



REGION 4

ATLANTA, GA 30303

January 16, 2025

Ms. Angela Knecht
Division Director
Florida Department of Environmental Protection
Division of Water Restoration Assistance
3900 Commonwealth Boulevard, MS# 3600
Tallahassee, Florida 32399

Dear Ms. Knecht:

The purpose of this letter is to notify Florida Department of Environmental Protection (FL DEP) that the EPA has determined it necessary to de-obligate \$226,138,000 from Florida's Fiscal Year (FY) 2023 Bipartisan Infrastructure Law Lead Service Line Replacement capitalization grant under Assistance Agreement (# 4L-02D68123-0). Additionally, the EPA has determined that Florida may apply for and receive up to \$28,650,000 (1% allotment) for the FY 2024 Bipartisan Infrastructure Law Lead Service Line Replacement capitalization grant award.

1. Reason for the Action

The EPA has made the determination to de-obligate funds that were awarded based on un-reliable data obtained from the state during the 7th Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) conducted under Section 1452(h) of the Safe Drinking Water Act (SDWA). Data Florida submitted pursuant to a December 2024 special condition provided evidence that the number of lead service lines and thus likely eligible projects in the state is substantially lower than the initial data suggested.

In addition, because Florida submitted the data as required under the special condition, the EPA is removing the special condition from the FY 2023 Bipartisan Infrastructure Law Lead Service Line Replacement award agreement (#4L-02D681230-0).

2. Timing of the Action

The EPA Region 4/Water Grants Administration Section will begin the process to de-obligate the funding from the grant, consistent with 2 CFR 200.339.

3. Method for Reconsideration

FL DEP or an authorized representative may administratively appeal the decision to de-obligate funds in accordance with 2 CFR 1500.15, Submission of Dispute, by electronically submitting a dispute by email to the EPA Region 4 Dispute Decision Official (DDO), Ms. Tanya Floyd, at Floyd.Tanya@epa.gov, with a copy to Ms. Shantel Shelmon, Region 4 Grants Management Officer, at Shelmon.Shantel@epa.gov within 30 calendar days of receipt of this letter. An electronic appeal submission to the DDO must include the following:

1. A copy of this notification letter;
2. A detailed statement of the specific legal and factual grounds for the appeal, including copies of any supporting documents;
3. The specific remedy or relief sought under the appeal; and
4. The name and contact information, including email address, of your designated point of contact for the appeal.

Failure to file an administrative appeal within 30 calendar days will result in the Agency Decision becoming the final decision, unless the DDO grants an extension of time to submit the appeal. If FL DEP requires a time extension to file the appeal, it must electronically submit the request with its justification to the DDO before the expiration of the 30-day calendar period for filing an appeal. The DDO may grant a one-time extension of up to 30 calendar days when justified by the situation. If an appeal is not filed with the DDO that meets the above requirements within 30 calendar days, the DDO may dismiss the appeal, resulting in the Agency Decision becoming final.

I appreciate your assistance with this action. Please also coordinate with Mr. Brian Smith, Deputy Director, Region 4 Water Division, at Smith.Brian@epa.gov.

Sincerely,

On the behalf of
Kristy Eubanks
Director
Mission Support Division