

SPEED LETTER® 44-902



SPEED LETTER®

TO

FROM

Blanco Bayo, Director
Division of Records & Reporting
Florida Public Service Commission

Janet Kaesemeyer, Legal Secretary

2540 Shumard Oak Blvd.

Southwest Fla. Water Mgmt. District

2379 Broad Street

Tallahassee, FL 32399

Brooksville, FL 34604-6899

FOLD NO 1 of 10

MESSAGE

The enclosed document is in reference to Aloha Utilities and the above-referenced
document numbers.

Please call me at 352/796-7211, extension 4661, if you have any questions.

DATE

3/14/01

SIGNED

Janet Kaesemeyer

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RECORDS AND REPORTING

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Southwest Florida Water Management District

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Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
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2379 Broad Street, Brooksville, Florida 34604-6899
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3600 West Sovereign Path
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Lecanto, Florida 34461-8070
(352) 527-8131
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March 14, 2001

VIA FACSIMILE TRANSMISSION
AND U.S. MAIL

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Pasco

E. Leon Jacobs, Jr., Chairman
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Subject: Water Shortage - Emergency Actions

Dear Mr. Jacobs,

The Southwest Florida Water Management District (the District) and Tampa Bay Water are developing an approach to public water supply for the Tampa Bay area during this time of acute drought. The enclosed draft emergency order will be presented to the District's Executive Director and Governing Board for approval at the March 20, 2001, meeting of the Board.

The proposed order contains provisions which will be of interest to the Public Service Commission (PSC). In particular, Paragraph 70 of the order requires wholesale utility customers of Tampa Bay Water to develop and implement an emergency water-conservation inclined block rate structure for each customer class to achieve a 5% reduction in demand when compared with the same month of the previous year. This paragraph would apply to private utility companies such as Aloha Utilities, Inc., a wholesale water customer of Pasco County (a member government of Tampa Bay Water). Aloha Utilities, Inc., is currently undergoing a review of its rates at the PSC.

We have been working with Jennie Lingo on your staff concerning rate structure issues. Given the situation described in the order, the District would request that the PSC take every reasonable action to support the efforts of the District and Tampa Bay Water. The District would of course assist the PSC in pursuing any necessary legislative changes or emergency executive authorization which may be required.

If you have any further questions concerning these matters, please contact me.

Sincerely,


William S. Bilenky
General Counsel

Enclosure
cc: Jennie Lingo

DOCUMENT NUMBER - DATE

03362 MAR 16 2001

PSC-RECORDS/REPORTING

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

DRAFT - 3/9/01/4:06p.m.

DECLARATION OF WATER SHORTAGE
EMERGENCY RELATING TO PINELLAS,
HILLSBOROUGH AND PASCO COUNTIES
AND REQUIRING ACTIONS BY TAMPA BAY
WATER, PINELLAS COUNTY, CITY OF
ST. PETERSBURG, HILLSBOROUGH COUNTY,
CITY OF TAMPA, PASCO COUNTY, CITY OF
NEW PORT RICHEY, AND THE WHOLESALE
CUSTOMERS OF EACH OF THEM

EXECUTIVE DIRECTOR ORDER NO. SWF 01-

E. D. Vergara, Executive Director of the Southwest Florida Water Management District (District), at District Headquarters, 2379 Broad Street, Brooksville, Florida, received evidence and information from District staff regarding a drought condition and pumpage by Tampa Bay Water, a regional water supply authority, in excess of the quantities authorized by the Consolidated Permit for 11 wellfields, which together have created an acute emergency affecting the public health, safety and welfare, a public water supply and the health of animals, fish and aquatic life, and based upon such evidence and information finds and determines:

STATEMENT OF INTENT

1. It is the intent of the undersigned through issuance of this order for Tampa Bay Water and the Member Governments, in cooperation with the District, to make every effort to provide adequate water supply to meet public health, safety, and welfare needs; to minimize environmental and water resource impacts resulting from water production beyond the 158 mgd Consolidated Permit limit; to manage demand commensurate with the water supply emergency; to manage and optimize existing and future water supplies; to develop and implement expedited recovery plans in order to mitigate environmental and water resource impacts; and to return production from the Consolidated Permit Wellfields below the 158 mgd limit (calculated on a 36-month running average) as soon as possible.
2. It is further the intent of this Order to cause implementation of meaningful water conservation measures on an emergency basis and to bring about reductions in unnecessary water consumption, raise awareness of the growing impacts to the water resources, and to bring about short-term changes to consumer water uses.
3. The undersigned recognizes the need to be careful not to use emergency

powers to order actions that exceed the nature of the emergency being confronted. The District does not want to create an impact to the economic growth of the region. Further, the District has a duty to consider all of the factors important to resolution of this emergency. Therefore, this Order is intended to ensure the protection of the public health, safety and welfare, while also ensuring that adverse impacts to the environment and water resources are minimized and remediated, all without placing an unreasonable burden on the affected parties.

FINDINGS OF FACT

Hydrologic Conditions

4. On a District-wide basis, the year 2000 was the driest calendar year on record (since 1915). Rainfall totaled only 35", or approximately 67% of the normal rainfall.
5. District-wide rainfall amounts have been below normal levels since October 1998 based on a 12-month moving average. Since October 1998, there has been an approximate 28" rainfall deficit.
6. The National Oceanic and Atmospheric Administration's (NOAA) National Drought Mitigation Center (the Drought Center) indicates that the Tampa Bay area, as well as the entire 16-county region encompassed by the District, is in a drought and has been since March 2000. There are two drought categories - extreme and exceptional. An exceptional drought is considered worse than an extreme drought. The Drought Center has categorized the Tampa Bay area, as well as the District as a whole, as experiencing an exceptional drought.
7. As of February 19, 2001, average lake levels were 3.15' below adopted Low Levels in the Tampa Bay area. The Low Level of a lake reflects conditions that are generally experienced in late May at the end of the dry season during a normal rainfall year.
8. As of February 1, 2001, 20 of 30 key lakes in the Tampa Bay area were below their adopted Extreme Low Levels. The Extreme Low Level of a lake reflects conditions that are generally experienced in late May at the end of the dry season during a drought year.
9. The District uses an Aquifer Recovery Indicator to track ground water levels. Ground water levels fluctuate naturally. The District uses historical records to determine a normal range of fluctuation for each month. The Tampa Bay area is in the Central Region. As of March 7, 2001, the Aquifer Recovery Indicator was

3.36' below normal for the Central Region.

10. As of February 19, 2001, 2 of the 6 key ground water monitoring stations for the Tampa Bay area were at or below monthly record low levels. A monthly record low represents the lowest value a station has experienced during the month of interest.
11. As of February 19, 2001, average stream flow for the Hillsborough River at Zephyrhills, which is upstream of the Hillsborough River Reservoir (the Reservoir), was 0 percentile. A value of 0 percentile does not necessarily represent a no-flow condition; rather, it indicates that stream flow is at or below previous low readings for the month of interest. According to the United States Geological Survey (USGS), a stream flow value of 25 or less is considered "below normal."
12. The USGS reported on March 7, 2001, that stream flow into the Reservoir was 33 cubic feet per second (cfs), measured at the Morris Bridge gauge, which is 21% of, and well below, the median flow for this date of 160 cfs.
13. The USGS reported on March 7, 2001, that the water elevation within the Reservoir was 21.35' NGVD, well below 22.5' NGVD for the crest of the dam in the Hillsborough River.
14. The traditional rainy season in Florida will not start until June 2001. The NOAA's National Climate Prediction Center is predicting a continuation of drier than normal weather through at least June 2001.

City of Tampa Water Supply Sources and Demand

15. The primary drinking water source for the City of Tampa's water customers is the Reservoir. The City's water department supplies water for fire services, hospitals, schools, residences, businesses and governmental and community facilities within its service area.
16. The City of Tampa serves approximately 292,000 City residents and approximately 161,000 residents in unincorporated Hillsborough County.
17. Ordinarily, the City of Tampa primarily meets its water demands from the Reservoir which receives flow from the Hillsborough River. The City occasionally augments the Reservoir with water from Sulphur Springs and Tampa Bay Water augments the Reservoir with water from the Tampa Bypass Canal. Tampa Bay Water also supplies groundwater to the City through the Regional Interconnected Water Supply System.

18. The flows recorded during the year 2000 provide an estimate of the amount of water available from the Hillsborough River until the summer of 2001. During spring 2000, Hillsborough River flow was the lowest ever recorded and is expected to be repeated during the spring of 2001, at perhaps even lower flows.
19. Based on flows in 2000, it is expected that flows into the Reservoir will be less than 20 million gallons per day (mgd) at the Morris Bridge gauge. Evaporation and leakage from the Reservoir are estimated to be almost 25 mgd when the Reservoir is full, and less as the level recedes, expending almost all of the base flow into the Reservoir.
20. This leaves the water necessary for water supply to the City of Tampa's customers during spring 2001 to be derived primarily from water from other sources.
21. Pursuant to Water Use Permit No. 206675.004, as amended by Executive Director Order No. SWF 00-16, Tampa Bay Water has augmented the Reservoir with water from the Tampa Bypass Canal. Order No. SWF 00-16 has been modified 11 times to extend the expiration date and to authorize further lowering of water levels in the Canal in order to obtain additional water to augment the reservoir. In the spring of 2000, the Canal provided approximately 20 mgd of water. This source of augmentation is expected to continue. However, given the cumulative effects of the drought, the drawdown of water levels in the Canal and the increasing chloride levels in the water pumped from the Lower Pool of the Canal, the available, reliable quantity may be less than 20 mgd.
22. Because of reduced flow into the Reservoir, on April 20, 2000, the undersigned issued Order No. SWF 00-17 authorizing the City of Tampa to withdraw water from the Blue Sink Complex to augment Jasmine Sink which, in turn, could increase the discharge from Sulphur Springs. This order also authorized the City to withdraw greater quantities from Sulphur Springs (to be pumped into the Reservoir) than were allowed under its water use permit.
23. Because the above-referenced measures were not enough to sustain the Reservoir, the undersigned issued Order Nos. SWF 00-26, SWF 00-57, SWF 01-1 and SWF 01-7 authorizing Tampa Bay Water to withdraw water from the Morris Bridge Road Sinkhole and discharge it into the Hillsborough River upstream of the Reservoir.
24. All of the above extraordinary measures were inadequate to bolster the Reservoir to the point that all of the City's water needs could be satisfied from the Reservoir. Therefore, the City has been required to purchase large

quantities of groundwater from Tampa Bay Water. During calendar year 2000, the City purchased an annual average quantity of 17.1 mgd of water from Tampa Bay Water. During the months of January and February 2001, the City purchased an average quantity of 30 mgd of water from Tampa Bay Water.

25. The City of Tampa's water demand was 73 mgd in February 2001, 72 mgd in January 2001, 72 mgd in December 2000 and 76 mgd in November 2000. At full storage, the Reservoir holds approximately 20 days of supply, based on average annual daily water demands.
26. Neither a return to a full Reservoir nor flow over the dam in the Hillsborough River indicates a recovery of the hydrologic systems until the hydrologic indicators reach at least low normal levels.

The Consolidated Permit

27. Tampa Bay Water is a regional water supply authority existing pursuant to Sections 373.1962 and 373.1963, F.S., with responsibility as the wholesale supplier of water to six local governments (the Member Governments): Pinellas County, the City of St. Petersburg, Hillsborough County, the City of Tampa, Pasco County and the City of New Port Richey.
28. Effective May 27, 1998, the District, the West Coast Regional Water Supply Authority (whose name was later changed to Tampa Bay Water) and the Member Governments entered into the Northern Tampa Bay New Water Supply and Ground Water Withdrawal Reduction Agreement (the Partnership Agreement) to develop new water supplies and reduce withdrawals from certain wellfields to allow the environment and water resources of the area to recover from adverse environmental impacts caused by overpumping from groundwater sources.
29. Pursuant to the Partnership Agreement, on December 15, 1998, the District issued Water Use Permit No. 2011771.00 (the Consolidated Permit) authorizing withdrawals of up to 158 mgd through December 31, 2002, from the following 11 wellfields (the Consolidated Permit Wellfields): Cosme-Odessa, Cross Bar Ranch, Cypress Bridge, Cypress Creek, Eldridge-Wilde, Morris Bridge, Northwest Hillsborough Regional, North Pasco, Section 21, South Pasco, and Starkey.
30. The 158 mgd pumping limit of the Consolidated Permit is calculated based upon a 36-month running average, beginning with the last month and adding the previous 35 months.

31. Tampa Bay Water supplies all or a portion of the potable water to 2 million people with water withdrawn from the Consolidated Permit Wellfields. These people rely upon this water for fire services, hospitals, schools, residences, businesses and governmental and community facilities within Pinellas, Hillsborough and Pasco counties.
32. From June 2000 through December 2000, withdrawals from the Eldridge-Wilde Wellfield exceeded the authorized amount set forth in the Facilities Quantities Table (as modified) addressed in Special Condition No. 2.B of the Consolidated Permit. On October 25, 2000, the District issued a Notice of Noncompliance to Tampa Bay Water regarding this exceedance. In response to this, Tampa Bay Water sought to modify the Facilities Quantities Table, which was approved by the District on January 3, 2001. In January 2001, withdrawals from the Eldridge-Wilde Wellfield exceeded the authorized amount, as modified.
33. For the month of January 2001, withdrawals from the Cross Bar Ranch Wellfield exceeded the authorized amount from the Facilities Quantities Table (as modified) of the Consolidated Permit.
34. Special Condition No. 11.A of the Consolidated Permit contains several provisions that require Tampa Bay Water to mitigate adverse impacts to existing legal withdrawals caused by Tampa Bay Water's withdrawals from the Consolidated Permit Wellfields. This condition requires Tampa Bay Water to fully correct impacts to existing legal withdrawals within 30 days of receipt of the complaint, unless an extension of time is granted by the District. On June 14, 2000, Tampa Bay Water requested a 90-day extension for completion of withdrawal-related mitigation activities for well complaints received from May through September 2000. The District approved this extension of time on June 22, 2000. Tampa Bay Water then requested two more extensions of time, pertaining to the group of users addressed by the earlier request and to users impacted from October through December 2000. The District did not grant these time extension requests, but, in a letter dated January 17, 2001, the District requested that Tampa Bay Water consider re-prioritizing the mitigation complaint workload to place the highest priority on existing legal withdrawals.
35. On February 28, 2001, withdrawals pursuant to the Consolidated Permit exceeded the 158 mgd Consolidated Permit limit.
36. The District acknowledges that Tampa Bay Water has stated the reason for its exceedance of the 158 mgd cap has been because of the provision of greater than expected quantities of water from the Consolidated Permit Wellfields to the City of Tampa. When Tampa Bay Water agreed to the issuance of the Consolidated Permit, it did so based upon an assumption that the City would

only require 5 mgd (on an annual average basis) from the Consolidated Permit Wellfields. Tampa Bay Water asserts that the drought condition resulting in record low flows in the Hillsborough River has caused the City to purchase water from Tampa Bay Water in amounts never before experienced and not anticipated by Tampa Bay Water or the City.

37. Only the City of Tampa has historically relied, in part, upon the Reservoir for its supply. The other Member Governments rely upon the Consolidated Permit Wellfields for their supply. During calendar year 2000, the Member Governments other than the City of Tampa took an annual average of 147.9 mgd from the Consolidated Permit Wellfields.
38. The limit of 158 mgd on withdrawals from the Consolidated Permit Wellfields was agreed upon by Tampa Bay Water, the Member Governments and the District after extensive study and litigation concerning the effects of withdrawals from the wellfields on wetlands and lakes and the health of animals, fish and aquatic life dependent thereon. Serious adverse effects to wetlands and lakes and animals, fish and aquatic life dependent thereon have occurred at withdrawals less than 158 mgd. Moreover, the cap of 158 mgd was agreed to as an interim limit. Tampa Bay Water is required to reduce withdrawals to no more than 121 mgd by January 1, 2003, and to no more than 90 mgd by January 1, 2008, both calculated on a 12-month running average basis.
39. The scheduled reductions in withdrawals from the Consolidated Permit Wellfields are intended as steps to reverse the adverse environmental and water resource impacts caused by the withdrawals.
40. Water is the driving force in wetlands and lakes ecosystems. The effects of reduced water levels include adverse impacts to the health of animals, fish and aquatic life, loss of hydric soils, wetland and lake-dependent species declines, replacement of wetland species by upland species including exotics, tree loss, and an increased incidence of fire.
41. In the areas in and around the Consolidated Permit Wellfields, as outlined in reports submitted as conditions of the Consolidated Permit, wetlands and lakes continue to be adversely impacted by reduced water levels caused by the withdrawal of water from the Consolidated Permit Wellfields.
42. Increased withdrawals of water from the Consolidated Permit Wellfields will likely result in further reduced water levels in wetlands and lakes and further adverse impacts.

Existing Demand Management Measures

43. On February 25, 1992, the District Governing Board entered Order No. 92-12 declaring a water shortage and imposing, among other restrictions, two-day-per-week lawn and landscape irrigation restrictions in ten counties of the District, including the Tampa Bay area. This order was amended by Order Nos. 92-21 and 92-60.
44. On December 20, 1993, the District Governing Board entered Order No. SWF 93-105 declaring a water shortage and imposing, among other restrictions, two-day-per-week lawn and landscape irrigation restrictions in the remaining six counties within the District's jurisdiction.
45. On April 26, 2000, the undersigned issued Order No. SWF 00-18 declaring a water shortage emergency for the entire District and imposing, among other restrictions, one-day-per-week lawn and landscape irrigation restrictions. This order was extended on June 28, 2000.
46. On December 21, 2000, the undersigned modified Order No. SWF 00-18 for Pinellas, Hillsborough and Pasco counties and certain other areas of the District limiting the irrigation of new turfgrass to 30 calendar days, every other day.
47. Effective January 8, 2001, the District Governing Board entered Order No. SWF 00-63 which modified existing water shortage restrictions within Pinellas County by allowing certain properties, when enrolled in the Pinellas County Utilities' shallow irrigation well program, to be excluded from the allowable irrigation days restrictions in the above-described orders. It is anticipated that using shallow irrigation wells will reduce Pinellas County's potable water demands from the Consolidated Permit Wellfields.
48. Studies have shown that effective and timely enforcement efforts can bring about more optimal compliance with irrigation restrictions.
49. Studies have shown that non-essential water usage during a drought can be significantly curtailed through effective demand management measures to reduce unnecessary demands on the water resources.
50. Under Order No. SWF 00-57 and the Seventh Executive Director Order Modifying Order No. SWF 00-16, the City of Tampa and Tampa Bay Water were directed to take action to immediately reduce demands consistent with the emergency conditions and to submit a plan of action to identify specific demand management and resource management measures that will be taken to ensure an adequate supply of water. The City submitted the required plan of action proposing various measures to reduce water demands. Under Order No. SWF 01-1, the City and Tampa Bay Water were directed to pursue proposed demand

management and resource management measures and continue with those measures already undertaken as set forth in the submitted plan of action. The City was further directed to submit a monthly report to the District describing implementation of the measures.

51. Under the Eighth and Ninth Executive Director Order Modifying Order No. SWF 00-16, Tampa Bay Water and its Member Governments were directed to submit a joint emergency plan of action to identify specific demand management and resource management measures that will be taken to ensure an adequate supply of water for the customers served by Tampa Bay Water. The joint plan of action was submitted on January 16, 2001.
52. Under the Tenth Executive Director Order Modifying Order No. SWF 00-16 and Order No. SWF 01-7, Tampa Bay Water and its Member Governments were directed to submit a monthly progress report regarding implementation of the joint emergency plan of action and the anticipated additional water savings. Tampa Bay Water was further directed to officially inform its Member Governments that aggressive, immediate additional demand management by its Member Governments and the availability of emergency supplemental supplies are critical to being able to provide water needed to protect public health, safety and welfare within current regulatory constraints.

ULTIMATE FINDINGS OF FACT

53. The exercise of non-emergency powers under Sections 373.175(1) & (2) and 373.246(1), F.S., and Part II of Chapter 40D-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, nor the drinking water supply of persons who depend upon Tampa Bay Water for provision of potable water.
54. The rainfall deficit and resulting lowered stream flows and lowered stage of the Reservoir constitute threats to both the public health, safety, and welfare and a public water supply, and require immediate action.
55. The augmentation of the Hillsborough River and the Reservoir pursuant to the various orders referenced above, although helpful, has not been sufficient to abate the threats to both the public health, safety, and welfare and a public water supply.
56. Maintenance of adequate water supplies to the City of Tampa are essential for the public health, safety, and welfare of the City and its water customers.
57. The water use restrictions referenced above, although helpful, have not been

sufficient to abate the threats to both the public health, safety, and welfare and a public water supply.

58. Withdrawals of water from the Consolidated Permit Wellfields by Tampa Bay Water to supply its Member Governments with potable water in excess of the permitted limit of 158 mgd require immediate emergency action to protect the public health, safety, and welfare, and a public water supply.
59. Withdrawals of water from the Consolidated Permit Wellfields in excess of the permitted limit of 158 mgd will likely further threaten the already-impacted health of animals, fish and aquatic life utilizing wetlands and lakes on and near the wellfields, and will likely further threaten the water quality of the water resources, and require immediate action.
60. It is necessary to immediately implement measures to reduce water demands by the Member Governments of Tampa Bay Water and by the water customers of the Member Governments.

CONCLUSIONS OF LAW

61. The Executive Director of the District is duly authorized by Sections 373.119(2), 373.175(4) and 373.246(7), Florida Statutes, and Rule 40D-21.331(5), F.A.C., to declare a water shortage emergency and to issue emergency orders reciting the existence of such an emergency and requiring that such action be taken as deemed necessary to meet the emergency.

ORDER

Declaration of Emergency

62. A water shortage emergency exists for Pinellas, Hillsborough and Pasco counties putting at risk the reliability of the drinking water supply for approximately 2 million residents and an indeterminate number of fire suppression systems, hospitals, schools, residences, businesses and governmental and community facilities within these counties.
63. A water shortage emergency exists on and near the Consolidated Permit Wellfields putting at risk the health of animals, fish, and aquatic life, as well as the water quality of the water resources.
64. Accordingly, Tampa Bay Water, the Member Governments, and the wholesale customers of the Member Governments must take action and provide information regarding the following: (1) Minimizing adverse impacts to the environment and

water resources; (2) Emergency measures; (3) Better utilizing available water resources; and (4) Measures to achieve recovery of the environment and water resources.

Actions to be Taken and Information to be Provided

65. Tampa Bay Water shall meet the potable water needs of the City of Tampa from the Consolidated Permit Wellfields, as necessary, to maintain public health, safety and welfare, and submit to the District bi-weekly updates of production sources. Tampa Bay Water shall utilize the Optimized Regional Operations Plan (OROP) for determining the individual wellfield production quantities to minimize and balance stresses at the Consolidated Permit Wellfields. The bi-weekly update report shall include justification for the quantity withdrawn from each groundwater, surface water and aquifer storage and recovery (ASR) source that provide water to any of the Member Governments.
66. Within thirty (30) days of entry of this Order, Tampa Bay Water shall complete the following:
 - a. Environmental and Water Resource Impacts
 - i. Compile chloride testing and trending analysis for the Consolidated Permit water quality monitoring well network, and submit a report relating thereto to the District.
 - ii. Identify method(s) and develop an implementation schedule to expedite Issue No. 10 identified in Appendix J (July 2000 Work Plan) of the Optimized Regional Operations Plan (OROP) Annual Report that will minimize ongoing adverse impacts to hydrologic and environmental systems monitored through the Environmental Management Plan (EMP), and submit a report relating thereto to the District.
 - iii. Submit a fire emergency plan at the request of the applicable Fire Agency or the District for each Consolidated Permit Wellfield assessing the feasibility of using wellfield facilities for fire suppression.
 - b. Emergency Action Plan
Quantify the water demands for each new development or use and state what provision is being or has been made to ensure an adequate water supply for these new demands is available, and submit a report relating thereto to the District. The quantification shall address new water demands for the period between March 2001 and June 2001 as well as for the period between June 2001 to January 2003 for the following: (a) each new development that was previously approved and will require water service during the above time frames, and (b) each new development that is under

- consideration for approval in the above time frames.
- c. **Source Management Plan**
 - i. Reevaluate other available supply sources, and submit a report relating thereto to the District. The existing sources to be considered shall include but not be limited to: Busch Gardens and Carrollwood wells, and opportunities to utilize portable reverse osmosis for lower quality water (e.g., Sulphur Springs).
 - ii. Determine and implement (jointly with the City of Tampa) the optimum Reservoir operation level which will minimize evaporation and leakage losses, in conjunction with optimum use of all sources of supply including the City's ASR project. Within thirty (30) days of entry of this Order, submit a report relating to this item to the District.
 - d. **Recovery Action Plan**
 - i. Develop plans to reduce water production below 158 mgd (calculated on a 36-month running average) including specific measures, programs and a schedule to reduce production on an expedited basis, and submit a report relating thereto to the District.
 - ii. Develop plans and procedures (jointly with the City of Tampa and Hillsborough County) to utilize available surface water supply to the maximum when available from the City of Tampa through the Tampa/Hillsborough Interconnect and the proposed Regional Interconnect on an expedited basis, and submit a report relating thereto to the District.
67. Within thirty (30) days of entry of this Order, each of the Member Governments individually shall complete the following:
- a. **Emergency Action Plan**
 - 1. Declare a local emergency and adopt an Emergency Action Plan as it applies to the availability of adequate water supplies and communicate the emergency to all users. The objective of the emergency declaration is to assist in the implementation of emergency measures to bring about a reduction in regional demand. Within thirty (30) days of entry of this Order, submit to the District the Emergency Action Plan and a time-line for implementing same (including contingencies for further deterioration of conditions should such occur).
 - 2. Develop and implement an emergency water-conservation inclined block rate structure for each customer class to achieve a five percent (5%) target reduction in demand when compared with the same month of the previous year. Include plans for an assessment of effectiveness and any mechanisms needed to timely adjust the rate structures to achieve the five percent (5%) target reduction

described herein. Within thirty (30) days of entry of this Order, submit a report relating to this item to the District.

3. Identify and prioritize all non-essential water uses and adopt emergency ordinances to curtail the same, as may be needed. Within thirty (30) days of entry of this Order, submit a report relating to this item to the District.
4. Take appropriate action to waive lawn and landscape irrigation requirements to secure certificates of occupancy during the drought and temporarily waive enforcement of local codes that would require installation of new lawns and landscapes on existing properties during the drought.
5. To the extent possible, aggressively and effectively enforce irrigation restrictions and other emergency provisions on a 24-hours per day, 7 days per week basis, and implement expedited administrative or judicial disposition of violations of the irrigation restrictions and other emergency provisions.
6. Quantify the water demands for each new development or use and state what provision is being or has been made to ensure an adequate water supply for these new demands is available, and submit a report relating thereto to the District. The quantification shall address new water demands for the period between March 2001 and June 2001 as well as for the period between June 2001 to January 2003 for the following: (a) each new development that was previously approved and will require water service during the above time frames, and (b) each new development that is under consideration for approval in the above time frames.

68. Within thirty (30) days of entry of this Order and every thirty (30) days thereafter, the City of Tampa shall submit a report relating to this item and its implementation:

- a. **Source Management Plan**
Determine and implement (jointly with Tampa Bay Water) the optimum Reservoir operation level which will minimize evaporation and leakage losses, in conjunction with optimum use of all sources of supply including the City's ASR project.
- b. **Recovery Action Plan**
Develop plans and procedures (jointly with Tampa Bay Water and Hillsborough County) to utilize available surface water supply to the maximum when available through the Tampa/Hillsborough Interconnect.

69. Within thirty (30) days of entry of this Order, Hillsborough County shall develop plans and procedures (jointly with the Tampa Bay Water and the City of Tampa)

to utilize available surface water supply to the maximum when available from the City of Tampa through the Tampa/Hillsborough Interconnect on an expedited basis, and submit a report relating thereto to the District.

70. Within thirty (30) days of entry of this Order, each wholesale utility customer of Member Government individually shall complete the following:
 - a. Develop and implement an emergency water-conservation inclined block rate structure for each customer class to achieve a five percent (5%) target reduction in demand when compared with the same month of the previous year. Include plans for an assessment of effectiveness and any mechanisms needed to timely adjust the rate structures to achieve the five percent (5%) target reduction described herein. Within thirty (30) days of entry of this Order, submit a report relating to this item to the District. The District recognizes that for those utilities whose rates are regulated by the Florida Public Service Commission (PSC), compliance may not be achieved within the specified time frame, however, these utilities shall undertake efforts to secure the PSC's approval and report on the status of their efforts.
 - b. To the extent possible, aggressively and effectively enforce irrigation restrictions and other emergency provisions on a 24-hours per day, 7 days per week basis, and implement expedited administrative or judicial disposition of violations of the irrigation restrictions and other emergency provisions.

71. Within sixty (60) days of entry of this Order, Tampa Bay Water shall complete the following:
 - a. Environmental and Water Resource Impacts
 1. Submit to the District an update of the Environmental Augmentation Evaluation report submitted to the District to comply with Special Condition No. 6.C.2 of the Consolidated Permit.
 2. Reevaluate (using current field information and modeling techniques) the adequacy of mitigation area coverages for impacts to existing legal withdrawals outlined in the Consolidated Permit in light of pumpage over the 158 mgd permit limit, and submit a report relating thereto to the District. If this analysis indicates that the mitigation areas should be larger for any of the Consolidated Permit Wellfields, then Tampa Bay Water shall undertake mitigation investigations and corrective measures in accordance with Special Condition No. 11.A of the Consolidated Permit for complaints received within the expanded mitigation areas.
 3. Reevaluate procedures to establish mitigation priority for impacts to existing legal withdrawals to ensure that these activities are accomplished within the time constraints of the Consolidated

Permit. Submit a report to the District related to bringing all complaints from existing legal withdrawals into compliance with the requirements of Special Condition No. 11.A of the Consolidated Permit.

4. Bring all outstanding complaints from existing legal withdrawals into compliance with the requirements of Special Condition No. 11.A of the Consolidated Permit.
- b. Recovery Action Plan
 1. Develop and implement plan(s) to keep users informed of the ongoing need for resource recovery and conservation requirements, especially after commencement of the rainy season, and submit a report relating thereto to the District.
 2. Develop a detailed schedule to expedite the Phase I Mitigation Plan pursuant to Special Condition No. 6.A of the Consolidated Permit and reevaluation of the Plan in light of the increased pumpage over 158 mgd (especially surface water restoration efforts). Within sixty (60) days of entry of this Order, submit a report relating to this item to the District.
72. Within sixty (60) days of entry of this Order, each of the Member Governments individually shall complete the following:
- a. Source Management Plan
Evaluate the implementation of a shallow well program similar to Pinellas County's program and use of other non-potable sources for irrigation purposes and expedite implementation of those determined feasible. Evaluate procedures to ensure efficient water use under such a program. Within sixty (60) days of entry of this Order, submit a report relating to this item to the District.
 - b. Recovery Action Plan
Develop and implement plan(s) to keep users informed of the ongoing need for resource recovery and conservation requirements, especially after commencement of the rainy season, and submit a report relating thereto to the District.
73. Within ninety (90) days of entry of this Order, Tampa Bay Water shall, in consultation with the property owner(s), develop measures to prevent unnecessary surface water drainage from the Consolidated Permit Wellfields, and submit a report relating thereto to the District.
74. Within ninety (90) days of entry of this Order, each of the Member Governments individually shall complete the following:
- a. Emergency Action Plan
 - i. Implement a water audit program for non-residential customers,

- and submit a report relating thereto to the District.
- ii. Submit to the District a schedule to implement an ordinance requiring drought tolerant landscapes and efficient landscaping irrigation designs for new development.
- b. **Source Management Plan**
Submit to the District a report on the effectiveness and efficiency (include the methodology used to determine both the effectiveness and efficiency) of existing reclaimed water systems and opportunities for systems to become more efficient during the drought.
75. Within ninety (90) days of entry of this Order, the City of Tampa, in consultation with Tampa Bay Water, shall develop a plan, including a schedule, to maximize the effectiveness and efficiency of using Howard F. Curren effluent for environmental augmentation and local and regional reclaimed water use, and submit a report relating thereto to the District.
 76. Within one hundred-eighty (180) days of entry of this Order, Tampa Bay Water shall complete the following:
 - a. Based upon exceedance of the Consolidated Permit limits, report on the procedure and schedule to address impacts and recovery of the Chapter 40D-8, Florida Administrative Code, minimum flows and levels sites (including surficial systems as well as groundwater levels designed to prevent water quality deterioration), and submit a report relating thereto to the District.
 - b. Evaluate the potential for further reduction below the 121 mgd quantity required on January 1, 2003, and submit a report relating thereto to the District.
 77. For each item herein requiring the submission of a report to the District, report updates shall be submitted by the responsible party at the request of the District. Each entity is urged to combine its reports on the various items into one composite report for these monthly updates.
 78. When the deadline for any action required herein falls on a day when the offices of the District are closed, action shall be considered timely if it is completed by 5:00 p.m. on the next day that the District's offices are open for business.
 79. Nothing in this Order is intended to negate or modify any of the conditions, requirements and provisions of the Consolidated Permit, unless such a change is explicitly made herein.
 80. To the extent there is any conflict between any provision of this Order and any provision of any other emergency order or Board order now in effect, the

provisions of this Order shall control.

Term of this Order

81. This Order shall remain in force and effect until lifted by the Governing Board considering hydrologic conditions in rivers, lakes, wetlands and the aquifer in Pinellas, Hillsborough and Pasco counties and Tampa Bay Water's exceedance of the Consolidated Permit limits. The undersigned will review hydrologic conditions, pumpage, and the actions and submissions required herein and may modify this Order to address changes in conditions or circumstances.

DONE AND ORDERED this ____ day of _____ 2001, in Brooksville, Hernando County, Florida.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
E. D. Vergara, as its Executive Director

Filed this ____ day of
_____ 2001.

Deputy Agency Clerk

NOTICE OF RIGHTS

Persons to whom this Executive Director Order is directed, or whose substantial interests are affected, may request, pursuant to Section 373.119(3), Florida Statutes (F.S.), 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 substantial interests will be affected by the District's action; (2) state all material facts disputed by the petitioner, 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 (received by) the Agency Clerk of the District at the District's Brooksville address, 2379 Broad Street, Brooksville, FL 34604-6899 within 21 days of receipt of this notice. Receipt of notice 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 any 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 prior to the filing of a request for hearing.

In accordance with Section 120.569(1), F.S., the following 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 SECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, F.S., PERSONS TO WHOM THIS ORDER IS DIRECTED SHALL COMPLY THEREWITH IMMEDIATELY, AND THE TIMELY FILING OF A PETITION FOR HEARING SHALL NOT STAY SUCH PERSON'S OBLIGATION TO MAINTAIN SUCH COMPLIANCE DURING THE PENDENCY OF ANY ADMINISTRATIVE PROCEEDING.