



Florida Seaport Transportation and  
Economic Development Council

## **Seaport Environmental Management Committee**

**Tuesday, March 30, 2021  
9:00 a.m.-12:00 p.m.**

**Dial-in Information: 646-558-8656  
Meeting ID: 928-6512-1632  
Passcode: 593456**

**TAB 1**  
**Call to Order**



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Florida Seaport Transportation and  
Economic Development Council

**Seaport Environmental Management Committee  
AGENDA**

**Tuesday, March 30, 2021**  
**9:00 a.m.-12:00 p.m.**  
**Dial-in Information: 646-558-8656**  
**Meeting ID: 928-6512-1632**  
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1. Call to Order, Welcome
2. Roll Call
3. Approval of the September 2, 2020 SEMC Meeting Minutes
4. Legislative Update
5. 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
  - f. Environmental Protection Agency Region 4
6. Open Discussion
  - a. FDEP- Turbidity Rule
  - b. Florida Ocean Alliance Strategic Plan
  - c. Diesel Emission Reduction Program (DERA) Grants
  - d. National Environmental Policy Act (NEPA)
  - e. Rule 62S-7
  - f. Other Issues
7. Adjourn

**TAB 2**  
**Roll Call**



Florida Seaport Transportation and  
Economic Development Council

## Seaport Environmental Management Committee Roll Call

**Tuesday, March 30, 2021**

**9:00 a.m.-12:00 p.m.**

**Dial-in Information:** 646-558-8656

**Meeting ID:** 928-6512-1632

**Passcode:** 593456

Representative	Organization	Designee
John Murray	Port Canaveral	Bob Musser
Randy Oliver	Port Citrus	
Jonathan Daniels	Port Everglades	Erik Neugaard
Chris Ragucci	Port Fernandina	
Stanley Payne	Port of Fort Pierce	
Eric Green	Jacksonville Port Authority	Nick Primrose
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
David Wirth	Port St. Pete	
Guerry Magidson	Port of Port St. Joe	
Chris Cooley (Chair)	Tampa Port Authority	
Lanie Edwards	Florida Department of Environmental Protection	
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 3a**  
**Approval of the September 2, 2020**  
**SEMC Meeting Summary**



Florida Seaport Transportation and  
Economic Development Council

MEETING SUMMARY  
SEAPORT ENVIRONMENTAL MANAGEMENT COMMITTEE

September 1, 2020  
1:30 p.m. - 4:30 p.m.  
Teleconference

The Seaport Environmental Management Committee (SEMC) meeting was called to order at approximately 1:30 p.m. by Chairman Chris Cooley. Casey Grigsby called roll. Attending via zoom and/or teleconference were the following members and guests:

**Chris Cooley, Chair** – Tampa

Becky Hope – Miami

Basil Binns - Miami

Fred Wong – JAXPORT

George Isiminger – Port Manatee

Jonathan Daniels – Port Everglades

David Wirth – Port St. Pete

Jason Hight – Florida Fish & Wildlife Conservation Commission (FWC)

Lainey Edwards – Florida Department of Environmental Protection (FDEP)

Austin Becker – University of Rhode Island

Doug Wheeler – Florida Ports Council

Casey Grigsby – Florida Ports Council

Jeff Littlejohn – Littlejohn, Mann & Associates (LMA), Consultant to Florida Ports Council

Matt McDonald – Littlejohn, Mann & Associates (LMA), Consultant to Florida Ports Council

Jorge Caspary – Littlejohn, Mann & Associates (LMA), Consultant to Florida Ports Council

Jessie Werner – Florida Ports Council

Mike Rubin – Florida Ports Council

Ellis Kalaidjian – University of Rhode Island

James Stansbury –Florida Department of Economic Opportunity (DEO)

Angie Dunn – U.S. Army Corps of Engineers (USACE)

Guerry Magidson- Port St. Joe

Eric Neugaard – Port Everglades

Bob Musser – Canaveral

Beth McCague - JAXPORT

After welcoming the members and guests to the meeting, Chair Cooley introduced **Tab 3, Approval of the Minutes, February 5, 2020**, and asked for comments or revisions. Hearing none, the meeting summary was approved by a vote of the Committee.



# F S T E D

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## Florida Seaport Transportation and Economic Development Council

Casey Grigsby, on behalf of Chair Cooley, introduced **Tab 4, Guest Presentation by Professor Austin Becker, University of Rhode Island Department of Marine Affairs regarding Institutionalizing Resilience at U.S. Seaports.** Presentation provided via PowerPoint on the webinar.

Casey Grigsby, on behalf of Chair Cooley, introduced **Tab 5, Agency Updates**

The first agency to present was the Florida Department of Environmental Protection (FDEP), represented by Lainey Edwards, Deputy Director of Office of Resilience and Coastal Protection:

- Ms. Edwards discussed some of the pending applications in-house for ports, just for beaches, inlets, and ports:
  - Tampa Harbor - Conceptual Permit for peninsula and 7 berths as well as phase I construction. The application was deemed incomplete and issued an RAI with response due end of October.
  - Palm Beach Harbor Operations & Maintenance (O&M) - also incomplete. Issued RAI April 10, 2020.
  - Miami Harbor Berth 10 construction and Berth 8 modification. Also incomplete with RAI issued in June 2020.
  - Port Everglades O&M extension request and request for a new permit. Incomplete.
  - Jacksonville Harbor O&M modification request. To reflect deepened depths of recent expansion. Complete. Issuance date is due Sept. 16, 2020.
  - Pensacola Harbor Exemption Request - for shoal leveling. Complete. Exemption will be granted shortly.
  - Note - some construction underway with that Jacksonville Harbor expansion and O&M.
- Ms. Edwards then moved onto permitting updates. Currently, FDEP is tele-networking and intends to continue to do so. Beaches, Inlets and Ports staff created fillable pdf report to directly upload turbidity data into FDEPs database. It is being piloted over a couple USACE projects but hopes to have it in use for all projects by November 2020.
- 404 Assumption Update - the assumption package was officially submitted August 20, 2020. The package included all the necessary Memorandum of Agreement and is now being reviewed by Environmental Protection Agency with a decision likely to come out shortly before Christmas 2020. State's assumption will not affect Florida's seaports.
- Beach Management and Funding assistance and rule amendments. 2019 Legislature amending the funding criteria and rulemaking Rule 62B-36. These became effective August 2020. Primary changes to inlets were state cost-sharing. FDEP can cost share 75% of an initial major inland management project component, but all other projects will only receive 50% share. There was a new inlet bypass reporting requiring was included in the 2019 amendments.

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## Florida Seaport Transportation and Economic Development Council

- Other rules:
  - Coastal Construction Control Line (CCCL) rule - does not affect ports so much - finalized July 29. Updated definition of vulnerability by adding a beach model as a way to determine vulnerability and allowed residential structures to be seaward of CCCL.
  - 62b-55 - model sea turtle lighting ordinance. Often used as reference for local entities to mock/use for their own ordinances.
  - Finally - draft revised turbidity criterion - will be discussed later with Daryl Joyner.
  - Little about the Office of Coastal Resilience – they awarding planning grants up to \$75,000 and implementation grants up to \$500,000 available to local governments. A port can partner with local entity to try to get one of these grants. Applications open until October 9.
- Resiliency News - SB 178 - Sea Level Impact Projection (SLIP) study bill. FDEP responsible for implementation of this, which applies to major construction within the Coastal Construction Zone (15 ft landward of CCCL) and uses funds appropriated from the state. So not private, but major construction funded by the state. Entity does not have to take the recommendations but must at least submit the study to receive them.
- Coastal Resilience Forum - quarterly webinar to allow folks to engage with each other and ask for recommendations as to what is working and what is not.

Angie Dunn provided an update from the Army Corps of Engineers

- Working on awarding dredging permits over next few weeks:
  - Palm Beach Harbor jetty repairs.
  - Port Everglades jetty repairs should be awarded soon.
  - Port Everglades O&M Maintenance dredging - working to get awarded by September.
  - Miami O&M – material that needs to be dredged is not great enough to award a contract at this time.
  - Manatee Harbor – will be awarding shortly to create additional volume for next dredge event.
  - Jax Harbor Contract C should be awarded soon. Contract B is still ongoing.
  - Working through the new consultation process with NMFs and the new SARBO. Updated and signed in August. Held a few “lunch and learns”.
- USACE recently hired Nicole Boning from NMFS. She will be the lead on anything SARBO/GRBO.

Jason Hights provided an update on Florida Fish & Wildlife Conservation Commission (FWC)

- FWC has been working remotely with a few exceptions.
- Participating in FWCs part in 404 assumption program and FWC.
- Discussed the Port Everglades working group and that FWC remains a part of the group.

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- Resilience - FWC is working to have the same staff involved in resilience issues so there is a consistent approach from staffing and responses/reactions from FWC on resilience issues.

Casey Grigsby provided a brief update regarding the EPA. The Florida Ports Council (FPC) was asked to participate in a conference they are hosting on September 29, 2020. FPC is on the strategic planning committee with Region 4 and will be working on an alternative fuel's presentation and ports section of the conference.

Ms. Grigsby opened the discussion to ongoing events/projects at each member port.

### JAXPORT - Fred Wong

- Introduced Nick Primrose who joined JAXPORT as the Chief Regulatory Compliance. He will be representing JAXPORT in SEMC meetings moving forward.
- Harbor deepening is well under way with Contracts A and B. Expecting award of Contract C soon.
- Doing berth reconstruction of main gantry wharf to coincide with channel deepening. They will have about 2800 linear feet of deep-water gantry berth.

### Port Canaveral - Bob Musser

- Just completed a resilience assessment through its public safety and security department.
- Two big projects that just finished are cruise terminal 3 project for future Carnival LNG powered cruise ship. Canaveral has been hit hard by the loss of cruise as about 75% of its budget is from cruise. Also doing marine construction work at terminals 8 and 10 for Disney Cruise Lines is ongoing.

### Port Everglades - Eric Neugaard

- No new initiatives to announce since last meeting. Continuing to work on channel deepening and resilience initiatives.
- Recently won the National Association of Environmental Professionals for Environmental Stewardship and recipient of the American Association of Port Authorities (AAPA) Excellence Award for their comprehensive environmental program.

### Port Manatee - George Isiminger

- Just moving into permitting for Berth 4 extension (north berth). Involves sea grass mitigation planning.

### Port Tampa Bay - Chris Cooley

- Just ended bird nesting season w/top sites for bird nesting.
- Going through more detailed engineering vulnerability analysis for resiliency planning.

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## Florida Seaport Transportation and Economic Development Council

### Port Miami - Becky Hope

- Awarded contractor for berth 9 redevelopment project, so should be underway shortly. Involves coral survey and relocation.
- Feasibility study with USACE – requires waiver extension.
- Deepening project for Miami Harbor.
- Cargo gate and phase I electrical tire rubber gantry program which will minimize waiting times and truck emissions in eastern-most cargo yard.

### Port St. Joe - Guerry Magidson

- Requested by Triumph Gulf Gust to recertify for monies for dredging.
- Executing a contract to export wood chips to Honduras as fuel for power plant which is anticipated to increase over next 4-5 years.

Casey Grigsby, on behalf of Chairman Cooley, then introduced **Tab 6, Open Discussion**. Several topics were discussed, including:

- FDEP Turbidity Rule Revision - Daryl Joyner from FDEP presented the standards for protective of coral in the proposed rule. Typical standard is 29 Nephelometric Turbidity Units (NTU) above background, and FDEP is seeing standards in the 7 NTUs over background is protective from their review of various studies.
  - FDEP is not trying to add a delta point that goes above the background. He believes FDEP made some tactical errors in how to determine background variability and held a stakeholder meeting to describe how they determine natural background.
  - It appeared they were proposing Outstanding Florida Water (OFW) standards for waters that were not outstanding Florida waters. They are trying to clarify that this rule will only apply in areas that have corals or have historical had corals since the Clean Water Act era.
  - FDEP is wants to engage Florida's seaports and SEMC members to learn more about some of the Best Management Practices (BMP) the industry uses.
  - Discussion:
    - Jeff Littlejohn - believes FDEP moved toward the Port's perspective in determining background levels, but still needed to analyze the tremendous amount of data from joint coastal permits issued over last couple decades including physical and biological monitoring criteria (no cause and effect established).
    - D. Joyner - FDEP is seeing some corals that show the cause/effect of variability really depends on location, i.e., deepwater (low variability) vs. beach renourishment (high variability).
    - J. Littlejohn - we are experiencing a 20% increase in cost; we should be receiving at least a 20% gain in environmental protection and we do not believe the cause/effect bears this out. We suggest you allow maintenance

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dredging to exceed 100 NTU above background if the project is done in 24 hours. Natural ecosystems that adapt to hurricane events are able to handle extreme NTUs and I think if we infrequently replicate that scenario, it is less impactful on ecosystems than drawn out dredging events, which these higher standards create.

- Lainey Edwards - maintenance dredging occurs much more often than hurricanes, and hurricanes do have drastic effects on the resources but those cannot be controlled.
- Florida Oceans Alliance Strategic Plan - just release strategic plan for Florida's Oceans and Coast in June 2020. Next step is to reach out to congressional delegation of Florida for more funding and to get further distribution of the plan. FPC has been very involved in production of document to ensure port issues are dealt with appropriately. No Ocean's Day is planned yet due to COVID-19.
- Diesel Emissions Reduction Act (DERA) Grant Program - Mr. McDonald provided an update on the state DERA program. Notices of Funding Availability is on hold due to state budget issues resulting from COVID-19. Electric Vehicle Funding Grants are moving forward and unfortunately none of the funding will be available to ports as all funds directed to emergency evacuation routes. If you have a project, please get in touch with FDEP.
- National Environmental Policy Act - FPC signed on to NEPA coalition letter in 2020. Council on Environmental Quality (CEQ) for the White House published the final rule. Introduces two new limits for production of NEPA documents. For EIS 2 years 300 pages, for an EAA or supplemental EIS it will be 1 year and 75 pages.
- Casey Grigsby discussed the Fertilizer Institute's safety fact sheet in response to the explosion in Beirut, which was sent out by the AAPA.
- Per- and polyfluoroalkyl substances (PFAS) - Brief update on the constituent PFAS and DEPs assessment and investigation. DEP issued 62-780 letters to 24 fire training facilities and 1 airport so far. DEP is using EPA's health advisory level and does not have defined water quality standards for PFAS. DEP is using these health advisory standards to require rule-based assessment and cleanup (62-780), but there are no cleanup standards to achieve. Florida seaports are not the primary areas of investigation of FDEP.
  - Jorge Caspary discussed the Airport Council's role, and they are leading the effort. Letter will go out to Sec. Valenstein or Dep. Sec. Truitt.
- Bob Musser - In our February meeting we discussed Canaveral's difficulty in getting marine observers approved. FWC has a new biological administrator, Michele Psawickz, who has really helped.
- The Resiliency Tab was just for further discussion or follow up to the University of Rhode Island presentation on resiliency.

Casey Grigsby, on behalf of Chair Cooley, asked for any other open discussion, hearing none, the meeting was adjourned.

**TAB 4**  
**Legislative Update**

**AGENCY:** U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)  
Office of Environmental Justice (OEJ)

**TITLE:** Environmental Justice Collaborative Problem-Solving (EJCPS)  
Cooperative Agreement Program

**ACTION:** Request for Applications (RFA)

**FUNDING NO.:** EPA-OP-OEJ-21-02

**ASSISTANCE NO.:** 66.306

**DATES:** **ANNOUNCEMENT DATE:** March 2, 2021  
**CLOSING DATE:** May 7, 2021

**Translations available:** To receive a Spanish translation of this announcement, contact Jacob Burney in the Office of Environmental Justice at (202) 564-2907 or via email at [burney.jacob@epa.gov](mailto:burney.jacob@epa.gov). **Please note that applications must be written in English only.** Applications written in languages other than English will not be considered for award.

Hay traducciones disponibles de este anuncio en Español. Si usted esta interesado en obtener una traduccion de este anuncio en Español, por favor llame a La Oficina de Justicia Ambiental conocida como “Office of Environmental Justice,” linea gratuita (1-800-962-6215).

**DEADLINE:** Application packages must be submitted by **May 7, 2021 at 11:59 PM (Eastern Time)** through Grants.gov. Applications received after the closing date and time will not be considered for funding.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is working to improve the environment and public health conditions of low-income communities and communities of color through the advancement of racial equity and environmental justice. This funding announcement supports the priorities detailed in President Biden’s [Executive Order 13985](#) titled *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and [Executive Order 14008](#) titled *Tackling the Climate Crisis at Home and Abroad*. EPA continues to make effective responses to the Novel Coronavirus (COVID-19) and the climate crisis top priorities. To address these multiple crises, this announcement places emphasis on projects focusing on COVID-19 impacts, as well as climate and disaster resiliency. EPA continues to make effective responses to the Novel Coronavirus (COVID-19) and the climate crisis top priorities. To address these multiple crises, this announcement prioritizes projects focusing on COVID-19 impacts, as well as climate and disaster resiliency. The Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program provides funding to support community-based organizations in their efforts to collaborate and partner with local stakeholder groups (e.g., local businesses and industry, local government, medical service providers, and academia) as they develop *community-driven* solutions that address environmental and/or public health issues for underserved communities. For purposes of this announcement, the term “underserved community” refers to a community with environmental justice concerns and/or vulnerable populations, including people of color, low income, rural, tribal, indigenous, and homeless populations. Eligible projects must demonstrate use of the Environmental Justice Collaborative Problem-Solving Model to support their collaborative efforts during the project



period. Applying organizations should have a direct connection to the underserved community impacted by the environmental harms and risks detailed in the workplan. The long-term goals of the EJCPS Program are to help build the capacity of communities with environmental justice concerns and to create self-sustaining, community-based partnerships that will continue to improve local environments in the future. **See Appendix A for information on applying to this opportunity.**

**FUNDING/AWARDS:** The total estimated funding for this competitive opportunity is approximately \$3,200,000. EPA anticipates awarding a total of twenty cooperative agreements of approximately \$160,000 each within the 10 EPA Regions, subject to availability of funds, the quality of applications received, and other applicable considerations. Funded assistance agreements will have a two-year project period. Applicants should plan for projects to start October 1, 2021.

**Note** - prior to naming a contractor (including consultants) or subrecipient in your application as a “partner”, please carefully review Section IV.d, “Contracts and Subawards” of EPA’s Solicitation Clauses that are incorporated by reference in Section V.E of this announcement. EPA reserves the right to increase or decrease the total number of grants awarded or reject all applications and make no awards under this announcement. Such changes may be necessary as a response to the quality of applications received by EPA or the amount of funds available.

## **IS THE EJCPS PROGRAM RIGHT FOR MY ORGANIZATION’S PROJECT?**

Before you read further into this Request for Applications (RFA), you need to first determine which program – the [EJ Collaborative Problem Solving Program](#) (EJCPS) which is the subject of this RFA or the [Environmental Justice Small Grants Program](#) (EJSG) **which is issued separately** - to apply for. Be aware, an applicant can receive a grant under only **one** of these programs – not both – so you should only apply for one of them. The RFAs for the EJSG and EJCPS are being released at the same time, but to increase accessibility and diversity among recipients, an applicant can only receive one of these grants under these FY 21 competitions. While an applicant can apply under either one or both of these opportunities, they can only receive one award, and if an applicant is tentatively identified for selection under both of them they will be notified that they will have to decide which award they want. Therefore, applicants need to think carefully about which program better lines up with their capacity and the scope of the project you will be proposing. Both programs promote the use of collaborative partnerships in addressing local environmental and/or public health issues, but they are **very different**.

In short, EJCPS is designed for organizations that are more established and familiar with federal grants, while EJSG funding, under the other competition, is designed for organizations that are: 1) just starting out, 2) have smaller staffs and operating budgets, and/or 3) have never received a federal grant before. The following chart may be helpful in deciding which competition(s) to apply for:



EJ SG	EJCPS
<b>Grant</b> – no substantial EPA involvement (Semi-annual Reports, some Programmatic Terms and Conditions)	<b>Cooperative Agreement</b> – has substantial EPA involvement (Semi-annual Reports, monthly conference calls, and additional Programmatic Terms and Conditions)
<b>Partnerships</b> – need to develop and implement a plan to build, maintain, and sustain partnerships. Note that any financial transactions with partners that involve EPA funds are subject to the requirements described in EPA’s Solicitation Clauses that are incorporated by reference in Section IV of this announcement.	<b>Partnerships</b> – must have established partnerships demonstrated through submission of three signed Memoranda of Agreement from different stakeholder groups. Note that any financial transactions with partners that involve EPA funds are subject to the requirements described in EPA’s Solicitation Clauses that are incorporated by reference in Section IV of this announcement.
<b>Project Purpose</b> - to form collaborative partnerships, educate the community, develop a comprehensive understanding of the local environmental and/or public health issues, and identify ways to address these issues at the local level	<b>Project Purpose</b> - to address an existing local environmental and/or public health issue. To expand beyond community education to include more substantive activities (e.g. training, monitoring, experiments, etc.) that further address the issue(s).
<b>Project Performance Measures</b> – must link project performance measures to the following OEJ Program Performance Measures: <ul style="list-style-type: none"> <li>• Empowered Communities</li> <li>• Stakeholder Consensus</li> </ul>	<b>Project Performance Measures</b> – must link project performance measures to the following OEJ Program Performance Measures: <ul style="list-style-type: none"> <li>• Empowered Communities</li> <li>• Stakeholder Consensus</li> <li>• Environmental Results</li> <li>• Sustainability</li> </ul>

For more information about the EJSG and the EJCPS Programs visit OEJ’s Web site at: <https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>

**SPECIAL CONSIDERATIONS:** For this competition, EPA may give special consideration to high ranking applications that focus on the following program priorities:

- 1) Public Education, Training, Emergency Planning, and/or Investigations on Impacts of **COVID-19** on Underserved Communities and Vulnerable Populations– EPA may give special consideration to projects that address the impacts that the current COVID-19 pandemic has on vulnerable populations. Applicants may use funding to conduct public education, training, outreach, investigations and/or develop plans and programs to specifically work on mitigating the impacts of COVID-19 on EJ communities. Applicants are encouraged to develop innovative plans and processes to conduct effective outreach to underserved communities in the midst of social-distancing and local stay-at-home orders, especially in places where internet access may not be readily available to all residents. To qualify for this special consideration, applications must address the impacts of COVID-19 through eligible activities (see Section I.) Examples of eligible activities include (but are not limited to) 1) sharing information related to EPA-approved disinfectants to combat COVID-19 ([List N: Disinfectants for Use Against SARS-CoV-2](#)), 2) addressing

underserved residents' increased exposure to in-home pollutants and healthy housing issues as an unintended consequence of local stay-at-home orders, and 3) training of community health workers as community educators for environmental justice communities. NOTE: EJSG funds cannot be used for Human Health Studies, including taking blood or other medical information from humans.

- 2) **Projects addressing Climate, Disaster Resiliency, and/or Emergency Preparedness** – The effects of climate change and extreme weather events tend to adversely impact the most vulnerable communities and populations disproportionately. Therefore, EPA may give special consideration to projects that address the needs of underserved and vulnerable communities that have been adversely impacted or are likely to be adversely impacted by natural disasters, including, but not limited to, hurricanes, tornadoes, wildfires, floods, earthquakes, and future pandemics.
- 3) **New applicants and grantees** - High ranking applicants who have never received an EPA EJCS award may receive additional consideration during the selection process in order to broaden the universe of EJCS grantees.

The special considerations listed above will only be considered as “other factors,” in addition to the scoring criteria in Section V, in making selection decisions. Section V of this RFA shows additional other factors that may be considered during the selection process. The selection official may consider any (or all) of these “other factors” or none at all in making selection decisions.

**PLEASE NOTE: All eligible organizations are encouraged to apply under this competition.**

While EPA may give special consideration to projects related to COVID-19, Climate/Disaster Resiliency, and from new applicants/grantees as further explained in Section I, community projects focusing on other community needs are also allowed and encouraged under this competition.

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- IV. [Application and Submission Information](#)
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- VI. [Award Administration Information](#)
- VII. [Agency Contacts](#)
- VIII. [Other Information and Appendices](#)
  - A – Tips on Preparing an EJ Grant Application
  - B – Visual Illustration of EJCS Model
  - C – Blank Logic Model Template
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  - E – Example Completed Logic Model
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## I. FUNDING OPPORTUNITY DESCRIPTION

[\(back to Contents by Section\)](#)

### A. DEFINITION OF ENVIRONMENTAL JUSTICE

EPA defines “environmental justice” as the *fair treatment* and *meaningful involvement* of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. *Fair treatment* means that no one group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal environmental programs and policies. *Meaningful involvement* means that: (1) potentially underserved community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public’s contribution can influence the regulatory agency’s decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially underserved. An “*underserved community*”, for the purposes of this competition, refers to a community with environmental justice concerns and/or vulnerable populations, including people of color, low income, rural, tribal, indigenous and homeless populations that may be disproportionately impacted by environmental harms and risks and has a local environmental and/or public health issue that is identified in the applicant’s application.

### B. BACKGROUND & EJ COLLABORATIVE PROBLEM-SOLVING MODEL

The purpose of the EJCPs Program is for EPA to provide financial assistance to support community-based organizations to collaborate and partner with other stakeholders (e.g., local businesses and industry, local government, medical service providers, academia, etc.) to develop solutions that will significantly address environmental and/or public health issue(s) at the local level. The program’s objective is to support projects that demonstrate the utility of the Environmental Justice Collaborative Problem-Solving Model. Because this program requires substantial involvement and interaction between the applicant and EPA, these awards will be made in the form of cooperative agreements. See Section II.B of this solicitation for more details on cooperative agreements.

For the purposes of the EJCPs Program, collaborative problem-solving is defined as an effort to bring together groups and resources (e.g., information, labor, money) by three or more stakeholders to solve a set of problems that any single entity cannot solve individually. Collaborative problem-solving builds upon existing community understanding to establish and maintain partnerships capable of producing meaningful environmental and/or public health results. To provide a systematic approach towards collaborative problem-solving, OEJ has developed a Collaborative Problem-Solving Model (Model). Such a Model is intended to assist vulnerable and underserved communities in developing proactive, strategic, and visionary approaches to address their environmental justice issues and achieve community health and sustainability.

Collaborative problem-solving also involves developing a well-designed strategic plan with a built-in evaluation component to measure and achieve results on local environmental and/or public health issues and to sustain the partnerships. These elements are cross-cutting and interdependent and should be utilized in a proactive, strategic, and iterative manner. Determining

which elements to undertake, and in what order, can vary greatly, however, depending upon the unique facts and circumstances surrounding each environmental and/or public health issue. Not all the elements are required to be used in every situation. Rather, the CPS Model and its seven elements can be viewed as a “tool box” filled with different tools that can be used as needed. The seven elements are as follows:

1. Issue Identification, Visioning, and Strategic Goal-Setting;
2. Community Capacity-Building and Leadership Development;
3. Development of Multi-Stakeholder Partnerships and Leveraging of Resources;
4. Consensus Building and Dispute Resolution;
5. Constructive Engagement with Other Stakeholders;
6. Sound Management; and
7. Evaluation

For additional information about OEJ’s CPS Model, please see follow the link below:  
<https://www.epa.gov/sites/production/files/2016-06/documents/cps-manual-12-27-06.pdf>

A key starting point for any collaborative problem-solving project is the identification of an environmental and/or public health issue and the community’s leadership in formulating goals (*e.g.*, diesel reduction, lead abatement, reducing high incidence of asthma, land use changes, pollution prevention, implementation of fish advisories, hazardous waste, emissions reduction, risk reduction, community cleanups, or compliance with local environmental and/or public health regulations, etc.). Collaborative problem-solving involves the establishment and/or maintenance of partnerships between and among other stakeholders and the underserved community to address the community’s local environmental and/or public health issues.

These partnerships can include, but are not limited to the following stakeholder groups:

- Other local community-based non-profit organizations;
- Local, regional, and national environmental non-profit organizations;
- State, local, and tribal governments;
- Federal government agencies;
- Health care providers;
- Faith-based organizations and local churches;
- Philanthropic organizations;
- Civic organizations;
- Local economic and/or community development corporations/organizations;
- Educational institutions (*e.g.* schools, colleges, and universities);
- State, local and tribal government agencies;
- Local Businesses and Industry;
- Elected officials (you may not use Federal grant funds or cost-sharing funds to conduct lobbying activities); and
- Labor and professional organizations.

**TYPES OF PROJECTS** - The EJCPs Program has funded a wide range of projects and project types over the years that address local environmental and public health concerns through collaborative partnerships. All proposed projects should include activities designed to engage, educate, and empower communities to understand the local environmental and public health issues

and to identify ways to address these issues at the local level. Types of projects the EJCPSP program has funded in the past include, but are not limited to, the following:

- Air Quality & Asthma
- Water Quality & Sampling
- Food Access to reduce vehicle travel and fuel emissions
- Stormwater Issues & Green Infrastructure
- Lead contamination
- Pesticides and other Toxic Substances
- Healthy Homes
- Illegal Dumping
- Emergency Preparedness and Disaster Resiliency
- Environmental Job Training
- Youth Development through Environmental Education

To find the latest information about the EJCPSP program visit the following link:

<https://www.epa.gov/environmental-justice/environmental-justice-collaborative-problem-solving-cooperative-agreement-0>

*Full Project Summaries of past projects dating back to the year 2007 are also available at the link above.*

All projects considered for funding under this announcement must include a work plan. All work plans should include strategies for addressing local environmental and public health issues, educating and empowering the community about those issues, and approaches to building consensus and setting community priorities. In addition, the work plan should demonstrate collaboration with other stakeholders (e.g., other community-based organizations, environmental groups, businesses, industry, federal, tribal, state and local governments, and academic institutions) in an effort to realize project goals and objectives and build project sustainability leading to on-going efforts that address the local environmental justice issue(s).

**Virtual EJ Grantee Training Workshop** – During the two-year project period, all EJCPSP recipients will be required to attend a virtual EJ Grantee Networking and Training Workshop hosted by their nearest EPA regional office. Each EPA regional office will schedule and develop the agenda for their own workshop. The networking workshop is designed to: 1) connect current EJ grant recipients with past recipients and community partners, 2) assist all community stakeholders with strategic planning for their communities, 3) facilitate grantees accessing additional resources and 4) provide general project management and federal grant guidance.

**EJ Grant Applicant Database** - The EJ grant program strives to support as many community-based organizations that apply to our EJ grant opportunities as possible, regardless of their ultimate success in receiving a grant, by 1) familiarizing applicants with federal grant application requirements, 2) sharing expectations and responsibilities of managing federal grants, 3) providing constructive feedback and recommendations on ways to strengthen unselected applications, 4) helping organizations build sustainability into projects so they continue to grow and develop after the project period is over, and 5) facilitating connections with other potential resources that can help organizations address community needs. To facilitate the achievement of these immediate goals, all applicants who apply to the 2021 opportunity will be added to our **EJ Grant Applicant**

**Database.** The database helps the Environmental Justice program identify and work with additional underserved communities outside the context of our grant awards.

### C. QUALIFIED ENVIRONMENTAL STATUTES

The EJCPs Program is designed to address multi-statute environmental and/or public health issues. For this reason, each project must include activities related to **at least one** of the following federal environmental statutes. **Failure to clearly and conclusively identify and cite at least one of the federal statutes in your work plan may result in your project not being considered for award.**

1. **Clean Air Act, Section 103(b)(3):** conduct research, investigations, experiments, demonstration projects, surveys, and studies (including monitoring) related to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution.
2. **Clean Water Act, Section 104(b)(3):** conduct and promote the coordination of research, investigations, training, demonstration projects, surveys, and studies (including monitoring) relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.
3. **Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a):** conduct research, development, monitoring, public education, training, demonstration projects, and studies on pesticides.
4. **Marine Protection, Research, and Sanctuaries Act, Section 203:** conduct research, investigations, experiments, training, demonstration projects, surveys, and studies relating to the minimizing or ending of ocean dumping of hazardous materials and the development of alternatives to ocean dumping.
5. **Safe Drinking Water Act, Section 1442(b)(3):** develop and expand the capability to carry out a program (that may combine training, education, and employment) for occupations relating to the public health aspects of providing safe drinking water.
6. **Solid Waste Disposal Act, Section 8001(a):** conduct and promote the coordination of research, investigations, experiments, training, demonstration projects, surveys, public education programs, and studies relating to solid waste (e.g., health and welfare effects of exposure to materials present in solid waste and methods to eliminate such effects).  
*Please note that applications supporting brownfields work or that include extensive clean-up activities beyond the need for a demonstration/experiment/training are not eligible for funding under this announcement.*
7. **Toxic Substances Control Act, Section 10(a):** conduct research, development, monitoring, public education, training, demonstration projects, and studies on toxic substances.

**Eligible Project Activities** - To be eligible for funding, an EJCPs project must consist of activities that fall within the terms of at least one of the above statutory grant authorities. Projects can



# Fiscal Year 2021 Port Security Grant Program

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## 1. What is the purpose of the FY 2021 PSGP?

The Fiscal Year (FY) 2021 Port Security Grant Program (PSGP) is one of four grant programs that constitute the Department of Homeland Security (DHS)/Federal Emergency Management Agency's (FEMA's) focus on transportation infrastructure security activities. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS to help strengthen the Nation's critical infrastructure against potential terrorist attacks. PSGP provides funds to state, territorial, local, and private sector partners to support increased port-wide risk management and protect critical surface transportation infrastructure from acts of terrorism.

## 2. What legislation authorized funding for the FY 2021 PSGP?

Section 102 of the *Maritime Transportation Security Act of 2002* (Pub. L. No. 107-295), codified as amended (46 U.S.C. § 70107). PSGP funding was appropriated by Congress in the *Department of Homeland Security Appropriations Act, 2021* (Pub. L. No. 116-260).

## 3. How much funding is available under the FY 2021 PSGP?

The total amount of funds distributed under the FY 2021 PSGP will be \$100 million.

## 4. What are the changes in funding levels between FY 2020 and FY 2021?

The FY 2021 funding level for the PSGP is the same as FY 2020.

## 5. Where is the FY 2021 PSGP Notice of Funding Opportunity (NOFO) located?

The FY 2021 PSGP NOFO is located online at [www.fema.gov/grants](http://www.fema.gov/grants) as well as [www.grants.gov](http://www.grants.gov).

## 6. Who is eligible to apply for FY 2021 PSGP funds?

All entities subject to an Area Maritime Security Plan, as defined by 46 U.S.C. § 70103(b), may apply for PSGP funding. Eligible applicants include, but are not limited to, port authorities, facility operators, and state and local government agencies.

Any ferry system electing to participate and receive funds under the FY 2021 PSGP will not be eligible to participate in the FY 2021 Transit Security Grant Program (TSGP) and will not be considered for funding under the FY 2021 TSGP. Likewise, any ferry system that participates in the TSGP will not be eligible for funding under the PSGP.

## 7. What is meant by “facility operator” as an eligible entity?

A facility operator owns, leases, or operates any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States. Examples of facility operators



include, but are not limited to, terminal operators, ferry systems, bar/harbor pilots, and merchant's exchanges.

## 8. What types of security-related activities are allowable under PSGP?

Allowable activities and costs will generally fall under one of the following categories:

- Planning
- Operational Activities, including Operational Packages
- Equipment and Capital Projects
- Training and Awareness Campaigns
- Exercises
- Maintenance and Sustainment

Please refer to the [Preparedness Grants Manual](#) for detailed information on these allowable cost categories.

## 9. What makes a strong Investment Justification (IJ)?

- Clearly identified risks, vulnerabilities, and consequences;
- Description of findings from a previously conducted vulnerability assessment;
- Details of any incident(s) including description, dates etc.;
- A brief description of any supporting documentation (such as police reports or photographs) that is submitted as part of the application, if applicable;
- Explanation of how the investments proposed will mitigate or address the vulnerabilities identified from a vulnerability assessment;
- Establish a clear linkage with investment(s) and core capabilities (See [National Preparedness Goal](#));
- Verify all proposed activities are allowable costs per the FY 2021 TSGP NOFO;
- Realistic milestones that consider the [Environmental Planning and Historic Preservation \(EHP\)](#) review process, if applicable; and
- Description of the project manager(s) level of experience.

## 10. How will the FY 2021 PSGP applications be submitted?

Applying for an award under the PSGP is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact the ability to meet required submission deadlines. Please refer to Section D in the FY 2021 PSGP NOFO for detailed information and instructions.

Eligible applicants must submit their initial application at least seven days prior to the final application submission through the grants.gov portal at [www.grants.gov](http://www.grants.gov). Applicants needing grants.gov support should contact the Grants.gov customer support hotline at (800) 518-4726.

Eligible applicants will be notified by FEMA and asked to proceed with submitting their complete application package in the [Non-Disaster \(ND\) Grants System](#). Applicants needing technical support



# FEMA



with the ND Grants System should contact [ndgrants@fema.dhs.gov](mailto:ndgrants@fema.dhs.gov) or (800) 865-4076, Monday through Friday from 9 a.m. to 6 p.m. ET.

Completed applications must be submitted no later than 5 p.m. ET on May 14, 2021.

**11. What are the key dates associated with the FY 2021 PSGP?**

- February 25, 2021: Release date for FY 2021 PSGP NOFO.
- May 14, 2021, 5 p.m. ET: Applications for the FY 2021 PSGP due to FEMA.

**12. How will the FY 2021 PSGP funds be allocated?**

PSGP recipients will be selected for funding through a competitive review process as outlined in the FY 2021 PSGP NOFO. Applicants will receive a 20% increase to their scores for addressing the Cybersecurity National Priority Area in their IJs.

**13. What is the FY 2021 PSGP period of performance?**

The period of performance is 36 months.

**14. What other resources are available to address programmatic, technical and financial questions?**

- For additional program-specific information, please contact the Centralized Scheduling and Information Desk (CSID) help line at (800) 368-6498 or [askcsid@fema.dhs.gov](mailto:askcsid@fema.dhs.gov). CSID hours of operation are from 9 a.m. to 5 p.m. ET, Monday through Friday.
- For support regarding financial grants management and budgetary technical assistance, applicants may contact the DHS/FEMA Award Administration Help Desk via e-mail at [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov).



**FEMA**

**TAB 5**  
**Agency Updates**

**TAB 5a**  
**Florida Department of Environmental**  
**Protection (FDEP)**

**TAB 5b**  
**Florida Department of Economic  
Opportunity (DEO)**

**TAB 5c**  
**U.S. Army Corps of Engineers-Civil**  
**Works and Regulatory Division**



# SOUTH ATLANTIC COASTAL STUDY NEWSLETTER

January/February 2021



Vol. 2, No. 1, March 2021

<https://www.sad.usace.army.mil/SACS/>

## In this Issue

- *Regional Project Manager Update*
- *Environmental Update*
- *Project Manager Updates*

## REGIONAL PROJECT MANAGER UPDATE

*by Pam Castens, Senior Project Manager*

Our district teams have worked hard to complete the initial draft state and territory appendices, integrating all of the great feedback, input and applied analyses that have come out of our vision meetings, focus area workshops, and regional assessments. The Command Center team continues to work on finalizing a series of technical reports and tools in addition to Main Report development as the overall SACS draft product begins to take shape. While the focus in these next months will be on report package review and refinement, continued stakeholder coordination will assist the team in refining overall recommendations through the report development process. All districts should be taking every opportunity to actualize recommendations in the upcoming weeks and months. We're looking forward to a dynamic team effort as we polish up our draft for concurrent review in October!



### National Coastal Resilience Fund 2021 Request For Proposals

*The National Fish and Wildlife Foundation (NFWF) is pleased to announce the 2021 National Coastal Resilience Fund Request for Proposals (RFP). NFWF will make investments in planning, design, and restoration of natural and nature-based solutions to help protect coastal communities from the impacts of storms, floods, and other natural hazards and enable them to recover more quickly and enhance habitats for fish and wildlife.*

<https://www.nfwf.org/programs/national-coastal-resilience-fund/regional-coastal-resilience-assessment>

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# SOUTH ATLANTIC COASTAL STUDY NEWSLETTER

January/February 2021



Vol. 2, No. 1, March 2021



## ENVIRONMENTAL UPDATE

*by Kristina May, Environmental Lead*

The Environmental Team identified 288 priority environmental areas (PEAs) throughout the SACS study area. PEAs are a subset of the medium and high risk areas, which were identified in the SACS Environmental Resources Inundation Risk Analysis. PEAs support priority biological resources (defined in the U.S. Fish and Wildlife Service SACS Planning Aid Report as federally listed threatened and endangered species, waterbird nesting colonies, breeding and wintering shorebirds, or other managed species) and are considered high priorities for others including state and federal agencies and non-governmental organizations (for example, USFWS critical habitats or national wildlife refuges, Audubon Important Bird Areas, state heritage preserves and wildlife management areas, areas of national and state environmental significance, etc.). These areas can be considered by stakeholders when looking for environmental resources to conserve and/or manage. Designation as a PEA by USACE does not create a special legal protection or status of the area and does not change how the area is regulated under federal and state laws.

*Salt River Bay, Altona Lagoon, Southgate Coastal Preserve, Estate Great Pond, Krause Lagoon, Sandy Point National Wildlife Refuge*



A map of risk areas is located on the SACS Environmental Webpage  
<https://data-sacs.opendata.arcgis.com/pages/environmental-analysis>

*View in Google Chrome or Firefox*



<https://www.sad.usace.army.mil/SACS/>



# SOUTH ATLANTIC COASTAL STUDY NEWSLETTER



January/February 2021

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## PROJECT MANAGER UPDATE



### Jacksonville District Ashleigh Fountain

Greetings from the Jacksonville District team! Even though most of us are still in a virtual work environment, that hasn't slowed us down one bit. We have completed the finishing touches on our Appendix documents in preparation for the various reviews this year - including the Public Review this fall! As part of that, we have been circling back with stakeholders on some items. One very encouraging discussion may result in a Continuing Authorities Program (CAP) Section 14 project. Given that this particular CAP is meant for Emergency Streambank and Shoreline Protection, and this area is a prime candidate, we are already seeing the value of the SACS in motion.

Additionally, stakeholder reports are starting to come online, such as the Pinellas County's *Toward a Sustainable and Resilient Pinellas* released December 2020. SACS will continue referencing the great work by others, such as this, as we work towards making our ultimate study recommendations.

Speaking of leveraging others' efforts, we just learned of a recent use of the Coastal Hazards System (CHS) data being used for one of our ongoing CSRMs studies. The Miami-Dade Back Bay CSM study used the CHS data for the Atlantic basin to verify projected water level assumptions used in plan formulation. A great example of the value of the SACS and its products before we even reach the finish line!

Lastly, and some may say the most heartening, is that we continue to see a rise in resiliency positions and roles across our area of responsibility. This adaptation happening in workplaces here and, I'm sure, in many other places is just so reassuring to know that collectively we are actively taking steps in the right direction. Until next time, be well.



<https://www.sad.usace.army.mil/SACS/>





# SOUTH ATLANTIC COASTAL STUDY NEWSLETTER



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## PROJECT MANAGER UPDATE



### Charleston District

Diane Perkins

The Charleston District bid farewell to Ryan Clark and welcomed a new PDT member to cover Cultural Resources. Ms. Andrea Farmer, with the Savannah District is now up to speed on cultural resources in South Carolina and the Grand Strand and Charleston Metro focus areas! Welcome, Andrea! In January, the PDT continued to dialogue about actions suggested by stakeholders for each focus area and how they could be gathered into strategies that can be supported by multiple agencies and organizations. Some of the key action strategies are tied to Erosion Management and Risk Communication, amongst a variety of others. The PDT continued to develop focus area examples of how to utilize SACS tools to launch into Tier 3 analysis, and were able to present them to the Charleston Resilience Network, which included the Plum Island Wastewater Treatment Plant and the Sol Legare neighborhood. Remaining areas of risk in the state appendix were further assessed, including affirming the Beaufort area as one of several with substantial remaining risk. Coastal Hazard System data was received and is also being utilized!



<https://www.sad.usace.army.mil/SACS/>



# SOUTH ATLANTIC COASTAL STUDY NEWSLETTER



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## PROJECT MANAGER UPDATE



**Savannah District**  
Jeffrey Schwindaman

The Savannah District Team worked hard to refine and complete our draft State Appendix for Georgia and draft Focus Area Action Strategy reports for Chatham County and Glynn County on 19 Feb 2021. The District continues to emphasize collaboration with stakeholders and met on 26 Feb 2021 to identify and plan specific follow-on engagements based on the draft report recommendations. This consistent outreach will continue to connect USACE capabilities with the needs identified by the SACS and contribute to the shared vision in Georgia.



**Wilmington District**  
Brennan Dooley

The draft State Appendix and Focus Area Action Strategies (FAAS) have been submitted to the SACS Command Team. The team continues to work with local stakeholders and partners to ensure that our recommended strategies are effective and can be easily implemented. SACS analysis to date and stakeholder coordination has allowed us to identify resilience actions that are still needed. We feel that our team's recommended partnerships and future projects creates a comprehensive strategy that addresses these needs. We sincerely appreciate the continued interest and coordination from our stakeholders that have provided us with so many good ideas for future coastal resilience.



<https://www.sad.usace.army.mil/SACS/>



# SOUTH ATLANTIC COASTAL STUDY NEWSLETTER



January/February 2021

Vol. 2, No. 1, March 2021

## PROJECT MANAGER UPDATE



**Mobile District**  
Meredith Ladart

Greetings Stakeholders! The Mobile District Team has completed the draft State Appendices and our five Focus Area Action Strategies (FAAS). We truly appreciate all the input our stakeholders have provided along the way. We provided an update to our Mississippi Stakeholders on March 4th through the Environmental Law Institute's monthly webinars. We are continuing to work with our stakeholders to develop implementation strategies for the identified and needed actions. As always, we appreciate our stakeholders' input. Please reach out at anytime for questions or potential actions. Happy March!

## **SAVE the DATE** **Quarterly Webinar**

**Thursday, April 22<sup>nd</sup> 1:00 - 2:30 PM**

### **Environmental Update**

***Kristina May, Environmental Lead***

***Bethney Ward, Biologist***

***Kat McConnell, Biologist***

<https://attendee.gotowebinar.com/register/5358548396679797775>

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**TAB 5d**  
**Florida Inland Navigation District (FIND)**

**TAB 5e**  
**Florida Fish & Wildlife Conservation**  
**Commission**

**TAB 5f**  
**Environmental Protection Agency**  
**Region 4**

**TAB 6**  
**Open Discussion**

**TAB 6a**  
**FDEP Turbidity Rule**



JAXPORT

December 4, 2020

Port Canaveral

Kaitlyn Sutton  
Program Administrator  
Water Quality Standards Program  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 5500  
Tallahassee, FL 32399-2400  
Submitted Electronically: Kaitlyn.Sutton@dep.state.fl.us

Port Everglades

Port of Fernandina

RE: Triennial Review of State Surface Water Quality Standards –  
Comments on Draft Coral Turbidity Criterion Implementation

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 following the Florida Department of Environmental Protection (FDEP)'s Triennial Review of the state's surface water quality standards, particularly the Turbidity Criterion under Chapter 62-302.530(70), F.A.C., and had representatives at each of the workshops and teleconferences. The Florida Ports Council appreciates the Department's efforts to update the Draft Coral Turbidity Criterion Implementation Document in response to stakeholder comments. The Council has reviewed the update and still has concerns as to the impacts this will have on many of Florida's seaports. Accordingly, we offer the following comments that we hope you will find helpful to improve the rule while still protecting Florida's coral reefs and hardbottom communities.

Primarily, and as stated in the Council's previously submitted comments, we are concerned that this proposed revision is being promulgated without first establishing a clear cause and effect relationship, e.g., what is the environmental impact associated with slightly elevated turbidity above background (between 1-29 NTU above background)? There does not appear to be any review of data to demonstrate such criterion is statistically meaningful or that certain turbidity levels have predictable impacts on coral and hardbottom communities.

FDEP staff indicated in previous workshops that there is currently insufficient data to establish a new numeric standard. Rather than review the tens of thousands of turbidity samples collected in accordance with FDEP JCPs issued over the last decade, FDEP moved forward with this updated approach to establishing project specific turbidity criterion. It does not appear FDEP has conducted any meaningful analysis of the abundant Florida specific data to justify such a drastic change. We strongly urge FDEP to perform this analysis and issue a report to justify any revisions to the turbidity standard.

We also remain concerned that this proposal is not cost-effective, even as provided in this updated draft. The potential cost implications with the excessive shutdowns of dredging projects will have drastic impacts on Florida's seaports implicated by this rule change, which would appear to stretch from Brevard to Manatee Counties. We understand that FDEP updated the definition of hardbottom along with the criteria for identifying coral and hardbottom communities, but, as best we can tell, there is no practical change to the geographical impacts of the prior iteration. Additionally, while we acknowledge that FDEP attempted to reduce the impact of the rule with its updated method for establishing the turbidity limit, the significant reduction from 29 NTUs to FDEP's stated goal of 3-7 NTUs will still result in frequent dredging shutdowns, costing Florida's seaports, and their state and federal funding partners, tremendous amounts of money.

Lastly, this update still does not address the temporal factor of turbidity impacts on corals. Science suggests, and FDEP acknowledges, that the effect of turbidity on coral morbidity is inversely related to time. Corals have adapted to short durations of very high turbidity. Conversely, relatively small increases of turbidity above background over a long period can also impact corals. Once again, FDEP needs to analyze data specific to Florida waters and coral ecosystems to categorically determine the proper turbidity criterion for Florida waters, factoring time into the equation. Without such an analysis, the Council believes the criterion will lack proper scientific justification to support the rule and its noted financial impacts to the seaport industry and the Florida businesses and residents it supports.

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 the Council or our environmental consultant Matt McDonald, at [matt@littlejohnmann.com](mailto: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**  
**Florida Ocean Alliance Strategic Plan**



**March 15, 2021**  
**For Immediate Release**  
**Media Contact: Lenore Alpert**  
**954-647-4097, lalpert.foa@gmail.com**

## **2021 FLORIDA OCEANS DAY**

TALLAHASSEE, FL – March 15, 2021 is now officially Florida Oceans Day. Upon a request from The Florida Ocean Alliance (FOA), Florida legislators issued Senate Resolution 1910 (Senator Gayle Harrell, R-Stuart) recognizing March 15<sup>th</sup> “Oceans Day” in Florida, “in recognition of the economic and environmental importance of Florida’s ocean resources.” The Legislature and FOA hope Florida’s citizens, scientists, researchers, maritime industry representatives, non-profit representatives, and other stakeholders will join together to celebrate Florida Oceans Day. The purpose is to highlight the importance of healthy coasts and oceans to the state’s economy and to promote sustainable water resources for all Floridians. Normal activities for Oceans Day at the Capitol sponsored by the Florida Ocean Alliance were suspended this year due to the COVID pandemic and the restrictions on Capitol buildings but will hopefully resume next year.

This year’s Oceans Day theme, “Restoring and Growing Florida’s Blue Economy,” focuses on the state’s economic recovery from the coronavirus pandemic and the contribution of the coastal and ocean industries and resources to the state’s economic health. “Oceans Day 2021 addresses both legislative and public concerns over Florida’s recent pandemic and the economic damage this crisis has caused,” said Stan Payne, chair of the Florida Ocean Alliance and Director of Seaport and Airport in St. Lucie County. “We offer a pathway to recovery from these problems through the Blue Economy and critical maritime water-related industries, including tourism, seaports, and recreation industries.” These were a key focus of FOA’s recent report: “Securing Florida’s Blue Economy: A Strategic Policy Plan for Florida’s Oceans and Coasts” completed in 2020 and funded by the Florida Legislature. Over 75 percent of Florida’s population resides in 35 coastal counties so the issues there are critical. An economic study accompanying the report concluded that more than a million jobs in Florida were directly or indirectly created by activities using ocean resources, with the total contribution of ocean industries to Florida’s economy at \$73.9 billion in 2018. Thirty-eight Florida industries were

**(more)**

studied, including ocean tourism, ocean transportation, marine industries, ocean recreation, and living resources, and collectively create Florida's Ocean GDP. The executive summary and full report are available at [www.floridaoceanalliance.org](http://www.floridaoceanalliance.org).

The Florida Ocean Alliance ([www.floridaoceanalliance.org](http://www.floridaoceanalliance.org)) is a nonprofit, nonpartisan, private-public partnership of private industry, trade, academic and environmental organizations promoting awareness and understanding of the ocean's importance to the economy and environment of Florida.

# # #

By Senator Harrell

25-02227-21

20211910\_\_

Senate Resolution

A resolution recognizing March 15, 2021, as  
"Oceans Day" in Florida.

WHEREAS, coastal and ocean resources are vital to Florida's  
quality of life and economic vitality, and

WHEREAS, it is the policy of the State of Florida to  
conserve and protect its natural resources and scenic beauty, in  
accordance with Section 7, Article II of the State Constitution,  
and

WHEREAS, this state is the only state in the contiguous  
United States which is bordered on three sides by the sea, with  
more than 8,000 miles of continuous tidal shoreline, and

WHEREAS, more than 75 percent of Florida's residents live  
within its coastal counties, and

WHEREAS, there is a need to coordinate the protection,  
enhancement, and management of our state's ocean resources so  
that future generations will enjoy healthy ocean and coastal  
resources, and

WHEREAS, oceans provide the basis for a significant part of  
this state's economic, ecological, and social well-being, and

WHEREAS, coastal counties generated more than \$797 billion  
of economic value in Florida's economy in 2018, more than three-  
quarters of the state's \$1 trillion economy, and

WHEREAS, more than a million jobs in Florida were directly  
or indirectly created by activities using ocean resources, with  
the ocean economy contributing \$73.9 billion to the state's  
economy in 2018, and

WHEREAS, Florida's "blue economy" and ocean-related

25-02227-21

20211910\_\_

industries are key drivers of economic activity and are critical to Florida's economic recovery from the coronavirus pandemic, and

WHEREAS, the Florida Ocean Alliance is a nonprofit, nonpartisan, public-private partnership of ocean-related interests which promotes awareness and understanding of the ocean's importance to the ecology and economy of Florida and its neighbors, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 15, 2021, is recognized as "Oceans Day" in Florida, in recognition of the economic and environmental importance of Florida's ocean resources.

**TAB 6c**  
**Diesel Emission Reduction Program**  
**(DERA) Grants**



**Questions and Answers:****2021 Diesel Emissions Reduction Act (DERA) National Grants  
RFA# EPA-OAR-OTAQ-21-02**

Thursday, January 14, 2021

The following Questions and Answers have been compiled for the benefit of organizations considering applying for a grant under the above Request for Applications (RFA).

- A. Applicant Eligibility
- B. Project Eligibility
  - i. Vehicle and Equipment Replacements
  - ii. Engine Replacements
  - iii. Remanufacture Systems
  - iv. Verified Idle Reduction Technologies
  - v. Verified Retrofit Technologies
  - vi. Clean Alternative Fuel Conversions
  - vii. Verified Aerodynamic Technologies and Low Rolling Resistance Tires
  - viii. Miscellaneous
- C. Vehicle, Equipment, and Engine Eligibility
- D. Application Process
- E. Project Administration
  - i. Competitive Procurement Requirements
  - ii. General

Please note that many questions are variations of each other so your exact question may not be listed; please look for similar questions.

## A. Applicant Eligibility

### A.1: *Who is eligible to apply?*

Answer: Eligible entities include:

- Regional, state, local or tribal agencies/intertribal consortia
- Port authorities with jurisdiction over transportation or air quality
- Nonprofit organizations or institutions that
  - represent or provide pollution reduction or educational services to persons or organizations that own or operate diesel fleets or
  - have, as their principal purpose, the promotion of transportation or air quality

For example, public school districts and public universities who own/operate diesel fleets and are responsible for decisions regarding student transportation, airports that operate as public entities, and public utilities including public wastewater treatment plants are all eligible entities.

The following entities are not eligible unless they partner with an eligible entity:

- Private fleets including private school bus companies (see A.6 about partnering with an eligible entity).
- Manufacturers of vehicles and technologies
- Federal agencies including U.S military installations
- Private utilities

Date Posted: 1/14/2021

### A.2: *Is the manufacturer of an emissions reduction device eligible for this grant?*

Answer: Manufacturers are not eligible to apply directly to EPA for funding. Manufacturers who would like to have their retrofit products eligible for purchase by recipients of this grant program must be listed on EPA or CARB's verified retrofit technology list. An overview of EPA's Verification Process is available at [www.epa.gov/verified-diesel-tech/learn-about-verified-technologies-clean-diesel](http://www.epa.gov/verified-diesel-tech/learn-about-verified-technologies-clean-diesel). Funding under this program is not available for product testing/verification.

Date Posted: 1/14/2021

### A.3: *How do the DERA National Grants, Tribal Grants, and School Bus Rebates differ?*

Answer: EPA has three competitive DERA funding opportunities: DERA National Grants (this RFA), DERA Tribal Grants, and DERA School Bus Rebates. Although tribes are eligible to apply for funding under this RFA, the DERA program also expects to issue a separate DERA Tribal Grants RFA in 2021. Please visit [www.epa.gov/dera/tribal](http://www.epa.gov/dera/tribal) for more information. While school bus replacement is one of many eligible activities under DERA National Grants (this RFA), DERA School Bus Rebates provides funding only for school bus replacement. Typically, the rebate application period opens annually in the fall, requires a one-page application form, rebate recipients are selected through a lottery process, and projects are completed in less than one year. Information on EPA's School Bus Rebates can be found at [www.epa.gov/dera/rebates](http://www.epa.gov/dera/rebates).

Date Posted: 1/14/2021

### A.4: *Are we eligible to apply if we have received DERA funding through another opportunity?*

Answer: Yes. Participation in one program does not preclude you from participating in others; however, an applicant may not accept funding from multiple DERA programs for the same vehicle.

Date Posted: 1/14/2021

**A.5:** *Do applicants and projects need to be located in nonattainment areas to be eligible?*

Answer: No, attainment is not an eligibility factor. However, projects located in nonattainment areas will receive points under evaluation criterion #2 for being located in a priority area.

Date Posted: 1/14/2021

**A.6:** *Can a privately-owned fleet receive funding? Are there specific entities that private companies must partner with?*

Answer: Only eligible entities as defined in the RFA are eligible to apply directly to EPA for funding under this RFA. Eligible entities include regional, state, local or tribal agencies (or intertribal consortia) or port authorities with jurisdiction over transportation or air quality, and nonprofit organizations or institutions that:

a) represent or provide pollution reduction or educational services to persons or organizations that own or operate diesel fleets or

b) have, as their principal purpose, the promotion of transportation or air quality. However, both public and private fleets may benefit from the programs implemented by DERA national grant recipients and EPA encourages private fleet owners to partner with eligible entities for the implementation of diesel emissions reduction projects.

An eligible entity can provide funding/benefits to fleet owners through subawards and rebates. Some EPA regions have regional diesel collaboratives ([www.epa.gov/dera/epa-regions-diesel-collaboratives](http://www.epa.gov/dera/epa-regions-diesel-collaboratives)) where fleet owners interested in partnering with eligible entities may find networking opportunities.

Date Posted: 1/14/2021

## **B. Project Eligibility**

### **i. Vehicle and Equipment Replacements**

**B.i.1:** *What percent of EV charging equipment will DERA cover for electric vehicles purchased with grant funds?*

Answer: Eligible costs for battery electric powered vehicle, equipment, and engine replacement projects can include the purchase and installation of one charging unit per vehicle, including the unit and charging cable, mount and/or pedestal. These costs are subject to the mandatory cost share requirements defined in Section III.B.1 of the RFA. Ineligible costs include power distribution to the pedestal, electrical panels and their installation, upgrades to existing electrical panels or electrical service, transformers and their installation, wiring/conduit and its installation, electricity, operation and maintenance, stationary energy storage systems that power the equipment (e.g. batteries) and their installation, and on-site power generation systems that power the equipment (e.g., solar and wind power generation equipment) and their installation.

Date Posted: 1/14/2021

**B.i.2:** *What is the funding level to replace a diesel vehicle with an electric one?*

Answer: If you are replacing a diesel vehicle with a fully electric vehicle, EPA will fund 45% of the new vehicle.

Date Posted: 1/14/2021

**B.i.3:** *What types of replacement projects are eligible?*

Answer: Replacement projects can include the replacement of highway and nonroad diesel vehicles/equipment with new, cleaner diesel, hybrid or alternative fuel vehicles/equipment such as CNG, LNG or propane, or zero tailpipe emissions technologies such as battery or fuel cell where applicable.

Date Posted: 1/14/2021

**B.i.4:** *Can highway diesel vehicles be replaced with vehicles fueled by CNG, LNG, propane, or other alternative fuels? At what funding level?*

Answer: Yes, eligible medium and heavy-duty diesel trucks and buses may be replaced with alternative fueled vehicles as long as the replacement vehicle is powered by a 2019 model year or newer certified engine (2015 or newer for drayage trucks). Vehicle replacements are funded at 25% (or at 35% if the engine is certified to CARB's Optional Low-NOx Standards or 45% if the engine is replaced with a zero-tailpipe emission power source).

Date Posted: 1/14/2021

**B.i.5:** *If we use the grant to purchase a CNG truck, can we use funds to install a CNG refueling station for our fleet?*

Answer: No. CNG fueling infrastructure is not eligible for funding under DERA.

Date Posted: 1/14/2021

## **ii. Engine Replacements**

**B.ii.1:** *For marine engine replacements, do eligible costs include items required in addition to the new engine (such as gears, controls, and shipyard costs)?*

Answer: Yes. Eligible costs for engine replacement projects can include equipment and parts included in the certified engine configuration and/or are required to ensure the effective installation and functioning of the new technology. Eligible costs include design and engineering, parts and materials, and installation. For engine replacement with battery, fuel cell, and grid electric, eligible costs include electric motors, electric inverters, battery assembly, direct drive transmission/gearbox, regenerative braking system, vehicle control/central processing unit, vehicle instrument cluster, hydrogen storage tank, hydrogen management system and fuel cell stack assemblies. These costs are subject to the mandatory cost share requirements defined in Section III.B.1. Shipyard costs are also eligible and should be included in the "other" cost category in applications.

Date Posted: 1/14/2021

**B.ii.2:** *Must all nonroad engine replacements be EMY 2021? Are used replacement engines eligible?*

Answer: No. Used engines certified to relevant EPA emission standards are eligible as replacement engines. However, applicants must commit to using the best achievable technology for the project. Applicants replacing nonroad engines are expected to use Tier 4 engines if Tier 4 engines with the appropriate physical and performance characteristics are available. If selected for funding, applicants will be required to submit a best achievable technology analysis to EPA for approval before Tier 3 or Tier 4i engines can be purchased.

Date Posted: 1/14/2021

**B.ii.3:** *Are applicants required to submit a best achievable technology analysis for all marine engine replacements? What about marine engines below 803 HP?*

Answer: Applicants replacing marine engines are expected to use Tier 4 engines if Tier 4 engines with the appropriate physical and performance characteristics are available. Tier 4 engines do not exist for Category 1 and 2 marine engines below 803 HP and Category 3 engines, therefore the best available technology is Tier 3 and a best achievable technology analysis is not required for these engines. Tier 4 engines do exist for marine engines above 803 HP and recipients will be required to submit a best achievable technology analysis to EPA for approval before Tier 3 or Tier 4i engines above 803 HP can be purchased.

Date Posted: 1/14/2021

### iii. Remanufacture Systems

**B.iii.1:** *Table 4 outlines eligible marine certified remanufacture systems and verified engine upgrades. Is there a minimum tier requirement?*

Answer: There is not a minimum tier requirement, however applications for certified remanufacture systems and verified engine upgrades should include a discussion of the available systems and indicate the pre- and post-project emission standard levels of the engines to demonstrate that the upgrade will result in a PM and/or NOx emissions benefit.

Date Posted: 1/14/2021

### iv. Verified Idle Reduction Technologies

**B.iv.1:** *Are idle reduction technologies for highway vehicles eligible for funding under this RFA?*

Answer: Yes. Idle reduction projects are eligible for funding. For highway vehicles, EPA will fund up to 100% of the cost (labor and equipment) for idle reduction technologies on long haul Class 8 trucks and school buses if combined on the same vehicle with eligible verified engine retrofit technologies. EPA will fund up to 25% of the cost of stand-alone idle reduction technology installations. Lists of eligible, EPA verified idle reduction technologies are available at [www.epa.gov/verified-diesel-tech/smartway-technology](http://www.epa.gov/verified-diesel-tech/smartway-technology).

Date Posted: 1/14/2021

**B.iv.2:** *Is adding electrified parking spaces to a truck stop eligible?*

Answer: Yes. EPA will fund up to 30% of the cost (labor and equipment) of eligible electrified parking space technologies.

Date Posted: 1/14/2021

**B.iv.3:** *Is a marine shore power system eligible for funding?*

Answer: Yes. Funding can cover up to 25% of the cost (labor and equipment) of eligible marine shore power connection systems.

Date Posted: 1/14/2021

**B.iv.4:** *Please provide examples of verified idle reduction technologies.*

Answer: All verified idle reduction technologies are listed on the SmartWay Verified Technology List at [www.epa.gov/verified-diesel-tech/smartway-technology](http://www.epa.gov/verified-diesel-tech/smartway-technology). Examples include, but are not limited to, auxiliary power units, thermal storage systems, fuel-operated heaters, and electrified parking spaces.

Date Posted: 1/14/2021

### v. Verified Retrofit Technologies

**B.v.1:** *Are projects for fueling infrastructure for the production and distribution of fuel biodiesel eligible?*

Answer: No. Funding cannot be used for fueling infrastructure.

Date Posted: 1/14/2021

**B.v.2:** *Which fuels are considered cleaner fuels?*

Answer: Eligible cleaner fuels and additives are limited to those verified by EPA and/or CARB to achieve emissions reductions when applied to an existing diesel engine, such as biodiesel.

Date Posted: 1/14/2021

**B.v.3:** *Can funds be used to replace existing verified retrofit technologies (DOCs, DPFs)?*

Answer: No, funding cannot be used to replace an existing verified retrofit technology.

Date Posted: 1/14/2021

**B.v.4:** *Is renewable diesel an eligible cleaner fuel?*

Answer: Eligible cleaner fuels and additives are limited to those verified by EPA and/or CARB to achieve emissions reductions when applied to an existing diesel engine, such as biodiesel. Currently, renewable diesel is not verified on either list. Eligible biodiesel fuel must meet the requirements of American Society of Testing and Materials (ASTM) D 6751. To be eligible for funding, verified fuels must be for new or expanded use, and must be used in combination, and on the same vehicle, with a new eligible verified engine retrofit or an eligible engine upgrade or an eligible certified engine, vehicle, or equipment replacement funded under this RFA.

Date Posted: 1/14/2021

**vi. Clean Alternative Fuel Conversions**

**B.vi.1:** *Are alternative fuel conversions eligible?*

Answer: Yes. Funding can cover up to 40% of the cost (labor and equipment) of an eligible certified or compliant clean alternative fuel conversion. Eligible conversions are limited to those systems that have been certified by EPA and/or CARB, and those systems that have been approved by EPA for Intermediate-Age engines. EPA's lists of "Certified Conversion Systems for New Vehicles and Engines" and "Conversion Systems for Intermediate-Age Vehicles and Engines" are available at [www.epa.gov/ve-certification/lists-epa-compliant-alternative-fuel-conversion-systems](http://www.epa.gov/ve-certification/lists-epa-compliant-alternative-fuel-conversion-systems); CARB's list of "Approved Alternate Fuel Retrofit Systems" is available at [www.arb.ca.gov/msprog/aftermkt/altfuel/altfuel.htm](http://www.arb.ca.gov/msprog/aftermkt/altfuel/altfuel.htm). To be eligible for funding, conversion systems for engine model years 2006 and earlier must achieve at least a 30% NOx reduction and a 10% PM reduction from the applicable certified emission standard of the original engine. To be eligible for funding, conversion systems for engine model years 2007 and newer must achieve at least a 20% NOx reduction with no increase in PM from the applicable certified emission standard of the original engine.

Date Posted: 1/14/2021

**vii. Verified Aerodynamic Technologies and Low Rolling Resistance Tires**

No questions at this time.

**viii. Miscellaneous**

**B.viii.1:** *What projects are eligible for eTRUs and solar TRUs?*

Answer: Eligible diesel powered TRUs may be replaced with new, electric standby TRUs, hybrid electric TRUs, or electric transport refrigerators. Please refer to the DERA TRU Factsheet available under supporting documents at [www.epa.gov/dera/national#rfa](http://www.epa.gov/dera/national#rfa) for information on eligible TRU projects.

Date Posted: 1/14/2021

**B.viii.2:** *Can funds be used for research and development projects?*

Answer: No. DERA grants cannot fund research and development and DERA grants cannot fund technology demonstration, commercialization, certification, or verification.

Date Posted: 1/14/2021

**B.viii.3:** *Are electric charging stations eligible for funding?*

Answer: Electric vehicle charging infrastructure is not eligible as a standalone project but is eligible as part of an all-electric engine or vehicle replacement project which requires vehicle charging capability for the successful operation of the new equipment.

Date Posted: 1/14/2021

**B.viii.4:** *What's the difference between an engine retrofit and alternative fuel conversion?*

Answer: An engine retrofit is a device (e.g., a diesel particulate filter) added to an existing diesel engine that will change the emissions profile of the engine. A clean alternative fuel conversion alters an existing diesel engine to operate on alternative fuels such as propane and natural gas. See Sections I.B.3.e. and f. of the RFA for additional information.

Date Posted: 1/14/2021

**B.viii.5:** *Is there a list of technologies eligible for funding?*

Answer: Please see Section I.B, Scope of Work, in the RFA for a full description of eligible diesel emissions reduction solutions.

Date Posted: 1/14/2021

**B.viii.6:** *What types of hybrid projects are eligible?*

Answer: Hybrids are eligible as full vehicle replacement or as a full engine replacement (i.e., the purchase of an OEM certified engine configuration), or as the installation of a verified retrofit technology (currently only available for certain tugboats and rubber tire gantry cranes).

Date Posted: 1/14/2021

**B.viii.7:** *Can funds be used for a project that has already been started or will be started before the expected award date?*

Answer: No. Any funding awarded under this announcement must be used for activities that will take place within the approved project period and may not be used for unauthorized pre-award costs. However, funding could be used for a new component of an on-going project. For example, if the applicant has a fleet of 500 school buses and has already retrofitted 200, the applicant can apply for funds to retrofit the remaining 300 buses. Expenses incurred prior to the project period set forth in any assistance agreement resulting from this RFA are not eligible as a cost share for proposed projects.

Date Posted: 1/14/2021

**B.viii.8:** *What is the applicant's mandatory cost share requirement?*

Answer: Applicants are responsible for cost sharing between 0% and 75% of the vehicle/engine/technology costs, depending on the project type. For a detailed description of the cost sharing guidelines, please see Section III.B of the RFA.

Date Posted: 1/14/2021

**B.viii.9:** *Can we expand our fleet with new vehicles?*

Answer: No. New vehicle purchases must replace an existing, older, diesel-powered vehicle. Old vehicles must be scrapped to ensure emissions reductions are achieved.

Date Posted: 1/14/2021

## **C. Vehicle, Equipment, and Engine Eligibility**

### **C.1: *What engine model years are eligible?***

Answer: Eligibility varies by engine type. Please see Section I.B.4 of the RFA for specifics: for highway, see Table 2; for nonroad, see Table 3; for marine, see Table 4; and for locomotive, see Table 5. Vehicles and equipment must also meet the ownership, usage, and remaining life requirements defined in Section I.B.6 of the RFA.

Date Posted: 1/14/2021

### **C.2: *Must vehicles be licensed and registered to the applicant for a specific time period?***

Answer: The participating fleet owner must currently own and operate the existing vehicle or equipment and have owned and operated the vehicle during the two years prior to upgrade.

Date Posted: 1/14/2021

### **C.3: *What types of vehicles, engines, and equipment are eligible?***

Answer: Eligible heavy-duty diesel emission source types include school buses, Class 5-8 highway vehicles, marine engines, locomotives, and nonroad engines, equipment or vehicles (used in construction, cargo handling, agriculture, mining, or energy production). Vehicles, engines, and equipment targeted for upgrades must meet all applicable eligibility criteria as defined in the RFA.

Date Posted: 1/14/2021

### **C.4: *What is a "transport refrigeration unit"?***

Answer: A transport refrigeration unit (TRU) has a refrigeration system that is mechanically driven by an integral diesel engine. TRUs are installed on an insulated cargo trailers, shipping containers or rail cars and used in transporting temperature sensitive goods. Truck TRUs are used to refrigerate insulated cargo trailers mounted on the frame of a straight truck. Trailer TRUs are used to refrigerate insulated trailers mounted on semitrailers. Railcar TRUs are used to refrigerate insulated railcars. Please refer to the DERA TRU Factsheet available under supporting documents at [www.epa.gov/dera/national#rfa](http://www.epa.gov/dera/national#rfa) for additional details.

Date Posted: 1/14/2021

### **C.5: *What is a "reefer"?***

Answer: Refrigerated (insulated) trailers/containers are sometimes called reefers.

Date Posted: 1/14/2021

### **C.6: *Please describe eligible diesel trucks.***

Answer: For the purposes of this RFA, eligible medium-duty and heavy-duty highway vehicles are defined as Class 5 through Class 8: Class 5 (16,001 - 19,500 lbs GVWR); Class 6 (19,501 - 26,000 lbs GVWR); Class 7 (26,001 - 33,000 lbs GVWR); Class 8 (33,001 lbs GVWR and over).

Date Posted: 1/14/2021

### **C.7: *Are commercial vehicles eligible?***

Answer: Yes, commercial vehicles are eligible for funding under this RFA, however private entities are not eligible to apply directly to EPA for funding. An eligible entity can provide funding/benefits to private fleet owners through subawards and rebates.

Date Posted: 1/14/2021



**C.8:** *Is equipment that must be replaced due to a State or Local regulation eligible for funding?*

Answer: Yes. The mandated measures restriction does not apply to replacements that must occur due to a State or Local mandate.

Date Posted: 1/14/2021

**C.9:** *Are vehicle/equipment replacements with CARB Certified Low NOx engines limited to projects located in California?*

Answer: No.

Date Posted: 1/14/2021

**C.10:** *Must a fleet replace its oldest eligible vehicles before its newer eligible vehicles?*

Answer: No, any vehicle meeting the eligibility requirements is eligible for funding.

Date Posted: 1/14/2021

**C.11:** *Which highway vehicles are eligible for idle reduction projects?*

Answer: SmartWay-verified idle reduction technologies are available only for long-haul, Class 8 Trucks and school buses. Please see the SmartWay verified list at [www.epa.gov/verified-diesel-tech/smartway-verified-list-idling-reduction-technologies-irts-trucks-and-school](http://www.epa.gov/verified-diesel-tech/smartway-verified-list-idling-reduction-technologies-irts-trucks-and-school) .

Date Posted: 1/14/2021

**C.12:** *For highway vehicle replacements, what are the engine requirements for the replacement vehicle?*

Answer: Replacement vehicles must be powered by one of the following:

- 1) A 2019 model year or newer engine certified to EPA emission standards. Highway engine emission standards are on EPA's website at [www.epa.gov/emission-standards-reference-guide/epa-emission-standards-heavy-duty-highway-engines-and-vehicles](http://www.epa.gov/emission-standards-reference-guide/epa-emission-standards-heavy-duty-highway-engines-and-vehicles)
- 2) A 2019 model year or newer engine certified to meet CARB's Optional Low-NOx Standards of 0.1 g/bhp-hr, 0.05 g/bhp-hr, or 0.02 g/bhp-hr NOx. Engines certified to CARB's Optional Low NOx Standards may be found by searching CARB's Executive Orders for Heavy-duty Engines and Vehicles, found at [www.arb.ca.gov/msprog/onroad/cert/cert.php](http://www.arb.ca.gov/msprog/onroad/cert/cert.php).
- 3) A new, zero tailpipe emission power source.

Date Posted: 1/14/2021

**C.13:** *Is replacing a 2007-2009 engine model year vehicle with a 2019+ engine model year vehicle eligible for funding?*

Answer: Yes. A vehicle with engine model years 2007-2009 is eligible for replacement with a vehicle with 2019+ engine model year.

Date Posted: 1/14/2021

**C.14:** *Are transit buses eligible for hydrogen fuel cell powered bus replacement?*

Answer: Yes. Hydrogen fuel cell vehicles and equipment are eligible as replacements for eligible transit buses, shuttle buses, drayage trucks, terminal tractors/yard hostlers, stationary generators and forklifts.

Date Posted: 1/14/2021

**C.15:** *Are transport refrigeration units (TRUs) eligible for replacement?*

Answer: Yes. Diesel powered TRUs and TRU gen sets are eligible as nonroad equipment replacements if the existing TRU nonroad engine meets ownership, usage, and remaining life requirements. Please refer to the DERA TRU Factsheet available under supporting documents at [www.epa.gov/dera/national#rfa](http://www.epa.gov/dera/national#rfa) for information on eligible TRU projects.

Date Posted: 1/14/2021

**C.16:** *How do we demonstrate that a vehicle meets the remaining life requirements?*

Answer: The existing vehicle, engine, or equipment must have at least three years of remaining life at the time of upgrade. Remaining life is the fleet owner's estimate of the number of years until the unit would have been retired from service if the unit were not being upgraded or scrapped because of the grant funding. The remaining life estimate is the number of years of operation remaining even if the unit were to be rebuilt or sold to another fleet. The remaining life estimate depends on the current age and condition of the vehicle at the time of upgrade, as well as things like usage, maintenance and climate. Please provide your best estimate given these considerations.

Date Posted: 1/14/2021

**C.17:** *Are vehicles leased with an intent to own eligible?*

Answer: No. In order to satisfy the mandatory cost share requirements, vehicles must be paid in full before the end of the grant project period (typically 2-3 years). Therefore, current DERA policy does not allow vehicle leasing.

Date Posted: 1/14/2021

**C.18:** *Can two diesel vehicles with 3,500 annual miles be scrapped and replaced with one electric vehicle?*

Answer: Yes, you may combine vehicles to meet the usage threshold. Two diesel vehicles that each get 3,500 annual miles could both be scrapped and replaced with one vehicle.

Date Posted: 1/14/2021

**C.19:** *Is the two-year equipment ownership requirement based on the application submittal date or when the equipment is replaced if a grant is awarded?*

Answer: The two-year ownership timeline is based on when the equipment is replaced.

Date Posted: 1/14/2021

**C.20:** *Can we use the "Remaining Life of Baseline Engine/Vehicle" value from EPA's Diesel Emissions Quantifier (DEQ) to determine if a vehicle has at least three years of remaining life?*

Answer: No, the DEQ remaining life values are only default values. For the RFA, remaining life is the fleet owner's estimate of the number of years until the unit would have been retired from service if the unit were not being upgraded or scrapped because of the grant funding. The remaining life estimate is the number of years of operation remaining even if the unit were to be rebuilt or sold to another fleet. The remaining life estimate depends on the current age and condition of the vehicle at the time of upgrade, as well as things like usage, maintenance and climate.

Date Posted: 1/14/2021

**C.21:** *Are vehicles that are scheduled for retirement next year eligible?*

Answer: No. To be eligible for funding, existing vehicles, engines, equipment and technologies must have at least three years of remaining life as defined in Section I.B.6.c.

Date Posted: 1/14/2021

**D. Application Process**

**D.1:** *We are having difficulty locating the engine plate and serial numbers due to wear and tear. How can we complete this portion of the Applicant Fleet Description?*

Answer: Serial numbers are not required at the time of application. If the project is selected for funding grantees can work with their EPA Project Officer to determine sufficient engine documentation when the engine plate is missing. Often the engine manufacturer can assist in obtaining engine information.

Date Posted: 1/14/2021

**D.2:** *Can you provide a list of past applicants or recipients?*

Answer: While EPA cannot release specific information on grant applications, information on all previously funded projects may be found at [www.epa.gov/dera/national-dera-awarded-grants](http://www.epa.gov/dera/national-dera-awarded-grants).

Date Posted: 1/14/2021

**D.3:** *How do I submit my application?*

Answer: The Request for Applications (RFA) contains all project eligibility and application submission information. The RFA, as well as a sample project narrative and a sample applicant fleet description, may be found at [www.epa.gov/dera/national#rfa](http://www.epa.gov/dera/national#rfa). Applicants must download an application package, which contains standard forms (SF) 424, SF 424A, EPA Form 4700-4, and the EPA form 5700-54 from [Grants.gov](http://Grants.gov) under Funding Opportunity Number EPA-OAR-OTAQ-21-02. The project narrative and any supporting documents should be attached to the application package, and the full package submitted to EPA through [Grants.gov](http://Grants.gov) using the "Workspace" feature. You will find instructions to submit your application via [Grants.gov](http://Grants.gov) in Appendix A of the RFA. Please refer to the application submission checklist in Appendix F of the RFA to ensure that all required information is included in your package. If your organization is not currently registered with [Grants.gov](http://Grants.gov), please begin the registration process as soon as possible. Please note that the registration process also requires that your organization have a Unique Entity Identifier (e.g., DUNS number) and a current registration with the System for Award Management (SAM.gov). You may use the tool at [www.dnb.com/duns-number.html](http://www.dnb.com/duns-number.html) to lookup your company's DUNS number. Please visit [www.sam.gov](http://www.sam.gov) to check the status of your organization's SAM registration.

Date Posted: 1/14/2021

**D.4:** *Which EPA Region are we located in?*

Answer: Section IV.A of the RFA lists states by EPA Region. You can also view a map at [www.epa.gov/aboutepa/regional-and-geographic-offices](http://www.epa.gov/aboutepa/regional-and-geographic-offices).

Date Posted: 1/14/2021

**D.5:** *If an organization received a prior award, what are the chances of getting another award?*

Answer: Past awards have little bearing on whether an applicant receives funding. However, EPA does review awardees' past performance which could increase or decrease an applicant's chance of receiving an award. If an applicant has not received funding from relevant assistant agreements in the past, they will receive a neutral score for the past performance evaluation criterion.

Date Posted: 1/14/2021

**D.6:** *How is the competitive pool divided between EPA Regions?*

Answer: To allocate funding, EPA uses a formula based on population and air quality in each EPA Region. Section II.A of the RFA has a table showing the total amount of funding anticipated for each Region, as well as the funding limit per application.

Date Posted: 1/14/2021

**D.7:** *May we include the cost of an extended warranty on the new equipment in our request for funding?*

Answer: Yes, an extended warranty may be included in the purchase price of the equipment.

Date Posted: 1/14/2021

**D.8:** *Where can I find the most recent list of priority areas?*

Answer: The 2021 Priority Area List is available under supporting documents at [www.epa.gov/dera/national#rfa](http://www.epa.gov/dera/national#rfa).

Date Posted: 1/14/2021

**D.9:** *Is there a maximum number of vehicles allowed in a fleet?*

Answer: No, there is no restriction on the number of vehicles you can include in your fleet. However, the amount of federal funding requested per application must not exceed the applicable amount specified in Table 5, Section II.A of the RFA.

Date Posted: 1/14/2021

**D.10:** *Do I have to include emissions reductions in my application?*

Answer: Yes, applicants must calculate the anticipated outputs and outcomes of the project and Attach their emissions reduction calculations. If using EPA's Diesel Emissions Quantifier (DEQ), attach a printout of the DEQ results spreadsheet showing DEQ results and inputs. If quantifying using an alternative method, please thoroughly describe and document your methods and results. The inputs used for emissions calculations should match the information provided by the applicant in the applicant fleet description.

Date Posted: 1/14/2021

**D.11:** *Do the scrappage and eligibility statements need to be separate documents?*

Answer: Yes, the scrappage and eligibility statements should be submitted as separate documents. You can find sample statements of both documents on EPA's website at [www.epa.gov/cleandiesel/clean-diesel-national-grants#rfa](http://www.epa.gov/cleandiesel/clean-diesel-national-grants#rfa).

Date Posted: 1/14/2021

**D.12:** *Can multiple organizations apply under one project application?*

Answer: Only one eligible entity may be listed as the applicant on the application. If selected for funding, the applicant organization is the direct recipient of the EPA funds and the recipient is responsible for overall project management, all required reporting, and is accountable to EPA for the proper expenditure of funds. However, applicants can form partnerships with other entities for the purposes of the grant. The applicant can provide funding/benefits to fleet owners through subgrants and rebates in accordance with the applicable EPA grant regulations and the terms and conditions of the award. The application should clearly explain the roles and responsibilities of all project partners. See Appendix E for more details on funding partnerships.

Date Posted: 1/14/2021

**D.13:** *If an eligible entity doesn't have specific vehicles identified for the grant application, is it acceptable to propose a more general project, such as a rebate program for Class 5-8 heavy-duty diesel local delivery truck replacements? If so, how do we fill out the AFD and calculate benefits?*

Answer: Yes, an applicant may propose a project where the specific fleets/vehicles are not yet identified. However, the applicant should describe how they intend to target, prioritize, select or recruit fleets (including any location or sector criteria); how they intend to administer funds (rebates or subgrants); and the roles and responsibilities of any project partners. Applicants should use their best judgment to complete the AFD and estimate emission reductions based on their knowledge or assumptions about potential participating fleets and the types and number of technologies to be funded. The Diesel Emission Quantifier supplies default factors for many types of fleets. Please see Appendix E of the RFP for more detailed information on how to fund projects and partnerships.

Date Posted: 1/14/2021

**D.14:** *Is funding available nationwide?*

Answer: Yes, eligible project locations include the 50 United States, District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. However, applicants must request funding from the EPA regional office which covers their geographic project location. The term "project location" as used in this RFA refers to the area(s) where the affected vehicles/engines operate. The geographic boundaries for each EPA regional office are defined in Section IV.A of the RFA. Each application should have the EPA Region from which they are requesting funding clearly listed on the cover page of the project narrative. Each application may only request funding from one EPA regional office. Applicants can submit a total of 10 applications overall under this solicitation. No more than three applications may be submitted to the same EPA Region. However, each application must be for a different project and must be submitted separately. An applicant cannot submit two applications that both request funding for the same project (i.e., the same target fleet or group of fleets).

Date Posted: 1/14/2021

**D.15:** *Could an applicant use funds from another grant program to meet the cost share under a DERA grant?*

Answer: In general, state, tribal, local and private funds may be used as a cost share on a DERA grant. Other federal grants may not be used as cost share under DERA unless the statute authorizing the other federal funding provides that the federal funds may be used to meet a cost share requirement on a federal grant. The Budget Narrative of the DERA application must include a detailed description of how and when the applicant will obtain the cost share and how cost share funding will be used. In the event that the DERA application is selected for funding and the other grant funding does not materialize, the grantee is legally obligated by the DERA award agreement to meet their cost share commitment for any EPA DERA funds that are expended.

Date Posted: 1/14/2021

**D.16:** *Is there a minimum amount of funding that can be requested in an application?*

Answer: No, there is no minimum amount of funding you must request.

Date Posted: 1/14/2021

**D.17:** *Will DERA National Grants be available in 2022?*

Answer: Future funding is contingent upon Congressional appropriation. EPA will announce any future DERA funding opportunities via the website and email list.

Date Posted: 1/14/2021

**D.18:** *Is funding for this program tied to the VW settlement?*

Answer: No. Funding from the VW settlement is not related to the DERA National Grants. The DERA Option in the VW Consent Decree pertains to the State DERA Program and the Tribal DERA Grant Program. For more information, visit [www.epa.gov/dera/volkswagen-vw-settlement-dera-option](http://www.epa.gov/dera/volkswagen-vw-settlement-dera-option).

Date Posted: 1/14/2021

**D.19:** *Will Information Session slides or recordings be available?*

Answer: The Information Session slides will be posted at: [www.epa.gov/dera/national#rfa](http://www.epa.gov/dera/national#rfa) after the first information session. A recording will not be available.

Date Posted: 1/14/2021

**D.20:** *May we use our organization's existing DUNS number?*

Answer: Yes. Applicants do not need to obtain a new DUNS number if they already have one. To find your company's DUNS number, please visit [www.dnb.com/duns-number.html](http://www.dnb.com/duns-number.html).

Date Posted: 1/14/2021

**D.21:** *Do all counties on the 2021 Priority Area List receive the same number of priority location points?*

Answer: Project locations in counties designated as PM 2.5 or 8-hr Ozone Nonattainment or Maintenance will receive up to 10 points under Section V.A, Criterion #2.A. Project locations in counties where all or part of the population is exposed to diesel PM concentrations above the 80th percentile for diesel PM (see NATA column) will receive up to 5 points under Section V.A, Criterion #2.B. An application may receive points for both Section V.A, Criterion #2.A and #2.B. If a single application includes vehicles operating in more than one location, the Project Narrative should indicate where each vehicle operates and the percent of time spent in each area. Priority area points may be prorated based upon the percent of target vehicles operating in priority areas and the percent of time priority vehicles spend in priority areas.

Date Posted: 1/14/2021

**D.22:** *Can an applicant use both DERA National grant funds and VW Mitigation funds received from the State on the same project?*

Answer: DERA funds under this announcement cannot be used to fund the same vehicle that is also receiving VW Mitigation funds. However, funds from one program may be used to expand a project funded by another program. For example, a school may replace 20 buses with VW Mitigation funds and replace another 20 buses with DERA National Grant funds.

Date Posted: 1/14/2021

**D.23:** *Can VW funds be used as cost share?*

Answer: No, VW funds cannot be used as a cost share under DERA National Grants.

Date Posted: 1/14/2021

**D.24:** *How many applications will be funded per Region?*

Answer: The number of applications funded per Region will vary based on the number of applications received and the size and quality of applications. Generally, EPA anticipates 2-8 applications funded per Region. For additional information about funding available per Region, please see Table 5. Funding Limits by Region on page 26 of the RFA.

Date Posted: 1/14/2021



## E. Project Administration

### i. Competitive Procurement Requirements

**E.i.1:** *Are there specific procurement requirements for this funding opportunity?*

Answer: Yes. Grants recipients and subgrant recipients are subject to procurement requirements found in the federal regulation 2CFR part 200. The RFA includes guidance to help you through that process.

Date Posted: 1/14/2021

**E.i.2:** *If a project is co-funded using an incentive program that requires an equipment supplier to be determined prior to application, will competitive procurement standards still apply?*

Answer: Yes, all recipients of EPA grant funds must compete contracts for services and products and conduct cost and price analyses to the extent required by the procurement provisions of the regulations at 2 CFR Part 200, as appropriate. However, an existing contact may be utilized if the grantee or subgrantees can demonstrate that the vendor was selected through a competitive process that meets the requirements. Refer to EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements ([www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance-agreements](http://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance-agreements)) for EPA's policies on competitive procurements.

Date Posted: 1/14/2021

**E.i.3:** *Does Buy American apply for equipment procurement?*

Answer: No. The Buy American requirements do not apply to DERA programs.

Date Posted: 1/14/2021

**E.i.4:** *Are awardees required to work with local vendors to obtain replacement equipment? If not, does EPA maintain vendor lists?*

Answer: Applicants may select any equipment supplier through a competitive procurement process that meets the applicable requirements of 2 CFR Part 200. Please refer to EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements ([www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance-agreements](http://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance-agreements)) for further guidance. While EPA does not maintain vendor lists, you may be interested in the verified technology contact list at [www.epa.gov/verified-diesel-tech/manufacturer-contact-list-clean-diesel](http://www.epa.gov/verified-diesel-tech/manufacturer-contact-list-clean-diesel).

Date Posted: 1/14/2021

### ii. General

**E.ii.1:** *Are successful applicants subject to any additional federal oversight or compliance requirements?*

Answer: A listing and description of general EPA Regulations applicable to the award of assistance agreements may be viewed at: [www.epa.gov/grants/policy-regulations-and-guidance-epa-grants](http://www.epa.gov/grants/policy-regulations-and-guidance-epa-grants). Quarterly progress reports and a detailed final report will be required. Please see Section VI.C of the RFA for more information.

Date Posted: 1/14/2021

**E.ii.2:** *Once an application is received and is awarded a certain amount of money, is the applicant obligated to continue, or can they withdraw if other funding fails to come through?*

Answer: After an award is made, the recipient may terminate the award for convenience at any time.

Date Posted: 1/14/2021

**E.ii.3:** *For scrapping or permanently disabling equipment being replaced, when does the 90-day period begin?*

Answer: For vehicles being replaced, the 90-day scrappage period begins when the new vehicle is received.

Date Posted: 1/14/2021

**E.ii.4:** *If a project is awarded, how will funding be distributed?*

Answer: Grant funds are typically distributed as reimbursements. The recipient initiates an electronic payment and funds are credited to the recipient organization. These funds can be used by the recipient to pay for valid invoices and other valid grant expenses. The grantee may be paid in advance, provided it maintains or demonstrates the willingness to maintain 1) written procedures that minimize the time between the transfer of funds and disbursement by the grantee, and 2) financial management systems that meet the standards for fund control and accountability as established in 2 CFR Part 200. Advance payments to a grantee must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the grantee in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the grantee for direct program or project costs and the proportionate share of any allowable indirect costs.

Date Posted: 1/14/2021

**E.ii.5:** *Are there usage reporting requirements during the life of a new truck?*

Answer: Yes, you are expected to compile and report on usage information for the new vehicle in the final programmatic grant report submitted to EPA at the end of the project period.

Date Posted: 1/14/2021

**E.ii.6:** *How long is the new truck will be expected to run in the designated areas?*

Answer: The assumption is that the new vehicle will replace the old vehicle in form and function and continue to operate in the same area. The terms and conditions of the award require that the equipment acquired under this assistance agreement will be subject to the use and management and disposition regulations at 2 CFR §200.313, and that at the end of the project period the recipient will continue to use the equipment purchased under this agreement in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award.

Date Posted: 1/14/2021

**E.ii.7:** *Does the upgraded vehicle have to be used in the same location as the original vehicle?*

Answer: Generally, yes. The term "project location" as used in this RFA refers to the primary area where the affected vehicles/engines operate, or the primary area where the emissions benefits of the project will be realized. Because location is a large factor in selecting projects, it is assumed the new vehicle will continue to operate in the same areas as the original vehicle. If the upgraded vehicle will operate in a different area than the original vehicle, the applicant should provide a detailed explanation and justification.

Date Posted: 1/14/2021

**E.ii.8:** *What is the project period for this funding opportunity?*

Answer: In general, the project period for awards resulting from this solicitation is expected to begin on October 1, 2021. EPA anticipates most projects can be completed within 24 months, however initial project periods of up to 36 months will be allowed where justified by the activities, timeline and milestones detailed in the workplan.

Date Posted: 1/14/2021



**TAB 6d**  
**National Environmental Policy Act**  
**(NEPA)**

**TAB 6e**  
**Rule 62S-7**

## **62S-7: Sea Level Impact Projection (SLIP) Studies for State-Financed Coastal Construction**

62S-7.010 Definitions

62S-7.011 Requirements of The State-Financed Constructor

62S-7.012 SLIP Study Standards

62S-7.013 Proposed Remedies for Noncompliance

62S-7.014 Implementation of SLIP Study findings

62S-7.015 Publishing and Maintenance of Submitted SLIP Studies

62S-7.016 Enforcement by Department of Environmental Protection (DEP)

62S-7.020 Effective Date

### **62S-7.010 Definitions.**

- (1) “Coastal building zone” means the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency (FEMA) and shown on flood insurance rate maps. On coastal barrier islands, it shall be the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. All land area in the Florida Keys located within Monroe County shall be included in the coastal building zone.
- (2) “Major Structures” are defined in s. 161.54(6)(a).
- (3) “Nonhabitable Major Structures” are defined in s. 161.54(6)(c).

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

### **62S-7.011 Requirements of the State-Financed Constructor**

- (1) A state-financed constructor, as defined in s. 161.551, F.S., must perform a SLIP study for construction of a new coastal structure according to the standards defined in Chap. 62S-7.012. The department has developed a web-based tool for performing a SLIP study and submitting a SLIP study developed using this web-based tool shall fulfill the requirements of s. 161.55, F.S. A state-financed constructor may also meet the requirements of s. 161.55, F.S., by submitting a SLIP study that meets the standards and criteria established in Chap. 62S-7.012.
- (2) The state-financed constructor must submit the SLIP study to the department for publication on the department website.
- (3) The state-financed constructor may not commence construction until notified by the Department that:
  - a. the SLIP study was approved as meeting the requirements of s. 161.551, F.S. and
  - b. the 30-day publication period has finished.
- (4) The Department will send such notification via the web-based SLIP study tool or email.
- (5) All SLIP studies will be maintained on the Department’s website for a minimum of 10 years.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

## 62S-7.012 SLIP Study Standards

- (1) A state-financed constructor choosing not to use the department's web-based tool to conduct the SLIP study required under s. 161.551, F.S., shall do all of the following:
  - (a) Show the amount of sea level rise expected over 50 years or the life of the structure, whichever is less. The amount of sea level rise expected must be calculated using the following criteria:
    1. The sea level rise scenarios used for analysis must, at a minimum, be from the most recent National Oceanic and Atmospheric Administration (NOAA) report, "2017 NOAA Technical Report National Ocean Service Center for Operational Oceanographic Products and Services (NOS CO-OPS) 083, Global and Regional Sea Level Rise Scenarios for the United States." This report can be downloaded from [https://tidesandcurrents.noaa.gov/publications/techrpt83\\_Global\\_and\\_Regional\\_SLR\\_Scenarios\\_for\\_the\\_US\\_final.pdf](https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf).
    2. The local sea level rise at the project's location must be interpolated (using the project's distance away from the gauges as the independent variable) between the two closest coastal tide gauges with NOAA sea level rise projections (list can be found here: <https://tidesandcurrents.noaa.gov/sltrends/sltrends.html>).
    3. Flood depth must be calculated in North American Vertical Datum of 1988 (NAVD88) over the entirety of the project location out 50 years or the project's design life for all six NOAA local sea level rise scenarios (Low, Intermediate-Low, Intermediate, Intermediate-High, High, and Extreme).
    4. To the extent possible, the contribution of land subsidence to the relative local sea level rise must be included.
  - (b) Show the amount of flooding, inundation, and wave action damage risk expected over 50 years or the life of the structure, whichever is less. The amount of flooding and wave damage expected must be calculated using the following criteria:
    1. FEMA storm surge flood depth for the 1% annual chance (100 year) flood event must be approximated in NAVD88 for the entire project location. Location-specific flood elevations can be found at the FEMA Flood Map Service Center <https://msc.fema.gov/portal/home>. The base flood elevation (BFE) is given in NAVD88 for VE, AE, and AH special flood hazard zones. For AO special flood hazard zones, this is presented as a flood depth relative to the ground elevation.
    2. The FEMA 1% annual chance flood depth must be added to each of the six NOAA local sea level rise scenarios, and then compared to the project's critical elevations to assess flood risk. Critical elevations may be Finished First Floor Elevation (FFE), the Lowest Adjacent Grade (LAG) of the structure, or another critical design element which may cause substantial damage if flooded (such as the elevation of a standby generator or other mechanical/electrical system).
    3. Depth-Damage Curves from the 2015 North Atlantic Coast Comprehensive Study titled "Resilient Adaptation to Increasing Risk: Physical Depth Damage Function Summary Report" must be used to estimate the cost of future flood damage, for vertical construction only, by assessing the approximate flood depth within the

structure, using the comparison of the critical elevations to the previously calculated 1% annual chance flood depth added to the six NOAA local sea level rise scenarios.

- (c) The state-financed constructor must show the risk to public safety and environmental impacts expected over 50 years or the life of the structure, whichever is less. The public safety risk must be calculated using the 2020 Florida Building Code Table 1604.5, Risk Category of Buildings and Other Structures. The table can be found at [https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1\\_Ch16\\_Sec1604.5](https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1_Ch16_Sec1604.5)
- (2) Alternatives must be provided for the project's design and siting which take into account the SLIP study analysis and aim to reduce future flood risk to the structure and the risks and costs associated with construction, maintenance and repair of the structure.
- (3) If the alternate method is used, the SLIP study shall be submitted to the Department for publication via secure sign-in on the DEP-provided website. The study report shall be in an ADA Section 508 compliant portable document format. The report contents shall include, but not be limited to, a description of the approach used in conducting the study, numbered references to the information used in the study, a narrative and graphic illustrations to demonstrate the application of the study approach to the information used, and a discussion of the assessments and alternatives.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

#### **62S-7.014 Implementation of SLIP Study findings**

The Department's intent in this rule is to inform and raise awareness with the state-financed constructor of the potential impacts of sea level rise and increased storm risk on coastal infrastructure. Implementation of the findings of the SLIP studies is at the discretion of the state-financed constructor.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

#### **62S-7.016 Enforcement by DEP**

Failure to comply with the SLIP study requirements may result in compliance or enforcement action by the Department, including but not limited to:

- a) Pursuit of injunctive relief to cease construction until the constructor comes into full compliance with the requirement;
- b) Recovery of all or a portion of state funds expended on the construction activity.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

#### **62S-7.020 Effective Date**

Any enforcement shall not proceed until 1 year after the rule takes effect.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

## RULE 62S-7 DEVELOPMENT WORKSHOP AGENDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date: 02/16/2021

Time: 10:00 A.M. – 12:00 P.M.

Location: Online via Go to Webinar – Advance registration is required; register here

<https://register.gotowebinar.com/register/8858870051197419280>

### THIS MEETING IS OPEN TO THE PUBLIC AND WILL BE RECORDED

Because of the large number of anticipated participants, all participants will be in listen-only mode. Please submit all questions and comments in the workshop chat. The workshop chat will be preserved as a record of all questions and comments. A transcript of the workshop recording will be available one week following the workshop upon request to [David.Lafontant@FloridaDEP.gov](mailto:David.Lafontant@FloridaDEP.gov). DEP reserves the option to unmute participants if time allows and discussion warrants it.

1. Call to Order
2. Opening Remarks
3. Introduction of DEP staff and presenters
4. Review of 62S-7 rulemaking proposal
5. Live demonstration of web-based SLIP study tool
6. Public comments to date on rulemaking
7. Questions and Comments
8. Next steps in the rulemaking process
9. Adjournment

## **62S-7: Sea Level Impact Projection (SLIP) Studies for State-Financed Coastal Construction**

<a href="#"><u>62S-7.010</u></a>	Definitions
<a href="#"><u>62S-7.011</u></a>	Requirements of The State-Financed Constructor
<a href="#"><u>62S-7.012</u></a>	SLIP Study Standards
<a href="#"><u>62S-7.013</u></a>	Proposed Remedies for Noncompliance
<a href="#"><u>62S-7.014</u></a>	Implementation of SLIP Study findings
<a href="#"><u>62S-7.015</u></a>	Publishing and Maintenance of Submitted SLIP Studies
<a href="#"><u>62S-7.016</u></a>	Enforcement by DEP
<a href="#"><u>62S-7.020</u></a>	Effective Date

### **62S-7.010 Definitions.**

(1) “Coastal building zone” means the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency (FEMA) and shown on flood insurance rate maps. On coastal barrier islands, it shall be the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. All land area in the Florida Keys located within Monroe County shall be included in the coastal building zone.

(2) “Expected life” means the time when an element is supposed to function within its specified parameters; in other words, the life expectancy of the structure or project.

(3) “Flood depth” is the water level measured in feet above the ground at the project location.

(4) “Horizontal construction” means new construction of surface parking lots, highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction.

(5) “Major Structures” are defined in s. 161.54(6)(a).

(6) “Nonhabitable Major Structures” are defined in s. 161.54(6)(c).

(7) “Vertical construction” means the new construction of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

### **62S-7.011 Requirements of the State-Financed Constructor**

(1) A state-financed constructor, as defined in s. 161.551, F.S., must perform a SLIP study for construction of a new coastal structure according to the standards defined in Chapter 62S-7.012, F.A.C. The Department has developed a web-based tool for performing a SLIP study and submitting a SLIP study developed using this web-based tool shall fulfill the requirements of s. 161.55, F.S. A state- financed constructor may also meet the requirements of s. 161.55, F.S., by submitting a SLIP study that meets the standards and criteria established in Chapter 62S-7.012, F.A.C.

(2) The state-financed constructor must submit the SLIP study to the Department for publication on the department website.

(3) The state-financed constructor may not commence construction until notified by the Department that:

- a. The SLIP study was approved as meeting the requirements of s. 161.551, F.S. and
- b. The 30-day publication period has finished.

(4) The Department will send such notification via the web-based SLIP study tool or email.

(5) All SLIP studies will be maintained on the Department’s website for a minimum of 10 years.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

### **62S-7.012 SLIP Study Standards**

(1) A state-financed constructor choosing not to use the department’s web-based tool to conduct the SLIP study required under s. 161.551, F.S., shall do all of the following:

(a) Show the amount of sea level rise expected over 50 years or the expected life of the structure, whichever is less. The amount of sea level rise expected must be calculated using the following criteria:

The sea level rise scenarios used for analysis must, at a minimum, be from the National Oceanic and Atmospheric Administration (NOAA) report, “2017 NOAA Technical Report National Ocean Service Center for Operational Oceanographic Products and Services (NOS CO-OPS) 083, Global and Regional Sea Level Rise Scenarios for the United States, 1100 Wayne Ave, Silver Spring, MD 20910,” hereby incorporated by reference

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

2. The local sea level rise at the project's location must be interpolated (using the project's distance away from the gauges as the independent variable) between the two closest coastal tide gauges with NOAA sea level rise projections. (The projections list can be found here: <https://tidesandcurrents.noaa.gov/sltrends/sltrends.html>)

- (a) 8720030 Fernandina Beach, Florida
- (b) 8720218 Mayport, Florida
- (c) 8721120 Daytona Beach, Florida
- (d) 8722670 Lake Worth Pier
- (e) 8723170 Miami Beach, Florida
- (f) 8723214 Virginia Key, Florida
- (g) 8723970 Vaca Key, Florida
- (h) 8724580 Key West, Florida
- (i) 8725110 Naples, Florida
- (j) 8725520 Fort Myers, Florida
- (k) 8726520 St. Petersburg, Florida
- (l) 8726724 Clearwater Beach, Florida
- (m) 8727520 Cedar Key, Florida
- (n) 8728690 Apalachicola, Florida
- (o) 8729108 Panama City, Florida
- (p) 8729210 Panama City Beach, FL
- (q) 8729840 Pensacola, Florida

3. Flood depth must be calculated in North American Vertical Datum of 1988 (NAVD88) over the entirety of the project location out 50 years or the structure's expected life for the NOAA Intermediate high sea level rise scenario, at a minimum.

4. To the extent possible, the contribution of land subsidence to relative local sea level rise must be included. The land subsidence contribution is calculated by NOAA for each local tide gauge and is included in each of the NOAA sea level projections. This data (labeled VLM for Vertical Land Movement) is presented in the U.S. Army Corps of Engineers (USACE) sea level change calculator (Version 2019.21) found at [https://cwbi-app.sec.usace.army.mil/rccslc/slcc\\_calc.html](https://cwbi-app.sec.usace.army.mil/rccslc/slcc_calc.html).

(b) Show the amount of flooding, inundation, and wave action damage risk expected over 50 years or the expected life of the structure, whichever is less. The amount of flooding and wave damage expected must be calculated using the following criteria:

1. FEMA storm surge water surface elevation for the 1% annual chance (100 year) flood event must be approximated in NAVD88 for the entire project location. Location-specific water surface elevations can be found within the SLIP tool or at the FEMA Flood Map Service Center <https://msc.fema.gov/portal/home>, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

2. The FEMA 1% annual chance water surface elevation must be added to the sea level rise scenario, and then compared to the project's critical elevations to assess flood risk. Critical elevations must be Finished First Floor Elevation (FFE), the Lowest Adjacent Grade (LAG) of the structure, or another critical design element which may be substantially damaged if flooded. Refer to the 2020 Florida Building Code, Section 1603.1.7, Flood Design Data, for assistance in defining the critical elevation at [https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1\\_Ch16\\_Sec1603.1.7](https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1_Ch16_Sec1603.1.7), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

3. Depth-Damage Curves from the 2015 North Atlantic Coast Comprehensive Study titled "Resilient Adaptation to Increasing Risk: Physical Depth Damage Function Summary Report" must be used to estimate the cost of future flood damage, for vertical construction only, by assessing the approximate flood depth within the structure, using the comparison of the critical elevations to the previously calculated 1% annual chance water surface elevation added to the local sea level rise scenarios.

(c) The state-financed constructor must show the risk to public safety and environmental impacts expected over 50 years or the expected life of the structure, whichever is less using the following criteria.

The structural design risk must be calculated using the following criteria:

1. Each structure must be assigned a Risk Category using the 2020 Florida Building Code, Section 1604.5, Risk Category of Buildings and Other Structures. The table can be found at



[https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1\\_Ch16\\_Sec1604.5](https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1_Ch16_Sec1604.5), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> . Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

2. The ultimate design windspeed for the project location must be provided to define the risk of flying debris. This windspeed varies based on the Risk Category of the building and can be found in Figures 1609.3(1), 1609.3(2), 1609.3(3), and 1609.3(4) in the 2020 Florida Building Code Section 1609.3, Ultimate Design Wind Speed at [https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1\\_Ch16\\_Sec1609.3](https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1_Ch16_Sec1609.3), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> . Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

Alternatives must be provided for the project's design and siting which take into account the SLIP study analysis and aim to reduce future flood risk to the structure and the risks and costs associated with construction, maintenance and repair of the structure.

If the alternate method is used, the SLIP study shall be submitted to the Department for publication via secure sign-in on the DEP-provided website. The study report shall be in an Americans with Disabilities Act (ADA) Section 508 compliant portable document format. The report contents shall include, but not be limited to, a description of the approach used in conducting the study, numbered references to the information used in the study, a narrative and graphic illustrations to demonstrate the application of the study approach to the information used, and a discussion of the assessments and alternatives.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

#### **62S-7.014 Implementation of SLIP Study findings**

The Department's intent in this rule is to inform and raise awareness with the state-financed constructor of the potential impacts of sea level rise and increased storm risk on coastal infrastructure. Implementation of the findings of the SLIP studies is at the discretion of the state-financed constructor.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

#### **62S-7.016 Enforcement by DEP**

Failure to comply with the SLIP study requirements may result in compliance or enforcement action by the Department, including but not limited to:

(a) Pursuit of injunctive relief to cease construction until the constructor comes into full compliance with the requirement;

(b) Recovery of all or a portion of state funds expended on the construction activity.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

#### **62S-7.020 Effective Date**

Any enforcement shall not proceed until 1 year after the rule takes effect.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

**TAB 6f**  
**Other Issues**