

**Seaport Environmental Management
Committee**

Wednesday, August 28, 2019

9:00 a.m. – 12.00 p.m.

Hyatt Regency Riverfront

Jacksonville, Florida

Seaport Environmental Management Committee AGENDA

**Wednesday, August 28, 2019
9:00 a.m. – 12.00 p.m.
Hyatt Regency Riverfront
Jacksonville, Florida**

1. Call to Order, Welcome
2. Roll Call
3. Approval of September 5, 2018, SEMC Minutes
4. Agency Updates
 - a. Florida Department of Environmental Protection (FDEP)
 - b. Florida Department of Economic Opportunity (DEO)
 - c. U.S. Army Corps of Engineers-Civil Works and Regulatory Division
 - d. Florida Inland Navigation District (FIND)
 - e. Florida Fish & Wildlife Conservation Commission
5. Open Discussion
 - a. FDEP-New Turbidity Rule
 - b. Florida Ocean Alliance Strategic Plan
 - c. Study to Assess Dredge Material Reuse
 - d. Stormwater Management
 - e. Environmental Mitigation
 - f. Seaport Resiliency
 - g. Alternative Fuels
 - h. Other
6. Other Issues
 - a. Volkswagen Mitigation Fund
 - i. FDEP and Environmental Protection Association Region 4 Presentation
 - b. Federal Highway Administration (FHWA) 2019 Environmental Excellence Award Program
 - c. Potential Florida Seaport Environmental Award Program
 - d. Next meeting – November 2019, Teleconference
7. Adjourn

TAB 1
Call to Order

TAB 2
Roll Call

Representative	Organization	Designee
John Murray	Port Canaveral	
Randy Oliver	Port Citrus	
Eric Neug	Port Everglades	
Laura DiBella	Port Fernandina	
Stanley Payne	Port of Fort Pierce	
David Stubbs	Jacksonville Port Authority	
Doug Bradshaw	Port of Key West	
Carlos Buqueras	Manatee County Port Authority	George Isiminger
Juan Kuryla	PortMiami	Becky Hope
Manuel Almira	Port of Palm Beach	
Wayne Stubbs	Panama City Port Authority	Alex King
Amy Miller	Port of Pensacola	Clark Merritt
Guerry Magidson	Port St. Joe	
David Wirth	Port St. Pete	
Paul Anderson	Tampa Port Authority	Christopher J. Cooley
John Truitt	Florida Department of Environmental Protection	
Alex Reed		
Lanie Edwards		
James Stansbury	Florida Department of Economic Opportunity	
Tim Murphy	U.S. Army Corps of Engineers	
Shawn Zinszer		
Mark Crosley	Florida Inland Navigation District	
Jennifer Goff	Florida Fish and Wildlife Conservation Commission	
Dale Aspy	Environmental Protection Association Region 4	

TAB 3
Administrative Issues

TAB 3
Approval of September 5, 2018 Meeting
Minutes

MEETING SUMMARY
SEAPORT ENVIRONMENTAL MANAGEMENT COMMITTEE

September 5, 2018
9:00 - 12:00 p.m.
Meeting

The Seaport Environmental Management Committee (SEMC) meeting was called to order at approximately 9:00 a.m. by Chairman Erik Neugaard. Casey Grigsby called roll. Attending in person were the following members and guests:

Eric Neugaard, Chair – Everglades

Bob Musser – Canaveral	George Isiminger -- Manatee
David Stubbs – JAXPORT	Becky Hope – Miami
Chris Cooley – Tampa	Laura DiBella -- Fernandina
Wayne Stubbs – Panama City	Alex Reed -- FDEP
Greg Britton – FDEO	Jason Hight – FFWCC
Jimmy McDonald – FDOT	Fred Aschauer – Lewis Longman & Walker
Doug Wheeler – FPC	Bob Diffenderfer – Lewis Longman & Walker
Jeff Littlejohn – LMA, Consultant to FPC	Matt McDonald – LMA, Consultant to FPC
Casey Grigsby - FPC	Mike Rubin – FPC
Jessie Werner – FPC	Christy Gandy -- FPC

After welcoming the members and guests to the meeting, Eric Neugaard introduced **Tab 3, Approval of the Minutes, April 11, 2018**, and asked for comments or revisions. Hearing none, the meeting summary was approved by a vote of the Committee.

Chairman Neugaard then introduced **Tab 4, Agency Updates**.

The first agency speaker was Alex Reed, FDEP:

- Ms. Reed introduced herself and began with an explanation of recent staff changes within the Division of Water Resources Management. Ben Melnick is a new Deputy Director handling water and wastewater infrastructure issues. Dr. Lanie Edwards is the Deputy Director who handles beaches, ERP and inlet permitting.
- Ms. Reed provided an update on the progress of the state's efforts to assume federal wetlands permitting authority under Section 404 of the Clean Water Act. She advised that a Memorandum of Agreement had been received from the Corps of Engineers and a separate MOA was forthcoming from the EPA. DEP rules to implement the new authority have been promulgated for public comment and are awaiting adoption once some Endangered Species Act processes are finalized. She confirmed that most port activities will likely remain under the regulatory jurisdiction of the Corps of Engineers, due to their connection to interstate waters.

- Ms. Reed provided a brief update on some other DEP rulemaking (62B-33 and -34), the beach access issue (HB 631) and a brief status of port projects that are moving through the permitting process. FDEP is focused on Miami Harbor to review the monitoring data related to the deepening project. Additional staff have been assigned to this effort, and the upcoming Port Everglades monitoring effort.

Greg Britton provided an update on FDEO:

- Director Cissy Proctor is going to brief the Port Directors on the economy and job growth
- Job Growth Grant Fund - \$85M available this fiscal year. Fewer proposals were submitted this year. A proposal from a prior year can be refreshed with updated information and resubmitted to FDEO.
- CDBG – Federal funds available for community relief
- Opportunity Zones – Every County has at least one census tract available for federal funding. More information is available on the FDEO website or from Gray Dodge or Erin Gillespie at FDEO.

Jason Spinning provided an update on the Corps Civil Works Branch:

- The status of current or upcoming projects was provided. A project status report was made available for distribution after the meeting.
- Mr. Spinning advised that the Supplemental appropriation for hurricanes Harvey, Irma and Matthew was substantial and will result in the funding of all currently authorized inlet and beach projects in Florida.
- Mike Rubin asked about Mobile District projects, and Jason offered to track that down for SEMC.

Jason Hight provided an update on the Florida Fish and Wildlife Conservation Commission:

- FWC is actively engaged with FDEP and the U.S. Fish and Wildlife Service to coordinate the Endangered Species reviews for wetlands permit applications.
- Mr. Hight advised that ongoing discussions are occurring between FWC, FDOT and Space Florida on a “mitigation piggybacking” concept. He can provide more information if desired.
- FWC is participating in an interagency work group to discuss mitigation reefs.

Chairman Neugaard then introduced **Tab 5, Open Discussion**. Several topics were discussed, including:

- Stormwater – Littlejohn advised that FDOT Districts 1,5 and 7 are looking into a potential project to relocate stormwater treatment into FDOT ponds with additional

capacity. Ports and Airports can potentially take advantage of the opportunity to relocate their treatment offsite.

- Standard in-water construction conditions. Bob Musser described the proposed conditions for a recently permitted pile-driving project at Port Canaveral, which deviated from the standard conditions. SEMC requested FWC's support in requesting the federal services revisit the standard conditions, if needed, to ensure standardization and consistency from project to project.
- George Isiminger advised the Committee about a recently completed "Spoil Site Rejuvenation Plan" at Port Manatee. The benefit is no severance fees are collected from the state with such a plan in place.
- Neugaard advised that local stakeholders were promoting alternatives to boulder reef mitigation, including shallower reefs and flat tops. Additional discussion ensued related to predation of mitigation reefs by fish species.

Tab 6, Other Issues, was introduced by Mr. Neugaard.

Tab 6a: Casey Grigsby reminded SEMC members that the **Environmental Stewardship Initiative** began almost two years ago as a way to emphasize the efforts of Florida seaports and their role as responsible environmental stewards. She stated that Jessie Werner, FPC Vice President of Public Affairs, was continuing to work with port environmental and public affairs staff to refine materials for the initiative and develop success stories for the environmental stewardship website and to feature FPC partners such as Green Marine, FL Recycling Partnership and the Florida Ocean Alliance. She also described the new infographic card as collateral material the FPC can use with numerous audiences. Finally, a discussion commenced about whether the annual questionnaires should include some environmental metrics.

Tab 6b, VW Settlement Report – Littlejohn provided a brief update on the VW Settlement Mitigation Plan. He described the recently completed public meetings and webinars, and the current effort by FDEP to develop the draft Mitigation Plan. Once the Mitigation Plan is finalized, it still needs to be approved by the VW Settlement Trustee before any projects can be funded. Indications are that FDEP will complete the draft plan later this fall and publish it for public comment. Project funding is not likely to begin until next summer. Additional information about the status of the VW Settlement Fund is in the meeting packet.

Tab 6c, FHWA 2019 Environmental Excellence Award Program – Casey Grigsby provided information about the program and encouraged ports to nominate their environmental projects.

Tab 6d, Contributed Funds Agreement for Seaport Specific Corps Position – Littlejohn advised that recent discussions have taken place with FDOT Seaport Office and Environmental Office staff about the concept. Support exists within FDOT for the idea, but additional analysis needs to be conducted to determine the necessary procedural mechanisms to enter into a contributed funds agreement with FDOT, the source of funding for such an agreement, and

whether the ports would also want to contribute in some manner to utilize FDOT's ETDM process.

Tab 6e, Florida Ocean Alliance, Ms. Grigsby reminded SEMC members that the FPC was a founding member of the Florida Ocean Alliance. The Alliance is made up mostly of scientists and academicians, but they also have a role in the economy of the oceans. As such, they acknowledge that, from a business and economic development perspective, it make sense to have a port director as chair. Steve Cernak, Port Director from Port Everglades has just finished his term as Chairman, and Stan Payne at Port of Ft. Pierce was recently elected to serve as Chairman. The Alliance is planning to request state funding to update their economic analysis of ocean and coastal-related activities in Florida. The next annual Ocean's Day event is scheduled for April 2, 2019, at the Capitol.

Tab 8f, Next Meeting: Chairman Neugaard announced that the next SEMC meeting would be held in Tallahassee during the FPC conference scheduled for March 26-27, 2019.

The meeting was adjourned at 11:55 a.m.

TAB 4
Agency Updates

TAB 4a
Florida Department of Environmental
Protection (FDEP)



DERA Fourth Report to Congress: Highlights of the Diesel Emissions Reduction Program

Executive Summary

From transportation to power generation, the diesel engine is in every part of the U.S. economy. Invented in the 1890s, it is durable and strong. And thanks to American ingenuity, new engines coming off the manufacturing line are now sixty times cleaner than prior to EPA's emissions standards. However, nearly 10 million older diesel engines are still in use in communities across the United States, emitting diesel exhaust which can harm human health and the environment.

The [Diesel Emissions Reduction Act \(DERA\)](#) program, authorized in 2005 and reauthorized with unanimous bipartisan support in 2010, is the only Federal government program addressing legacy engines¹ as its sole mission. Cost-effective, targeted to disproportionately affected communities, and supported by American industry, the DERA program continues to evolve with market and stakeholder demands.

EPA's National Clean Diesel Campaign (NCDC) within the [Office of Transportation and Air Quality](#) administers the DERA grant and rebate programs. EPA awarded the first DERA grants in 2008, the American Recovery and Reinvestment Act (Recovery Act) grants in 2009, and grants from funds appropriated in Fiscal Years (FY) 2009 through 2018. This Fourth Report to Congress summarizes final results from FY 2008-2013 and details a combination of final and estimated results from FY 2014-2016.

DERA Funding Benefits

Since 2008, the DERA program has achieved impressive outcomes and a range of benefits, summarized in Exhibit 1.

Exhibit 1: DERA Program Benefits and Accomplishments (FYs 2008-2016)

Investment of DERA Program	Emission and Fuel Reductions
\$629 million funds awarded	472,700 tons of NO _x
67,300 engines retrofitted or replaced	15,490 tons of PM
Up to \$19 billion in monetized health benefits	17,700 tons of hydrocarbon
Up to 2,300 fewer premature deaths	61,550 tons of carbon monoxide
64% of projects targeted to areas with air quality challenges	5,089,170 tons of carbon dioxide
3:1 leveraging of funds from non-federal sources	454 million gallons of fuel saved

Improved air quality and public health

DERA grants have funded projects that provided immediate health and environmental benefits. From fiscal years 2008 to 2016, EPA awarded \$629 million to retrofit or replace 67,300 engines in vehicles, vessels, locomotives or other pieces of equipment, with \$300 million of this funding coming from the Recovery Act alone. EPA estimates that these projects will reduce emissions by 472,700 tons of NO_x and 15,490 tons of PM_{2.5}² over the lifetime of the affected engines. Because of these pollution reductions, EPA estimates a total present value of up to \$19 billion in monetized health benefits over the lifetime of the affected engines, which include up to 2,300 fewer premature deaths associated with the emission reductions achieved over this same period.^{3,4} These clean diesel projects awarded from FY 2008 to 2016 are also estimated to reduce 17,700 tons of hydrocarbon (HC)⁵ and 61,550 tons of carbon monoxide (CO) over the lifetime of the affected engines.

Served disproportionately impacted communities

Many DERA projects have made health and environmental impacts in socially and economically vulnerable areas. Goods movement projects are especially beneficial because they tend to take place in communities that are disproportionately impacted by higher levels of diesel exhaust, such as those near ports, rail yards, and distribution centers. Clean diesel projects reduce exposure for people living in these communities, and the improved air quality provides immediate health benefits. Since the first DERA grants in 2008, EPA has focused attention on PM and ozone nonattainment areas and areas with elevated air toxic exposure, to achieve maximum benefits for every dollar spent. For projects awarded in FY 2008 to FY 2016, 64% were in areas with these air quality challenges.

Reduced climate impacts and improved fuel savings

DERA projects awarded in FY 2008 to FY 2016 are estimated to reduce 5,089,173 tons of carbon dioxide (CO₂) over the lifetime of the affected engines and save over 454 million gallons of fuel because of idle reduction and fuel-efficient technologies. [Black carbon \(BC\)](#), a component of PM, contributes to adverse health impacts associated with PM exposure. Particles emitted by legacy mobile diesel engines are about 75% BC, so reductions in these BC-rich sources are also likely providing climate benefits. DERA projects provide immediate BC reductions by reducing PM emissions from the legacy fleet of diesel engines, and have reduced a total of 15,490 tons of PM over the lifetime of the projects covered in this report.

Focused on ports and other parts of the supply chain

Moving goods through the supply chain requires many trucks, trains, ships, cargo handling equipment, barges, and workboats. Addressing the harmful emissions from these operations is an ongoing and increasing priority for local, state, national and international policy policymakers. To help address these issues, DERA funding is often targeted at intermodal hubs, such as ports and

delivery centers, and across the nation's transportation infrastructure. In doing so, we are modernizing the diesel-powered equipment that moves our economy by transporting goods throughout the nation. EPA anticipates that DERA will continue to prioritize diesel emission reductions at ports and other freight distribution centers to complement the work being done by the port industry, communities, and all levels of government to improve environmental performance and increase economic prosperity.

Generated economic and environmental activity

Clean diesel projects are cost-effective according to EPA's calculations of health benefits. Each federal dollar invested in clean diesel projects has leveraged as much as \$3 from other government agencies, private organizations, industries, and nonprofit organizations, generating between \$11 and \$30 in public health benefits.⁶ Each federal dollar invested in DERA also results in over \$2 in fuel savings.⁷ DERA funding has accelerated upgrades and replacements for old diesel vehicles and equipment, improving the public and private diesel fleets that are critical to the economy.

Answered popular demand

Stakeholders have shown a tremendous amount of interest in EPA-funded clean diesel projects. Funding request amounts have exceeded funding availability by as much as 38:1 for our National Clean Diesel Rebate Program and 7:1 for our national grant competitions since the inception of DERA. These requests highlight the interest in the DERA program to meet the nation's need for diesel emission reductions and fleet turnover incentives.

Met local needs

EPA is committed to engaging local communities through clean diesel projects, and targets projects that will be able to continue to provide benefits after the project period has closed. These grants have addressed local environmental and public health problems as DERA grant recipients tailor projects to the needs of each individual community.

TAB 4b
**Florida Department of Economic
Opportunity**

TAB 4c

**U.S. Army Corps of Engineers- Civil
Works and Regulatory Division**

TAB 4d
Florida Inland Navigation District (FIND)

TAB 4e
Florida Fish & Wildlife Conservation
Commission

TAB 5
Open Discussion

TAB 5a
FDEP New Turbidity Rule

LITTLEJOHN, MANN & ASSOCIATES

ENVIRONMENTAL AND GOVERNMENTAL SOLUTIONS

MEMORANDUM

To: Florida Ports Council – Seaport Environmental Management Committee

From: MDM

Date: June 3, 2019

Re: **FDEP Rulemaking – Potential Changes to Turbidity Criterion**

FDEP is considering revision of the turbidity criterion found in 62-302 F.A.C. to better protect the corals and hard bottom communities and improve coastal resiliency. The current criterion (29 NTU above natural background) was not designed to protect corals. However, there is currently insufficient data to set coral-specific numeric criterion.

FDEP is considering adding the following narrative text to the rule that applies to all waters: “nor shall turbidity levels be increased to levels that negatively affect designated uses or result in increased sedimentation or reduced light transmission to the point that normal growth, function, reproduction, or recruitment of aquatic life is impaired...” FDEP is also considering adding language that would not allow turbidity to increase above background conditions within areas of corals and hard bottom communities.

Background conditions would take into account the natural variability of turbidity levels. If this approach is taken, FDEP would document how background levels would be determined and implemented in both 303(d) and permitting. FDEP would also include either a map showing where the criteria applies or enforce the criterion wherever corals/hard bottom are located. Currently, such areas include Martin, Palm Beach, Broward, Miami-Dade, and Monroe counties.

We will continue to monitor this issue and report any updates to the group.

TAB 5b
Florida Ocean Alliance Strategic Plan

Florida Ocean and Coasts Process 2019-2020

Language from Legislative Request

The project will develop a Florida Ocean and Coastal Strategic Policy Plan to help address coastal resilience in the wake of recent state water crises (red tide, harmful algal blooms, hurricanes) and long-term sea level rise as well as improve the conservation and management of Florida's significant ocean and coastal resources.

Florida's recent water crises force the state to address and mitigate its resource damages to avoid a long-term impact on the state's tourism economy and on other marine-related industries.

The Florida Ocean Alliance (FOA) is the most appropriate and only existing statewide, independent private-public partnership to prepare this long-range and important strategic plan. FOA will collaborate extensively with FDEP and FWC.

Florida Ocean and Coasts Process 2019-2020

Objectives and Outcomes

1. Develop a coordinated, statewide Ocean and Coasts strategic plan by:
building on existing plans and activities
updating 1999 Florida Ocean Strategies
identifying successes and failures

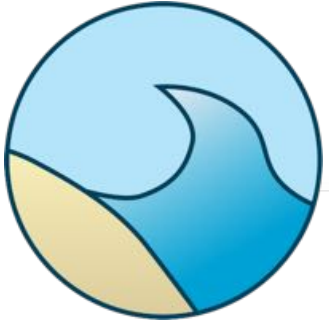
2. Engage stakeholders in providing
input to a vision, goal structure, key
issues, data gaps and needed actions



3. Develop as much consensus as possible on a Florida Ocean and Coasts **Strategic Plan** that includes a vision and goal structure, key issues, findings and action plans

4. Lay the groundwork for enhanced resiliency in coastal areas of Florida and the Southeast

Florida Oceans and Coasts Strategic Plan Steps in the Process



August-October 2019

Organize the Strategic Plan Process
Convening the FOCSP Steering Committee Meetings #1 & #2

August 2019

Nov –Dec 2019

5 Regional Workshops- Vision, Goal, Objectives, Economic impact & Data Gaps

Jan.-April 2020

Interim report
Steering Comm. #3-5
Draft Strategic Plan. and Implementation Guidance

April-June 2020

Public Input on Strategic Plan and Implementation Guidance
Steering Committee #6
Adopt and finalize the plan.

JULY 2020
FLORIDA OCEANS AND COASTS
STRATEGIC PLAN & IMPLEMENTATION GUIDANCE



Florida Ocean and Coasts Process 2019-2020

Roles

- FOA Board and Executive Committee
- Steering Committee
- Stakeholders
- Technical Consultant
- Economic Consultant
- Media and Outreach
- Facilitation Team

Florida Ocean and Coasts Process 2019-2020

What Issues and Opportunities Should the Plan Address?


Florida Governor's Oceans Commission

- Convened by Governor Chiles
- 24 members representing government, conservation, education, science, recreation and business interests, as well as six *ex officio* federal members
- Met eight times over the course of 18 months
- Developed strategies and action plans in the areas of:
 - protection of living marine resources
 - protection of the marine environment
 - promotion of marine economic activity
 - enhancement of public outreach and education

Florida Ocean and Coasts Process 2019-2020

What Issues and Opportunities Should the Plan Address?

Challenges from 1999 Florida's Ocean Strategies Report

- Improving our information on and understanding of ocean resources
 - Improving ocean management framework that is more coordinated and comprehensive
 - Achieving and sustaining diverse marine ecosystems that are capable of supporting multiple uses
 - Raising awareness, promoting education, and fostering stewardship of the ocean
- 

Florida Ocean and Coasts Process 2019-2020

What Issues and Opportunities Should the Plan Address?


Themes From Initial Interviews

- Water quality (red tide, nutrients, etc.) and sea level rise
- Need to articulate desired future for Florida oceans and coasts, and the state's relationship to them in terms of economic, regulatory, and social frameworks
- Need to actively promote high-level public and political ownership
- Greater public and leadership receptivity to new ways of addressing oceans and coastal challenges and implementing solutions
- Build organizational and collaborative capacity among state, federal, local, public and NGO stakeholders (including future role FOA)

Florida Ocean and Coasts Process 2019-2020

Steering Committee

The Steering Committee will:

- Assist in the identification of stakeholders
 - Coordinate the gathering of existing plans and information
 - Oversee the identification of gaps and needed information
 - Develop initial draft recommendations for review and refinement in the stakeholder workshops, and
 - Develop consensus on the draft strategic plan
- 
- A blue geometric graphic consisting of two overlapping triangles pointing towards each other, located at the bottom center of the slide.

TAB 5c
Study to Assess Dredge Material Reuse

TAB 5d
Stormwater Management

TAB 5e
Environmental Mitigation

TAB 5f
Seaport Resiliency

SEAPORTS RESILIENCY REPORT



FLORIDA PORTS COUNCIL

502 EAST JEFFERSON ST
TALLAHASSEE FL 32301
850-888-8028 | FLAPORTS.ORG

PREPARED FOR : Florida Seaport Transportation & Economic
Development Council (FSTED) by Littlejohn, Mann & Associates

TAB 5g
Alternative Fuels

TAB 5h
Other

intended long-term outcomes of the AMHP. Performance reporting continues for several years after project construction is completed, and MARAD does not provide Marine Highway Grant funding specifically for performance reporting.

4. Requirements for Domestic Content (“Buy American,” “Buy America,” and “Cargo Preference”)

As expressed in Executive Orders 13788 of April 18, 2017 and 13858 of January 31, 2019, it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in the United States in the terms and conditions of Federal financial assistance awards. Consistent with the requirements of Section 410 of Division G—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2019, of the Consolidated Appropriations Act, 2019, (Pub. L. 116–6, February 15, 2019), the Buy American requirements of 41 U.S.C. Chapter 83 apply to funds made available under this Notice, and all award recipients must apply, comply with, and implement all provisions of the Buy American Act and related provisions in the grant agreement when implementing Marine Highway Grants. Depending on other funding streams, the project may be subject to separate “Buy America” requirements.

If a project intends to use any product with foreign content or of foreign origin, this information should be listed and addressed in the application. Applications should expressly address how the applicant plans to comply with domestic-preference requirements and whether there are any potential foreign-content issues with their proposed project. Applications that use grant funds for domestic-content purchases will be viewed favorably. If certain foreign content is granted an exception or waiver from Buy American or Buy America requirements, a Cargo Preference requirement may apply.

G. Federal Awarding Agency Contacts

To ensure applicants receive accurate information about eligibility, the program, or in response to other questions, applicants are encouraged to contact MARAD directly, rather than through intermediaries or third parties. Please see contact information in the **FOR FURTHER INFORMATION CONTACT** section above.

* * *

Dated: July 29, 2019.

By Order of the Maritime Administrator.
T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.
[FR Doc. 2019–16452 Filed 8–1–19; 8:45 am]
BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2019–0121]

Request for Information on Opportunities, Challenges and Impacts of Automated Transportation in a Port Environment

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Request for information (RFI).

SUMMARY: Automation, including automated vehicles, trains, vessels, infrastructure, and equipment, is increasingly being tested and introduced into the transportation system, including ports. At ports, various modes of transportation, such as vessels, rail and motor carriers, intersect to create a hub of freight transfer in global supply chains. The Maritime Administration (MARAD) is interested in engaging in research that may help support strategies to safely implement automated transportation on and around ports. To that end, MARAD is publishing this RFI to solicit views from the public, including stakeholders (e.g., State and local agencies, vehicle, train, vessel, infrastructure, and equipment design, development and manufacturing industries, intelligent transportation systems industry, technology developers, related associations, etc.), on a range of issues related to the safety effects, opportunities, challenges and impacts of automated transportation in a port environment to inform potential research projects.

DATES: Comments must be received on or before September 3, 2019. MARAD will consider comments filed after this date to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2019–0121 by any of the following methods:

- **Electronic Submission:** Go to <http://www.regulations.gov>. Search by using the docket number (provided above). Follow the instructions for submitting comments on the electronic docket site.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room PL–401, Washington, DC 20590–0001.
- **Hand Delivery:** Room PL–401 of the Department of Transportation, 1200

New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket number.

Note: All comments received, including any personal information, will be posted without change to the docket and is accessible via <http://www.regulations.gov>. Input submitted online via www.regulations.gov is not immediately posted to the site. It may take several business days before your submission is posted.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room PL–401 of the Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The Federal Docket Management Facility’s telephone number is 202–366–9826 or 202–366–9317, the fax number is 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Mr. Travis Black, Office of Ports & Waterways Planning, Maritime Administration, telephone: 202–366–9087, email: travis.black@dot.gov. If you have questions on viewing the Docket, call Docket Operations, telephone: 202–366–9826 or 202–366–9317.

SUPPLEMENTARY INFORMATION: Input from this RFI will inform future MARAD research activities. Although MARAD seeks comments and relevant information and data on all issues related to the development and continued implementation of automated port systems and technologies, MARAD specifically requests comment and data in response to the following questions:

1. How does the port industry and its stakeholders currently define “autonomous/automated operations”? Would it be helpful to develop automated port taxonomy (i.e., a system of standards to clarify and define different levels of automation in ports)? Are there substantive efforts already under way to develop such port automation taxonomy?

2. Are ports planning to automate operations? Are there substantive plans or efforts already underway to integrate autonomous/automated vehicles, rail, vessels, infrastructure, and equipment (i.e., vehicles, rail, vessels, infrastructure, and equipment capable of sensing their environments and operating without human input)? If so, for what types of operations?

3. What are the obstacles to implementing automation strategies

(short and long term)? What are the most significant factors that impact cost-benefit analysis?

4. How can port stakeholders, including port equipment and infrastructure suppliers, manufacturers, and maintainers, better support ports' automation efforts and strategies to implement other autonomous/automated vehicles, trains, vessels, infrastructure, and equipment?

5. How could further integration of autonomous/automated systems and transport impact freight flows and/or supply chains both domestically and globally?

6. What societal benefits if any, could be expected to result from the adoption of these technologies (e.g., environmental, safety, efficiency, or noise reduction)? What societal disadvantages could occur?

7. Are there best practices from implementing past or current projects? Are there current anticipated projects and initiatives that could benefit from further monitoring or support? If so, what are the needs?

8. What are the infrastructure needs for effectively, safely, and securely implementing these automation technologies? MARAD is particularly interested in expected or anticipated infrastructure needs, including data infrastructure, to accommodate the various components (i.e., vehicles, trains, vessels, infrastructure, and equipment) working together at ports for the multi-modal transfer of freight. What concerns do industry stakeholders have regarding infrastructure planning and investment, including funding, finance and revenue impacts, required for new automation technologies and how could additional research help address those concerns?

9. What is the potential impact of the adoption of these automation technologies on the existing port industry workforce? MARAD is interested in how automated technologies may affect workforce needs, including current and future port employment demands, and employee skills and training requirements.

10. What further research related to autonomous/automated transportation activities is needed to maximize U.S. port capacity and efficiency?

11. What challenges are known or anticipated in implementing these types of technologies, including technological obstacles? How should the port industry anticipate addressing these challenges, and what efforts are currently underway to address them?

12. What are the regulatory or statutory challenges that must be addressed before autonomous vehicles,

trains, vessels, and equipment can be made part of port operations in the United States?

13. Are there current regulations and/or safety standards that impede the development and and/or implementation of automated transportation systems or technologies in the port industry, including the development and/or implementation of autonomous vehicles, trains, vessels, infrastructure, and equipment? If so, what are they and how should they be addressed?

14. Is there safety, performance, or other data relevant to the development and integration of automated port systems and technologies that currently exists that could be voluntarily exchanged to support the development of future voluntary standards?

Public Participation

How do I submit comments?

Please submit your comments, including any attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments. You may attach additional documents as necessary. There is no limit on the length of the attachments.

Please note that even after the comment period has closed, MARAD will continue to file relevant information in the Docket as it becomes available.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2019-0121 or visit us in person at the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime

Administration, Office of Legislation and Regulations, MAR-225, W24-220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.transportation.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR Sections 1.92 and 1.93)

* * * * *

Dated: July 30, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019-16595 Filed 8-1-19; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Dividend Equivalents From Sources Within the United States (TD 9734), Forms 1042, 1042-S, and 1042-T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning dividend equivalents from sources within the

TAB 6
Other Issues

TAB 6a
Volkswagen Mitigation Fund

LITTLEJOHN, MANN & ASSOCIATES

ENVIRONMENTAL AND GOVERNMENTAL SOLUTIONS

Volkswagen Settlement – Environmental Mitigation Trust Update

Today, the Florida Department of Environmental Protection (“FDEP”) released the Draft Volkswagen (“VW”) Mitigation Trust Plan (“Plan”) for review and public comment. As a quick refresher, the VW trust fund was created as a result of the settlement with the EPA to resolve VW’s alleged violations of the Clean Air Act. A portion of those settlement funds were allocated to provide states with money to award to diesel emissions reduction projects. Florida’s share of the mitigation fund for such reduction projects is \$166 million. Public comments are due by 5 pm on Friday, August 16, 2019, to VWMitigation@FloridaDEP.gov.

The purpose of the Mitigation Trust is to provide money for mobile source emissions mitigation projects. FDEP grouped the ten different eligible mitigation actions found in Appendix D-2 of the Plan into three categories: 1) School, Transit, and Shuttle Buses; 2) Light-Duty ZEV Supply Equipment; and 3) Diesel Emissions Reduction Act (“DERA”).¹ The DERA category captures freight and general intermodal transportation activities including seaports and airports.

The DERA State Grant Program, which is analogous to Appendix D-2 mentioned above, is funded in part through federal grants administered by EPA. This similarity makes the DERA option a valuable way to leverage additional funds for the same project purpose. FDEP’s decision to use Mitigation Trust funds in conjunction with the DERA program will allow for funding broader project-types not necessarily identified in the Appendix D-2. Participating in DERA provides versatility for project types with the highest mitigation value.

The Plan’s three categories of Eligible Mitigation Actions and the estimated percentage breakdown for each category are identified in the table below. Notably, the Plan states that FDEP has the discretion to adjust priorities and objectives as necessary and reserves the right to adjust this goal and spending plans at FDEP’s discretion while maintaining the primary goal of the plan. Otherwise stated, the below percentages, other than the maximum 15% allowed for electric vehicle charging stations, are target levels, and even though the 15% is the maximum for electric vehicle charging, FDEP is not obligated to encumber that amount only for that project purpose. So, while these are target levels, demand by stakeholders will in actuality drive where the Plan funding is ultimately allocated.

Eligible Mitigation Action	Percentage
School, Transit, and Shuttle Buses	70%
Light-Duty ZEV Supply Equipment	15% (Maximum Allowable)
Diesel Emissions Reduction Act (DERA)	15% (Discretionary)

¹ FDEP online drop down tool for D-2 Eligible Mitigation Actions: <https://floridadep.gov/air/air/content/volkswagen-settlement-mitigation-trust>. Link to Appendix D-2: <https://floridadep.gov/air/air-director/documents/appendix-d-2-vw>

JAXPORT

Jeff Koerner
Director of Air Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400
Submitted Electronically: VWMitigation@FloridaDEP.gov

Port Canaveral

Port Everglades

Re: Comments on Draft VW Mitigation Beneficiary Plan

Port of Fernandina

Port of Fort Pierce

Port of Key West

PortMiami

Port Manatee

Port of Palm Beach

Port of Panama City

Port of Pensacola

Port of Port St. Joe

Port St. Pete

Port Tampa Bay

The Florida Ports Council has been closely following the State's implementation of the Volkswagen VW) Mitigation Trust Fund and strongly supports the Florida Department of Environmental Protection's (FDEP) efforts in creating the Draft Beneficiary Mitigation Plan ("Mitigation Plan"). The Florida Ports Council and its member ports are excited to work with FDEP through the VW Mitigation Trust to conduct emissions mitigation projects and reduce the NOx, particulate matter and other hazardous air pollutants at Florida seaports. Further, the Florida Ports Council greatly appreciates the efforts by FDEP staff to communicate with our ports and other stakeholders during the development of the Plan and for hosting multiple workshops, which the Council's representatives attended. The Florida Ports Council is supportive of the draft Mitigation Plan and offers the following comments, organized by the categories of eligible mitigation actions, which we hope you will find helpful to further improve the final plan.

Diesel Emissions Reduction Act (DERA) Category

The Florida Ports Council fully supports FDEP's decision to use Mitigation Trust funds in conjunction with the DERA program, thereby allowing additional funding for eligible DERA projects. We agree with FDEP that this allows for more versatility in project types that otherwise may have been limited under other eligible VW Mitigation Trust Fund categories. However, the Florida Ports Council does believe that more than 15 percent (\$25 million) should be allocated to this category. Nearly all seaport projects will likely fall within the DERA category, and given the industrial nature of maritime transportation, these projects would likely have a larger impact on mitigating air emissions. Additionally, given the unique nature of seaport operations, it is quite costly to replace seaport vehicles and cargo handling equipment. Having access to DERA funding, as well as VW Mitigation Trust funding, will serve as a catalyst for accomplishing many significant upgrades at Florida seaports.

The Florida Ports Council appreciates that the current draft identifies the category percentages as estimates and that FDEP reserves some discretion to adjust priorities and spending plans as necessary. We believe that, if FDEP does not increase the draft allocated DERA percentage, the discretion to increase the DERA percentage is critical and should be formalized within the plan. The Florida Ports Council believes that FDEP should allow the DERA category allocation to increase based on submitted project funding requests and update the public accordingly.

Light-Duty ZEV Supply Equipment

The Florida Ports Council supports to utilization of VW Trust funds for electric vehicle charging equipment. While the draft Mitigation Plan does not indicate a priority as to charging equipment, we understand that FDEP may be placing priority for Level 3 charging stations in the initial funding requests. While the Florida Ports Council supports the use of faster charging technology when and where the utilization of such technology is in demand, the current cost and low utilization rates of such equipment appears to outweigh the benefit. For many of our member seaports with cruise/ferry operations, it would be more cost-effective to use slower and less-costly charging equipment for vehicles that will be parked for extended periods of time. We understand that Level 2 charging stations have a significantly reduced cost (approximately 90% less) and take only 1 hour longer to achieve the same vehicle charge.

Given the limitations and high costs of Level 3 charging equipment, the Florida Ports Council recommends amending the draft Mitigation Plan to include Level 2 charging equipment. It may also be beneficial to coordinate the installation locations of Level 2 and Level 3 equipment to ensure Level 3 equipment is placed in areas where they are most likely to be utilized, such as any short term parking facilities or office complexes, and Level 2 equipment could be placed in areas where rapid charging is not essential.

On behalf of the Florida Ports Council, we appreciate the opportunity to provide the above comments. If you have any questions or need any assistance from us, please feel free to contact our environmental consultant, Matt McDonald, at matt@littlejohnmann.com or 850-528-3947.

Sincerely,



Doug Wheeler
President & CEO
Florida Ports Council

Cc: Jeff Littlejohn, P.E., Environmental Consultant, Florida Ports Council
Matt McDonald, J.D., Environmental Consultant, Florida Ports Council

TAB 6b
Federal Highway Administration (FHWA)
2019 Environmental Excellence Award
Program

TAB 6c
Potential Florida Seaport Environmental
Award Program

TAB 6d
Next Meeting-November 2019
Teleconference

TAB 7
Adjourn