drafting a Supplemental Environmental Assessment to address concerns brought in litigation related to similar insufficient methods used in the Port of Miami that resulted in extensive coral impacts. EPA is pursuing an ongoing case.
- Continued controversy from the public and environmental groups is expected. COE is requesting a water quality permit from Florida and consultations for ESA and EFH with NMFS expected December 2020.

Coastal Storm Risk Management (NEPA)

- The COE is preparing Coastal Storm Risk Management Studies in Florida that involves multiple Environmental Impact Statements (EIS). The EISs evaluate reasonable alternatives to protect various counties within Florida, from hurricanes and other storms with their associated wind, storm surge, and coastal flooding.
- The existing protection is not adequate to prevent excessive storm damage and flooding from occurring during major coastal storms.
- EPA is an active participant on many of these studies early in the process, projects include the Miami-Dade Back Bay Coastal Storm Risk Management, Florida Keys Coastal Storm Risk Management Report (One Federal Decision Project), Collier County Coastal Storm Risk Management (One Federal Decision) Draft Integrated Feasibility Study and EIS.
- EPA is providing comments on the Draft EISs, most of which are recommendations designed to improve the Final EIS documents.

Combined Operations Plan, Broward, Miami-Dade, and Monroe Counties (NEPA)

- The purpose of the project is to define operations for the constructed features of the Modified Water Deliveries to the Everglades National Park and Canal C-111 South Dade project components.
- The COE examined several alternatives that adjusted the operations of the water delivery system while balancing a set of defined needs.
- EPA provided comments on the Draft Environmental Impact Statement (EIS) on March 16, 2020. On August 3, 2020, EPA submitted comments on the Final EIS. Based on our review, the FEIS adequately addressed our previous comments.

Gulf Coast Parkway Construction (NEPA)

- Project includes a new high-level bridge over the Intercoastal waterway with 30-miles of multi-lane, new location highway in Bay and Gulf Counties. NEPA Program office is working with Florida Department of Transportation (FDOT) and other agencies on outstanding environmental concerns.
- Key environmental issues include wetlands and streams, water quality, threatened and endangered species, wildlife habitat fragmentation, essential fish habitat, environmental justice, and indirect and cumulative impacts. A Draft Environmental Impact Statement (EIS) rated Environmental Concerns (EC-1) on May 30, 2014. Through the FLDOT screening and decision-making process, the preferred alternative was elevated to a dispute resolution process.
- The proposed project was on the OMB Fast-41 Dashboard ('high priority') list and the NEPA Section reviewed a preliminary NEPA document from the FLDOT in May of 2019. A final EIS was reviewed and an EPA comment letters was sent to FDOT on January 21, 2020.
- On May 4, 2020, FDOT issued a record of decision on the project. There may be controversy from environmental groups who in the past expressed opposition to the project.

Navigable Waters Protection Rule (Water)

- On January 23, 2020 the EPA and the Department of the Army announced the Navigable Waters Protection Rule: A New Definition of "Waters of the United States."

- The Navigable Waters Protection Rule identifies four clear categories of waters that are federally regulated under the Clean Water Act: the territorial seas and traditional navigable waters; perennial and intermittent tributaries; certain lakes, ponds, and impoundments; and wetlands that are adjacent to jurisdictional waters.
- This final rule also details what waters are not subject to federal jurisdiction under the Clean Water Act, including features that only contain water in direct response to rainfall; groundwater; many ditches, including most farm and roadside ditches; prior converted cropland; farm and stock watering ponds; and waste treatment systems.
- This action is intended to give states and tribes more flexibility in determining how best to manage their land and water resources while protecting the nation's navigable waters as intended by Congress when it enacted the Clean Water Act.
- The final rule is informed by robust public outreach and engagement, including pre-proposal engagement that generated more than 6,000 recommendations and approximately 620,000 comments received on the proposal. This has been a multi-year effort involving participation from numerous EPA and Army/Corps staff.
- This final rule became effective on June 22, 2020.
- On June 19, 2020, the District Court for the District of Colorado [HYPERLINK "https://www.epa.gov/nwpr/definition-waters-united-states-rule-status-and-litigation-update"].
- The rule is being implemented by EPA and the Army in all other states and jurisdictions.

Region 4-Specific 404 Background (Water)

- In the Southeast, the COE generally looks to EPA Region 4's environmental expertise on 404 permits, particularly for projects that are anticipated to have a significant environmental impact. Region 4 places a high priority on building and maintaining very good relationships with the COE and providing timely and constructive comments on the permit applications that we review.
- Although the Region has not recently issued an "a" or "b" letter, which are part of the process under the Section 404(q) MOA, we strive to screen at least 95% of the permit applications that we receive and provide comments to the COE on a subset of permit applications where we know we can add value. Of the nearly 600-700 public notices that we typically receive annually in Region 4, we provide comments on approximately 5%.

Animal Waste Rule (Water)

- FDEP issues individual NPDES permits consistent with the EPA 2008 CAFO rule, as adopted by the state.
- Florida rules include additional requirements for CAFOs and AFOs that discharge to groundwater.
- There are 100 CAFOs in Florida, 58 of them have an NPDES permit, including all dairy CAFOs.

CWA 303(d) (Water)

EPA, with the help of Florida, has completed the TMDL backlog:

- These TMDLs represent 64 waterbody-pollutant combinations.
- The TMDLs were mostly for nutrients addressed by establishing site specific water quality standards and TMDLs.
- 74% of the waters identified as Vision priorities have been addressed.
- After significant discussions and input from FDEP all backlogged TMDLs from the past 10 years have been Approved.

Nuisance Lawsuit impacting Farmers (Ag)

- At the end of 2017, a US District Court for the Eastern District of NC judge ruled that the state's Right-to-Farm law was no defense against "nuisance" claims. The first set of trials concluded, and all three juries have returned $473.5 million verdicts for the plaintiffs.

- The cases have been brought against Murphy-Brown, a subsidiary of Smithfield Foods, individual farmers are being severely impacted.
- The fourth trial [HYPERLINK "x-apple-data-detectors://10"] over smells, flies and pests caused by a 7,100-hog farm in Sampson County, NC.
- National and local government leaders, agriculture policy leaders and individual farmers are all concerned how these and other nuisance lawsuits against livestock facilities are progressing.
- At issue are lawsuits filed against pork producers in North Carolina by neighbors of the farms who sued for damages from excessive noises, odors, flies, buzzards and other concerns that impacted their quality of life in their homes.
- It is being reported that trial lawyers are approaching residents who live adjacent to large livestock operations in other states to pursue similar nuisance claims.
- Agriculture community express concern with that similar claims could be pursued to other farming operations.
- 7% of Florida's sales of agricultural products sold (reported in 2016) was attributed to cattle and calves.

National Pollutant Discharge Elimination System Permit Universe (WD)

- Municipal (Publicly Owned Treatment Works)
  - Major (> 1MGD) = 85
  - Minor (< 1 MGD) = 52
- Industrial
  - Major = 313
  - Minor = 207
- General Permit Covered Facilities
  - Total= 20825

Cooperative Agreement Gulf of Mexico Division

Recipient	Title	Scope	Measurable Outputs	EPA Funds
Escambia County Board of Commissioners	Improve Water Quality in Bayou Chico	This project will provide water quality improvements to Bayou Chico by reducing overall nutrient loadings through the utilization of floating treatment wetlands to filter storm water runoff before it enters the bayou. The floating treatment wetlands will be placed in Jackson Lake, which connects to Jackson	**1.** Install 21,000 square feet of floating treatment wetlands to reduce nutrient load by 40%; **2.** Educate 20 students on watershed principles	$295,500

		Creek, a tributary of Bayou Chico. Local students will be able to participate in hands-on exposure to science. The students will also participate in the success monitoring of the project by attending field days at the lake and bayou, installing vegetation, collecting water samples, analyzing water sample results against historical data, and presenting the results.		
New College of Florida	Identifying BMPs For Mangrove Restoration	This project will deliver data-driven best practices for enhancing coastal habitats by supporting a partnership between New College of Florida and the Sarasota Bay Estuary Program to restore the most extensive mangrove habitat in Sarasota Bay (Fig 1). This project will evaluate how different invasive control methods influence mangrove C dynamics and fish communities.	**1.** Remove exotic plants from 13.5 acres of spoil ridges; **2.** Implement experimental native revegetation in a 4 acre subset; **3.** Monitor how multiple services respond in the entire 188 acres of enhanced mangrove swamp habitat; **4.** Engage 75 underserved high school students who will learn "How the Health of the Bay Affects Citizens"	$294,198
University of Florida	Improving Riparian Habitat and Water Quality	This project will restore 24 acres of riparian habitat on the Apalachicola River in the Florida	**1.** Restore 24 acres of riparian habitat on the Apalachicola River in the Florida Panhandle; **2.** Train	$262,204

		Panhandle by planting willow stakes on sand bars enlarged by dredge disposal and educate over 200 students and others stakeholders regarding river restoration.	over 200 students in river restoration; **3.** Provide resources to help others learn about the area	
University of Florida	Protection and Restoration of Damaged Seagrass	This project will map Florida's nearshore seagrass meadows for propeller scarring caused by high boat traffic. Scarring hotspots will be protected through placement of marker buoys and boater education, and propeller scars in these areas will be restored.	**1.** Protect at least 30 acres of seagrass meadows on Florida's Gulf Coast from future damage; **2.** Restore 21,000 linear feet of propeller scars in protected areas; **3.** 1,200 boaters changing their behavior to reduce propeller scarring; **4.** 400 people will share messaging across social media	$298,407
Nature's Academy Inc.	Coastal Connections - Environmental Education	This project will provide environmental education field trips for underprivileged and underserved 5th grade students to learn about and experience habitat preservation and sustainable approaches to preserve natural resources.	**1.** Provide free environmental education field trips to 1700 underserved students from Manatee and Pinellas County, FL; **2.** Remove 100 pounds of trash from coastal habitats around Tampa and Sarasota Bays; **3.** Create 85+ public service announcements; **4.** Reduce pollution that might enter the Gulf of Mexico by eliminating the use of 3,400 plastic water bottles	$97,808

University of Florida	Enhancing Shoreline Habitat to Increase Resilience	This project will enhance marsh, oyster reef, and coastal dune habitat by demonstrating living shorelines in a bayou off the Florida central Gulf coast. The project was developed with input from stakeholders, ecologists, and engineers. Educational tours for homeowners, city planners, and restoration practitioners will demonstate a range of coastal erosion control options. Project results will be disseminated through media and educational materials on the topics of coastal erosion and living shorelines.	**1.** Enhance habitat along approximately 1,500 linear feet of shoreline; **2.** Enhance at least 3 acres of salt marsh, intertidal oyster reef, coastal dune, and low energy beach; **3.** Engage a minimum of 60 volunteers that will donate at least 960 total hours; **4.** Produce at least 10 mass media communication products; **5.** Engage at least 200 participants from 5 coastal communities in field tours of coastal erosion options; **6.** Establish two long-term demonstration and research locations to evaluate effectiveness of this approach to habitat enhancement	$384,733
University of Florida	Strengthening Resilience Through Flood Planning	This project will increase the resilience of twelve flood-prone communities in Escambia and Santa Rosa Counties, in northwest Florida, to flooding associated primarily with rainfall events. This will be accomplished through an iterative two-component process. This	**1.** Strengthened community resilience in 12 communities in Escambia and Santa Rosa Counties, Florida; **2.** 48 event-based rainfall maps using data from Weather Underground stations in Santa Rosa and Escambia Counties; **3.** 24 public workshops to discuss project	$299,753

		project will improve community resilience by utilizing existing tools and techniques (the US EPA's Storm Water Management Model (SWMM) informed by new information (e.g., local streamflow records, water quality data, and more than 80 Weather Underground stations) to provide information for County staff, municipalities, and other stakeholders to assess risks and vulnerabilities of flooding in local communities. It will also provide a framework to identify how green infrastructure can mitigate existing and future flooding.	findings (data, model results), green infrastructure benefits and local examples, and green infrastructure scenarios; **4.** Streamflow and flow-weighted water sample data from 10 sites on streams in project communities; **5.** EPA's Storm Water Management Model developed and shared with county, municipal and Extension staff to test the benefit of various green infrastructure scenarios on flooding and water quality in each community; **6.** Extension brochures adapted for 12 communities showing how green infrastructure could reduce flooding and improve water quality, based on model results	

Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE)-Gulf of Mexico Division

Recipient: Escambia County
Title: Pensacola and Perdido Bays Estuary Program (RESTORE Project)
Scope: This project will develop and provide a progressive management plan for the Pensacola and Perdido Bays Estuary Program (PPBEP), encompassing Pensacola and Perdido Bays.
Measurable Outputs: Key components of the project are to establish an independent estuary program office administratively supported by Escambia County; hire a Program Director and key staff; develop the Management Conference comprised of a Policy Board as well as Technical, Community, Education, and Economic Advisory Committees; determine stressors; conduct initial outreach activities; and develop and adopt a Comprehensive Conservation and Management Plan (CCMP) supported by both the community and best available science.
RESTORE Funds: $2,000,000

Recipient: Tampa Bay Estuary Program (TBEP)
Brief Summary: GMD awarded a Cooperative Agreement for $1,459,909 to Tampa Bay Estuary Program (TBEP) on August 28, 2018 to implement five Tampa Bay Estuary Program (TBEP) projects supported by RESTORE funding which are: 1) Biosolids to Energy (City of St. Petersburg), 2) Copeland Park Stormwater Enhancements (City of Tampa), 3) Coastal Invasive Plant Removal/Cockroach Bay Aquatic Reserve (Hillsborough County), 4) Robinson Preserve Water Quality and Habitat Restoration (Manatee County), and 5) Ft Desoto Recirculation and Seagrass Recovery (Pinellas County). The Cooperative Agreement end date with TBEP is July 31, 2023.
TBEP developed agreement language with the interlocal agreement partners responsible for specific elements of this project. An agreement was executed between TBEP and Pinellas County to conduct habitat restoration activities at Fort DeSoto in September 2018. Plantings to revegetate were conducted in December 2018. A project kick-off and scoping meeting with Pinellas County was conducted on February 6, 2019. Draft agreements with the cities of Tampa and St. Petersburg, and Manatee and Hillsborough counties are pending.

PROGRAM MEASURES Drinking water (lead, etc.)

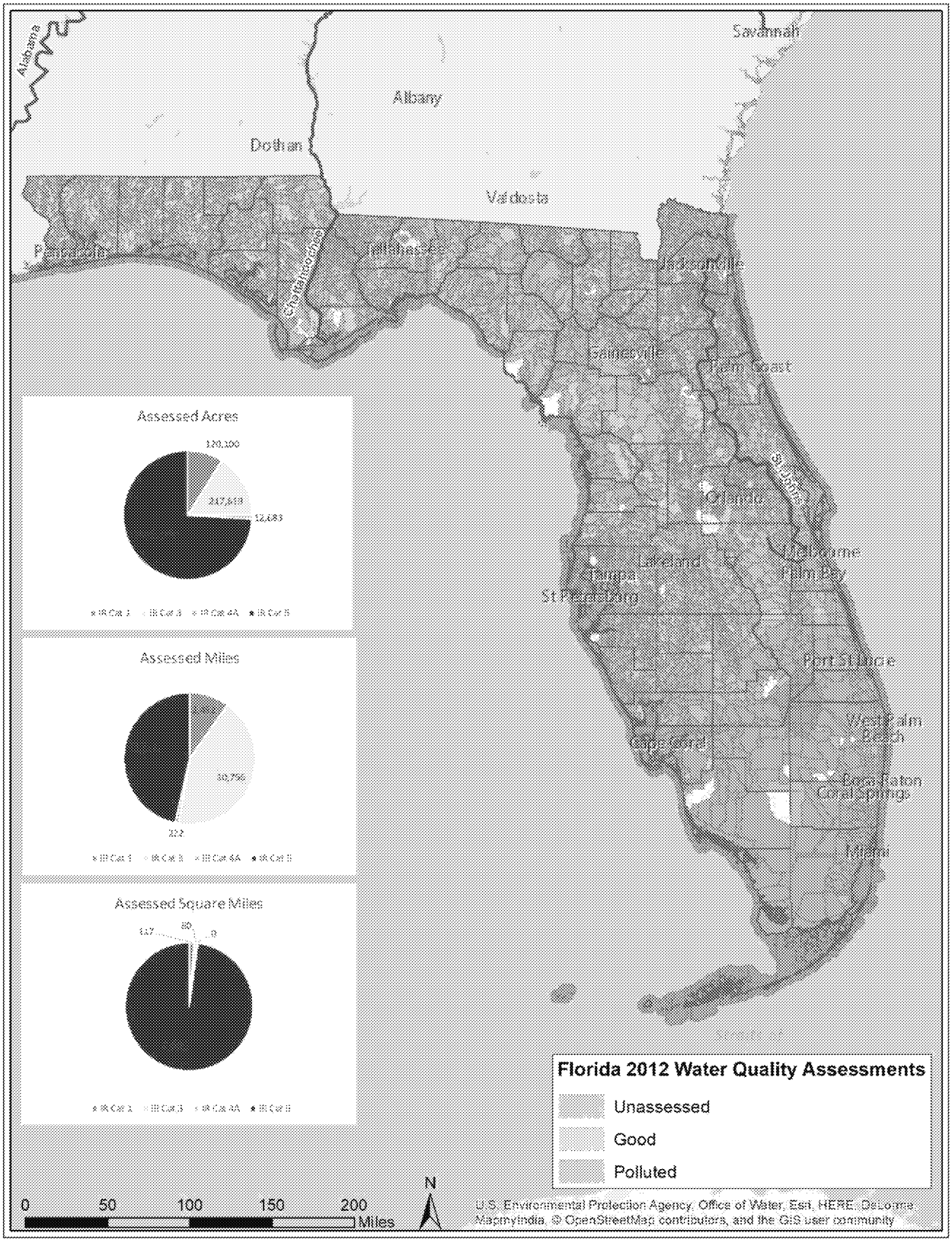
- FDEP regulates 5215 active public water systems (PWS) that serve 20,975,109 customers.
  - 1621 community water systems (CWSs)
  - 805 non-transient non-community water systems (NTNCWSs)
  - 2789 transient non-community water systems (TNCWSs)
- 96.6% of CWSs are meeting all health-based standards
- 55 CWSs with health-based violations
  - 0 violate the Lead and Copper Rule (LCR)
  - 43 violate the Stage 2 Disinfectants and Disinfection Byproducts (Stage 2 DBPR)

WIIN Act Grant. FDEP was awarded $1.72 million in January 2020 for WIIN Grant 2107, Lead Testing in Schools and Childcare Facilities. The funding will be used to reduce lead exposure in approximately 2.8 million students enrolled in grades pre-K through 12th grade. FDEP has not submitted a QAPP for approval, but the state has a QMP and data competency approved for the program. Sampling has not started in the state.

PWSS Primacy. EPA continues to focus on reducing the backlog of PWSS program primacy applications. Region 4 has a backlog of 19 and 2 are FL's. We are ready to assist FDEP throughout the rule making process and look forward to discussing the response to EPA's comments on both rules as well as appreciate SC DHEC's response to our comments on these applications.

PFAS. Another priority area for EPA is addressing PFAS. EPA provided supplemental funding to state PWSS programs this year. FL DEP received $261,000 above its base level funding ($3,569,000). We appreciate the quick attention given to developing and submitting a workplan for these funds and know that FL DEP plans to increase their laboratory capacity by purchasing a pump and accessory upgrade for their HPLC equipment.

Impaired waters



Non-attainment Areas

Grants

Florida Grant Awards 10/01/2019 - 09/30/2020

Program	Applicant Name	City	Amount This Action	Award Date
Air Pollution Control	Pinellas County dba Board of Co Commissioners	Clearwater	$75,000	12/6/2019
Air Pollution Control	Pinellas County dba Board of Co Commissioners	Clearwater	$165,620	4/22/2020
Air Pollution Control	FL Dept of Health	Tallahassee	$75,000	12/6/2019
Air Pollution Control	FL Dept of Health	Tallahassee	$192,369	4/24/2020
Air Pollution Control	Hillsborough County dba Env Protection Commission .	Tampa	$75,000	11/25/2019
Air Pollution Control	Hillsborough County dba Env Protection Commission .	Tampa	$471,347	4/24/2020
Air Pollution Control	Hillsborough County dba Env Protection Commission .	Tampa	$35,000	7/30/2020
Air Pollution Control	Hillsborough County dba Env Protection Commission .	Tampa	$163,576	9/3/2020
Air Pollution Control	Miami - Dade County dba DERM	Miami	$75,000	12/10/2019
Air Pollution Control	Miami - Dade County dba DERM	Miami	$412,550	4/24/2020
Air Pollution Control	City of Jacksonville	Jacksonville	$75,000	12/10/2019
Air Pollution Control	City of Jacksonville	Jacksonville	$416,240	4/24/2020
Air Pollution Control	Broward County	Fort Lauderdale	$75,000	12/12/2019
Air Pollution Control	Broward County	Fort Lauderdale	$172,717	4/24/2020
Air Pollution Control	Broward County	Fort Lauderdale	$85,000	6/19/2020
Air Pollution Control	Orange Co. Board of County Commissioners	Orlando	$75,000	12/10/2019
Air Pollution Control	Orange Co. Board of County Commissioners	Orlando	$158,498	4/24/2020
Multipurpose Grant	FL Dept of Health	Tallahassee	$56,642	1/31/2020
Performance Partnership	FL Dept of Environmental Protection	Tallahassee	$2,398,626	12/19/2019
Performance Partnership	FL Dept of Environmental Protection	Tallahassee	$12,518,813	4/9/2020
Performance Partnership	FL Dept of Environmental Protection	Tallahassee	$324,969	9/29/2020
Performance Partnership	FL Dept of Agriculture & Consumer Serv	Tallahassee	$109,314	1/29/2020
Performance Partnership	FL Dept of Agriculture & Consumer Serv	Tallahassee	$502,570	3/16/2020
Performance Partnership	FL Dept of Agriculture & Consumer Serv	Tallahassee	$394,055	6/18/2020
Water Quality Management	FL Dept of Environmental Protection	Tallahassee	$100,000	12/12/2019

Program	Applicant Name	City	Amount This Action	Award Date
Water Quality Management	FL Dept of Environmental Protection	Tallahassee	$442,000	4/9/2020
Nonpoint Source	Florida Department of Environmental Protection	Tallahassee	$6,446,500	4/30/2020
Regional Wetland Program	FL Dept of Environmental Protection	Tallahassee	$174,079	5/8/2020
Regional Wetland Program	FL Dept of Environmental Protection	Tallahassee	$205,831	10/22/2019
National Estuary Program	Sarasota Bay Estuary Program	Sarasota	$662,500	7/31/2020
Regional Wetland Program	City of Punta Gorda	Punta Gorda	$662,500	8/25/2020
Regional Wetland Program	IRL Council	Sebastian	$662,500	7/15/2020
Regional Wetland Program	Tampa Bay Estuary Program	Saint Petersburg	$662,500	8/13/2020
Clean Water SRF	FL Dept of Environmental Protection	Tallahassee	$53,641,000	9/14/2020
Beach Monitoring	FL Dept of Health	Tallahassee	($20,193)	11/6/2019
Beach Monitoring	FL Dept of Health	Tallahassee	$419,000	6/30/2020
Beach Monitoring	FL Dept of Health	Tallahassee	$439,193	10/10/2019
National Estuary Program	Miami -Dade County/Solid Waste Mgmt	Miami	$1,627,137	7/28/2020
National Clean Diesel	Miami -Dade County/Solid Waste Mgmt	Miami	$225,363	8/14/2020
NationalClean Diesel	City of Ocala	Ocala	$777,000	8/6/2020
State Clean Diesel	Florida Department of Environmental Protection	Pensacola	$585,168	8/11/2020
Environmental Justice	LEAD Coalition of Bay County Inc	Panama City	$30,000	1/28/2020
Environmental Justice	Ocean Research & Conservation Association Inc	Fort Pierce	$30,000	4/16/2020
Environmental Justice	The Sustainable Workplace Alliance	Lake Wales	$30,000	1/31/2020
Drinking Water SRF	FL Dept of Environmental Protection	Tallahassee	$43,344,000	9/30/2020
Supplemental Monitoring	Florida Department of Environmental Protection	Tallahassee	$544,932	7/7/2020
Supplemental Monitoring	FL Dept of Environmental Protection	Tallahassee	$588,500	2/6/2020
Job Training	Corporation to Develop Communities of Tampa FL	Tampa	$200,000	3/2/2020
State Indoor Radon	FL Dept of Health	Tallahassee	$40,064	12/10/2019
State Indoor Radon	FL Dept of Health	Tallahassee	$193,780	6/18/2020
LUST Prevention	FL Dept of Environmental Protection	Tallahassee	$700,000	6/5/2020
Leaking Underground Storage	FL Dept of Environmental Protection	Tallahassee	$1,900,000	6/11/2020
Leaking Underground Storage	FL Dept of Environmental Protection	Tallahassee	$83,376	11/6/2019

Program	Applicant Name	City	Amount This Action	Award Date
Lead Testing	FL Dept of Environmental Protection	Tallahassee	$1,752,000	1/16/2020
Gulf of Mexico Program	FL Fish & Wildlife Conservation Commission	Saint Petersburg	$190,586	10/7/2019
Gulf of Mexico Program	FL Dept of Environmental Protection	Tallahassee	$339,056	5/19/2020
Gulf of Mexico Program	County of Escambia dba Commissioners of Escambia County	Pensacola	$297,220	5/21/2020
Gulf of Mexico Program	Tampa Bay Estuary Program	Saint Petersburg	$492,828	6/16/2020
Environmental Education	FL Dept of Agriculture & Consumer Serv	Tallahassee	$100,000	7/31/2020
Air Monitoring PM 2.5	Broward County	Fort Lauderdale	$90,000	3/11/2020
Air Monitoring PM 2.5	Orange Co. Board of County Commissioners	Orlando	$35,000	3/13/2020
Air Monitoring PM 2.5	Hillsborough County dba Env Protection Commission .	Tampa	$95,000	3/12/2020
Air Monitoring PM 2.5	City of Jacksonville	Jacksonville	$85,661	3/18/2020
Air Monitoring PM 2.5	Florida Department of Environmental Protection	Pensacola	$510,000	3/10/2020
Air Monitoring PM 2.5	Miami - Dade County dba DERM	Miami	$90,000	3/18/2020
Air Monitoring PM 2.5	Pinellas County dba Board of Co Commissioners	Clearwater	$90,000	3/5/2020
Air Monitoring PM 2.5	Palm Beach County Health Department	West Palm Beach	$45,000	3/19/2020
Air Monitoring PM 2.5	Pinellas County dba Board of Co Commissioners	Clearwater	($100,000)	4/6/2020
State and Tribal Response	FL Dept of Environmental Protection	Tallahassee	$642,673	5/8/2020
Drinking Water SRF ASADRA	FL Dept of Environmental Protection	Tallahassee	$109,270,000	9/22/2020
Clean Water SRF ASADRA	FL Dept of Environmental Protection	Tallahassee	$17,690,000	9/17/2020
Superfund Program	FL Dept of Environmental Protection	Tallahassee	$226,799	4/10/2020
National Air Toxics	Pinellas County dba Board of Co Commissioners	Clearwater	$3,000	10/10/2019
National Air Toxics	Pinellas County dba Board of Co Commissioners	Clearwater	$103,196	5/27/2020
National Air Toxics	Hillsborough County dba Env Protection Commission .	Tampa	$140,208	5/27/2020
National Air Toxics	Orange Co. Board of County Commissioners	Orlando	$150,000	7/28/2020
National Air Toxics	University of Florida	Gainesville	$21,900	8/13/2020
Congressionally Mandated	City of North Port	North Port	$60,515	7/8/2020

Program	Applicant Name	City	Amount This Action	Award Date
Congressionally Mandated	Pinellas County dba Board of Co Commissioners	Clearwater	$780,600	9/17/2020
South Florida Initiative	Angler Action Foundation Inc	Lake Worth	$199,900	6/15/2020
South Florida Initiative	Florida International University	Miami	$199,996	7/7/2020
South Florida Initiative	FL Fish & Wildlife Conservation Commission	Saint Petersburg	$290,000	8/12/2020
South Florida Initiative	FL Fish & Wildlife Conservation Commission	Saint Petersburg	$45,000	6/23/2020
South Florida Initiative	Monroe County	Key West	$149,995	11/4/2019
South Florida Initiative	Biscayne Bay Waterkeeper Inc dba Miami Waterkeeper	Miami	$112,000	12/17/2019
South Florida Initiative	FL Fish & Wildlife Conservation Commission	Saint Petersburg	$99,246	11/26/2019
South Florida Initiative	Florida Gulf Coast University	Fort Myers	$264,039	11/25/2019
South Florida Initiative	Florida International University	Miami	$196,890	11/25/2019
South Florida Initiative	Florida Department of Environmental Protection	Pensacola	$275,000	11/25/2019
South Florida Initiative	University of Central Florida	Orlando	$199,984	11/25/2019
South Florida Initiative	FL Fish & Wildlife Conservation Commission	Saint Petersburg	$171,365	11/4/2019
		TOTAL	$269,904,293	

Performance Partnership Agreement (PPA) and Performance Partnership Grant (PPG)

- Florida's Fiscal Year 2020 Performance Partnership Grant (PPG) was approved for an amended amount of $17,866,369.00. To date, they have received $15,242,408.

- Florida's Fiscal Year 2021 Performance Partnership Grant (PPG) application has been received in the amount $17,432,516.

State Revolving Fund (SRF) information

For FY 20, the Florida SRF program was allotted $53,641,000 for the CWSRF and $43,344,000 for the DWSRF. Florida received the CWSRF FY 19 allocation of $53,633,000 and the DWSRF FY 19 allocation of $43,316,000.

The Florida CWSRF program has $5,086,157,306 in outstanding loans, and the DWSRF program has $1,211,371,692 in outstanding loans as of June 30, 2019. (This information is updated yearly, in November.)

Florida has six WIFIA projects:

Miami-Dade, a $99 million Ocean Outfall Discharge Reduction and Resiliency Enhancement Project. The project consists of construction of new wells at three wastewater treatment plants to allow for redirecting existing effluent discharges from the ocean outfalls to injection wells. The loan closed March 22, 2019.

Miami-Dade County, a $343 million Wastewater Treatment Plant (WWTP) Electrical Distribution Building Upgrade Project. The project will design and construct five new electrical distribution buildings across Miami-Dade County's three wastewater treatment plants. The application was received August 21, 2019.

Miami-Dade County, a $225 million Wastewater Treatment Plant Expansion. The project will help meet requirements of the Ocean Outfall Legislation and complete activities required under the Consent Decree with Florida Department of Environmental Protection. The loan closed on July 15, 2020.

Florida Keys Aquaduct Authority, a $45 million Florida Keys Imperiled Water Supply Rehabilitation Project. The project will include replacement of the existing, failing seawater Reverse Osmosis Facility, approximately 12 miles of piping, and a water distribution pump station. No application has been received.

City of North Miami Beach Water, a $44.2 million Regional Potable Water Improvements Project. The project includes a 4-phased expansion and rehabilitation of the aged Norwood Water Treatment Plant and its distribution and water supply facilities to meet current and future demands. The loan closed June 25, 2020.

Tohopekaliga Water Authority, a $40 million Accelerated Gravity Sewer Assessment and Rehabilitation Project. The project will rehabilitate 65 high priority wastewater pumping station basins including over 900,000 feet of gravity mains. The loan was closed February 20, 2020.

Brownfields

- Average Number of Brownfield sites that enter state program each year in state: **36**
- # of EPA Brownfield sites returned for anticipated use – **311** (this is the number of properties designated as RAU)
- $ value of grants awarded in state in past 10 years (all available EPA Brownfield funding; break down by revolving loan fund, workforce development and assessment.)

	Value of Grants awarded over past 10yrs (FY11-FY20)
Assessment	$17,395,000
Cleanup	$2,800,000
Revolving Loan	$1,500,000
Job Training	$1,292,296
Area-Wide Plan	$398,032
Multi-Purpose	$400,000
Total	$23,785,328

Superfund Sites

- With Superfund, the State of Florida participates in one cooperative agreement providing ~$230,000/year for the state program supporting Superfund site assessment.
- There are 16 active Superfund State Contracts (SSC) currently in place between EPA and the State of Florida with a combined Remedial Action value of approximately $113M.
- There are 31 potential Sites in Florida that can be returned for anticipated use.
- 54 Sites in Florida have already been returned for anticipated use. Superfund targeted five sites for FY2020 with a stretched target of 7 within the Region to return for anticipated use. Of those seven, three are in Florida and have been returned for anticipated use. FY2021 targets have not been finalized, but four sites in Florida are being considered.

Region 4 National Priorities List Site Status (2017-Current)

State	Site Name	NPL Status	NPL Date
AL	PERDIDO GROUND WATER CONTAMINATION	Deleted	03/17/2017
AL	REDSTONE (PARTIAL) (NASA MARSHALL SPACE FLIGHT CENTER)	Deleted	09/30/2020
FL	FAIRFAX ST. WOOD TREATERS	Deleted	08/18/2020
FL	POST AND LUMBER PRESERVING CO INC	Final	08/03/2017
FL	WHITEHOUSE OIL PITS	Deleted	09/19/2018
MS	DAVIS TIMBER COMPANY	Deleted	09/25/2018
MS	MISSISSIPPI PHOSPHATES CORPORATION	Final	01/18/2018
MS	RED PANTHER	Deleted	09/30/2020
MS	ROCKWELL INTERNATIONAL WHEEL & TRIM	Final	09/13/2018
NC	REASOR CHEMICAL COMPANY	Deleted	09/25/2018
SC	BURLINGTON INDUSTRIES CHERAW	Final	05/17/2018
SC	CLEARWATER FINISHING	Final	09/03/2020
SC	MACALLOY CORPORATION	Deleted	09/30/2020
TN	FORMER CUSTOM CLEANERS	Final	08/03/2017
TN	SOUTHSIDE CHATTANOOGA LEAD	Final	09/13/2018
TN	TENNESSEE PRODUCTS	Deleted	08/16/2019

Emergency Response

Statistics for FY21 - Total ER Action Starts: 0 Total ER Completions: 0

ER Start/Completion by State:

State	Starts	Completions	State	Starts	Completions
Alabama	0	0	Mississippi	0	0
Florida	0	0	North Carolina	0	0
Georgia	0	0	South Carolina	0	0
Kentucky	0	0	Tennessee	0	0

Open Emergency Response Actions * (Oil Pollution Act and CERCLA)

Site Name	State	City	Authority	Start Date	Comments
24th Street Vessel	FL	Okeechobee County	OPA	8/10/2020	Pending final Pollution Report

EPA Environmental Justice Grants

Program	State	Recipient	City	Award Amount	Award Date
Environmental Justice Small Grant (EJSG)	FL	Oceans Research	Fort Pierce	$30,000	4/16/20
EJSG	FL	Sustainable Workplace Alliance	Lake Wales	$30,000	2/7/20
EJSG	FL	LEAD Coalition of Bay County	Panama City	$30,000	2/4/20
Environmental Justice Collaborative Problem-Solving (EJCPS) Grant	FL	100 Black Women of Central Florida	Orlando	$120,000	Pending

Seminole Tribe of Florida

6300 Stirling Rd.
Hollywood, FL 33024
http://www.semtribe.com/

Tribal Leadership

STOF

Chairman: Marcellus W. Osceola, Jr.
Vice Chairman: Mitchell Cypress
Environmental Contact: Cherise Maples, cmaples@semtribe.com

Trust Lands
90,000 acres+
Federal Recognition
1957

Location: The Seminole Tribe of Florida is located in southern Florida; the Tribal reservations and communities include Big Cypress, Brighton, Immokalee, Hollywood, Tampa, Ft. Pierce, Coconut Creek, and YeeHaw Junction.

Business Interests: The Seminole Tribe of Florida currently employs more than 2,000 non-Indians and purchases more than $24M in goods and services from more than 850 Florida vendors a year. In addition, the Tribe pays $3.5M in federal payroll taxes. The major source of income originates from casino gaming operations. The Tribe also manages tourism and cattle operations.

Government Structure: The Tribe was federally recognized in 1957. Chairman Marcellus Osceola, Jr., was elected in a special election in 2017.

The Seminole Tribe has a two-tiered government, the Tribal Council and the Board of Directors, with elected representation from each reservation community. The Tribal Council is the chief governing body, composed of a Chairman, a Vice-Chairman and Council Representatives from each reservation. The Council administers the Seminole Police Department, the Human Resources programs, the Tribal gaming enterprises, citrus groves, the Billie Swamp Safari, the Ah-Tah-Thi-Ki Museum and the majority of the Tribe's cigarette-related enterprises. The Seminole Tribe of Florida's Legal Services Department administers a public defender's office, Water Resource Management, and the Utilities Department. The Tribe does not have a court system; legal and criminal matters not resolved on the community level are referred to the proper state or federal authorities.

The Seminole Tribe of Florida, Inc., is a federal corporation. In the corporate charter, the Board of Director's specific purpose is stated, "To further the economic development of the Seminole Tribe of Florida by

conferring upon said Tribe certain corporate rights, powers, privileges and immunity; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of Interior."

Underground Storage Tank Program: The two active facilities (6 USTs) are tribally-owned and -operated. The UST's are located at the Hollywood Trading Post and Big Cypress Trading Post facilities. EPA is the implementing agency for USTs in Indian country and works cooperatively with the Seminole Tribe's Environmental Resource Management Department in scheduling UST inspections to protect the environment from the effects of leaking underground storage tanks.

Water Quality Program: The Tribe was the first in the southeast to receive federal approval for its Water Quality Standards, and has developed a program consistent with the intermediate level of EPA Water Quality Protection Approach. The Tribe is concerned with water quantity, nutrient enrichment of tribal water, and protecting tribal member's health, including the amount of contaminants in the Tribal member's diet. The Tribe has completed studies on aquatic life diversity and fish tissue sampling and is currently developing numeric nutrient criteria.

Nonpoint Source Control Program: The Tribe is utilizing CWA 319 funds to update its Assessment Report and Nonpoint Source Management Plan, due for completion in FY18. The Tribe also received supplemental funding in FY16 and is working on training, outreach and education and on-the-ground projects resulting in significant steps towards solving NPS impairments on their lands. In FY 18 the supplemental projects have been completed and the grant is closed. The on-the-ground project at Big Cypress and Brighton Reservation enabled the Tribe to complete a chemical analysis of sediments in those canals. The Tribe submitted a final report and hosted a webinar presenting the study summary and results. The Tribe studied the upper and lower layers of canal sediments to represent current and historic deposition of chemicals identified within fish (and other aquatic species) tissue analysis, as well as nitrogen, phosphorus and potassium.

Wetlands Development Program: The Tribe uses EPA competitive funding to develop a comprehensive Tribal Wetlands Management Program to build Tribal capacity and assist Tribal stakeholders to make sound decisions based on scientifically valid approaches to protect Tribal wetlands. The Tribe focuses identification of critical wetland ecosystems, risk identification (such as invasion of exotic species), and conservation measures to maintain, restore, and enhance these ecosystems.

Drinking Water Program: All Seminole public water systems are in full compliance with drinking water regulations. The Tribe has a utility masterplan that includes upgrades at all systems that will result in better long-term operation and is investing significantly towards system upgrades and maintenance.

Underground Injection Control: There is one Class 1 non-hazardous permit on the Hollywood Reservation; the Tribe is currently drilling both wells covered by this permit. This is the first tribal UIC permit in R4. During the permitting process and continuing to the current construction process, EPA coordinated with the Tribe and South Florida Water Management District (SFWMD) to insure that both entities are able to meet their requirements as presented in the Seminole Water Rights Compact. EPA also works to facilitate concurrent technical reviews of construction plans as required in the permit by SFWMD and Florida Department of Environmental Protection (which is providing technical support to SFWMD). Staff has been made available to react to any issues during the construction phase of the well which proceeds 24/7. The Tribe

has a second Class 1 non-hazardous permit in process for the Brighton Reservation and also has a Class 5 Large Capacity Septic System on Tribal lands. An Aquifer Storage and Recovery permit application has been submitted by the Tribe but there is no current activity.

Tribal Response Program: The Tribe uses EPA funding (Brownfields) to plan and manage its Tribal Response Program to sustain, cleanup, and restore Tribal communities and the ecological systems that support them. The program enables the Tribe to inventory and assess contaminated properties and prioritize them for sustainable cleanup or restoration and to ensure public involvement and training for staff and community. The Tribe also improves its response programs through developing and implementing ordinances and enforcement capacity.

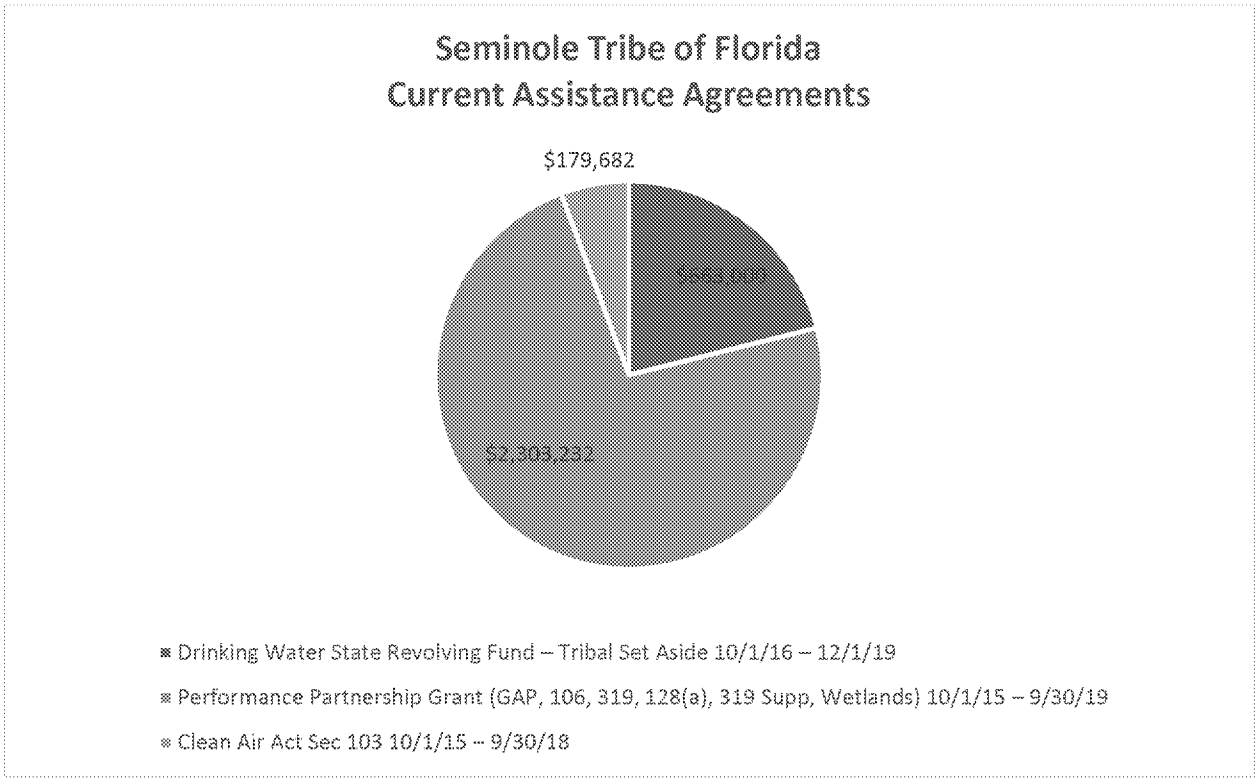
Solid Waste: The Seminole Tribe of Florida provides/makes available to its members, on all reservations, collection, transport and off-reservation disposal services for solid waste.

ETEP: The EPA/Tribal Environmental Plan is not yet complete; the Region is currently reviewing for comments.

404 Assumption: The Seminole Tribe accepted the EPA's invitation to consult on the EPA's action to approve or disapprove the State of Florida's request to assume administration of the Clean Water Act Section 404 program and to consult under Section 106 of the National Historic Preservation Act. The EPA and the Seminole Tribe are currently communicating pursuant to these consultation processes, and the EPA intends to complete the consultation prior to taking final action on the State of Florida's request.

Treatment In A Similar Manner As a State (TAS): The Tribe has TAS for the following programs:

- CWA Section 303(c) Water Quality Standards
- CWA Section 401 Certification Authority
- CWA Section 106 Water Quality Program (grants)
- CWA Section 319(h) Non-point Source Program (grants)



Hot Topics:

- *Florida Human Health Water Quality Criteria* - In 2016, the State of Florida proposed to update its human health water quality criteria (HHC) using a new approach. This approach resulted in less stringent criteria for some parameters, and more stringent criteria for others. The proposed HHC drew criticism from numerous groups, including the Seminole Tribe of Florida, who have off-reservation reserved hunting, fishing, and frogging rights that could be impacted by the proposed HHC and who filed a legal challenge against the HHC in the Florida Division of Administrative Hearings.

  After engaging in legal challenges to the proposed HHC, the State of Florida recently announced that it will withdraw the proposed HHC and work with the Seminole Tribe of Florida, as well as with the Miccosukee Tribe of Indians of Florida, to gather data to support revised HHC.

- *Tribal Water Quality, Everglades Restoration, Everglades Agricultural Area (EAA), Comprehensive Everglades Restoration Project, and Western Everglades Restoration Project* - The Seminole Tribe of Florida has EPA-approved tribal water quality standards that are applicable to waters within and/or downstream of Everglades Restoration projects. Additionally, the Tribe has a Water Compact with the State of Florida and the South Florida Water Management District that governs water quantity issues, but not water quality.

Tribal Leadership

Chairman: Billy Cypress
Assistant Chairman: Roy Cypress, Jr.
Environmental Contacts:
Real Estate Services: Kevin Donaldson, [HYPERLINK "mailto:KevinD@miccosukeetribe
Water Resources: Gene Duncan, [HYPERLINK "mailto:GeneD@miccosukeetribe.com"]
Wildlife: Craig van der Heiden, [HYPERLINK "mailto:CraigV@miccosukeetribe.com"]

Tribal Enrollment
600
Trust Lands
81,000 acres
Federal Recognition
1962

Location: There are more than 600 Tribal members, most of whom live on the Miccosukee Reservation Area (MRA) along the old Tamiami Trial in the heart of the Everglades. It is 696 acres and includes the Miccosukee Police Department, Administration Building, Community Water facility, and the Miccosukee Indian School. The Tribe has a 75,000-acre federal reservation known as the Alligator Alley Reservation. The Tribes Water Quality Standards apply to both the MRA and the Alligator Alley Reservation, as well as several smaller tracts of land. The State of Florida entered into a binding legal settlement known as the "Florida Indian Land Claims Settlement Act of 1982. This Settlement Act and Lease Agreement leases, in perpetuity, 189,000 acres of Everglades, located in Water Conservation Area 3A (WCA-3A), to the Miccosukee Tribe. This perpetual Lease outlines the rights of the Miccosukee Tribe in WCA-3A and provides, in relevant part, that the purpose of this Lease Agreement is also: (1) to preserve the Leased Area in its natural state for the use and enjoyment of the Miccosukee Tribe and the general public; (2) to preserve the fresh water aquatic life, wildlife, and their habitat; and (3) to assure proper management of water resources. There are three Tribes in Florida, but only the Miccosukee Tribe has a federal reservation inside the Everglades Protection Area.

Organizational Structure: The Tribe was federally recognized in 1962. Chairman Billy Cypress was elected in 2016. He previously served as Miccosukee Tribal Chairman from 1987-2009. The governing body of the Tribe is the General Council, comprised of all voting Tribal members 18 and over. The officers of the General Council are the Business Council, and include the Chairman, Asst. Chairman, Secretary, Treasurer, and Lawmaker. Each member of the Business Council is elected at large, they do not represent a specific community or clan, and each member is elected to his position. The Business Council meets monthly and decisions are made by majority. The General Council meets quarterly, and can override Business Council decisions.

Business Interests: The Miccosukee Resort and Gaming accounts for the vast majority of the Tribe's annual income; however, an Indian village, airboat tours, cattle grazing, billboard leases, cellular tower leases, oil pipeline rights-of- way, smoke shop, restaurant, gas stations, and a trucking facility contribute as well.

Underground Storage Tanks: The single facility (6 USTs) is Tribally-owned and -operated.

Water Quality Management: The Tribe has developed a water quality program using the EPA Water Quality Protection Approach. The program monitors and assesses waters using federally-approved Water Quality Standards. They are focused on protection and restoration of the native flora and fauna in the Everglades and have adopted a 10 part per billion (ppb) total phosphorus criterion for Class III-A Waters. By adopting 10 ppb total phosphorous criterion in the northern portions of WCA-3A (Alligator Alley Reservation) as well as in the very southern portions of WCA-3A (Miccosukee Reserved Area), the Miccosukee Tribe has effectively protected the entire 915 square mile area of WCA-3A, as well as the headwaters to Everglades National Park. In January 2019, the Miccosukee Tribe has submitted a TAS application to provide WQS protection to five additional tracts in south Florida. EPA is currently reviewing the application.

Wetlands: The Tribe has received competitive Wetlands Program Development grant funding to develop a Tribal wetlands program plan and accelerate monitoring and assessment in the L-28 impact area at the Tribe's Alligator Alley Federal Indian Reservation. The plan will be used to increase understanding of the hydrologic and ecologic interaction between Tribal wetlands and Outstanding Miccosukee Waters. These combined outcomes and outputs will greatly increase the capacity of the Tribe to provide wetlands protection across large, discontinuous Reservations lands and greatly increase the knowledge of priority wetlands.

404 Assumption: The Miccosukee Tribe of Indians of Florida accepted the EPA's invitation to consult on the EPA's action to approve or disapprove the State of Florida's request to assume administration of the Clean Water Act Section 404 program and to consult under Section 106 of the National Historic Preservation Act. The EPA and the Miccosukee Tribe are currently communicating pursuant to these consultation processes, and the EPA intends to complete the consultation prior to taking final action on the State of Florida's request.

Drinking Water Program: The Tribe operates two community water systems. The system is working to address treatment needs for both disinfection byproducts and corrosion control. Funding from the EPA Drinking Water Infrastructure Grant has been provided to conduct pretreatment studies and designed needed infrastructure modifications. It is a goal for the system to return to free chlorine for disinfection once the GAC filtration plant is operational.

Underground Injection Control: There are eight UIC Class 5 Large Capacity Septic Systems on Tribal lands. These systems are inventoried and administered by the EPA R4 UIC program as direct implementation.

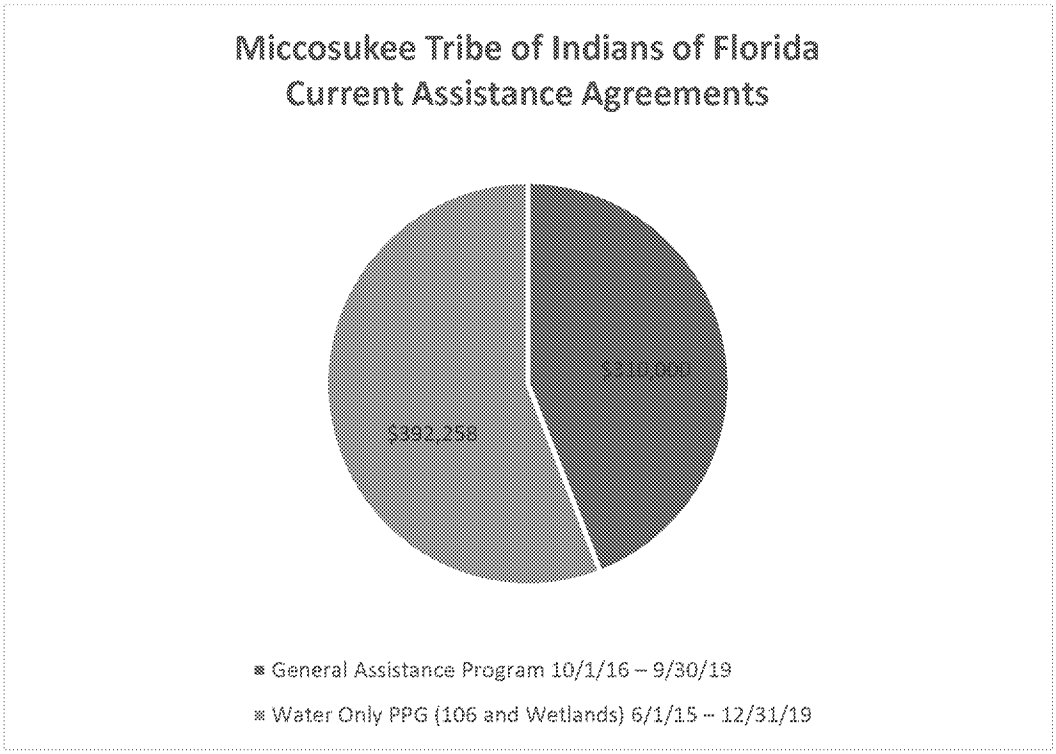
Solid Waste Management: The Tribe provides for its members, through contract with a waste management company, collection, transport and off-reservation disposal services for solid waste. Capacity building for expanded solid waste management activities, including sustainable materials management, is a current focus of the Tribe's GAP funding.

ETEP: The EPA/Tribal Environmental Plan was complete in 2016.

Treatment In A Similar Manner As a State (TAS): The Tribe has TAS for the following programs:

- CWA Section 303(c) Water Quality Standards
- CWA Section 401 Certification Authority
- CWA Section 106 Water Quality Program (grants)

- CWA Section 319 Nonpoint Source Management Program



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  After engaging in legal challenges to the proposed HHC, the State of Florida recently announced that it will withdraw the proposed HHC and work with the Miccosukee Tribe of Indians of Florida, as well as the Seminole Tribe of Florida, to gather data to support revised HHC.

- *Tribal Water Quality, Everglades Restoration, Everglades Agricultural Area (EAA), Comprehensive Everglades Restoration Project, and Western Everglades Restoration Project* - The Tribe has EPA-approved tribal water quality standards that are applicable to waters within and/or downstream of Everglades Restoration projects.

  In a letter to the South Florida Water Management District (SFWMD) dated January 8, 2018, the Miccosukee Tribe of Indians of Florida raised a host of concerns relating to the State's water management practices in the Everglades, and specifically objecting to water storage in the EAA. The letter copied Mr. Glenn, as well as Mr. Bartlett from FDEP, and Florida state legislators.

In letters to Regional Administrator Glenn dated May 15, 2018 and July 17, 2018, the Tribe raised a host of concerns, including the State of Florida's use of a four-part test to measure achievement of the State's 10 ppb water quality criterion for the Everglades Protection Area, which includes the Water Conservation Areas.

- *Tribal Water Quality Standards, including proposed Flow Criteria* – The Tribe has been working with the EPA to develop new water quality standards, including flow criteria. The Tribe received significant comments from the State of Florida, the U.S. Army Corps of Engineers, and SFWMD regarding the flow criteria, and is considering its options going forward.

- *Clean Water Act Section 106 Funding.* In a letter to Regional Administrator Glenn dated May 15, 2018, the Tribe raised a host of concerns regarding the Region's Clean Water Act Section 106 Funding Guidelines. The Tribe currently has $392,258 in CWA Section 106 funds for the purpose of administering a water quality management program. In determining the amount of the funding award, the Region applied its "Interim Region 4 Tribal 106 Project Task Selection and Funding Guidelines" ("Guidelines"). The Guidelines outline a matrix that assigns "points" for various types of surface waters on tribal lands; streams are weighed more heavily than wetlands. The Tribe expressed concern that valuing streams over wetlands puts the Tribe at a disadvantage from a funding perspective, because the majority of its surface waters are wetlands. Moreover, the Tribe expressed the desire for the Region to count the approximately 189,000 acres that the Tribe leases from the State of Florida towards its funding allocation, given the Tribe's off-reservation reserved rights in that leased area. On September 26, 2018, the EPA notified the Tribe of an opportunity to consult on possible revisions to the Guidelines The Tribe's May 15, 2018 comments were considered during the consultation. In response to the Tribe's comments, the subcategories of wetlands and lakes/ponds were merged into one category retaining the points previously assigned to the two categories, and the points for the hydrologic resources and population were increased. However, the EPA could not consider the water resources located on the "Leased Lands" for inclusion in the funding formula because the title to the waters rest with the State of Florida.