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June 3, 2011

Via Email—wilkes.mary@epa.gov

Ms. Mary J. Wilkes
Regional Counsel and Director
Environmental Accountability Division
Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Re: Petition to Investigate Potential Violations of the Federal Clean Water Act That May Require Withdrawal of Approval for the Florida, Department of Environmental Protection to Administer NPDES Permitting.

Dear Ms. Wilkes:

I wanted to take this opportunity to provide you with additional documentation that we just received from the Executive Office of the Governor of the State of Florida in follow-up to our reply dated May 20, 2011, on the above-captioned issue.

We requested that the Governor's Office provide us with Mr. Vinyard's submissions to them in support of his appointment to the position of the FDEP's Secretary. Yesterday we received two documents from the Governor's Office, both of which are attached hereto. The first is Mr. Vinyard's resume, which clearly states his position as "Director of Business Operations, BAE Systems Southeast Shipyard (formerly Atlantic Marine Shipyards). The resume states that in this position he counseled the company "on major environmental permitting decisions" among which was an NPDES issue involving the St. Johns River. The second document is Mr. Vinyard's formal application for the position of FDEP Secretary.¹ This application lists the same company, BAE Systems Southeast Shipyard, as his employer and, indicates that he had been employed there for the past 5

¹ The application is incorrectly dated January 19, 2010.



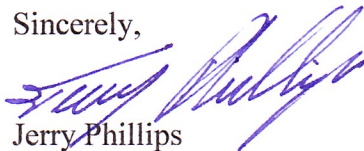
Ms. Mary J. Wilkes
Regional Counsel and Director
Re: Petition to Investigate FDEP Secretary Herschel T. Vinyard, Jr.
June 3, 2011

years as a "Director/VP/Attorney." See, Answer to Question 15 of Response. Under Question 17 of the same application Mr. Vinyard once again listed his involvement with NPDES permitting decisions.

Simply stated, these two documents directly contradict the response given to you by Secretary Vinyard, through counsel. This obvious effort to mislead the EPA only serves to underscore our position that he should be disqualified from having any involvement in Clean Water Act decisions involving the State of Florida.

Thank you for your kind assistance in this matter.

Sincerely,



Jerry Phillips
Director
Florida PEER

Encl.

cc.: Paul Schwartz, Associate Regional Counsel, Region 4 (schwartz.paul@epa.gov)
Herschel T. Vinyard, Secretary, FDEP (herschel.vinyard@dep.state.fl.us)
Tom Beason, General Counsel, FDEP (tom.beason@dep.state.fl.us)

HERSCHEL T. VINYARD, JR.
8500 HECKSCHER DRIVE
JACKSONVILLE, FLORIDA 32226
TELEPHONE: (904) 251-3111

EDUCATION: Bachelor of Science, Louisiana State University, 1986
Juris Doctorate, Louisiana State University Law Center, 1990

POSITION: Director of Business Operations, BAE Systems Southeast Shipyards (formerly Atlantic Marine Shipyards)

- Responsible for strategic planning, business development and regulatory and government affairs
- Serve as company's ethics officer
- Counseled company on major environmental permitting decisions, including extended effort to obtain necessary state approval to expand the company's submerged land lease and to eliminate a treated wastewater stream from the St. Johns River

PAST EXPERIENCE:

1990 – 1999 Attorney/Shareholder, Smith Hulsey & Busey

- Advised clients on compliance with the Resource Conservation and Recovery Act, the Clean Water Act, and on liability issues associated with the Comprehensive Environmental Response Compensation and Liability Act, including the state environmental statutory counterparts.
- Assisted clients on waste minimization efforts, underground storage tank clean-up and other regulatory compliance matters
- Provided legal counsel during siting of an electrical cogeneration facility

ORGANIZATIONS:

LEGAL

- The Florida Bar
- Jacksonville Bar Association
 - Past Chairman of the Environmental and Land Use Law Section
- Louisiana State Bar
- The District of Columbia Bar

THE TRUST FOR PUBLIC LAND

- Northeast Florida Advisory Council

FIRST COAST MANUFACTURERS ASSOCIATION

- Board of Directors
- Past Chairman, Board of Directors
- Founders Service Award

MANUFACTURERS ASSOCIATION OF FLORIDA

- Board of Directors
- Vice President

JACKSONVILLE CHAMBER OF COMMERCE

- Board of Directors
- Chairman, Business Taxation Committee
- Chairman, Federal Issues Committee
- Military Issues Committee

EPISCOPAL HIGH SCHOOL OF JACKSONVILLE

- Board of Trustees

LEADERSHIP FLORIDA

- Class of 2005-2006

LEADERSHIP JACKSONVILLE

- Class of 2007-2008

JACKSONVILLE PORT AUTHORITY

- Board of Directors
- Treasurer

JACKSONVILLE ECONOMIC DEVELOPMENT COMMISSION

Commissioner

FDEP LOWER ST. JOHNS RIVER TMDL EXECUTIVE COMMITTEE

Member

PERSONAL:

Married, two children
Lector, St. Matthews Catholic Church

FOR THE GOVERNOR'S APPOINTMENT OFFICE

The Capitol, Tallahassee, Florida 32399-0001

The information from this page has been requested and will be used exclusively by the GOVERNOR'S OFFICE.

Please type or use black ink.

1. Board of Interest: Secretary, Florida Department of Environmental Protection
2. Current Employer and Occupation: BAE Systems Southeast Shipyards
3. Are you applying for reappointment: Yes ☐ No ☒
4. *Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.
5. *Sex: Male ☒ Female ☐
6. *Race: White ☒ Native-American/Alaskan Native ☐
Hispanic-American ☐ Asian/Pacific Islander ☐
African-American ☐
7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.

No

Email address _____

Cellular Telephone Number 904/504-0510

Herschel T. Vinyard, Jr.
Applicant's Name, including name
commonly used (Please print)

* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis.

QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in black ink.

1/19/2010 _____
Date Completed

1. Name: **Mr.** **Vinyard, Jr.** **Herschel** **Thomas**
MR/MRS/MS LAST FIRST MIDDLE/MAIDEN

2. Business Address: **8500 Heckscher Dr.** **Jacksonville**
STREET OFFICE # CITY
Florida **32226** **904/251-1790**
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: **4447 Chippewa Dr.** **Jacksonville** **Duval**
STREET CITY COUNTY
Florida **32226** **904/388-3866**
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business ☐ Residence ☒ Fax # _____
 (optional)

4. A. List all your places of residence for the last five (5) years.

ADDRESS	CITY & STATE	FROM	TO
Same as above			

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
None			

5. Date of Birth: **6/20/64** Place of Birth: **Longview, Texas**

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: **Florida**

8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1990 _____

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of registration: Duval _____ B. Current party affiliation: Republican _____

12. Education

A. High School: Ross S. Sterling; Baytown, Texas _____ Year Graduated: 1982 _____
(NAME AND LOCATION)

- B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
Louisiana State University	1982-86	B.S. Business _____
Louisiana State University Law	1987-90	J.D. _____

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of service: _____

B. Branch or component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION
N/A _____			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
BAE Systems Southeast Shipyards (f/k/a Atlantic Marine); 8500 Heckscher Dr., Jacksonville, FL 32226 _____			
		Director/VP/Attorney	1999-2011 _____

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ☒
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.
 10 years of environmental law practice; 10 years working for a regulated industry _____
 Law practice included advising clients on compliance issues associated with environmental laws. Assisted them
 with waste minimization efforts. _____
 Shipyard experience allowed me to counsel the company on major environmental permitting decisions including
 the decision to remove a treated wastewater stream from the St. Johns River. _____

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this
 appointment? Yes ☒ No ☐ If "Yes", list:

J.D. _____

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☒ No ☐
 If "Yes", list:

Jacksonville Bar Association – Chair of the Environmental and Land Use Section _____

D. Identify all association memberships and association offices held by you that relate to this appointment:

Manufacturers Association of Florida – Vice President and Board Member _____
 First Coast Manufacturers Association – former Chair; current Board Member _____
 Trust for Public Lands – Northeast Florida Advisory Council _____

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
 Yes ☐ No ☒ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☒ No ☐ If "Yes", state the
 office title, date of election or appointment, term of office, and level of government (city, county, district, state,
 federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
Board of Directors	2008	Currently serving	Jacksonville Port Authority
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: Monthly _____
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED

MEETINGS MISSED

REASON FOR ABSENCE

Attendance exceeded 90% _____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

DATE

NATURE OF VIOLATION

DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☐ No ☒ If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☒ No ☐ If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE
TITLE & NUMBER

ORIGINAL
ISSUE DATE

ISSUING AUTHORITY

DISCIPLINARY ACTION/DATE

Florida Bar 858651

1990

Florida Bar

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

NAME OF BUSINESS

YOUR RELATIONSHIP TO BUSINESS

BUSINESS' RELATIONSHIP TO AGENCY

- B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
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26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☒ No ☐

A. Did you receive any compensation other than reimbursement for expenses? Yes ☒ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED
Florida House & Senate	BAE Systems Southeast Shipyards (I/k/a Atlantic Marine)

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME	MAILING ADDRESS	ZIP CODE	AREA CODE/PHONE NUMBER
Adam Hollingsworth	117 W. Duval St.; Jacksonville	32202	904/502-1802
Lad Daniels	4215 Southpoint Dr.; Jacksonville	32216	904/296-9664
Kevin Hyde	117 W. Duval St.; Jacksonville	32202	904/630-1398

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
See 17 C. and D.			
Shipbuilders Council of America	1455 F Street NW; Suite 225; Washington, D.C. 20005;	Chairman; 2006, 2008, 2009	
Jacksonville Chamber of Commerce	3 Independent Dr; Jacksonville 32202;	Board of Directors, Chairman	
Business Taxation Committee;	2010		

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐