



## REGION 4

ATLANTA, GA 30303

December 2, 2024

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 you that pursuant to 2 CFR 200.208(d), the EPA is adding a special condition to Assistance Agreement # 4L-02D68123-0, see Enclosure 1, effective the date of this Notice. This special condition will require the Florida Department of Environmental Protection (DEP) to submit an explanation of Florida's methodology and quality assurance process associated with data submitted by Florida DEP and used for EPA's 7<sup>th</sup> Drinking Water Infrastructure Needs Survey and Assessment (DWINSAs). Florida DEP must also submit to the EPA the initial service line inventory count required under the Lead and Copper Rule Revisions (LCRR) for the systems listed in Enclosure 2, as explained in the term and condition. This includes summary counts for the service line materials categorized as "1-4" as referenced in the 7<sup>th</sup> DWINSAs Survey.

### **1. Reason for the Action**

The EPA is taking this action to improve the reliability of the data reported during the 7<sup>th</sup> DWINSAs. The EPA has identified inconsistencies associated with the data submitted by Florida DEP, which were used to apportion the Fiscal Year (FY) 2023 allotment of \$254,788,000 in Lead Service Line Replacement (LSLR) funding in Grant Agreement # 4L-02D68123-0, awarded on May 15, 2024. The EPA conducted a risk evaluation under 2 CFR 200.206(c), in consultation with the EPA's Office of Inspector General, and determined that the information previously reported by Florida DEP did not provide reliable reporting for calculating Florida DEP's FY 2023, and in part, FY 2024 Bipartisan Infrastructure Law (BIL) LSLR allotments.

## **2. Nature of the Action to Remove the Specific Condition**

The EPA requires that Florida DEP submit an explanation of the methodology and quality assurance process associated with data submitted by Florida DEP to the EPA for the 7<sup>th</sup> DWINSA. The EPA also requests that Florida DEP submit the state LCRR initial inventory service line count data for the 85 medium and large community water systems for which Florida DEP submitted data under the 7<sup>th</sup> DWINSA. See Enclosure 2 for a list of these systems. Until such time that Florida DEP receives written notification from the EPA that the specific condition is satisfied, Florida DEP will adhere to a 1.00% state funding level of \$28,650,000 for Grant Agreement 4L-02D68123-0.

Note that when the EPA awarded Assistance Agreement # 4L-02D68123-0, it did so as a conditional award because Florida DEP had not identified a sufficient number of eligible projects for the full grant award.

## **3. Time Allowed for Completing the Action**

Information requested in the Special Condition will be submitted to the EPA by December 31, 2024. If Florida DEP fails to meet this special grant condition, the EPA may take appropriate action under 2 CFR 200.339, such as the de-obligation of funds in Assistance Agreement # 4L-02D68123-0 to align with a 1.00% state funding level of \$28,650,000 from the capitalization grant.

## **4. Method for Reconsideration**

Florida may request that the EPA reconsider this action by providing a written explanation of the methodology and quality assurance process used for data that Florida DEP submitted during the EPA's 7<sup>th</sup> DWINSA. The explanation must be provided within five business days from the date of this notice letter, unless the EPA provides an extension in response to a written request from Florida. A request for reconsideration, and any requests for an extension of time to submit a request for reconsideration, must be sent to Ms. Shantel Shelmon, Region 4 Grants Management Officer, at [Shelmon.shantel@epa.gov](mailto:Shelmon.shantel@epa.gov).

I appreciate your assistance with this action. Please also coordinate with Mr. Brian Smith, Water Division, Deputy Director at [smith.brian@epa.gov](mailto:smith.brian@epa.gov) for any questions on the data submittal as necessary.

Sincerely,

Kristy H. Eubanks  
Director  
Mission Support Division

Enclosures:

1. Special Term and Condition
2. Inventory Data Table

cc: Jeaneanne Gettle  
Acting Regional Administrator, Region 4

Kathlene Butler  
Director, Water Division, Region 4

Jennifer McLain  
Director, EPA Office of Ground Water and Drinking Water

Yu-Ting Guilaran  
Deputy Director, EPA Office of Ground Water and Drinking Water

Anita Thompkins  
Director, EPA Drinking Water Infrastructure Development Division

Matthew Klasen  
Acting Deputy Director, EPA Drinking Water Infrastructure Development Division

Kirsten Anderer  
Supervisor, EPA Water Infrastructure Technical Support Branch

Shantel Shelmon  
Grants Management Officer, Region 4

## ENCLOSURE 1

### Special Condition Pursuant to 2 CFR 200.208

EPA has noted concerns in Florida DEP data submitted via questionnaire during the EPA's 7<sup>th</sup> Drinking Water Infrastructure Needs Survey and Assessment (DWINSA), used to apportion state funding for Florida's Fiscal Year (FY) 2023 Bipartisan Infrastructure Law (BIL) Lead Service Line Replacement (LSLR) allotment.<sup>1</sup> The recipient agrees to provide the EPA with the Lead and Copper Rule Revisions (LCRR) initial inventory service line count data for select medium and large community water systems by February 16, 2025, or such time that Florida DEP is able to submit LCRR data in accordance with the established LCRR initial inventory compliance deadline. The recipient also agrees to provide EPA with an explanation of Florida's methodology and the quality assurance process associated with data submitted by Florida DEP and used for the EPA's 7<sup>th</sup> DWINSA.

Florida will adhere to a 1.00% state funding level of \$28,650,000 for Grant Agreement 4L-02D68123-0, until such time that Florida DEP receives written notification from the EPA that the specific condition is satisfied.

The EPA provided the list of select water systems in an attachment to the letter sent to the recipient on December 31, 2024, for the requested LCRR inventory for medium and large community water systems pulled from the water systems identified in the 7<sup>th</sup> DWINSA.

The recipient will ensure information provided to the EPA pursuant to this term and condition meets the EPA's documentation requirements for the inventory required under the LCRR.

The reasons for this condition, the requirements for its removal, and the method for reconsideration are detailed in the EPA's notice letter sent to the recipient on December 31, 2024. In accordance with this term and condition, if the recipient is unable to provide the EPA with a timely submittal for the LCRR initial inventory for the requested water systems, the EPA may take appropriate action under 2 CFR 200.339, such as the de-obligation of funds to align with a 1.00% state funding level of \$28,650,000 from this capitalization grant.

Please submit the requested data in the provided file by December 31, 2024 to Mr. Brian Smith, Water Division, Deputy Director, at [smith.brian@epa.gov](mailto:smith.brian@epa.gov).

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<sup>1</sup> The ongoing EPA Office of Inspector General evaluation of the 7<sup>th</sup> DWINSA reflects the same EPA concerns.