

COMMISSION

Gwendolyn "Gwen" W. Myers, *Chair*
Harry Cohen, *Vice Chair*
Donna Cameron Cepeda
Ken Hagan
Pat Kemp
Michael Owen
Joshua Wostal

Meeting time

At conclusion of
Land Use Meeting
(Approximately
10:30 a.m.)



COMMISSION SPECIAL MEETING AGENDA March 19, 2024

Executive Director

Janet D. Lorton

General Counsel

Ricardo Muratti

Location

BOCC Boardroom
County Center, 2nd Floor
601 E. Kennedy Blvd., Tampa

CALL TO ORDER

PUBLIC COMMENT

AGENDA ITEM

1. Consider Tampa Bay Water's application to the Southwest Florida Water Management District to modify the Balm Farm Water Use Permit.

ADJOURN

Any person who might wish to appeal any decision made by the EPC regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

Anyone who wishes to speak either virtually or in-person during the meeting may do so by completing the online Public Comment Form found at: www.epchc.org/pubcomment. The form is open 48 hours prior to the start of the meeting. Virtual speakers must submit the online public comment form at least 30 minutes prior to the start of the meeting. In-person speakers will be able to sign up using the same online form 48 hours prior to arrival or can sign up on-site via our kiosk up until the start of the meeting. Visit the EPC webpage for more details on [agendas and public comment](#). This meeting will also be available LIVE as follows: Spectrum - Channel 637, Frontier - Channel 22, Comcast - Channel 22, PC: <http://www.hcflgov.net/HTVlive>, and iOS: <http://65.49.32.149/iosvideo/ios.htm>.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Special Meeting Agenda Item #1

Date of EPC Meeting: March 19, 2024

Subject: Tampa Bay Water's application for modification of the Balm Farm Water Use Permit

Agenda Section: Regular Agenda

Division: Legal Department

Recommendation: Direct staff not to arbitrate Tampa Bay Water's application to modify the Balm Farm Water Use Permit.

Brief Summary: Tampa Bay Water Board voted on February 26, 2024, to submit an application to SWFWMD to modify the Balm Farm Water Use Permit to allow for a total withdrawal of 775,000 gallons per day. The proposed amount comes from existing uses and will be credited or transferred to Tampa Bay Water for public supply use. The production well is located in the Balm area of southern Hillsborough County and the proposed modification will provide additional public water supply to southern Hillsborough County. Pursuant to the Interlocal Agreement, Tampa Bay Water must wait 30 days to file the application unless the County and EPC vote not to arbitrate. Tampa Bay Water has requested the EPC vote not to arbitrate the application, so it can be submitted to SWFWMD sooner.

Financial Impact: No Financial Impact

List of Attachments: TBW Agenda Item

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 application within 30 days of TBW Board's approving submittal of the application to the Southwest Florida Water Management (SWFWMD). A Water Use Permit (WUP) that allows TBW to withdraw groundwater is defined as Primary Environmental Permit in the Interlocal Agreement. Pursuant to the Interlocal Agreement, TBW must hold the application for 30 days before submittal to SWFWMD, unless the host member governments (e.g. – Hillsborough County and EPC) vote not to arbitrate, thus reducing the 30-day wait period. As described below, the TBW staff asked EPC to schedule a vote as soon as possible.

Tampa Bay Water, in coordination with Hillsborough County, was issued Water Use Permit No. 20021046.000 in 2022 for 250,000 gallons per day (gpd) average annual quantity for agricultural use on the

Ag-Mart property in southern Hillsborough County. The TBW Board voted on February 26, 2024, to submit a permit modification package to SWFWMD to convert the 250,000 gpd of agricultural use to 225,000 gpd of public supply use. In addition, TBW has acquired from a company, Suburban Land Reserve, Inc., the right to a portion of their water withdrawals that the company can no longer utilize. See attached TBW agenda item for additional details. From that second transaction, 550,000 gpd of groundwater credits will be transferred to TBW's modified permit. In total, the modified permit will have an annual average quantity of 775,000 gpd for public supply use.

Converting existing private withdrawal allocations into public supply will help provide additional water to meet the demand in southern Hillsborough County. TBW staff explained to the TBW Board that potential impacts were evaluated to demonstrate that the project meets SWFWMD regulations. EPC and County staff have reviewed the application and have consulted with TBW staff.

Tampa Bay Water staff asked the EPC Commission to consider this item to help expedite TBW's application filing process. EPC staff recommend that the EPC Commission vote not to arbitrate TBW's application for the proposed Water Use Permit modification, thus allowing TBW to submit the application sooner.

DATE: February 12, 2024

TO: Board of Directors

THRU: Charles H. Carden, General Manager

FROM: Warren Hogg, Chief Science Officer

SUBJECT: South Hillsborough County Water Supply - Balm Farm Water Use Permit Modification - Increase Annual Average Permit Quantity - *Approve*

SUMMARY

Tampa Bay Water and Hillsborough County obtained Water Use Permit (WUP) No. 20021046.000 in late 2021 for 250,000 gallons per day (gpd) average annual quantity for agricultural use on the Ag-Mart property in south Hillsborough County. Staff prepared a permit modification package to convert the 250,000 gpd of agricultural use to 225,000 gpd of public supply use. In addition, 550,000 gpd of groundwater credits will be transferred to this permit according to the water right transfer from Suburban Land Reserve, Inc. covered in a separate item on this agenda. The new permit will have an annual average quantity of 775,000 gpd for public supply use.

SUGGESTED ACTION

Approve the submittal of an application to the Southwest Florida Water Management District to increase the annual average permit quantity of Water Use Permit No. 20021046.000.

COST/FUNDING SOURCE

\$300 Application Fee/Uniform Water Rate

DISCUSSION

Tampa Bay Water and the Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP) acquired a Water Use Permit on the former Ag-Mart property by harvesting permitted quantities that the previous land owner could not transfer to their other farm. This Balm Farm Water Use Permit No. 20021046.000 was issued on July 21, 2022 for an average annual quantity of 250,000 gallons per day (gpd) designated for agricultural use. This WUP modification requests a reclassification of the current permitted quantity of 250,000 gpd annual average for agricultural water use to a use type of public supply for a revised quantity of 225,000 gpd. This 10% reduction in quantity for net environmental benefit is a specified requirement in the Southwest Florida Water Management District permitting rules.

WUP No. 2000656.013, also located in Hillsborough County, is held by Suburban Land Reserve, Inc. They have applied for a permit modification to reduce their current permitted quantity by 590,100 gpd following a reduction in irrigated acreage due to the sale of a portion of their property. Tampa Bay Water staff have negotiated an Agreement for Payment and Permanently Retired Water Right Transfer between Suburban Land Reserve, Inc. and Tampa Bay Water which is contained in this packet under a separate agenda item. This agreement specifies that the 590,100 gpd to be reduced from the Suburban Land Reserve permit will be transferred to the Tampa Bay Water Balm Farm permit through transferable groundwater credits. Both permits are located in the Southern Water Use Caution Area (SWUCA); therefore, a transfer of groundwater quantity must provide a net benefit of a 10% increase in groundwater levels which slightly reduces the transferrable permit quantity. A groundwater modeling analysis indicates that this transfer of groundwater credits will yield an increase of 550,000 gpd annual average quantity to the Balm Farm WUP. This transfer of 590,100 gpd at the Suburban Land Reserve WUP 200656.014 meets the District's net benefit requirements.

This WUP modification requests the change in the current 250,000 gpd quantity from agricultural use to 225,000 gpd of public supply use and a transfer of 550,000 gpd from WUP 200656.014. This application to modify the Tampa Bay Water Balm Farm permit requests a new annual average quantity of 775,000 gpd for public supply use.

A copy of the application package may be obtained from the Agency's Records Department upon request.

BACKGROUND

Tampa Bay Water and Hillsborough County have been working closely together to bring additional water supply to the South Hillsborough County service area to meet the growing water demand. Hillsborough County purchased the Ag-Mart property in the Balm area of southern Hillsborough County in late 2021. This property is the proposed site of Tampa Bay Water's South Hillsborough Wellfield, should this project be selected by the Board as a future water supply source. The eastern

portion of the property purchased by the Water Resources Division is the site of the new water supply Point of Connection with Tampa Bay Water and a planned, future water treatment campus for Hillsborough County. The western portion was purchased for preservation under the Environmental Lands Acquisition and Protection Program.

C.2 Balm Farm Water Use Permit Modification Presentation