

Bryan and Cyndy Barney
8654 Wharf Ave
Placida, FL 33946

Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

April 24, 2024

**Re: Objection Letter - Environmental Utilities Wastewater Application
Docket #20240032- SU**

**Cc: Florida Public Service Chairman LaRosa, Florida Public Service
Commissioner Clark, Florida Public Service Commissioner
Passidomo, Florida Public Service Commissioner Graham, Florida
Public Service Commissioner Fay**

**Charlotte County Commissioner Truex, Charlotte County
Commissioner Doherty, Charlotte County Commissioner
Constance, Charlotte County Commissioner Deutsch, Charlotte
County Commissioner Tiseo**

Marty Friedman

Dear Commissioners,

**Our names are Bryan and Cyndy Barney. We are residents/owners of
8654 Wharf Ave. on Little Gasparilla Island. We are asking that you deny
the application for certificate to provide wastewater service in Charlotte
County(CC) by Environmental Utilities,LLC (EU).**

**In the two years we have owned our property, this is the second time we
have had to fight the same illogical proposal for an inadequate,
antiquated system by the same person. In addition to denying this
application, please, please, please do not let him submit again.**

**We realize you have many objection letters to review, so we included a
summary of the very unnecessary, very long, very stressful, very
expensive ordeal that Jack Boyer is putting us through followed by 1/10th
of the detail I would like to include.**

Summary:

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- A. Does EU have the technical expertise and/or financial ability to run this project and provide timely ongoing services - NO.
- B. Is there a need for this particular service - NO. This is the wrong system to fix a problem that has not been proven to be caused by the current systems in place.
- C. Will there be destruction of protected native wildlife and foliage - YES. The removal of the current septic systems and subsequent installation of the new will decimate the protected flora and fauna that have managed to fight their way back after the hurricanes.
- D. Are the costs reasonable to ask the property owners to pay? - NO. If the environment is really EU's main concern, they should be willing to become a Non-profit Public Utility.
- E. Do we want Jack Boyer to have Perpetual use of our land? - NO
- F. Where is Jack Boyer? - Can't be found
- G. Do we get a vote? You are our vote. **Please help.**

A. Lack of technical expertise and/or financial ability to run this project and provide ongoing services.

1. There is a lack of faith in EU to run a utility based on Mr. Boyer's history with LGI Water Utility (LGWUO. Mr. Boyer has proven that he cannot adequately operate a public utility as evidenced by his current and past operation of LGWU. A lot of these concerns were brought to the PSC attention previously. Some of the issues were shoddy work; repairs made with duct tape, pipes not buried to the proper depth; unavailability of LGWU employees during water pipe breaks; lack of timely boil water notices, water pipes crossing through property lines without permission; excessive lengths of time from request for service to the repairs being made (if at all).

We have personal experience with this. The water main in front of our house is frequently hit by carts going by. It is raised above the surface level of the path. We requested that it be repaired over two years ago. Amazingly, now that this proposal is before you, someone showed up and changed out the box around the shutoff so it looks "pretty". They did NOTHING to fix it the problem, only make it prettier. It is now higher above ground and more of a hazard. If they are currently taking all of the profit from LGWU and putting it in their pocket instead of investing in staff and repairs for the water system, why would we think they would do anything different with the new utility they are creating. They have learned

that they can do this without any recourse from those of us funding it.

2. The LGWU office is operating on antiquated equipment. They can't even take an electronic payment for the quarterly fees. They want more than double the number of properties they currently service when they can't handle the current load.

3. The owners of EU don't have any experience or licensing for wastewater.

4. EU has less than \$5,000 in the bank. They don't want anyone to know what other resources they have as evidenced by the redaction of the financial information. What are the Boyer's hiding? Have they made so much money off the backs of residents from LGWU that they are afraid to show their financials?

The Boyers are the sole owners of what should be a public utility.

Is this smart? NO

B. Is there a need for this particular system ? NO, it is not the correct system.

1. While there is a need for a centralized waste removal system, this is not the correct system. This system does not remove all waste, only wastewater. The septic "tank" would still need to be pumped thereby not alleviating one of the challenges of septic tanks. I haven't made it through all 493 pages of the application, but, it has come to my attention that the only one permitted to fix or maintain these systems is EU. This creates a monopoly, not to mention the fact that they have NO experience with this type of system. They can't even maintain the "Public" Utility that they currently have.
2. Jack Boyer included information from Dr. Brian Lapointe about the need for a central sewer system. While he has many valid points, I didn't see anywhere in his information that the system proposed is the correct system. He did not indicate which type of Central System would cure the issues he listed.
3. The proposed system relies on an electric pump. Water was transported to LGI by many different means following Hurricane Ian. While some people were able to get their wells functioning and run them from generators, most were

without water for weeks. This was an Act of God and therefore, I don't hold Jack Boyer responsible. However, if the proposed sewage system had been in place, there would have been no sewage disposal available and there would have been a much, much larger problem on the island and the surrounding waters!

4. The septic systems in place have been working very well if maintained properly. There has been no proof that the problems in the Bay have been caused by septic system overflow. There are many different contributing factors that are not being addressed and certainly not cured with this system. In the meantime, wildlife and plant life are thriving.

This is NOT the correct system.

C. Will there be destruction of protected native wildlife and foliage - YES.

1. The paths will be decimated. This was evident during the recovery efforts after Ian and Idalia (which are ongoing). Heavy equipment was necessary for many reasons including, but not limited to, cleanup and rebuilding. The paths were destroyed and the residents were left to repair them on their own. Jack Boyer is proposing that he have unlimited access to all Rights of Way. He is proposing to clear the entire width of Rights of Way. Currently, our path is approximately 10 feet wide with foliage on both sides. Our right of way is 40 ft wide. He will be removing mature trees that are necessary for maintaining the ecosystem and protecting the island from storms. The equipment necessary for this type of project will cause the same problems with the paths as it did after Ian. Ian was an ACT of GOD. Jack Boyer does not have the right to play God.
2. Oh, and by the way, he wants perpetual access to our property. God only knows what he will do to our beautiful trees! Our remaining trees have struggled since the hurricanes. We have done our best to help them recover. They are not his, nor will we sit by and let him remove them. We do NOT grant him access to even look at our property, let alone walk on it and destroy it.
3. The Island's Gopher Tortoises (*Gopherus polyphemus*) will be decimated by this type of activity. They have had a hard enough time recovering after Ian and then Idalia. **Are they not protected from Jack Boyer? Islanders and visitors alike are**

very, very careful to take care of the Gopher Tortoise population. There are many other species that will also be affected.

D. Are the costs reasonable to ask the property owners to pay? - NO.

- 1. Up-front costs in the submission:** There are many concerns about the cost of this project. Prices quoted by EU total \$13,511.00 for up-front costs. The prices estimated in the CC Sewer Master Plan (SMP) are significantly higher and listed in 2017 dollars. Costs at LGI would be \$22,540.00 based on occupied lots. These figures assume the transmission lines that EU is responsible for installing according to the CC Bulk Sewer Agreement are included in each area calculations. If, EU was able to secure the permitting to put the sewer line through two areas that are vital to the ecosystem, Don Pedro State Park and the mangrove islands between the mainland & the barrier islands, only one transmission line would be necessary. In that case, the average cost based on 964 ERC's would be \$20,722.12. Again these numbers are based on 2017 dollars. Construction costs have increased between 19 - 37 % since 2020. That would more than double EU's stated costs based on the CC SMP figures. We don't feel that EU has any idea what the monetary costs will be and less idea of the environmental impact of the construction. (Or maybe Jack just doesn't care). I don't find these up-front costs to be worth the damage that will be caused to the ecosystem for a system that is no better and probably worse for the environment than the septic systems we have.
- 2. Up front costs not addressed in the submission:** They include: Electrician & electrical upgrades; barge fees for pump trucks & fill material when removing the current septic; landscaping costs; back up generators; loss of use of the homes while this is ongoing, interest costs on loans. Because EU is a for profit company, the island residents are also not able to defray the costs of the sewers using grants, bonds or MSBU's. The cost of a loan becomes a personal expense that cannot be transferred with the property if sold.
- 3. Ongoing costs:**
 - a. Monthly charge from Jack Boyer:** Who knows what the monthly bill for the sewer will be? An estimate of the monthly bill is a minimum of \$200 per month with additional usage fees.

- b. Pump out charges....according to epa.gov, the typical septic tank needs pumped every 3-5 years. The type of system proposed should be pumped, repaired and inspected every year. More importantly, the pump out trucks would need to be at every home every year....what will that do to our environment?
 - c. Maintenance of the system at our home: According to the EPA, "A service contract is important since alternative systems have mechanized parts". As we, the residents, know, mechanized means broken on LGI since the salt air and water is particularly harmful to mechanized equipment. Jack Boyer is requesting the exclusive right to service these systems...this creates a monopoly in addition to him having NO experience with this type of system.
- 4. The regular property owner cannot afford these additional costs.** This is highlighted as we struggle to carry inflated costs for property insurances (flood, windstorm, and homeowners), increasing Charlotte County property taxes with precious little services to LGI , and our ever increasing private water supply utility service charges. This is also on top of the FACT that we are still rebuilding our property after destruction from Hurricane Ian!
- 5. If the health of the island and Bay are really the reason to do this project, then EU should be willing to become a Non-profit public utility.**

E. Perpetual Use of our Land

Jack is asking for new easements, rights of Way, etc. onto our property. There is no reason for him to have perpetual right to our property since there is no reason for this type of system. He is making us responsible for all costs, but wants our property too? This doesn't make sense.

F. Where is Jack Boyer?

Jack Boyer is nowhere to be found. He hasn't been seen on this island in months. Does he care about this island and the others included in his reign of destruction? Has he asked for input from residents? Has he held a "town hall" meeting to talk to residents? The answer to all of these is an emphatic NO.

G. Do we get a Vote?

We as property owners do not get a vote since it is approved/denied by the Commission. We **BEG** you to do the **RIGHT** thing. This application **MUST** be **denied** and Jack Boyer must be barred from submitting another application. He is abusing the time and money of the Taxpayers, The Commission, the County, and the property owners to the **detriment** of this protected piece of "Old Florida".

Attempting to fix one problem while creating multiple, more devastating problems is not smart!

We are formally requesting an administrative hearing by the PSC for this application and to become, an intervenor and/or party of record.

Please accept this letter as our formal objection to this application.

Sincerely,



Bryan Barney



Cyndy Barney

BRYAN BARNEY
P.O. Box 3092
PLACIDA, FL 33946



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