

(c) Description of the Basic Organization and Structure of the Florida
Department of Environmental Protection, which will have Responsibility for
Administering the State 404 Program
(Required by 40 C.F.R. § 233.11(c))

Purpose of Section (c)

The purpose of Section (c) is to provide the information required in 40 C.F.R. § 233.11(c), which states: “The program description as required under §233.10 shall include: (c) A description of the basic organization and structure of the State agency (agencies) which will have responsibility for administering the program. If more than one State agency is responsible for the administration of the program, the description shall address the responsibilities of each agency and how the agencies intend to coordinate administration and evaluation of the program;”

The Department

The Florida Department of Environmental Protection (Department) is the state’s lead agency for environmental management and stewardship, protecting our air, water and land. The Department is led by a Secretary. The Department is divided into three primary areas, each headed by a Deputy Secretary:

- [**Land and Recreation**](#) programs acquire and protect lands for preservation and recreation. DEP oversees 175 state parks and trails and more than 12 million acres of public lands and 4 million acres of coastal uplands and submerged lands.
- [**Regulatory**](#) programs safeguard natural resources by overseeing permitting and compliance activities that protect air and water quality and manage waste cleanups. The State 404 Program will be a regulatory program.
- [**Ecosystem Restoration**](#) programs protect and improve water quality and aquatic resources including America’s Everglades, Florida’s iconic springs and Florida’s world-renowned coastal resources. DEP works with communities, local governments and other agencies to protect and restore water quality and supply and to provide funding assistance for water restoration and infrastructure projects, as well as coordinates the protection of Florida’s submerged lands and coastal areas.

Regulatory Programs

Each regulatory program is headed by a Director. The Department’s regulatory programs include:

- [**The Division of Air Resource Management**](#) protects and manages Florida’s air resource, including air quality monitoring, permitting and compliance of emission sources.
- [**The Division of Water Resource Management**](#) implements state laws that protect the quality of Florida’s water, rivers, lakes, estuaries and wetlands, and preservation of the state’s beach and dune systems. The State 404 Program will be under this Division.
- [**The Division of Waste Management**](#) works to protect the environment from the improper handling and disposal of solid and hazardous wastes.
- [**The Florida Geological Survey**](#) collects, interprets and provides information about Florida’s water, mineral and energy resources.
- [**The Office of Emergency Response**](#) works to assess and minimize threats to the environment.
- [**Six regulatory district offices**](#) review permit applications, conduct inspections of permitted facilities, and conduct compliance assistance and enforcement activities. The State 404 Program

will be implemented through the district offices, led by the Division of Water Resource Management.

The Division

The State 404 Program will be under the Division of Water Resource Management (DWRM). The Division is led by a Director.

The Division of Water Resource Management (division) is responsible for implementing state laws providing for the protection of the quality of Florida's drinking water, ground water, rivers, lakes, estuaries, and wetlands; reclamation of mined lands; and the preservation of the State's beach and dune systems. The division is the central point of contact for Florida's federally delegated water programs such as National Pollutant Discharge Elimination Systems (NPDES), Drinking Water, and Underground Injection Control (UIC).

The division consists of sixteen programs overseen by the Division Director, two Deputy Division Directors, a Manager of Executive Services, and a Support Services Director. Each program is led by a Program Administrator. These programs perform water facilities regulation, beach permitting and management, wetland and surface water permitting, and operational support services and functions. Two additional programs within the division (Mining and Mitigation and Oil and Gas) report directly to the Deputy Secretary for Regulatory Programs. Most division staff are located in Tallahassee; however, the Mining & Reclamation and Oil & Gas programs have staff operating in satellite offices throughout the state.

The division's funding comes from seven trust funds: Federal Grants, Land Acquisition, Minerals, Non-mandatory Land Reclamation, Florida Permit Fee, and Water Quality Assurance. The division also receives federal funding from the U.S. Environmental Protection Agency (EPA) through the following grants: 106 Water Pollution Control, State Public Water System, and State Underground Water Source Protection. Revenue from the Permit Fee Trust Fund and the Water Quality Assurance Trust Fund are derived from various sources such as NPDES Stormwater permits, Wastewater permits, Drinking Water fees, Beach Construction permits, and Operator Certification fees.

The division continues to work toward safeguarding Florida's water resources and enhancing natural systems through partnering with local communities and providing a more certain, consistent, and effective regulatory process.

The State 404 Program will be led by the Submerged Lands and Environmental Resources Coordination Program (SLERC) within the Division. SLERC is led by a Program Administrator.

The Program

SLERC is responsible for the consistent implementation of the Environmental Resource Permitting program (ERP) and will also be responsible for consistent implementation of the State 404 Program, statewide. SLERC provides rule interpretation, guidance, and is responsible for auditing the ERP and State 404 permits and compliance actions produced by the six regulatory districts.

The ERP program regulates activities in, on or over surface waters or wetlands, as well as any activity involving the alteration of surface water flows. This includes new activities in uplands that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters. ERP applications are processed by either the department or one of the state's water management districts, in accordance with the division of responsibilities specified in [operating agreements](#) between the department and the water management districts. The ERP Program is in effect throughout the state.

The State 404 Program is based heavily on the dredge and fill permitting aspects of the ERP program, with additional requirements added to comply with the requirements of Section 404 of the Clean Water Act. The State 404 Program regulates dredge and fill activities within state-assumed waters. The State 404 Program will be in effect within state-assumed waters throughout the state. The US Army Corps of Engineers (USACE) retains responsibility for dredge and fill permitting under Section 404 of the Clean Water Act within retained waters. See the State 404 Program Applicant's Handbook, Section 2.0 for the definitions of state-assumed and retained waters.

The Six Regulatory District Offices

The State 404 Program will be implemented by the six regulatory district offices and the Mining and Mitigation Program (MMP) and Mitigation Banking Program (MBP) with SLERC's oversight. The district offices are located regionally throughout the state (Figure (c)-1). MMP and MBP are located in Tallahassee. The district offices, MMP, and MMB review permit applications, conduct inspections of permitted facilities, respond to reports of environmental damage and conduct compliance assistance and enforcement activities. Each district office is led by a District Director. The permitting programs in the districts are led by a Permitting Program Administrator, and the compliance programs are led by the Assistant District Directors.

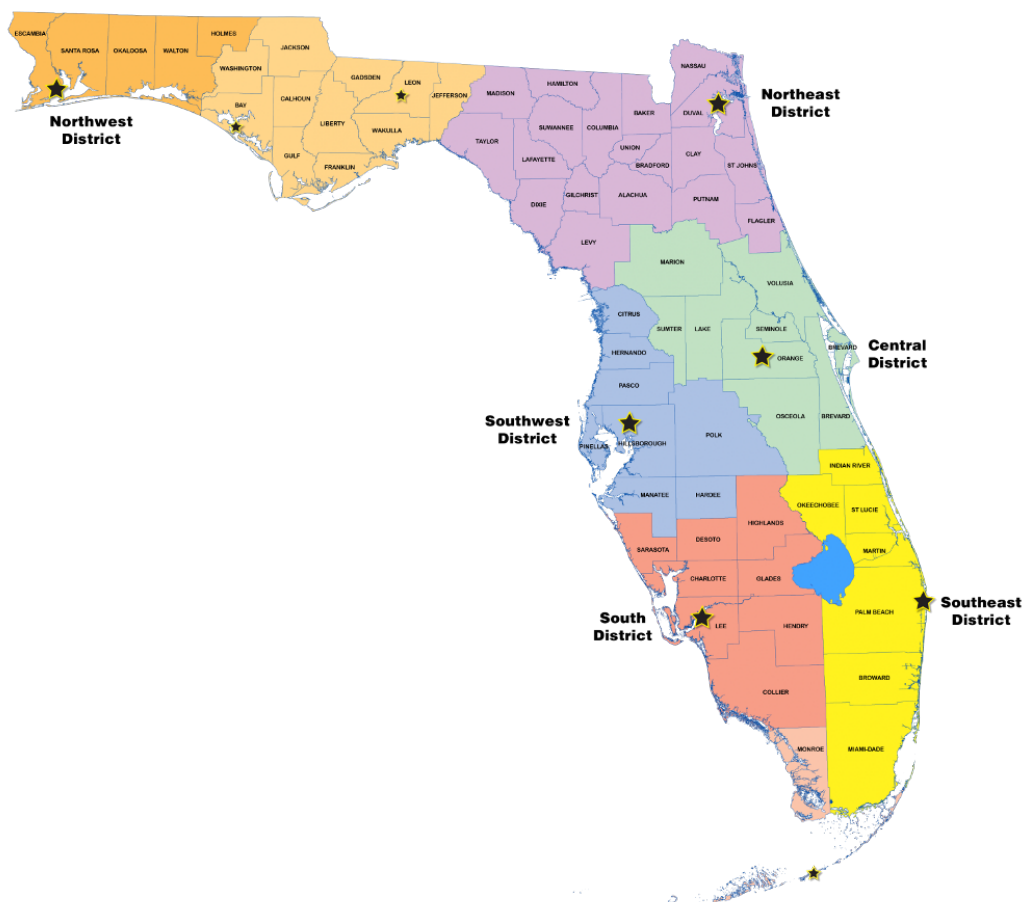


Figure (c)-1: Boundaries of the six Department regulatory district offices.

The current ERP permitting and compliance staff within the district offices, MMP, and MBP will also be responsible for reviewing State 404 Program permit applications and compliance actions.

Typical Organizational Charts

Figure (c)-2 is a typical organization chart for the Department, focusing on the Division of Water Resource Management, MMP, and SLERC (including MBP). The most current Department organizational chart may be viewed at: <https://floridadep.gov/org-chart>.

*Florida Department of Environmental Protection
Program Description, Section (c) – Basic Organization and Structure of the Department*



Figure (c)-2: Typical division organizational chart.

Figure (c)-3 depicts the typical structure of a regulatory district office, focusing on ERP/State 404 Program staff. The most current organization charts for each district may be viewed on each [district office website](#).

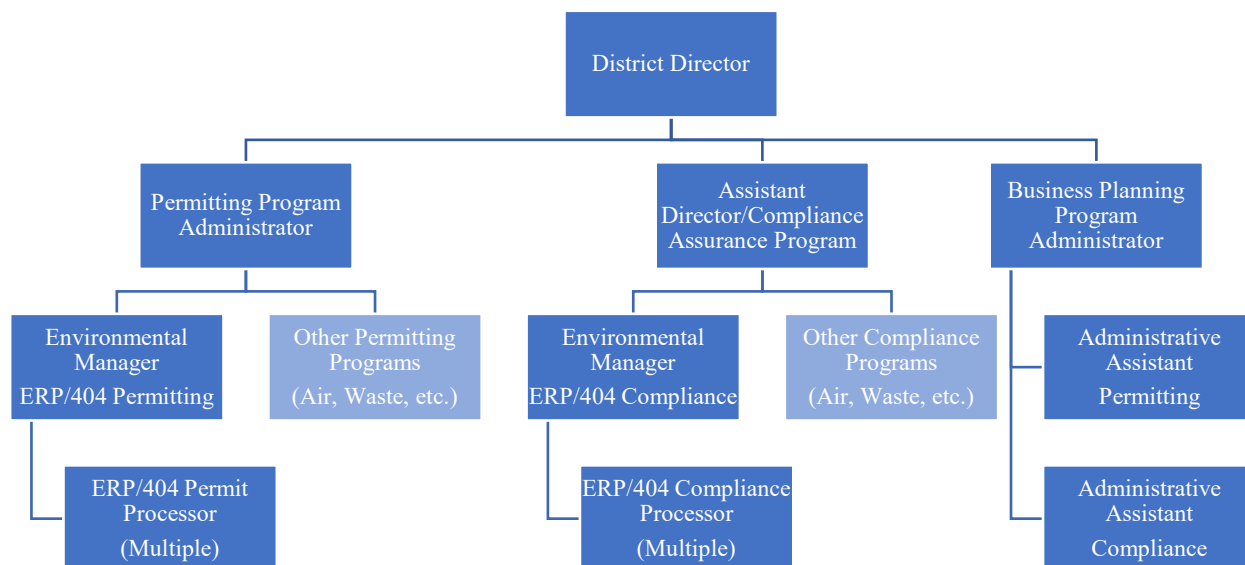


Figure (c)-3: Typical district office organizational structure.