

BEFORE THE SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

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

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**MODIFICATION TO 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.

5. On February 27, 2024, the Governing Board issued a Modification to Water Shortage Order No. SWF 23-041, extending the original order and specifically extending the Phase II Water Shortage Lawn and Landscaping irrigation restrictions provided in Rule 40D-21.631(6)(c), F.A.C., for Hillsborough, Pinellas, and Pasco Counties through July 1, 2024.

6. On June 25, 2024, the Governing Board issued the Second Modification to Water Shortage Order No. SWF 23-041, extending the existing order through September 1, 2024.

7. Tampa Bay Water states that the Tampa Bay region remains in a Stage I Water Shortage under Tampa Bay Water's own Water Shortage Mitigation Plan with a 5.87-inch rainfall deficit and a 2.9 mgd median flow surplus in the Hillsborough River for the past 12 months.

8. The U.S. Drought Monitor shows Hillsborough, Pasco, and Pinellas Counties in an abnormally dry condition through July 9, 2024. That condition began to recede on that date, despite the Tampa Bay area receiving only half the expected rainfall in April and May 2024, and one inch less than normal in June 2024.

9. Tampa Bay Water delivered an average of 201.14 mgd of water during October 2023 through June 2024, an increase of 3.44 mgd above the delivery it anticipated for Fiscal Year 2024. The once-per-week outdoor watering restrictions in the current water shortage order and local enforcement have helped to reduce water demands. However, high demands during the hot, dry months of October and November 2023 and April and May 2024 resulted in higher water delivery than anticipated.

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

11. 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 3.06 billion gallons as of July 24, 2024, which represents 19.7% of its full volume. Due to continued low flow in the Hillsborough and Alafia Rivers through mid-July, Tampa Bay Water was unable to add water to the Reservoir until July 14, whereas it typically begins refilling the Reservoir in mid to late June. Tampa Bay Water states that 19.7% is a low storage volume and that Tampa Bay Water must harvest all possible water to try to fill the Reservoir before the summer rainy season ends. Tampa Bay Water states that the La Nina climate condition forecast expected to begin later in 2024 and that the warmer and drier than normal long range forecasts mean that Tampa Bay Water needs to store as

much water as possible in the Reservoir to remain below its Water Use Permit limits in 2025.

12. The Consolidated Permit wellfields 12-month running average pumping rate was 89.82 mgd at the end of June 2024 compared to the 90 mgd permit limit.

13. The South-Central Hillsborough Regional Wellfield 12-month running average pumping rate was 25.52 mgd at the end of June 2024 compared to the 24.95 mgd permit limit.

14. Tampa Bay Water requests an extension of Emergency Order SWF 24-002 to allow Tampa Bay Water to continue 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. 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.

15. As a result of Emergency Order SWF 24-002, Tampa Bay Water has harvested an additional 1.361 billion gallons from the Alafia River. Tampa Bay Water calculated this volume of water as the difference between 19% and 10% of actual flow in the river above the established minimum flow.

16. Tampa Bay Water also requests authorization to temporarily increase the maximum day limit in the Permit from 60 mgd to 75 mgd when additional flow is available above the minimum flow in the Alafia River. Tampa Bay Water states that the current daily maximum withdrawal limit of 60 mgd is based on the initial design capacity of the pumps at the pumping station that will be used. However, Tampa Bay Water's operating experience has shown that it can harvest up to 75 mgd when sufficient water is available. The ability to harvest up to 75 mgd would assist Tampa Bay Water in storing as much water as possible in advance of the 2025 dry season.

17. Tampa Bay Water states that the additional water requested to be harvested by Tampa Bay Water under an extension of Emergency Order SWF 24-002 will be used to sustain flow to its Regional Surface Water Treatment Plant for regional use and/or storage in the Reservoir for use in the coming dry seasons. Tampa Bay Water further states that this additional water will be used to meet the public health and safety needs of the six Tampa Bay Water member governments and will offset an equal amount of pumping from the Consolidated Permit Wellfields and/ or the South-Central Hillsborough Regional Wellfield. Tampa Bay Water states that this additional water will help it to remain in compliance with its Consolidated Permit limit in the coming year and reduce its

pumping rate from the South-Central Hillsborough Regional Wellfield. Given the low storage volume currently in the Reservoir and forecast warmer and drier conditions next spring, Tampa Bay Water anticipates remaining just below the 90 mgd limit of the Consolidated Permit through spring 2025.

18. 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

19. 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:

20. An emergency continues to exist for Tampa Bay Water. Emergency Order SWF 24-002 is hereby extended through March 31, 2025.

21. The Permit is further temporarily modified to increase the maximum day withdrawal limit from 60 mgd to 75 mgd when additional flow is available above the minimum flow in the Alafia River.


22. This Order shall expire on March 31, 2025, unless rescinded or extended by Governing Board or Executive Director action on or before that date.

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

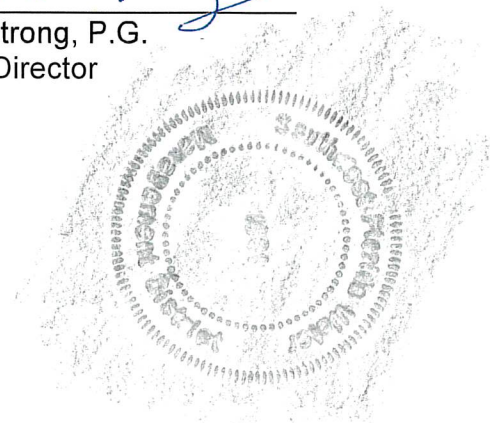
DONE AND ORDERED in Hillsborough County, Florida, this 31<sup>st</sup> day of July, 2024.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

Filed this 31<sup>st</sup> day  
of July, 2024.

  
\_\_\_\_\_  
Agency Clerk

By:   
\_\_\_\_\_  
Brian Armstrong, P.G.  
Executive Director



The Governing Board of the Southwest Florida Water Management District concurred with the action taken by the District's Executive Director.

Acknowledged this \_\_\_\_ day of August, 2024.

Approved as to Legal Form & Content
_____
_____

By: \_\_\_\_\_  
Michelle Williamson, Chair

Attest: \_\_\_\_\_  
Jack Bispham, 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.