



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**JUL 05 2016**

The Honorable Stephanie Bryan  
Poarch Band of Creek Indians  
5811 Jack Springs Road  
Atmore, Alabama 36502

Dear Chairwoman Bryan:

The U.S. Environmental Protection Agency is inviting consultation and coordination with the Poarch Band of Creek Indians on the EPA's upcoming action to approve or disapprove Florida's adopted water quality standards (WQS) pursuant to Clean Water Act (CWA) Section 303(c).

Section 303(c)(2)(A) of the CWA states that "[w]henver the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator." Section 303(c)(3) of the CWA states "If the Administrator, within sixty days after the date of submission of the revised or new standard, determines that such standard meets the requirements of this chapter, such standard shall thereafter be the water quality standard for the applicable waters of that State. If the Administrator determines that any such revised or new standard is not consistent with the applicable requirements of this chapter, he shall not later than the ninetieth day after the date of submission of such standard notify the State and specify the changes to meet such requirements."

On June 14, 2016, Florida Department of Environmental Protection submitted its final adopted rules from their most recent triennial review to the EPA for review. The triennial review included changes to alkalinity, ammonia, and bacteriological criteria. Criteria values were added for nonylphenol, carbaryl, chlorpyrifos and diazinon.

The State of Florida's new and revised WQS and the EPA's decision on the remainder of the State's standards will apply to waters in the State of Florida and, as such, may impact Tribal resources. Consequently, the EPA would like to invite the Poarch Band of Creek Indians to consult on this matter prior to a final Agency action on these WQS for the State of Florida. Enclosed with this letter is a summary of Florida's revised text under review by the EPA. To assist in your review of the enclosed materials, the relevant provisions that may have an impact on tribal lands include revisions to subsection 62-302.530 and 62-303 F.A.C.

With this letter, the EPA is offering consultation to the Poarch Band of Creek Indians. Should the Tribe accept this offer to consult, the consultation and coordination process will be conducted in accordance with the EPA Policy on Consultation and Coordination with Indian Tribes [www.epa.gov/tribal/consultation/consult-policy.htm](http://www.epa.gov/tribal/consultation/consult-policy.htm). The EPA invites you and your designated consultation representative(s) to participate in this process. The timeline for the consultation and coordination process begins with this letter and will end July 25, 2016.

The EPA offers to consult with you by phone. The official EPA contact person for this consultation and coordination process is Ms. Eve Zimmerman, the Tribal Water Quality Standards Coordinator. At your discretion, please contact Ms. Zimmerman at (404) 562-9259 to schedule a conference call as soon as possible, but preferably no later than July 18, 2016, to allow sufficient time for us to consider your input before our final decision. During this call, the EPA can provide information about our upcoming action and would be happy to obtain your input for consideration by the agency. The EPA personnel will be available for follow-up discussions should you desire additional information.

If the EPA has not received a response from the Poarch Band of Creek Indians by July 18, 2016, the Agency will interpret the lack of response as a decline of the offer to consult on the EPA's review of the new and revised Florida WQS. The EPA will continue to keep the Poarch Band of Creek Indians apprised of this matter and will consider later requests for consultation to the extent that meaningful consultation can occur.

If you have any questions regarding this letter, please do not hesitate to call me at (404) 562-9345 or have a member of your staff contact Ms. Zimmerman at (404) 562-9259.

Sincerely,

Handwritten signature of James D. Giattina in black ink. The signature is stylized and includes a small 'TGS' mark to the right.

James D. Giattina  
Director  
Water Protection Division

Enclosure

cc: Ms. Carolyn White, Acting Environmental Director (electronic copy only)  
Ms. Tiffany Janes, Environmental Specialist (electronic copy only)