

BEFORE THE SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

IN RE: DECLARATION OF  
EMERGENCY REGARDING USE OF  
THE ALAFIA RIVER

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**EMERGENCY ORDER NO. SWF 24-002**

Brian Armstrong, P.G., Executive Director of the Southwest Florida Water Management District (“District”), at the Tampa Office, 7601 US Highway 301 North, Tampa, Florida 33637, received evidence and information from District staff and representatives of Tampa Bay Water, a Regional Water Supply Authority, regarding emergency conditions due to continued drought conditions in the Tampa Bay region, record high water demands, current reduced storage volume in the C.W. Bill Young Regional Reservoir (the “Reservoir”), and the current off-line status of the Tampa Bay Desalination Facility for emergency renovations. Based upon such evidence and information, the Executive Director finds and determines:

**FINDINGS OF FACT**

1. Section 373.119(2), Florida Statutes (“F.S.”), provides that whenever the executive director, with the concurrence and advice of the governing board, finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the executive director deems necessary to meet the emergency.

2. Tampa Bay Water holds Water Use Permit No. 20011794.002 (the “Permit”) for the Alafia River Withdrawal Facility. The Permit authorizes withdrawals of 18.7 million gallons per day (“mgd”) on an annual average basis, and 60 mgd on a peak month basis, from the Alafia River for public supply.

3. Tampa Bay Water typically stores water from its surface water sources in the Reservoir during periods of high flow for later use during the annual dry season or when other supplies are insufficient to meet potable water demand.

4. Since 2023, the District has been experiencing drought conditions. On November 14, 2023, the District entered Water Shortage Order No. 23-041 to help ensure current and future needs of water users within the District can continue to be met, and to protect the water resources of the area from serious

harm. Water Shortage Order No. 23-041 remains in effect as of February 27, 2024.

5. The Tampa Bay region also remains in a Stage I Water Shortage under Tampa Bay Water's Water Shortage Mitigation Plan with a 9.3-inch rainfall deficit and a 9.1 mgd median flow deficit in the Hillsborough River for the past 12 months. The U.S. Drought Monitor shows Pinellas County and coastal south Hillsborough County remain in a moderate drought condition as of January 16, 2024.

6. As of January 3, 2024, the 12-month moving sum for rainfall in the District's central region is at the 7<sup>th</sup> percentile, and is classified as extremely abnormal. The 24-month moving sum for rainfall is at the 24<sup>th</sup> percentile, and is classified as moderately abnormal. However, the Hillsborough and Alafia river flows have improved, and are normal.

7. The hot and dry conditions for the past year have increased regional demands. Tampa Bay Water delivered an average of 204.58 mgd of water to its members during October through December 2023, an increase of 17.91 mgd (9.6%) over the same months in 2022.

8. Tampa Bay Water has used water stored in the Reservoir to sustain flow to its Surface Water Treatment Plant to meet regional demand and comply with its Consolidated Water Use Permit limit. The storage volume of the Reservoir was 7.21 billion gallons as of January 21, 2024, which represents 46% of its full volume. Tampa Bay Water states that 46% is a low storage volume with the hot and dry spring months looming. This volume can supply an average of only 39 mgd of flow to the Surface Water Treatment Plant until June 15, when Tampa Bay Water expects the Alafia River and Tampa Bypass Canal to flow at rates that will reduce the need to divert water from the Reservoir.

9. The Tampa Bay Desalination Facility is offline for emergency renovations until at least the early fall of 2024.

10. The Consolidated Permit wellfields 12-month running average pumping rate was 88.54 mgd at the end of December 2013 compared to the 90 mgd permit limit.

11. The South-Central Hillsborough Regional Wellfield 12-month running average pumping rate was 27.59 mgd at the end of December 2023 compared to the 24.95 mgd permit limit.

12. Tampa Bay Water has requested emergency District action to allow Tampa Bay Water to temporarily increase the permitted percentage withdrawal from the Alafia River from the current 10% to 19% above the calculated baseline flow in the Alafia River as specified in Special Condition 7 of the Permit for the purpose of allowing the harvest of additional water for regional water use and/or storage in the Reservoir for use in the coming spring dry season. The total

withdrawal will remain below the permitted maximum daily withdrawal and will be consistent with the adopted MFL for the Alafia River. This order will help ensure that Tampa Bay Water is able to meet the public health and safety needs of the six Tampa Bay Water member governments under potentially challenging conditions, and will offset an equal amount of pumping from the Consolidated Permit Wellfields and/or the South-Central Hillsborough Regional Wellfield.

13. The exercise of emergency powers under Section 373.119, F.S., is necessary to protect the public health, safety, or welfare, and the public water supply of customers who depend upon Tampa Bay Water.

### CONCLUSIONS OF LAW

14. An emergency exists requiring immediate action by the Executive Director of the District, as duly authorized by subsections 373.119(2), F.S., to declare an emergency and to issue an emergency order reciting the existence of an emergency and requiring that action be taken as deemed necessary to meet the emergency.

WHEREFORE, it is hereby **ORDERED** that:

15. An emergency is declared for Tampa Bay Water. The Permit is hereby modified to authorize Tampa Bay Water to withdraw up to 19 percent of the total flow of the Alafia River above the calculated baseline flow in the Alafia River as specified in Special Condition 7 of the Permit.

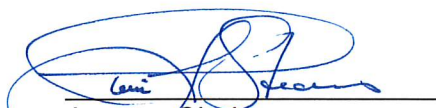
16. This Order shall expire on September 30, 2024, unless rescinded or extended by Governing Board or Executive Director action on or before that date.

17. Except as provided herein, all other terms and conditions of the Permit shall remain in full force and effect.

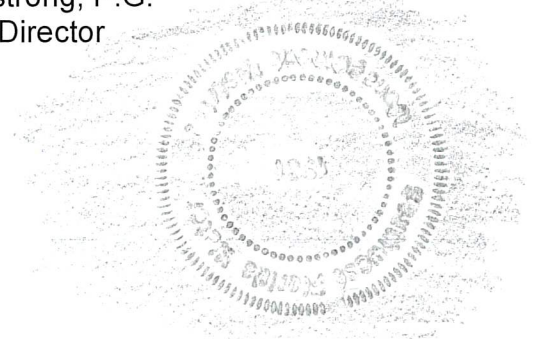
DONE AND ORDERED in Hillsborough County, Florida, this 30th day of January, 2024.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT


Filed this 30th day  
of January, 2024.

  
Agency Clerk

By:   
Brian Armstrong, P.G.  
Executive Director



Pursuant to Section 373.119, F.S., this emergency order is effective upon execution by the District's Executive Director. The Governing Board of the Southwest Florida Water Management District affirmed the findings of the Executive Director on February 27<sup>th</sup>, 2024.

Approved as to Legal Form & Content  _____
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By:   
E.D. Armstrong, III, Chair

Attest:   
John Mitten, Secretary

## **NOTICE OF RIGHTS**

Persons whose substantial interests are affected may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, Florida Administrative Code ("F.A.C."). A request for a hearing must: 1) explain how the petitioner's or other person's substantial interests will be affected by the District's action; 2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and 3) otherwise comply with Chapter 28-106, F.A.C. A request for hearing must be filed with and received by the Agency Clerk of the District at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL 33637-6759, within twenty-one (21) days of receipt of this notice. Documents should be addressed and sent or delivered to the District Agency Clerk at the Tampa Service Office, and may be filed by hand delivery, U.S. Mail, or other delivery service, or sent by facsimile transmission (fax) to the Agency Clerk at (813) 367-9776. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., to settle an administrative dispute regarding the District's action in this matter is not available. In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available. A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

PURSUANT TO SUBSECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, F.S., PERSONS TO WHOM THE ORDER IS DIRECTED SHALL COMPLY THEREWITH IMMEDIATELY, AND THE TIMELY FILING OF A PETITION SHALL NOT STAY SUCH PERSON'S OBLIGATION TO MAINTAIN SUCH COMPLIANCE DURING THE PENDENCY OF ANY ADMINISTRATIVE PROCEEDING.