



EPC Agenda Item Cover Sheet

SPECIAL EPC MEETING MARCH 3, 2010

Date of Special EPC Meeting: March 3, 2010

Subject: Arbitration Discussion regarding Tampa Bay Water's proposed submittal of the Renewal Application for the Consolidated Water Use Permit and the Annual Report for the Optimized Regional Operations Plan (OROP)

Consent Agenda _____ **Regular Agenda:** X **Public Hearing** _____

Division: Legal Department and Wetlands & Watershed Management Division

Recommendation: Direct staff not to arbitrate the submittal of the Application for Renewal of the Consolidated Water Use Permit and the OROP.

Brief Summary: Tampa Bay Water (TBW) voted on February 15, 2010, to submit both the Application for Renewal of the Consolidated Water Use Permit and Annual Report for the Optimized Regional Operations Plan (OROP) to the Southwest Florida Water Management District (SWFWMD). Most notably, the Renewal Application for the Consolidated Water Use Permit proposes to maintain pumping at 90 million gallons per day.

Background: In accordance with the provisions of Tampa Bay Water's (TBW) Interlocal Agreement, the Environmental Protection Commission of Hillsborough County (EPC) must decide whether or not to request arbitration on any TBW Primary Environmental Permit applications within 30 days of TBW approving submittal of the application to the Southwest Florida Water Management (SWFWMD). The Consolidated Water Use Permit and the OROP are both defined as Primary Environmental Permits in the Interlocal Agreement.

Consolidated Water Use Permit

The Consolidated Water Use Permit for TBW's Central System (eleven wellfields) will expire December 31, 2010. This permit was issued in 1998, and during the term of this permit allowable water withdrawals have been incrementally reduced from 158 million gallons per day (mgd) to 90 mgd. TBW's proposed application requests renewal of the permit for a ten year term at an annual average withdrawal rate of 90 mgd based on a 12-month running average, the same rate as the existing permit. During the term of the current permit there have been improvements in the flows and levels in aquifers, lakes, and wetlands on or near the wellfields, but much recovery is still needed. The proposed permit and related SWFWMD rules,

however, require continued environmental assessment and mitigation by TBW and further development of plans to avoid or mitigate unacceptable adverse impacts. The proposed application retains and slightly expands TBW's current program for mitigation of complaints by domestic private potable well owners whose wells may not be functioning properly due in part to TBW's pumping. The application requests permission to increase pumping, after maximizing all other surface sources, during an approximate two-year window when the Regional Reservoir is shut-down for repairs (projected between 2012 and 2014).

EPC staff, County staff, and consultants have reviewed the subject application, held numerous meetings with TBW and SWFWMD, and submitted written comments to TBW. Base on the responses and corrections provided by TBW, the EPC staff, County staff, and consultants have determined there are no issues that warrant arbitration. Therefore, staff recommendation is that EPC not arbitrate TBW's application for renewing the Consolidated Wellfields Water Use Permit.

Optimized Regional Operations Plan

The Optimized Regional Operations Plan (OROP) is a complex set of computer models developed by TBW in cooperation with SWFWMD and the member governments that is used to manage the regional water supply pumping system. In general, the OROP defines and controls how TBW will operate the Central System (the eleven wellfields); provides the protocol under which TBW will select among available interconnected supply sources to meet demand; and provides the protocol under which TBW will rotate among available interconnected supply sources to avoid or minimize environmental stress. The Consolidated Water Use Permit will expire December 31, 2010 and the revised Optimized Regional Operations Plan will be submitted with the permit renewal application. Among other things, this OROP for FY2010 indicates that no new water supplies will be added, that no monitoring well locations were moved in FY2009, and well No. 5 at the Brandon Urban Dispersed Wellfield was replaced in FY2009.

EPC staff and County staff have reviewed the subject annual report and revisions to the updated Optimized Regional Operations Plan and have determined there are no issues that warrant arbitration. Therefore, staff recommendation is that EPC not arbitrate TBW's Optimized Regional Operations Plan.

List of Attachments: None