

## SUWANNEE RIVER WATER MANAGEMENT DISTRICT

**MEMORANDUM**

TO: Governing Board

FROM: Leroy Marshall, Director, Resource Management/Projects Division

THRU: Tim Alexander, Assistant Executive Director, Business and Community Services

DATE: August 7, 2024

RE: Water Use Permit 2-079-218544-9, Blue Triton Madison, Authorization of Water Use for Emergency Circumstances

**RECOMMENDATION:**

Approve authorization for the permittee, BlueTriton Brands, Inc., to transport water from the Madison County water bottling facility to the Gilchrist County water bottling facility for a period not to exceed September 11, 2024, without additional authorization from the Governing Board. The permittee shall continue use according to water use permit number 2-079-218544-9, particularly conditions 29 and 30 as related to this emergency authorization.

**BACKGROUND:**

On August 1, 2024, Governor DeSantis issued Executive Order 24-156 declaring a state of emergency, which included Gilchrist County. On August 5, 2024, Hurricane Debby impacted north central Florida with significant rainfall temporarily altering source water composition at the water bottling facility at the Gilchrist County, Ginnie Springs, facility. On August 6, 2024, the permittee requested, and the Executive Director approved the use of groundwater withdrawals from the Madison County facility for back-up beverage processing use at facilities located in Gilchrist County.

Pursuant to water use permit condition 29, emergency back-up use of water may be authorized for up to 90 days per calendar year and may be authorized by the Executive Director prior to a Governing Board meeting. As the request was made seven days prior to the Board meeting, staff determined that initial authorization prior to the Board Meeting was appropriate. At the time the request was made the permittee did not foresee a need for an extended authorization, and the authorization was granted to expire on August 14, 2024. If adverse water level, or water quality conditions arise that warrant the permittee to request authorization beyond August 14, 2024, staff's recommendation is included in this memo.

**Referenced Permit Conditions:**

*Condition 29: The executive director may authorize the use of groundwater withdrawals for back-up industrial/ commercial (beverage processing) use at facilities located in Florida and external to the Madison plant in emergency circumstances. Such authorization must be in writing and, unless revoked earlier by the executive director or the governing board, shall be effective for a term ending on the day following the next regular meeting of the governing board. If the governing board finds that emergency circumstances exist, it may extend and re-extend the term of the authorization for a subsequent period of time to expire on or before the day following the next regular meeting of the governing board. After the governing board grants its first extension, all subsequent extensions may be by summary action of the governing board. The days authorized for emergency circumstances shall not count against the above time limit for maintenance/repair activities. In determining whether circumstances constitute emergency circumstances, the executive director and the governing board shall consider, among other*

*things, whether the Permittee could have reasonably foreseen the circumstances, the economic hardship created by the circumstances, and the frequency with which the Permittee has requested such authorization in the past. Under no circumstances shall the authorization provided herein exceed ninety (90) days in a calendar year. Such days may or may not be consecutive.*

*Condition 30: The Permittee shall provide to the District a separate accounting of groundwater withdrawals for back-up industrial/ commercial (beverage processing) use at facilities located in Florida and external to the Madison plant, including the reason for and location of back-up water use, in the monthly water use report. If groundwater is not utilized for back-up industrial/ commercial (beverage processing) use at facilities located in Florida and external to the Madison plant during a given month, the permittee shall submit a report of zero-gallon usage to the District for that use.*

DK/tm  
Attachment



Attorneys at Law  
Integrity-Intelligence-Diligence

August 6, 2024

**VIA E-Mail**

[Hugh.Thomas@srwmd.org](mailto:Hugh.Thomas@srwmd.org)

Mr. Hugh Thomas  
Executive Director  
9225 CR 49  
Live Oak, FL 32060

Re: Emergency Transfer Authorization

Dear Hugh:

As you know, we represent BlueTriton Brands, Inc. (“BTB”) and its Madison/Lee facility. Pursuant to Condition 29 of Permit Number 2-079-218544-9 (BlueTriton Madison Project) you may:

authorize the use of groundwater withdrawals for back-up industrial/ commercial (beverage processing) use at facilities located in Florida and external to the Madison plant in emergency circumstances. Such authorization must be in writing and, unless revoked earlier by the executive director or the governing board, shall be effective for a term ending on the day following the next regular meeting of the governing board.

On August 1, 2024, Governor DeSantis issued Executive Order 24-156 declaring a state of emergency for Gilchrist County and numerous other counties in central and northern Florida. BTB’s High Springs facility supplies a large percentage of its bottled water to these impacted areas. However, high Lower Sante Fe River levels imminently threatening to adversely impact Ginnie Springs water quality affecting BTB’s ability use spring water from Ginnie Springs, BTB is seeking emergency authorization to transfer water from the Madison/Lee facility to its High Springs facility.

Pursuant to Condition 29, BTB requires written authorization from you to implement this emergency transfer. We request that this authorization extend to August 14, 2024, unless extended by the Governing Board at its August 13, 2024 meeting. At this time, we do not foresee requesting authorization past August 14, 2024. However, should the need arise, we will provide you with immediate notice and be prepared to present the request to the Board.

**Tampa**

**Tallahassee**

**West Palm Beach**

109 North Brush Street, Suite 300 Tampa, FL 33602 (T) 813.514.4700 (F) 813.514.4701

[www.MansonBolves.com](http://www.MansonBolves.com)

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In sum, we request written authorization to implement emergency transfers of water from the Madison/Lee facility to High Springs facility for backup commercial use through August 14,2024. Please call should you have any questions at 813 784 6004.

Sincerely,

MANSON BOLVES DONALDSON TANNER,  
P.A.

A handwritten signature in black ink, appearing to read 'Douglas Manson', with a large, sweeping initial 'D'.

Douglas Manson

Cc: Bill Myers  
Tommy Reeves  
Warren Zwanka  
David King