



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW  
ATLANTA, GEORGIA 30303-3104

November 15, 2022

Mr. Michael Lynch  
Director  
Division of Water Resource Management  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Mail Station 3500  
Tallahassee, Florida 32399

Dear Mr. Lynch:

Thank you for your agency's transmission of the draft annual report evaluating the Florida Department of Environmental Protection's (FDEP) administration of its Clean Water Act (CWA) section 404 program, pursuant to the Memorandum of Agreement (MOA) between FDEP and the EPA, Section IV.A, and 40 CFR 233.52. We reviewed the draft report closely and on October 27, 2022, transmitted to FDEP a request for additional information on several topics. For your reference, the request for information that we transmitted is enclosed. We look forward to receiving FDEP's response and request that FDEP provide the additional information within 30 days from receipt of this letter.

We would like to ensure that FDEP has the time it needs to adequately respond to the EPA's questions, and that the EPA has the ability to fully evaluate the information that FDEP provides. The EPA's regulations and the MOA provide that FDEP will finalize the annual report within 30 days of receipt of the EPA's comments. MOA at IV.B.6; 40 CFR 233.52(e). We are writing to confirm that we do not view the EPA's initial request for additional information as having begun this 30-day period for finalization of the annual report. Rather, we view the EPA and FDEP as engaging in a productive process for exchanging information and feedback, consistent with the intent of the program reporting requirements. The EPA will promptly assess all the information, once FDEP submits it in response to the EPA's request. The 30-day period for finalizing the report would not begin until the EPA submits final comments, questions, or requests for additional information.

The EPA is committed to assisting and supporting FDEP's efforts to comply with the CWA section 404 state program reporting requirements and we look forward to engaging with FDEP in the completion of a robust annual report.

If you have any questions or wish to discuss this matter, please contact me at 404-562-9345, or have a member of your staff contact Ms. Rosemary Calli at 404-562-9846.

Sincerely,

Denisse D. Diaz, Acting Director  
Water Division

Enclosure (1)

1. October 27, 2022, Request for Additional Information