BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for original certificate to provide wastewater service in Charlotte County by Environmental Utilities, LLC
_____/

Docket No.: 20240032-SU

DIRECT TESTIMONY

OF

LINDA B. COTHERMAN

Pro Se Intervenor

Q. Please state your name, address and position.

A. My name is Linda B. Cotherman and I reside at 50 Gasparilla Way, Don Pedro Island. My mailing address is P.O. Box 881, Placida, FL 33946. I am presently the President of Core General Contracting, LLC and Linda B. Cotherman Permitting. I also sit on the Charlotte County Advisory Board for the Don Pedro and Knight Islands Street and Drainage Unit MSTU and the Charlotte County Advisory Board for the Barrier Islands Fire Service Unit MSBU.

Q. Are you representing yourself in this Administrative Hearing?

A. Yes.

Q. Are you providing expert testimony?

A. Yes, under Fla. Stat. 90.702 of the Florida statutes. Linda B. Cotherman possesses the unique quality of having approximately 48 years of professional and business experience that is germane to this project and the applicant. (See Exhibit LBC-1 "CV of Linda B. Cotherman" and Exhibit LBC-2 "Witness Reports and Testimony")

Q. Have you found any discrepancies, inaccuracies or missing information in the original application for certification by EU?

A. Yes. (See Exhibit LBC-4 "Analysis of the Application for Original Certificate by Environmental Utilities, LLC").

Q. Have any of the owners of Environmental Utilities, LLC (John R. Boyer and Diane Kay Boyer) made a similar application to the Florida Public Service Commission (PSC) in the past?

A. Yes, twice. In July of 2002 (See PSC Docket Number 20020745-SU) John R. Boyer, as a partner in Island Environmental Utility, Inc., applied to the Public Service Commission for certification of a similar service area. That application was withdrawn. Then again, on October 13th, 2020 (See PSC Docket Number 20200226-SU) John R. Boyer as owner of Environmental Utilities, LLC, applied to the Public Service Commission for certification of a service area that is identical to the present application. That application was denied by the PSC, as was the subsequent Request for Reconsideration.

Q. Have there been any material changes to the Application since the applicant was denied in 2022?

A. No.

Q. Is there a need for service?

A. No. There is no demonstrable need for service shown by the applicant.

Q. Is the proposed application for certification in compliance with the Charlotte County Comprehensive Plan?

A. No.

Q. Is the proposed application for certification in compliance with the Charlotte County Sewer Master Plan?

A. No.

Q. Has the applicant shown technical ability?

A. No. Neither the applicant nor its principals have experience in wastewater system installation and management. The owner of the utility had the opportunity to gain

experience since the initial application in 2002 but did not use the time to accomplish this.

Q. **Has the applicant shown financial ability?**

A. No. The financial ability of the applicant has not been adequately substantiated to prove the applicant can successfully construct and maintain a project of this scope.

Q. **Are the proposed rates and tariffs fair and equitable?**

A. That has yet to be determined. The figures submitted were pro forma without any substantiating documents. The rates and charges that were submitted do not account for the full range of costs associated with a project of this scope.

Q, **Are there any other concerns you wish to address?**

A. Yes. (See Exhibit LBC-3 "Principal Arguments in Opposition to the Application for Original Certificate by Environmental Utilities, LLC")

Q. Have the exhibits LBC-1 through LBC-4 been prepared by you?

A. Yes.

Q. **Do these exhibits accurately support and express your opinions in this matter?**

A. Yes.

Q. Does this conclude your direct testimony?

A. Yes, it does.

Linda B. Cotherman

General Contractor, Research and Permitting Specialist

Florida State Certified General Contractor
License # CGC018538

Over 48 years of experience in permitting, architectural design, surveying, project management and engineering, inspections, eminent domain, best use planning, green sustainable planning, business, finances, budgeting and all aspects of land and building development and contracting.

Experience

On-Site Septic Systems, Central Sewer Systems, General Contracting Design and Construction

1976-Present

Owner/President, Linda B. Cotherman Permitting
Owner/President Core General Contracting
Owner/President Gulf Shore Contracting
Bowie Urban Planners (AICP)
Weiler Engineering
Giffels-Webster Engineering
Land Surveying, Inc.
Artistix Design and Drafting

RESPONSIBILITIES: Design of on-site septic systems, inspections of central sewer systems, feasibility studies for development, budgeting, scheduling, all aspects of project management and engineering coordination which includes research, permitting, and coordinating with the following governmental agencies and/or departments:

Southwest Florida Water Management District, Army Corps of Engineers, Department of Environmental Resources/Department of Environmental Protection, Charlotte County Zoning Department, Charlotte County Building Department, Lee County Building Department, Charlotte County Natural Resources Division, Charlotte County Community Development Division, West Coast Inland Navigation District, Florida State Submerged Land Board of Trustees of the Internal Improvement Trust Fund (comprised of the Florida Governor and Cabinet)

Education

Paralegal Studies
Associate of Arts Degree from Florida Southwestern State College

Training & Education
University of Hawaii
SUNY at Buffalo
Edison Jr. College
Manatee Jr. College
Florida Gulf Coast University

Skills

- Design and inspections of on-site septic systems
- General Building Construction
- Environmental Permitting
- Research
- Logistics
- Utility & Building Inspections

Contact

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PRIOR EXPERT WITNESS REPORTS AND TESTIMONY PROVIDED BY LINDA B. COTHERMAN IN HER PROFESSIONAL CAPACITIES:

- State of Florida Submerged Land Board of Trustees of the Internal Improvement Trust Fund (Comprised of the Governor and members of the Cabinet)

- The Florida Public Service Commission

- Charlotte County Planning & Zoning Board

- Charlotte County Board of County Commissioners

- Charlotte County Property Appraiser's Special Master

- The 20th Judicial Court in both Lee and Charlotte Counties (regular appearances)

Principal Arguments in Opposition to the Proposed Application for Central Sewer

This proposed service area is located on a series of bridgeless barrier islands which require special consideration of the many unique characteristics of the area and the challenges it poses for project planning and logistics.

Technical Flaws of the Low-Pressure Grinder Pump System vs. OSTDS

A standard On-Site Sewage Treatment and Disposal System (OSTDS) separates fluids from solids in an in-ground tank, then by gravity moves the effluent to a drain field for filtration. A grinder pump system introduces a mechanical pump in a smaller chamber that turns wastewater into slurry. When the levels reach a trigger point, the pump engages to send the slurry to a wastewater treatment facility.

- **Risks of backups and overflow.** The LPS grinder pump system requires electricity. It will not operate during a power outage and its primary component – the tank – is quite small at approximately 70 gallons. The tank does not hold actual capacity because the float switch locations in the tank reduce the overall capacity. Therefore, the tank does not fill to the 70-gallon maximum. Once it reaches pressurized capacity without flow, it either pops the lid of the tank (creating a sewer spill) or backs up into the house. OSTDS is self-working and power outages have no impact on its operation.

- **Problematic sludge hardening and line bellies.** A "belly", also known as a "sag", is a dip or a low point in an underground sewer pipe that can cause serious plumbing issues. The unique soil conditions make these islands more prone to soil erosion and unstable soil conditions, and less conducive to consistent soil compaction. This can lead to backups and sewerage spills. Stationary slurry is vulnerable to hardening, particularly when it accumulates in a belly.

- **Impacts of inconsistent occupancy**. Grinder pumps are not optimal in areas that have highly fluctuating seasonal or part-time occupancy. Grinder pump slurry systems rely on more consistent, even, continuous flow. Periods of intermittent use and non-use, as are frequent in the proposed service area, will affect the pressure in the pipes. This can impact the surrounding homes and connections in other parts of the system.

Principal Arguments (cont'd)

- **More complex systems are prone to maintenance issues**. "The low-pressure system requires much institutional involvement because the pressure system has many mechanical components throughout the service area." *(See Exhibit LBC-3, pages 11, 12 of 27, "Overview of Low Pressure and Small Diameter Gravity Sewers" Course No. C02-014, Stephen Huskie, P.E)* This potentially involves more down time and more service calls. "Public education is necessary so the user knows how to deal with emergencies and how to avoid blockages or other maintenance problems."

- **Odor and corrosion issues**. Odors and corrosion are potential problems because the wastewater in the collection sewers is usually septic. Proper ventilation and odor control must be provided in the design and non-corrosive components should be used. Air release valves are often vented to soil beds to minimize odor problems. There is no documentation of the steps required to address the odor and corrosion issues. Maintenance of the air release valves will have to be monitored by the homeowner, coordinating with the landscape maintenance companies they engage.

- **Special handling of slurry at the wastewater treatment facility.** Most wastewater treatment plants are designed to accept wastewater, not slurry. This affects the treatment process in the plant, requiring different handling. Charlotte County's local plant is not designed to accept slurry, and there is no documentation that the County has accepted slurry as opposed to effluent.

Risk of System Failures and Sewer Spills

System failures are more prevalent in low-pressure sewer systems because the pipes can be placed in a relatively shallow position because they are under pressure. This saves time and cost in construction, but also makes the pipes more prone to breakage from contractor error and weather events.

- **No emergency plan for spillage clean-up.** Raw sewage is a public health and environmental issue. Sewer spillage needs to be contained as quickly as possible to reduce the environmental impacts. This requires immediate action with tanker trucks, pumping equipment, specialized equipment and personnel. Remedial treatment with lime is required, as is monitoring after the spill. If the spillage reaches a water body, continued testing and monitoring of the waterways is required to ensure public safety.

Principal Arguments (cont'd)

EU has not demonstrated the ability to respond to a sewer spill. There is no evidence that EU has the equipment or manpower to address a spill, and they have not mapped out the protocols to be used addressing the terrain (for example, how do they get to a potential spill where the lines traverse Don Pedro State Park?) and accessibility (there is no ferry access during a storm and limited access afterward).

- **History of sewer spills in proximity to the service area**. Abundant examples of sewer spills and overflows can be found from this regional area, particularly during the period between Hurricane Ian and Hurricane Milton. *(See Exhibit LBC-3, page 13 of 27, "Composite image of Media Coverage of Recent Regional Sewer Spills")* In fact, prior to Hurricane Milton Englewood Water District enacted a pre-emptive sewer & water shutdown for their service area on all of the bridgeless barrier islands, in an effort to prevent another weather-related sewer spill.

- **Access to properties subsequent to hurricanes**. Subsequent to landfalls of the recent hurricanes, there were extended periods of power outages due to transformer damages and meter and electrical panel submersion. Most septic systems were still operational during this time, allowing the homeowners access and occupancy. The proposed low-pressure system would require a generator (and refueling) during these extended power outages. Whole communities, including Palm Island Resort on Knight Island, were denied access to their homes because of the lack of functioning sewer.

- **Limited access to the service area.** Access to the bridgeless barrier islands is via private ferries that run a limited schedule dependent on weather, staffing, tides and size and weight of vehicles. They do not run in inclement weather. These logistics will impact the cost and time management of the construction portion of the sewer project. Also, during regular usage homeowners will be dependent on EU for system maintenance, emergency repairs and timely pump-outs. The ferries impact every aspect of this project. Any planning or development of a central sewer system will need to address and accommodate for this limited access.

Principal Arguments (cont'd)

Environmental Ramifications

- **No environmental impact study**. The islands are home to a large number of gopher tortoises, a threatened species, with numerous laws, protocols and procedures to protect them. There have been no environmental impact studies accomplished to address this issue, which could impact the cost, time and location of the project significantly. A survey by a qualified party to locate tortoises and their burrows for a single property 80' x 125' costs upwards of $2,000.00. In addition, if a burrow or multiple burrows are found, additional costs are incurred to dig up the burrow and identify if the burrow is an active one. If active, the tortoises must be relocated. The cost subsequent to the survey can be considerable, as charges can be up to $5,000.00 per tortoise relocation.

- **Destruction of habitat and disturbance of artifacts**. Charlotte County's Comp. Plan (Charlotte 2050) acknowledges the abundance of habitat on these bridgeless barrier islands and the prevalence of endangered and threatened species who live there. In the construction of the proposed sewer system there will likely be extensive destruction of habitat. According to Charlotte 2050, there is a "high probability" of disturbing archaeological and historic artifacts in the prospective service area. *(See Exhibit LBC-3, page 14 of 27, "Map 3 Archaeological Predictive Model", see Exhibit LBC-3, page 15 of 27, "Map 44 Historic Resources", see Exhibit LBC-3, page 16 of 27, "Map 50 Rare and Imperiled Communities")*

- **No improvement to nutrient reduction with central sewer connection**. Both OSTDS and Charlotte County Wastewater Reclamation facilities use primary and secondary treatment to remove pollutants and contaminants. If the need for service is contingent upon reduction of nutrients (pollutants), both treatment systems reduce in similar percentages. The significant way to reduce nutrients further is to use Advanced Wastewater Treatment (AWT), which can be provided by adding AWT to either OSTDS or the public treatment facilities. Charlotte County currently has no wastewater treatment plants that have been upgraded to provide advanced treatment. Sarasota County has put a moratorium on septic-to-sewer conversions pending the upgrades of their wastewater facilities to add AWT. *(See Exhibit LBC-3, pages 17, 18 of 27, "County's plan to eliminate septic tanks on hold", Sarasota Sun, Venice Edition 12/20/2022)*

Principal Arguments (cont'd)

Encroachment on Private Property Rights

A utility easement will be required for each property served by EU. Other utilities' equipment is usually located in an existing dedicated easement or road right-of-way, with the owner held responsible for connecting the home on the property to the equipment in the existing dedicated easement. This applicant requires new easements on each property to contain the utility's equipment (tank, pump and line) located near the house.

- **Easement encumbrance**. The low-pressure line going from the tank to the right-of-way must cross the homeowner's yard to make the connection. According to the tariffs submitted by EU, "the customer shall grant or cause to be granted to the company, and without cost to the company, all rights, easements, permits, and privileges which are necessary for the rendering of wastewater service." *(See "Application for Original Certificate of Authorization and Initial Rates and Charges for Wastewater Service" WASTEWATER TARIFF, Original Sheet No. 9.0, Item 14.0 "RIGHT-OF-WAY OR EASEMENTS")* This easement will encumber each property, affecting the property values and private property rights of the owners.

- **No guarantee of easement rights**. There is no guarantee that all of the existing homeowners within the proposed service area will voluntarily grant easement rights to the private wastewater utility. Where adjoining public right-of-way does not exist, these easement rights will be required not only for the residential properties, but to grant right-of-way to extend lines across private property to neighbors' properties. If substantial numbers of property owners refuse to grant easement rights it will impact the ultimate cost of construction and could impact the functionality of the entire system.

- **No just compensation for easement rights**. If eminent domain becomes necessary, there will be costly and time-consuming lawsuits invoking the Burt Harris Act of 1995." The Burt Harris Act was enacted in 1995 by the Florida Legislature in response to concerns that governmental regulations and actions could unfairly diminish the value of private property without providing just compensation to the property owners." This prospective scenario would impact the cost and timing of the construction project. EU would have to return to the PSC to address the rate increase for the initial hook-up fee.

Principal Arguments (cont'd)

Economic Impacts to Homeowners

- **Post-hurricane financial hardship**. The costs of central sewer are quite considerable at a very poor time for Island residents. Many have only recently received settlements from Hurricane Ian and had to lay out large sums for their rebuilds while they waited for compensation. Subsequently, destruction of property from the back-to-back events Hurricane Helene and Hurricane Milton has made many homeowners' financial situations precarious. Many property owners simply do not have the resources available to convert from septic to sewer.

- **No funding to offset financial burden**. There are no state or federal grants available to offset the burden of the initial installation costs for private utilities. In 1981, Governor Bob Graham directed state funds and federal grants away from the barrier islands to discourage development to protect the environment. Executive Order Number #81-105 suggests that state and federal grants should not be available for infrastructure on a barrier island. "Such funds shall not be used to subsidize growth or post disaster redevelopment in hazardous coastal barrier areas." *(See Exhibit LBC-4, Pages 19, 20 of 27 "Executive Order Number 81-105")*

- **No grandfathering of new septic systems regardless of age or condition.** Property owners who have just paid large sums for septic system repairs or to install new septic systems at their newly built or re-built homes would be forced to abandon these expensive installations and connect to the new sewer system.

- **No "pay-over-time" plan.** EU has made no provision for a pay-over-time plan for the ratepayers. Homeowners may be forced to take loans to cover the cost of connection, compounding the burden of recovery from post-hurricane destruction and adding an interest expense to the cost of connection.

- **Additional expenses are associated with this sewer system.** Beyond the initial connection cost imposed by the utility, homeowners may be faced with the following expenses:

Principal Arguments (cont'd)

- Cost of electrical contractor and materials to hook up new electric panel for the grinder pump.
- Ongoing cost of the electricity to run the pump.
- Back-up generator in the event of power outages lasting more than a few hours, due to the minimal capacity of the tank. This expenditure was recommended by the Giffels-Webster engineer's "Technical Memorandum" as follows: "During power outages, each pump should have a backup generator or special arrangements made to pump out systems so they do not back up". *(See "Application for Original Certificate of Authorization", technical memorandum titled "Evaluation of Wastewater Collection Technologies" by Jonathan Cole, 4.2.5 page 10)* Any costs associated with access for both the installation of the utility's equipment and the demolition of the septic system i.e. tree and vegetation removal. Many lots in the area have significant older growth trees and other impediments that potentially hinder access for the installation of the new equipment and the crush and fill of the septic tank. Depending on each property, this can be a substantial financial burden to the homeowner as the proposed contract with the homeowners only provides for minimal restoration of landscaping and damage done to property.

Further Impacts to Homeowners

- **No single point of contact.** There is no single entity that has oversight over the entire project for installation and maintenance. Each agency involved only participates in their portion of the project, i.e. the PSC, DEP, Army Corp of Engineers, Florida Department of Health, Charlotte County Code Enforcement and Public Works Department, etc. There are many moving parts and no single point of responsibility. Once the certificate is granted, the homeowners would essentially be helpless to change the direction of the project. Because EU, LLC is a private utility and not a subcontractor, Charlotte County will not be responsible for the project in its entirety, and will not step in if EU becomes insolvent, can't manage the project or folds its business.

- **No recourse in the event of project complications**. EU is not a contractor that has won a bid to install sewer. The PSC approves certification based solely on four criteria: need for service, financial ability of the applicant, technical expertise of the applicant and fair/equitable rates and charges. Each of the other agencies (County, DEP, Army Corps, etc.) is responsible for supervising only their specific area where

Principal Arguments (cont'd)

regulation and/or permitting is involved. There is no performance bond required, and property owners have no single point of recourse in the event of cost overruns or project failure.

- **Equipment replacement**. Salt air takes a heavy toll on mechanical and electrical equipment here. Equipment will need replacement when it fails, possibly at 5-year intervals. This proposal places too much responsibility on the homeowner at too great a cost.

- **Traffic congestion**. In the aftermath of Hurricane Ian, the combination of post-storm rebuilds, new home construction and tourist traffic during season made wait lines at the ferry both unpredictable and unreasonable. On these bridgeless barrier islands, there are no detours available that enable a resident to arrive at an appointment or destination on time in the face of unexpected ferry delays. Consider the heavy equipment, construction vehicles and material deliveries required to install an island-wide central sewer system. This project would result in years of traffic issues.

No Need for Service

- **OSTDS is acceptable as individualized wastewater treatment alternatives on bridgeless barrier islands**. According to the Florida Department of Environmental Protection website, "Properly designed, constructed, and maintained systems protect Florida's ground water which provides 90 percent of Florida's drinking water." *(See Exhibit LBC-3, page 21 of 27, "Florida Department of Environmental Protection: Onsite Sewage Program")* For the applicant simply to conclude that septic is bad and sewer is good, based on the principal of "common sense", is a dramatic oversimplification of the issue. Each system has its advantages in different circumstances.

- **No water quality testing in the proposed service area**. There has been no water quality testing in the immediate area of the bridgeless barrier islands waterways to prove a need for sewer or prove the inadequacy of the presently installed OSTDS.

Principal Arguments (cont'd)

- **No impact to local waters**. The vast majority of groundwater in Charlotte County generally flows into Charlotte Harbor. However, the groundwater in the proposed service area does not flow into either Charlotte Harbor or Lemon Bay as indicated on the Groundwater Flow map in the Charlotte County Sewer Master Plan. *(See Exhibit LBC-3, page 22 of 27, "Appendix 3, Figure 1-5 Groundwater Flow in Charlotte County".)* The closest water body, Lower Lemon Bay, currently attains water quality standards as reported by "Protecting Florida Together", a consolidation of information pertaining to water quality from Florida Fish and Wildlife Commission, the Florida Department of Environmental Protection, and the Florida Department of Health. *(See Exhibit LBC-3, page 23 of 27, "Protecting Florida Forever, Water Quality Status Map of Lower Lemon Bay".)*

- **Inconsistency with the Charlotte County Comprehensive Plan. (***See Exhibit LBC-4 "Analysis of the Application", page 4 of 17, Item 4.2. "The Charlotte County Comprehensive Plan")*

- **No feasibility study for Water Resource Caution Area**. Per Florida Department of Environmental Protection, "The Department uses the designation in wastewater facility permitting, wastewater facilities within, discharging into, or serving a population within a Water Resource Caution area are required to conduct a reuse feasibility study in order to obtain a permit." *(See Exhibit LBC-3, Page 24 of 27, "Florida Water Resource Caution Area" and LBC-3, page 25 of 27, "Map of FL Water Resource Caution Area")* The bridgeless barrier islands of Don Pedro, Knight and Little Gasparilla are within the Water Resource Caution Area. The applicant has not conducted a feasibility study. A proper study would add to the cost of the project's overall budget and will potentially increase the connection charges. In addition, a feasibility study might yield the conclusion that a septic-to-sewer conversion is not viable for the islands in the proposed service area.

Principal Arguments (cont'd)

- **Septics provide customized wastewater treatment**. When individual septic tanks are designed as part of new home construction, they are customized to the soil and other conditions that exist on each individual property. As a result, they are permitted, constructed and inspected to function properly on that specific individual property.

- **Charlotte County continues to permit septic systems**. On-site wastewater treatment systems are recognized as appropriate for public health, safety and water quality by Southwest Florida Water Management District, Department of Environmental Protection, the state of Florida Health Department in Charlotte County, Environmental Protection Agency and Charlotte County. Any issues that may arise with individual septic systems are the responsibility of the County, the state of Florida Health Department in Charlotte County or the Department of Environmental Protection. Therefore, it is a matter of code enforcement. The fact that Charlotte County is still installing septic systems on the bridgeless barrier islands in new construction is a testament to their suitability and efficacy.

- **Scope of system failures**. In EU's Response to Staff's First Set of Interrogatories (Nos. 1-32) dated October 29, 2024, the question in item 7 reads "Do the grinder pumps have reserve holding capacity to mitigate potential problems due to power outages, and if so, how much?" Stated in the response was "In the unlikely event that a smaller low pressure or grinder chamber gets washed out, the total environmental impact from raw sewage is only 100 gallons or one tenth the environmental impact of a typical 1000 gallon septic tank." Note that the environmental impacts of a recent sewer spill in Charlotte County released 6,000 gallons, of which 2,800 had percolated into the ground by the time cleanup began. *(See Exhibit LBC-3, Page 26 of 27, "Florida DEP Public Notice of Pollution" and Exhibit LBC-3, page 27 of 27, "Florida DEP Public Notice of Pollution."*) This was the consequence of a relatively timely response to a sewer disaster on the mainland. With limited access to the bridgeless barrier island, far less gallonage would be likely to be recovered in the same situation. This was also a smaller sewer spill, relatively speaking, than many others that have been recently reported. (*See Exhibit LBC-3, page 13 of 27, "Composite image of Media Coverage of Recent Regional Sewer Spills")*

Overview of Low Pressure and Small Diameter Gravity Sewers

Course No: C02-014

Credit: 2 PDH

Stephen Huskie, P.E.

CED engineering.com
PDH FOR THE PROFESSIONAL

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Stony Point, NY 10980

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Because wastewater is pumped under pressure, gravity flow is not necessary and the strict alignment and slope restrictions for conventional gravity sewers can be relaxed. Network layout does not depend on ground contours: pipes can be laid in any location and extensions can be made in the street right-of-way at a relatively small cost without damage to existing structures.

Other advantages of pressure sewers include:

Material and trenching costs are significantly lower because pipe size and depth requirements are reduced.

Low-cost clean outs and valve assemblies are used rather than manholes and may be spaced further apart than manholes in a conventional system.

Infiltration is reduced, resulting in reductions in pipe size.

The user pays for the electricity to operate the pump unit. The resulting increase in electric bills is small and may replace municipality or community bills for central pumping eliminated by the pressure system.

Final treatment may be substantially reduced in hydraulic and organic loading in STEP systems. Hydraulic loadings are also reduced for GP systems.

Because sewage is transported under pressure, more flexibility is allowed in siting final treatment facilities and may help reduce the length of outfall lines or treatment plant construction costs.

Disadvantages

Requires much institutional involvement because the pressure system has many mechanical components throughout the service area.

The operation and maintenance (O&M) cost for a pressure system is often higher than a conventional gravity system due to the high number of pumps in use. However, lift stations in a conventional gravity sewer can reverse this situation.

Annual preventive maintenance calls are usually scheduled for GP components of pressure sewers. STEP systems also require pump-out of septic tanks at two to three year intervals.

Public education is necessary so the user knows how to deal with emergencies and how to avoid blockages or other maintenance problems.

The number of pumps that can share the same downstream force main is limited.

Power outages can result in overflows if standby generators are not available.

Life cycle replacement costs are expected to be higher because pressure sewers have a lower life expectancy than conventional systems.

Odors and corrosion are potential problems because the wastewater in the collection sewers is usually septic. Proper ventilation and odor control must be provided in the design and non-corrosive components should be used. Air release valves are often vented to soil beds to minimize odor problems and special discharge and treatment designs are required to avoid terminal discharge problems.

DESIGN CRITERIA

Many different design flows can be used in pressure systems. When positive displacement GP units are used, the design flow is obtained by multiplying the pump discharge by the maximum number of pumps expected to be operating simultaneously. When centrifugal pumps are used, the equation used is $Q = 20 + 0.5D$, where Q is the flow in gpm and D is the number of homes served. The operation of the system under various assumed conditions should be simulated

LOCAL

City of Tallahassee slapped with $18,000 fine for latest sewage spill

Elena Barrera
Tallahassee Democrat

Florida Health Department lifts health alert after sewage spill in Lake Worth Beach area

Millions of gallons dispersed after 36-inch inch line rupt... d

NEWS > HEALTH

Sanford sewage spill into Lake Monroe swells to 13 million gallons

News-Press. Southwest Florida golf pros Evan Bowser a...

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Force main break causes estimated 5,000-gallon sewage spill in Cape Coral

Sarah Jarvis
The News-Press
Published 2:52 p.m. ET Nov. 2, 2018

PINELLAS COUNTY

St. Pete officials: 10,000 gallons of sewage spilled into Riviera Bay

by: Rachel Tucker
Posted: Aug 21, 2023 / 12:56 PM EDT
Updated: Aug 21, 2023 / 05:04 PM EDT

7,000 gallons of raw sewage spills into Cape Coral storm drain

Molly Reed, Reporter
October 7, 2022 at 4:29 PM
October 7, 2022 at 5:49 PM

Ian caused 7.2M-gallon sewage spill into Indian River Lagoon, Brevard leaders say

Environmental groups fear spills may cause algal blooms harmful to manatees

Sewer-line break in Sarasota spills 340,000 gallons, city says

Water testing near Whitaker Bayou shows levels returning to

500,000 gallons of raw sewage spills from Clearwater wastewater treatment plant

By Briona Arradondo | Published May 11, 2023 10:39pm EDT | Clearwater | FOX 13 News

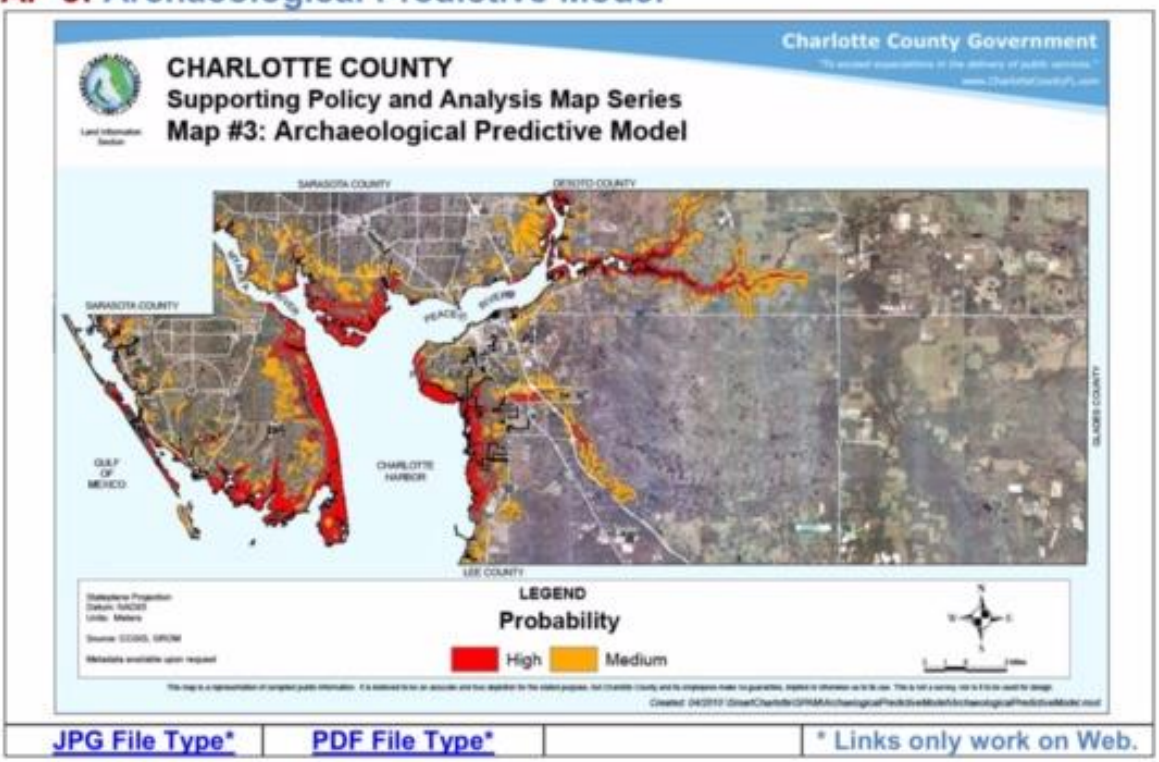
Savings Options
1-Year CDs: 12% Interest

1.2 million gallons of sewage spills into Manatee River

About 1,000 gallons of raw sewage spills in Loxahatchee

by Jack Lemmus | Fri, May 3rd 2024 at 6:43 AM

MAP 3: Archaeological Predictive Model



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MAP 44: Historic Resources

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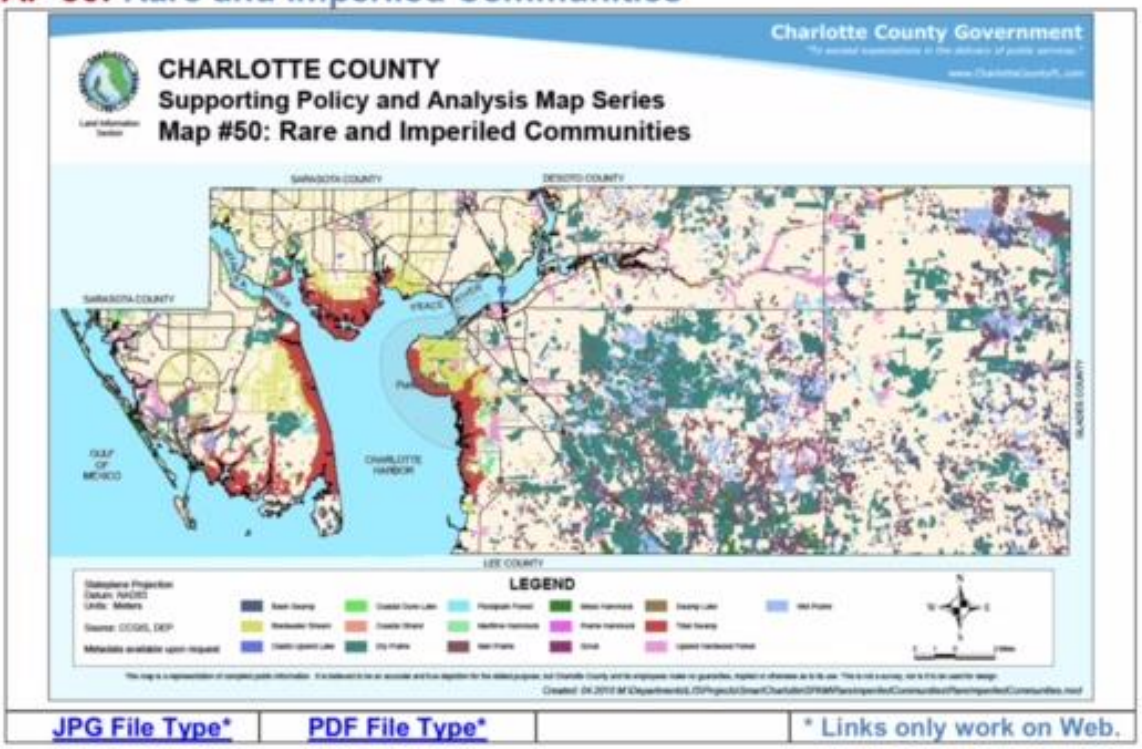
MAP 50: Rare and Imperiled Communities



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https://www.yoursun.com/venice/news/countys-plan-to-eliminate-septic-tanks-on-hold/article_1c8f35ec-74b0-11ed-8507-6bd5c5445bc2.html

FEATURED | TOPICAL

County's plan to eliminate septic tanks on hold

Conversion to advanced wastewater treatment has top priority

By BOB MUDGE Senior Writer
Dec 7, 2022

Sarasota County is in the process of converting its three water reclamation facilities, including the Venice Gardens facility, into Advanced Wastewater Treatment (AWT) facilities. Pictured is a rendering of the Bee Ridge facility once it becomes an AWT.
RENDERING PROVIDED

SARASOTA — Sarasota County still wants to replace septic tanks with sewer system connections, but it won't be pushing conversions for a while.

Before its "Septic to Sewer" plan can be implemented, its sewage treatment plants need to be upgraded to advanced wastewater treatment, Utilities Director Mike Mylett said during a water quality webinar Monday.

And that won't happen for several years at least.

Construction of an AWT facility to replace the existing Bee Ridge facility is underway, but won't be completed until December 2025, said Jill Dallmann, a Utilities project manager. The cost is $280 million.

The Venice Gardens treatment facility is going to be converted to AWT at an estimated cost of $150

million-$200 million, she said, but it's only in the design phase, with a completion target of December 2026.

And work can't start on a new Central County AWT facility until the other two are online because the wastewater it processes will need to be diverted to them during construction, she said.

It's not on the drawing board yet, but the current cost estimate is $250 million-$275 million.

The investment in the conversion to AWT is the county's largest project ever, County Commissioner Ron Cutsinger said.

The county has also committed more than $12 million for storage facilities for treated wastewater, including aquifer recharge wells; aquifer storage and recovery; and deep-injection wells, according to Dallman.

State of Florida

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 81-105

WHEREAS, it is the policy of the State of Florida to protect and manage Florida's extensive, fragile coastal resources, in order to enhance the recreational, scientific, economic and natural resource values, for both present and future Floridians; and

WHEREAS, coastal barriers, which include barrier islands, beaches, and related lands, are essential to the maintenance of these coastal resources; and

WHEREAS, these coastal barriers serve to reduce Florida's extensive vulnerability to natural hazards, particularly hurricanes, thereby reducing the ever-present threat to human life, private and public property, and other resources in the coastal areas; and

WHEREAS, these coastal barriers are vulnerable to hurricanes, other storm damage and geologic composition, and are continuously altered by wave, tidal, and wind actions; and

WHEREAS, these coastal barriers are a source of beauty and enjoyment, in addition to contributing billions of dollars to the State's economy annually; and

WHEREAS, past utilization of coastal barriers often has not taken place in a manner consistent with public safety and economic welfare; and

WHEREAS, certain State actions, programs, and funding policies have historically subsidized and encouraged development on coastal barriers resulting in a loss of barrier resources, increased vulnerability of human life, health, and property and the recurring obligation of tax dollars; and

WHEREAS, the Florida Legislature, the Governor, the Cabinet, and various state agencies have recognized the importance of protecting these critical coastal areas and sought to manage these resources in a manner consistent with the principles of public safety, economic development, and resources management;

NOW, THEREFORE, I, BOB GRAHAM, as Governor and Chief Executive of the State of Florida, by virtue of the authority vested in me by the Constitution and the Laws of the State, do hereby issue the following order effective immediately:

The Secretaries of the Departments of Commerce, Environmental Regulation, Health and Rehabilitative Services, Transportation, Veteran and Community Affairs and the Director of the Governor's Office of Planning and Budgeting are directed to take the following actions as applicable to their agencies:

1. Give coastal barriers, which include barrier islands, beaches and related lands, high consideration in existing state land acquisition programs and priority in the development of future acquisition programs.

2. Direct state funds and federal grants for coastal barrier projects only in those coastal areas which can accomodate growth, where there is need and desire for economic development, or where potential danger to human life and property from natural hazards is minimal. Such funds shall not be used to subsidize growth or post disaster redevelopment in hazardous coastal barrier areas. Specific consideration shall be given to the impacts of proposed development or redevelopment with respect to hazard mitigation.

3. Encourage, in cooperation with local governments, appropriate growth management so that population and property in coastal barrier areas are consistent with evacuation capabilities and hazard mitigation standards.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 4th day of September 1981.

GOVERNOR

ATTEST:

SECRETARY OF STATE

Onsite Sewage Program

Onsite Sewage Program Quick Links

Onsite sewage treatment and disposal systems (OSTDS), commonly referred to as septic systems, are currently used for wastewater disposal by approximately 30% of Florida's population. With an estimated 2.6 million systems in operation, Florida represents 12% of the United States' septic systems.

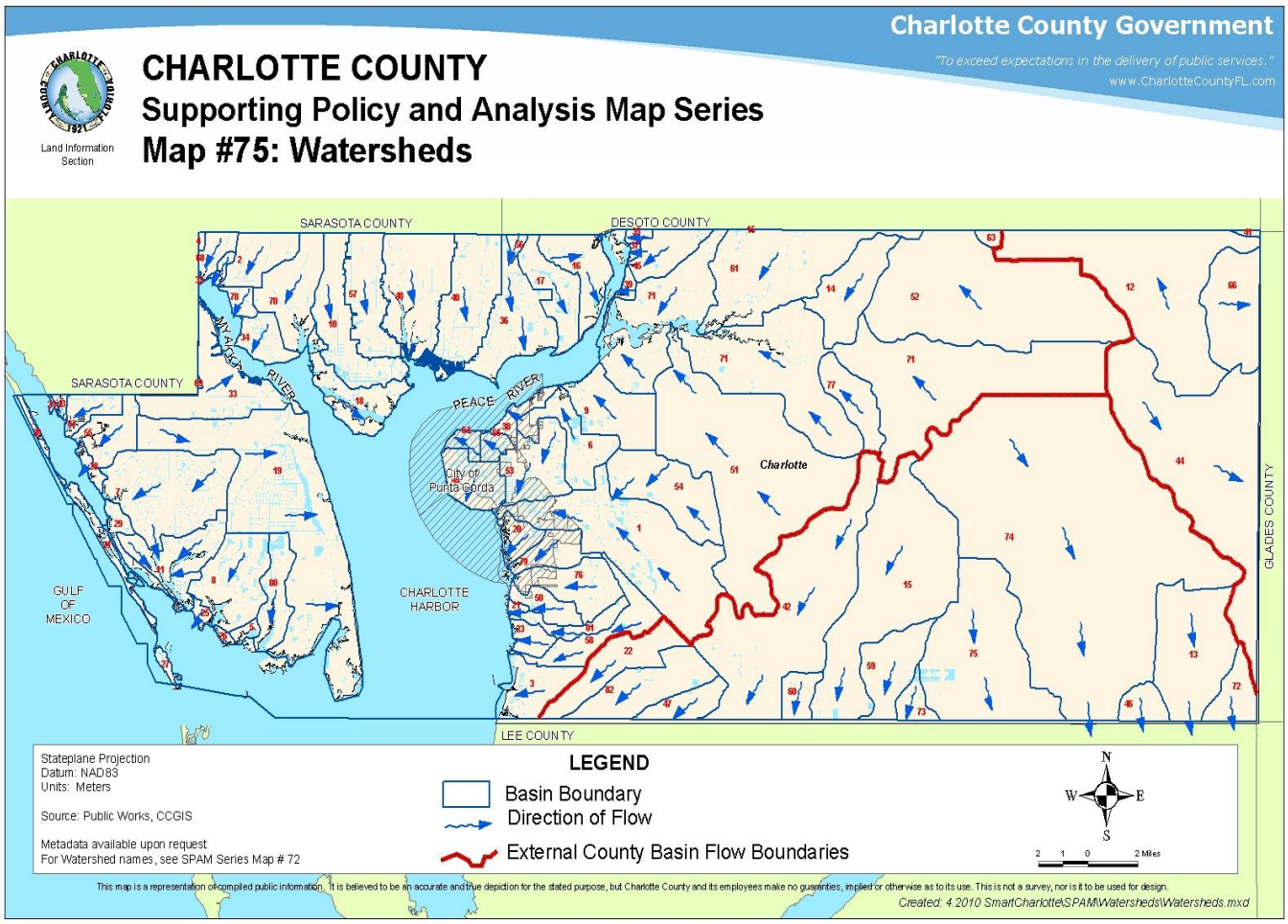
Proper design, construction and maintenance of systems are important to help protect Florida's ground water, which provides 90% of the state's drinking water. Permitting and inspection of OSTDS is handled by the Environmental Health section of the Florida Department of Health in each county. If you have a question or concern about an issue that is located entirely within one county, versus statewide, please contact your local county health department directly.

Onsite Sewage Program News & Rule Development

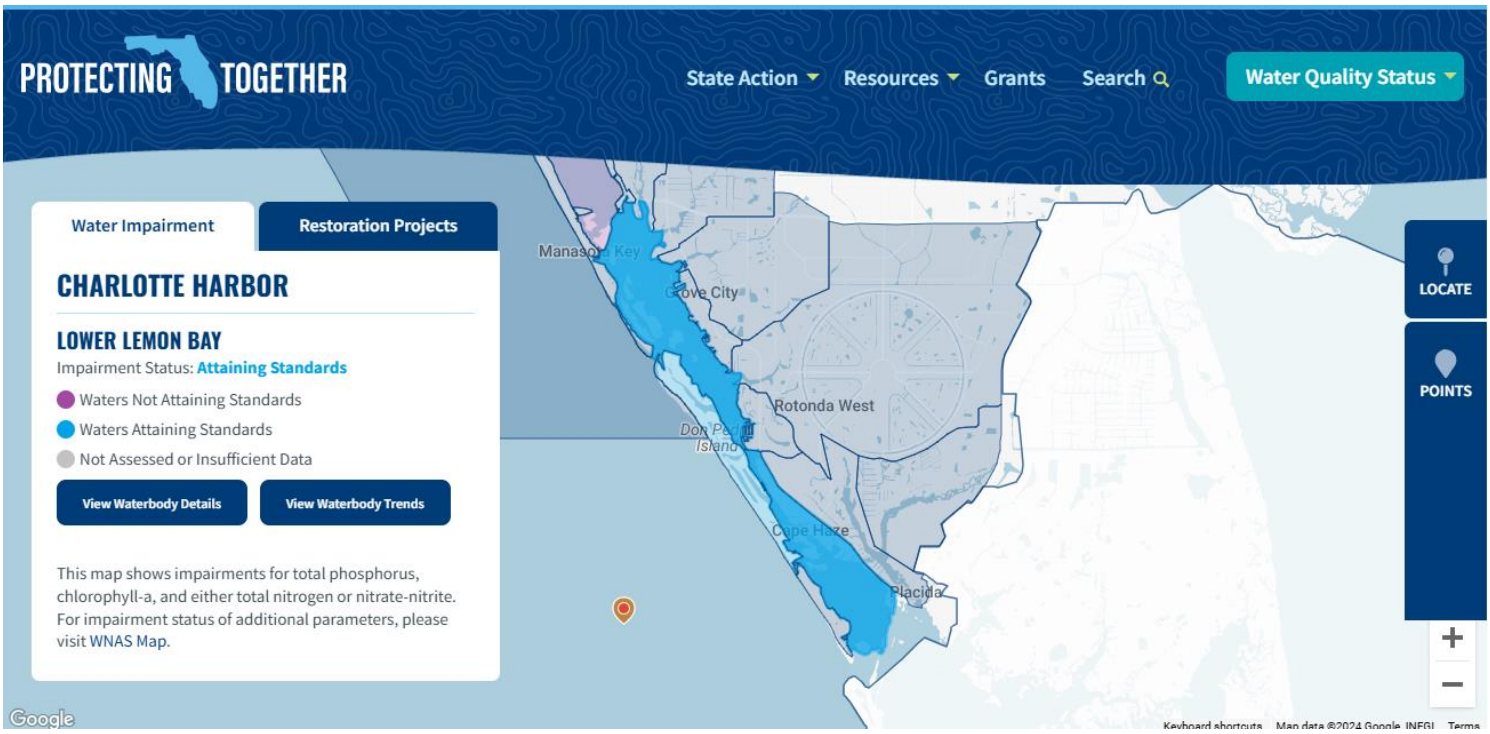
- *NEW* OSTDS Permitting of Enhanced Nutrient Reducing Onsite Sewage

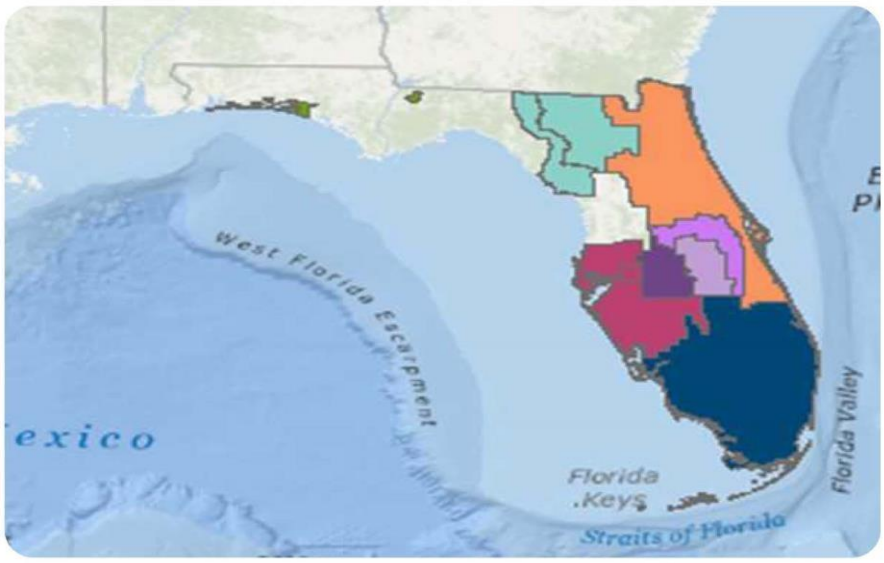
Permitting of Enhanced Nutrient Reducing Onsite Sewage Treatment and Disposal Systems (ENR-OSTDS), House Bill 1379

Map: BMAPs and Alternative Restoration Plans - OSTDS Requirements


Charlotte County Government
"To exceed expectations in the delivery of public services."
www.CharlotteCountyFL.com
CHARLOTTE COUNTY
Supporting Policy and Analysis Map Series
Map #75: Watersheds
Land Information Section
SARASOTA COUNTY
DESOTO COUNTY
SARASOTA COUNTY
PEACE RIVER
City of Punta Gorda
Charlotte
GLADES COUNTY
GULF OF MEXICO
CHARLOTTE HARBOR
LEE COUNTY
Stateplane Projection
Datum: NAD83
Units: Meters
Source: Public Works, CCGIS
Metadata available upon request
For Watershed names, see SPAM Series Map # 72
LEGEND
Basin Boundary
Direction of Flow
External County Basin Flow Boundaries
N
W
E
S
2 1 0 2 Miles
This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise as to its use. This is not a survey, nor is it to be used for design.
Created: 4.2010 SmartCharlotte\SPAM\Watersheds\Watersheds.mxd


GULF OF MEXICO


PROTECTING TOGETHER
State Action
Resources
Grants
Search
Water Quality Status
Water Impairment
Restoration Projects
CHARLOTTE HARBOR
LOWER LEMON BAY
Impairment Status: Attaining Standards
Waters Not Attaining Standards
Waters Attaining Standards
Not Assessed or Insufficient Data
View Waterbody Details
View Waterbody Trends
This map shows impairments for total phosphorus, chlorophyll-a, and either total nitrogen or nitrate-nitrite. For impairment status of additional parameters, please visit WNAS Map.
Rotonda West
Cape Haze
Placida
LOCATE
POINTS
Google



Florida Water Resource Caution Areas (WRCA)

FDEP Open Data Administrator
Florida Department of Environmental Protection

View Map | More

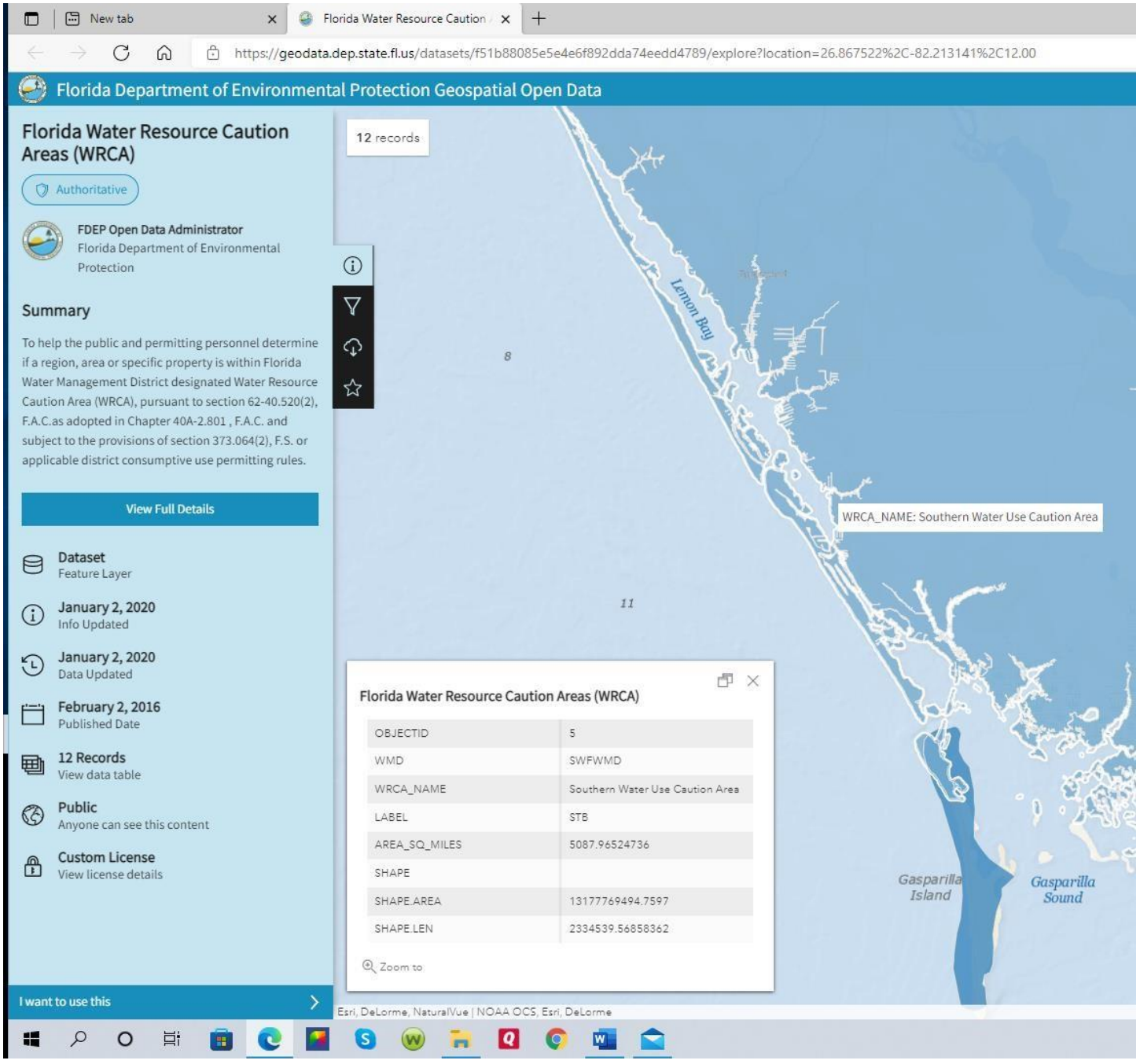
Summary

To help the public and permitting personnel determine if a region, area or specific property is within Florida Water Management District designated Water Resource Caution Area (WRCA), pursuant to section 62-40.520(2), F.A.C.as adopted in Chapter 40A-2.801 , F.A.C. and subject to the provisions of section 373.064(2), F.S. or applicable district consumptive use permitting rules.

Water Management Districts in Florida are mandated by the Florida Statutes to ensure adequate supply of water and water resources for all citizens and natural features, provide protection and improvement of natural systems and water quality, minimize harm to water resources, and promote the reuse of reclaimed water. Water Management Districts have the regulatory authority for well construction and consumptive use permitting. The Department of Environmental Protection has regulatory authority over wastewater facilities. Florida Water Management District Governing Board Boards are required to conduct regional water supply planning for areas where existing water sources are insufficient to meet projected 20-year demands. Those areas are also to be designated as Water Resource Caution Areas, either by rule if the district uses the designation in its consumptive use permitting program, or in its Regional Water Supply Plan if it does not. The Department uses the designation in wastewater facility permitting. Wastewater facilities within, discharging into, or serving a population within a Water Resource Caution area are required to conduct a reuse feasibility study in order to obtain a permit.For more information follow these links:Florida Office of Water Policy https://floridadep.gov/water-policy Water Management Districts http://www.nwfwmd.state.fl.us, http://www.srwmd.state.fl.us, http://www.sjrwmd.com, http://www.swfwmd.state.fl.us, http://www.sfwmd.gov Section 40A-2.801 FAC http://florida.eregulations.us/rule/40a-2.801

Read Less

Division of Water Resource Management (DWRM)


New tab
Florida Water Resource Caution
https://geodata.dep.state.fl.us/datasets/f51b88085e5e4e6f892dda74eedd4789/explore?location=26.867522%2C-82.213141%2C12.00
Florida Department of Environmental Protection Geospatial Open Data
Florida Water Resource Caution Areas (WRCA)
Authoritative
FDEP Open Data Administrator
Florida Department of Environmental Protection
Summary
To help the public and permitting personnel determine if a region, area or specific property is within Florida Water Management District designated Water Resource Caution Area (WRCA), pursuant to section 62-40.520(2), F.A.C.as adopted in Chapter 40A-2.801 , F.A.C. and subject to the provisions of section 373.064(2), F.S. or applicable district consumptive use permitting rules.
View Full Details
Dataset
Feature Layer
January 2, 2020
Info Updated
January 2, 2020
Data Updated
February 2, 2016
Published Date
12 Records
View data table
Public
Anyone can see this content
Custom License
View license details
I want to use this
12 records
Lemon Bay
8
11
WRCA_NAME: Southern Water Use Caution Area
Gasparilla Island
Gasparilla Sound
Florida Water Resource Caution Areas (WRCA)
OBJECTID 5
WMD SWFWMD
WRCA_NAME Southern Water Use Caution Area
LABEL STB
AREA_SQ_MILES 5087.96524736
SHAPE
SHAPE.AREA 13177769494.7597
SHAPE.LEN 2334539.56858362
Zoom to
Esri, DeLorme, NaturalVue | NOAA OCS, Esri, DeLorme

Subject: Public Notice of Pollution - Initial Notice

FLORIDA DEPARTMENT OF

Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Pollution Notice

Thank you for submitting a Public Notice of Pollution for a reportable Incident in compliance with Section 403.077, F.S.

All information displayed was submitted by the reporting party.

Type of Notice: Initial Report
Date of Notice: 10/28/2024

Incident Information
Name of Incident: 9147 Agate St 10-28-24
State Watch Office Case Number: 2024-09983
Start of Incident: 10/28/2024 07:00
End of Incident: 10/28/2024 11:00
Incident Description: Received notification for a sewer leak at 9147 Agate St. Break in LPS line was due to ball valve/blowoff failure. 6,000 gallons released with 3,200 gallons being recovered. The remaining 2,800 gallons had percolated into the affected ground by the time cleanup began. Cleaned up area and spread lime on affected ground. System placed back in service on 10/28/24 at 11:08 AM. No storm drains or waterways were affected.
Wastewater Type: Untreated
Cause: Equipment
Spill Volume: 6000
Volume Recovered: 3200
Waterbodies Impacted: NA
Clean-up Status: Complete

Clean-up Actions: Vacuumed/pump truck, Applied lime
Agencies Notified: Ken Stecher

Incident Location
Facility/Installation Name: Charlotte County Utilities - Westport WWTP
Address Line 1: 9147 Agate St
Address Line 2:
Directions:
City: Port Charlotte
State: FL
Zip Code: 33981
Coordinates (in decimal degrees):
Lat: 26.89741872737484, Long: -82.2332319778391
Impacted Counties: Charlotte

Incident Reported By
Name: Lawrence Tomlinson
Title: Utilities Field Supervisor
Phone: (941) 764-4387
E-mail Address: lawrence.tomlinsonii@charlottecountyfl.gov

On-Site Contact
Name: Bruce Schellinger
Phone: (941) 764-4563
E-mail Address: Bruce.Schellinger@charlottecountyfl.gov

To view a list of all received Public Notices of Pollution or to modify your e-mail subscription settings, please click the link below:
Public Notice of Pollution

Florida Department of Environmental Protection

Analysis of the Application for Original Certificate by Environmental Utilities, LLC

The application for Original Certificate by Environmental Utilities, LLC contains numerous discrepancies, inaccuracies as well as missing information. These are detailed below.

1. **Part II B. FINANCIAL ABILITY (1)** Exhibit "B-1" does not appear to be a "detailed financial statement (balance sheet and income statement)" as requested to be provided.

2. **Part II B. FINANCIAL ABILITY (2)** Exhibit "B-2" is not a list of all or even any entities upon which the applicant is relying to provide funding. The entire submission consists of a letter issued by Freedom Holdings Manatee, LLC which is contingent upon PSC approval of the service area certificate and an acceptable pro forma appraisal of the wastewater system. The loan proposal cannot exceed 75% of the pro forma appraised value and there is no guarantee the actual loan amount will reach that maximum. No state or federal funding was identified in the response. The availability of state or federal grants is unlikely for a private utility installing central sewer on a bridgeless barrier island *(See Exhibit LBC-3. Pages 19, 20 of 27, "Executive Order Number 81-105")*

3. **Part II C. TECHNICAL ABILITY (1)** No statement or exhibit has been submitted to indicate that the applicant has any technical ability to install and operate a central wastewater system. It is worth noting that the applicant's first attempt to apply for a certificate of service in this specific area was almost exactly 20 years ago. In the interim period, the utility owner made no effort to improve his qualifications in the area of wastewater treatment systems.

4. **Part II D. NEED FOR SERVICE (1)** Exhibit "D-1" The applicant provided a limited narrative without documentation to discuss the need for service. The narrative depends primarily on the Sewer Master Plan, the Charlotte County Comprehensive Plan, the Bulk Sewer Treatment Agreement and Charlotte County Resolution 2023-155.

   4.1 The Sewer Master Plan. There are multiple discrepancies and inaccuracies in the SMP, which is the underlying document.

Analysis of the Application (cont'd)

4.1.1 Three criteria were cited by EU as they appeared in the SMP. The three criteria are as follows: (a) Proximity to water (b) Age of Septic Systems and (c.) Nitrogen loading. No data was provided to substantiate items (b) and (c).

4.1.1 (a.) **Proximity to Water**. Based on data from FDEP, there were multiple sewer spills recently reported in close proximity to the service area. *(See Exhibit LBC-3. page 13 of 27, "Composite image of Media Coverage of Recent Regional Sewer Spills" also Exhibit LBC-3, page 26, 27 of 27, Florida DEP Public "Notice of Pollution.")* These references indicate that the risk and likelihood of a central sewer spill poses a greater danger to public health and water quality than the environmental hazard of an on-site septic system close to the water.

The efficacy of current technology for decentralized wastewater management is now comparable to central sewer technology, without running the risk of catastrophic contamination and environmental damage which has accompanied central sewer spills and overflow.

If Charlotte County considered the use of on-site treatment systems as a public health and/or water quality issue, they have the authority to place a moratorium on installation or deny permitting of septic systems until such time as central sewer is available. *(See Exhibit LBC-3, page 17, 18 of 27, "County's plan to eliminate septic tanks on hold", Sarasota Sun, Venice Edition 12/20/2022)* In fact, the County continues to issue permits for septic systems in the proposed EU area.

4.1.1 (b) **Age of Septic Systems**: The SMP depicts the bridgeless barrier islands as having an average age of septic tanks as between 26 and 40 years old. This was based on now outdated information, secured from the Charlotte County Property Appraiser's Office. These records only provide the date that the original home was constructed, not indicating where and when septic systems have been replaced or upgraded. There has also been new construction since the 2017 SMP which incorporates new wastewater technology in septic systems.

Analysis of the Application (cont'd)

4.1.1 (c.) **Nitrogen Loading**: What was provided in the SMP was an arbitrary rating system, which had neither testing data nor the attendant documentation from any location near the proposed service area. In the SMP, reference is made to data coming from other agencies, and "Researchers estimate" of nitrogen effluent loads were used.

4.1.2 The SMP acknowledges that septic systems will be used in various areas of the County under the jurisdiction of the various governmental permitting agencies. Charlotte County continues to permit new construction that utilizes individual on-site septic tanks. In fact, the County continues to issue permits for septic systems in the proposed EU area. Furthermore, Charlotte County has an ongoing, mandatory inspection program for on-site septic systems through the Department of Health. Charlotte County 2050 has language directing the Health Department to conduct 5-year inspections of septic systems in the County. WSW Policy 5.1.1: **Septic System Maintenance Schedule.** "The County shall assist the Charlotte County Health Department (CCHD) Environmental Health Unit (EHU) in developing a schedule of septic system maintenance."

4.1.3 The SMP, on which the applicant's narrative is based, incorrectly identifies the names of the Islands and their locations. For example, the Charlotte County Future Land Use Map #9 showing the Barrier Island Overlay District calls part of Thornton Key and part of Knight Island "Palm Island" and calls the residential portion of Don Pedro Island "Knight Island/Thornton Key". The "Capital Improvements Project Information Sheet" identifies a project named as "W-2 Don Pedro". However, the area outlined on the map is not the W-2 project area, which is titled "Knight Island Utilities, Inc. Wastewater Treatment Plant." The description on the information sheet also identifies W-2 as the Knight Island Utilities, Inc. package plant. The boundary lines appear to be incorrect. This accounts for some of the confusion and discrepancies associated with the SMP. (*See Exhibit LBC-4. Page 12 of 19, "Map #9: Barrier Island Overlay District" and Exhibit LBC-4. Page 13 of 19, "Capital Improvements Project Information Sheet*") The corrected map of the prospective service area is attached. *(See Exhibit LBC-4. Page 14 of 19, "Bridgeless Barrier Island Locations")*

Analysis of the Application (cont'd)

4.1.4 While the SMP was perceived as a roadmap for septic-to-sewer conversion, it was clear that the County had imposed their own priorities when looking at directing funding for the SMP projects. The individual houses and lots in the proposed service area were not included in the capital improvement projects as part of the 5-year plan in the SMP. The two private wastewater treatment plants, Knight Island Utilities, Inc. (located at the Palm Island Resort on Knight Island) and Hideaway Bay Beach Club Condominiums on Little Gasparilla Island, were identified as high-priority targets for sewer installation within the 5-year portion of the SMP.

4.2 The Charlotte County Comprehensive Plan.

4.2.1 The Charlotte County Comprehensive Plan categorizes land into two groups: the Urban Service Area and the Rural Service Area. In order to direct development to places that are desirable for large populations, the Urban Service Area provides infrastructure and utilities to attract developers. In the same way, if the government wishes to direct development away from an area, it puts it into the Rural Service Area. Charlotte County's bridgeless barrier islands are in the Rural Service Area. The Comp. Plan mandates on-site septic systems for the Rural Service Area. From FLU Policy 3.2.4: **Limitation on the Extension of Urban Infrastructure**. "The County shall prohibit the provision of water and sewer infrastructure within the Rural Service Area and shall: 2. Continue to rely primarily upon individual on-site septic systems as the method of disposal of wastewater;"

4.2.2 According to Charlotte 2050 WSW Policy 3.2.4: **Certificated Utility Companies and the Urban Service Area**. "The County shall discourage expansion of the service areas of utility companies regulated by the Florida Public Service Commission to any areas outside of the Urban Service Area, in accordance with FLU Policy 3.2.5: **Support Economic Viability of Agricultural Lands** and Special Provision 1(b) of the Rural Settlement Overlay District contained in FLU Appendix I." No specific language in any of the Comp. Plan policies relative to the Rural Service Area makes a distinction between public utilities and privately owned utilities. Even utilities approved by the Public Service Commission are excluded from extending sewer outside of the Urban Service Area.

Analysis of the Application (cont'd)

4.2.3 In the 2002 PSC docket, the County's interests in supporting the central sewer proposal were represented by a Pre-Hearing Statement provided by Jeanette Knowlton, then Assistant County Attorney *[See Florida Public Service Commission Docket No. 20020745-WU "Charlotte County's Pre-Hearing Statement*." Her statement made clear that, although the utility proposing central sewer was privately owned, that the application was **not** consistent with the language of the Comp. Plan and should the project move forward without amending the Comp. Plan then the County would be obligated to shut the project down. This would have been the case, despite the fact that the project was being executed by a private utility and not by the County.

Ms. Knowlton is presently the Charlotte County Attorney. Neither her office nor the Community Planning Department have provided testimony or evidence in this application addressing the continuing inconsistency of extending central sewer on the bridgeless barrier islands with the Comp. Plan. In fact, in September of 2019 the County began the process of updating the Charlotte 2050 Comp. Plan. The proposed completed revisions were presented to the Community Planning and Natural Resources Departments on February 14th, 2022 and on March 22nd, 2022 it was presented to the Board of County Commissioners for the transmittal hearing. No changes have been included in the revisions relative to allowing central sewer to be extended to the bridgeless barrier islands.

4.3 The Bulk Sewer Treatment Agreement.

4.3.1 The Bulk Sewer Treatment Agreement puts forth "environmental scoring criteria" to justify septic-to-sewer conversion in the areas of "Cape Haze, Little Gasparilla Island and Don Pedro Island". However, these criteria have been recently set aside with respect to Cape Haze. The Board of County Commissioners have agreed to indefinitely delay the project in Cape Haze and implement 1-2 years of water testing in the area to establish a need for service.

Analysis of the Application (cont'd)

4.3.2 Section Two, General Conditions (B) of the Bulk Sewer Treatment Agreement states that "before EU can carry out its obligations pursuant to this Agreement, it must first obtain certification from the Florida Public Service Commission (FPSC) and easements through Don Pedro State Park." According to the Charlotte County Future Land Use Map of Don Pedro State Park, the transmission lines intended for the proposed central sewer run through designated wetlands *(See Exhibit LBC-4, page 15 of 19, "Map #18: Wetlands)*. The Comp. Plan has strict environmental policies pertaining to wetlands. Charlotte 2050 states in ENV Policy 3.1.7 **"Prohibited Uses"**: "The use, storage, transmission or generation of hazardous substances, or substances which may artificially accelerate the eutrophication of wetlands and waterbodies, is prohibited within 200 feet of wetlands."

4.3.3 The Florida DEP Office of Park Planning oversees the management plans for state parks and trails. According to their Don Pedro Island State Park Unit Management Plan, transmission lines are not permitted to be placed in the park at this time.

4.4 Charlotte County Resolution #2023-155.

4.4.1 The assertions made in the Resolution with respect to the Comp. Plan and the SMP have no basis in the language that exists in both documents. The Florida PSC has already adjudicated the disposition of the application with respect to the Comp. Plan and the SMP. This application was previously denied, based in part by the establishment of inconsistency with the Rural Service Designations in the County's Comp. Plan. The relevant portions of the Comp. Plan have not changed since then.

4.4.2 The assertions made in the Resolution provide no supporting data, made available to the public, that indicates a formal review was implemented to arrive at these conclusions. As stated in the Comp Plan, WSW Policy 3.2.1: **County Review of and Action on Certificated Areas** "The County shall review all proposed new certificated utility areas, or the proposed expansion of an existing certified utility area, to ensure that any such new or expanded certificated area is consistent with, and advances the goals, objective, and policies of this Plan."

Analysis of the Application (cont'd)

5. **Part II Application form, item D. NEED FOR SERVICE (1) (a).** The answer provided under item D.1. (a) is completely lacking in any information requested in item "(a)", and the information provided is inconsistent with the testimony of Deborah Swain.

6. **Part II Application form, item D. NEED FOR SERVICE (1) (b)** Of the proportionately low number of letters submitted as "requests for service", the majority simply support the proposal and are not actual service requests. The actual requests for service are based on theoretical, unapproved rates and charges. Realistic costs have not been fully established.

7. **Part II Application form, item D. NEED FOR SERVICE (1) (c)** The land use designated on the application is incorrect. On the application, the land use designation is identified as "Compact Growth Mixed Use". However, the correct land use designation is "Coastal Residential" with a "Bridgeless Barrier Island" (BBI) zoning designation. *(See attached Exhibit LBC-4. Page 16 of 19, "FLU Table A1: Future Land Use Designations")*

8. **Part II Application form, item D. NEED FOR SERVICE (1) (d)** The applicant stated "None" with respect to land use restrictions, when in fact there are numerous land use restrictions and environmental restrictions in the Charlotte County Comp. Plan and Charlotte County Zoning ordinances. Examples include the Barrier Island Overlay District and the Rural Service Area designation. The Comp. Plan would require amendments to accomplish this project. *(See Exhibit LBC-4. Page 16 of 19, "FLU Table A1: Future Land Use Designations")* Other restrictions that require approvals and/or permits include the Environmental Protection Agency (EPA), multiple permits from the Department of Environmental Protection, the West Coast Inland Navigation District (WCIND), the Coastal Construction Control Line, the Florida State Submerged Land Board of Trustees of the Internal Improvement Trust Fund, multiple permits from Charlotte County, and the South West Florida Water Management District (SWFWMD).

Analysis of the Application (cont'd)

9. **Part II Application form, item D. NEED FOR SERVICE (2)** The statement that "Applicant anticipates beginning to serve customers in 2026" will need to be revised based on the time framework required for permitting the project, and the established fact that the Final Order for the present docket is scheduled in May of 2025.

10. **Part II E. TERRITORY DESCRIPTION, MAPS, AND FACILITIES (1) Exhibit E-1, Legal Description.** The legal description includes Hideaway Bay Beach Club Condominiums, which has since been withdrawn from the service area.

11. **Part II E. TERRITORY DESCRIPTION, MAPS, AND FACILITIES (3) Exhibit "F" System Map Keymap**. The territory area indicated to be served by EU is already in the Charlotte County Utilities certificated area and a part of the northern portion of the proposed area is already physically being served by Knight Island Utilities, Inc. (KIU).*(See Exhibit LBC-4, page 17 of 19 "Certificated Sanitary Sewer Utility Areas.")*

12. **Part II F. PROPOSED TARIFF, Exhibit "F"**

    12.1 **Increase in construction materials pricing.** The 2024 materials pricing included in the 2024 application are virtually identical to the pricing submitted with the 2022 application, when in fact the cost of materials has increased between 200% and 300% during that time period. This price increase has not been reflected in the rates and tariffs section of the application, which will substantially impact the connection costs to the homeowners.

    12.2 **Permitting costs and time factors**. The connection costs as presented in the rates and tariffs do not address the cost and time factors associated with permitting for this singular project. Permits include the Environmental Protection Agency (EPA), multiple permits from the Department of Environmental Protection, the West Coast Inland Navigation District (WCIND), the Coastal Construction Control Line, the Florida State Submerged Land Board of Trustees of the Internal Improvement Trust Fund, multiple permits from Charlotte County, Southwest Florida Water Management District (SWFWMD),

Analysis of the Application (cont'd)

12.3 Utility meters and billing costs. Knight Island and Don Pedro Island have water meters owned by Bocilla Utilities, Inc., a private water utility serving these islands. Little Gasparilla Island has water service through a private utility, Little Gasparilla Water Utility, which owns the water meters in that part of the service area. EU has not provided any documentation as to how the sewage flow would be metered and billed. If services have been contracted with the abovementioned water utilities, the details have not been provided in the application. If EU needs to provide its own meters to the proposed certificated area, then the project cost and hook-up fees will increase.

12.4 Citings of ERC and GPD numbers do not agree. There are discrepancies between the Equivalent Residential Connections (ERC) count and the Gallons Per Day (GPD) cited in the application submitted by EU (both 190 and 261 GPD per ERC) and the Direct Testimony of Deborah Swain (90 GPD per ERC), the Bulk Sewer Treatment Agreement with Charlotte County (190 GPD per ERC), the LaPointe Report (300 GPD per ERC) and the regulations provided in the Florida Rule 25-30.515 Definitions. (8) (a**)** (350 GPD per ERC). Unless these numbers agree, there is no ability to assess the proposed plant capacity, line engineering and system design.

Analysis of Application Exhibits

"Science Supports a Septic-to-Sewer Conversion on the Barrier Islands of Charlotte County" Brian E. LaPointe, PhD.

- The application includes an extensive report from Brian E. LaPointe, PhD. "Science Supports a Septic-to-Sewer Conversion on the Barrier Islands of Charlotte County" which ostensibly addresses water quality in the proposed service area. However, the report discusses pollution in Charlotte Harbor and not Lemon Bay, the proximate waters to the barrier islands. The proposed service area and its proximate waters are not in the Charlotte Harbor watershed, and therefore are not influential on the water quality in Charlotte Harbor. The report re-confirms that there has been no testing on the bridgeless barrier islands, and that the conclusions are extrapolations from "similar" situations.

Analysis of Application Exhibits (cont'd)

Letter of Support: Coastal and Heartland National Estuary Partnership

- While a letter from Coastal and Heartland National Estuary Partnership (CHNEP) was included with the application as evidence of support for the proposed sewer project, the letter also states that they "Encourage regular maintenance and inspection of septic systems" and "Encourage evaluation and adoption of new nitrogen-reducing septic system technology". These items acknowledge that where septic systems are present, proper maintenance and inspections provide adequate environmental protection.

- CHNEP maintains a Water Quality Dashboard testing results taken from Lower Lemon Bay, which is within reasonable proximity to the service area. It should be noted that the test results show no degradation of water quality that could be attributed to septic tanks (*See Exhibit LBC-4. page 18 of 19 "CHNEP Water Quality Dashboard, page 1" and Exhibit LBC-4. page 18 of 19 "CHNEP Water Quality Dashboard, page 2")*

"Evaluation of Wastewater Collection Technologies" by Jonathan Cole (Giffels-Webster Engineering)

- The technical memorandum submitted by Jonathan Cole titled "Evaluation of Wastewater Collection Technologies". Mr. Cole generalizes the soil composition on the bridgeless barrier islands when in fact each property is individually evaluated for septic installation. Depending on soil conditions and location of the water table, the septic system is specifically designed for that site. If any soil conditions do not meet the requirements of septic tank installation, they are replaced with "septic sand" or clean fill which is conducive to proper functioning of the new septic system. All of this is required to be done by a professional engineer, approved and inspected by the Florida Dept. of Health.

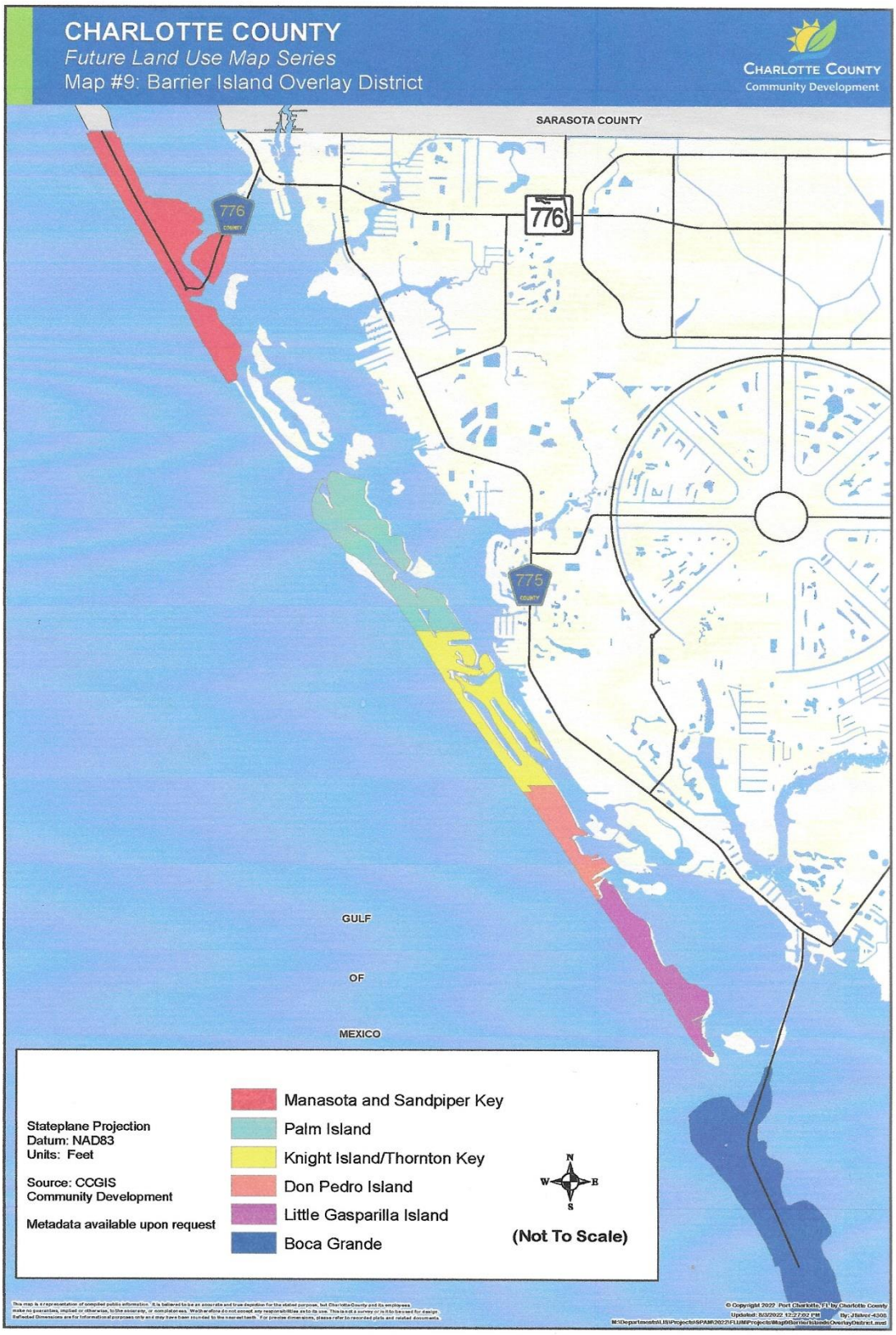
- The report states that the low-pressure system is the least expensive option to install in right-of-ways. However, portions of Little Gasparilla Island do not have public right-of-ways, along with other parts of the service area. Many developments have private right-of-ways but may lack public right-of-ways.

Analysis of Application Exhibits (cont'd)

"Evaluation of Wastewater Collection Technologies" by Jonathan Cole (Giffels-Webster Engineering) (cont'd)

- In the technical memorandum, it is assumed that Charlotte County will accept the cost and maintenance responsibilities for the Master Pump Lift Station on Placida Road. The updated system layout has a point of connection from the bridgeless barrier islands to the mainland at the westernmost point on the Intracoastal Waterway, located in Cape Haze. However, this updated location was established based on the assumption that Charlotte County was proceeding with the Cape Haze septic-to-sewer conversion project. This project has since been indefinitely postponed by the Charlotte County Board of County Commissioners. The postponement was based on the lack of water quality testing in the area, permitting issues, road paving conflicts and excessive cost.

- The low-pressure system recommended in the memorandum, indicated as the system previously used by Charlotte County Utilities, is referred to as a STEP system. This system includes a septic tank and a small tank chamber containing an effluent pump. The report compares the STEP system to the more commonly-used vacuum system. However, the latest iteration of the system description includes a grinder pump which renders the wastewater into slurry. This component was not considered in the analysis of the low-pressure system vs. the vacuum system, making the conclusions of the memorandum questionable.


CHARLOTTE COUNTY
Future Land Use Map Series
Map #9: Barrier Island Overlay District
CHARLOTTE COUNTY
Community Development
SARASOTA COUNTY
776
776
775
GULF
OF
MEXICO
Manasota and Sandpiper Key
Palm Island
Knight Island/Thornton Key
Don Pedro Island
Little Gasparilla Island
Boca Grande
Stateplane Projection
Datum: NAD83
Units: Feet
Source: CCGIS
Community Development
Metadata available upon request
N
W
E
S
(Not To Scale)

CAPITAL IMPROVEMENTS PROJECT INFORMATION SHEET

Project Name: W2 - Don Pedro

Predecessor CIP: W-UTLCON-DP, W-FM-10 **Project Area Served:** W2

DESCRIPTION: This project includes the connection of a private utility's service area. The existing sewer system infrastructure will be used for wastewater collection. The existing WWTP will be converted to a pump station and the force main identified in the predecessor CIP will be used to convey wastewater flows to the existing system.

ENVIRONMENTAL DETAILS

Overall Impact Score
4.4/5.0

Nitrogen Load Reduction
8,500 pounds per year

PROJECT NEED

- [x] Reduce nitrogen loading to environment
- [ ] Increase capacity to accommodate design flows
- [ ] Reduce O&M requirements

EST. CONSTRUCTION TIME

Start: Year 6
End: Year 7

PROJECT DETAILS

West County

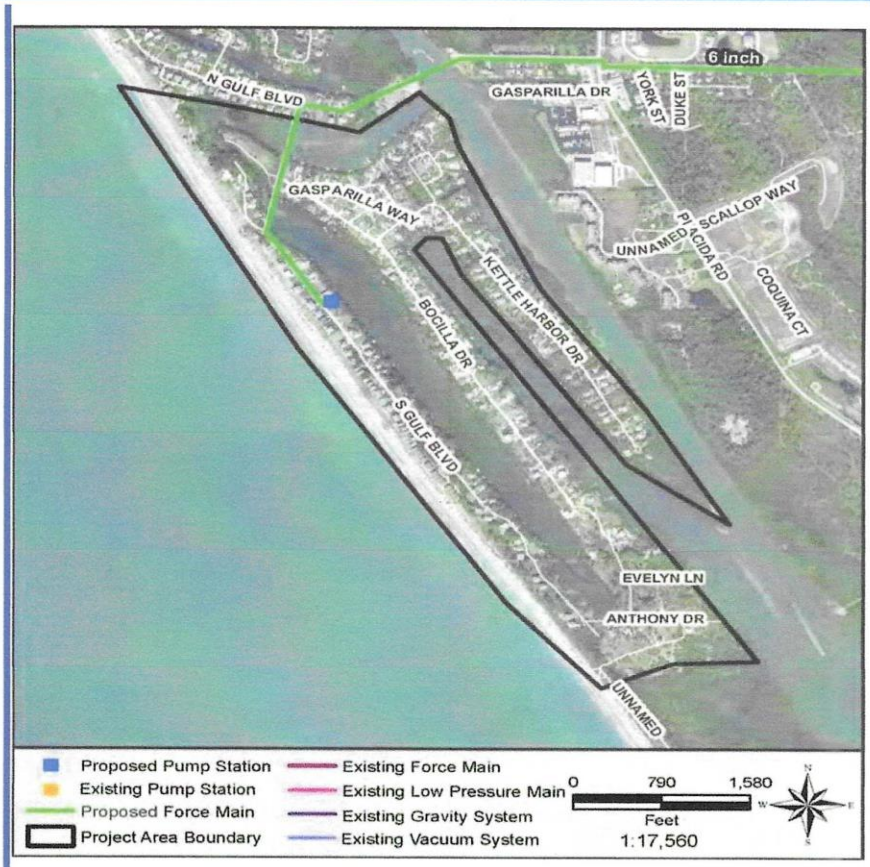
No. of Occupied Lots
261

No. of Vacant Lots
168

No. of Total Lots
429

PROJECT COMPONENTS

- [x] Pump Station
- [ ] Force Mains
- [x] Vacuum Mains
- [ ] Low Pressure Mains
- [ ] Gravity Mains

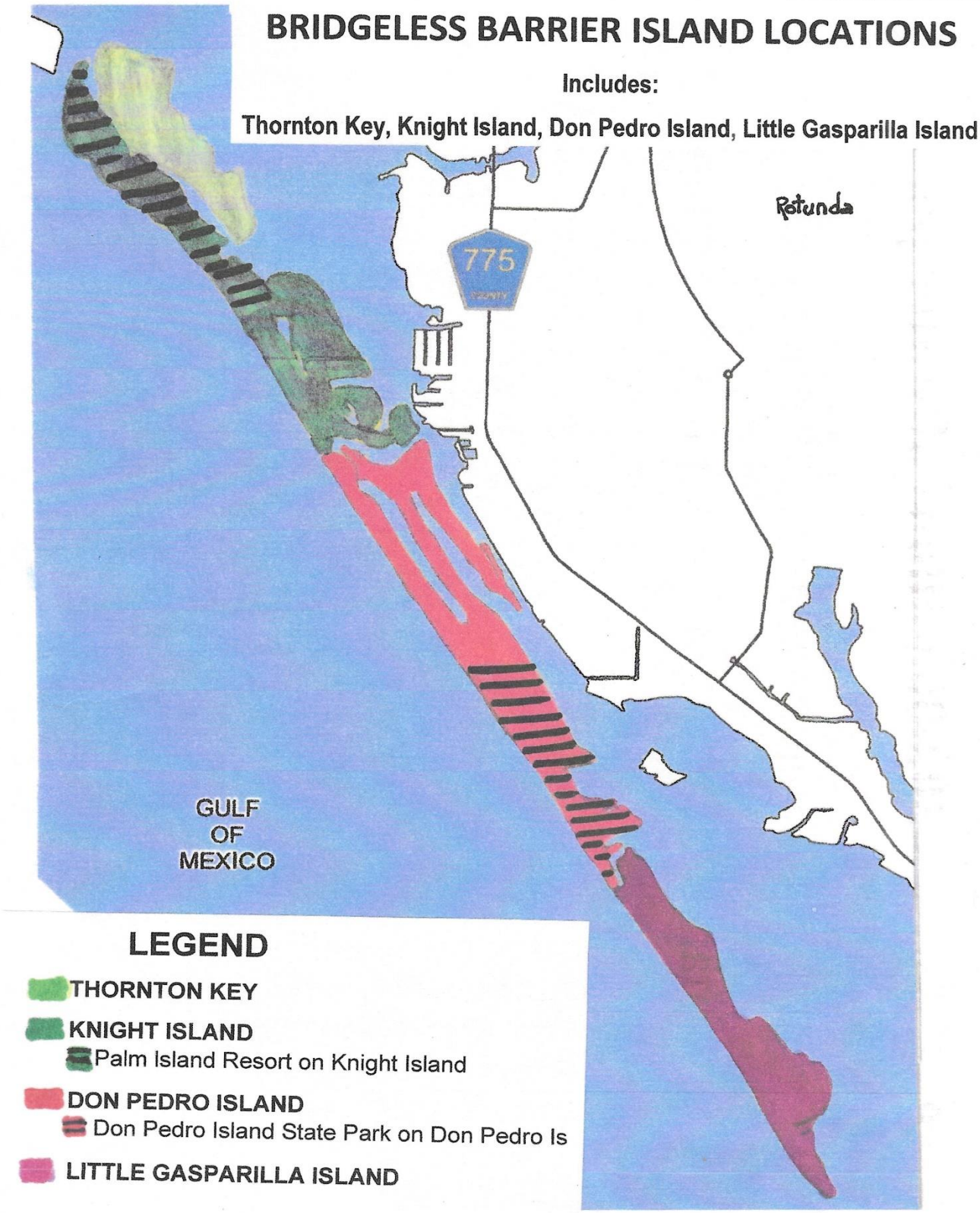


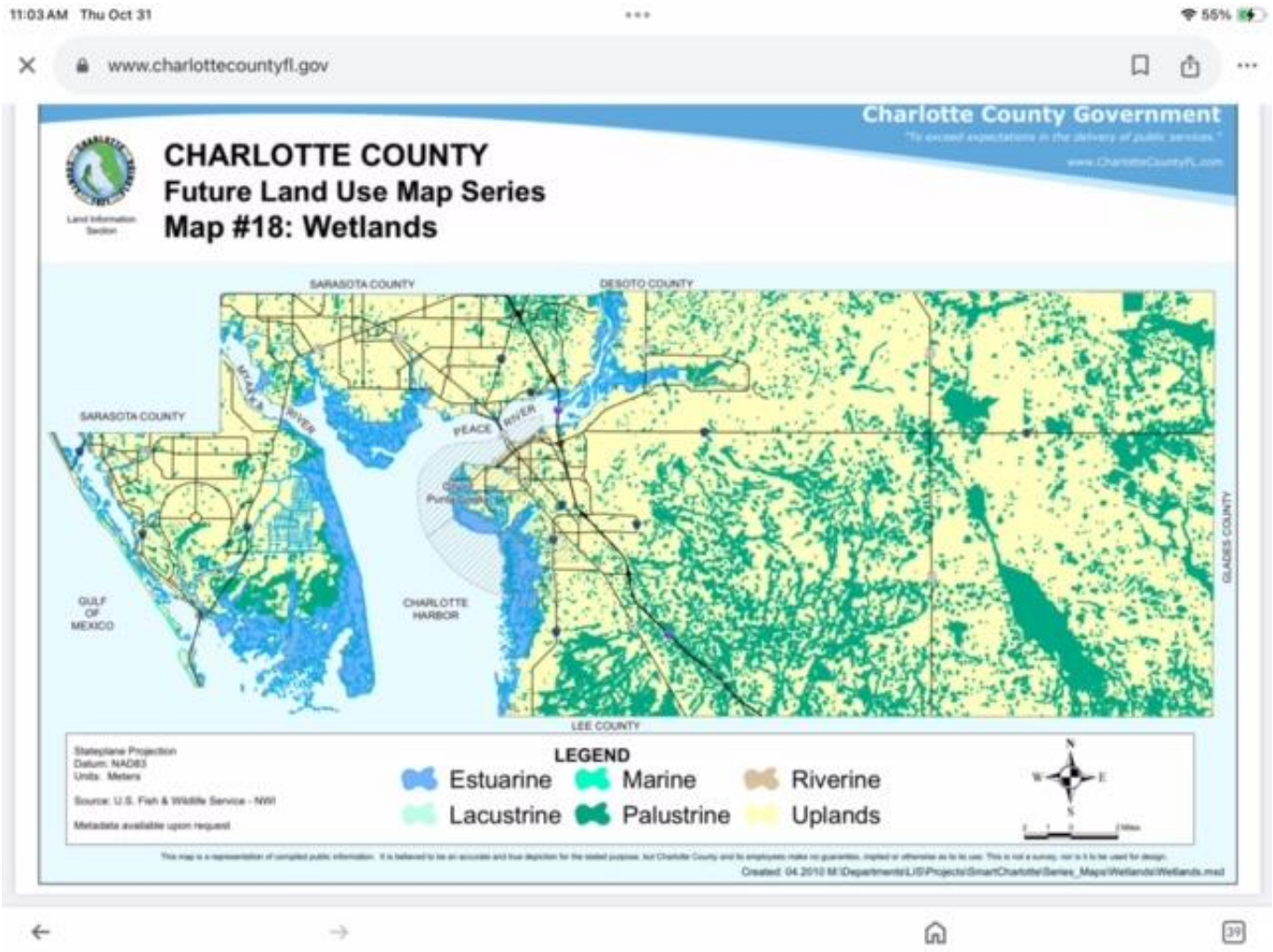
Expenditure Plan ($1000)

	Year 5	Year 6	Year 7	Year 8	Year 9	Total
Professional Services	630	252	252			1,134
Land (or ROW)	30					30
Construction Cost		2,568	2,568			5,136
Total Project Cost	**660**	**2,820**	**2,820**			**6,300**

(Costs expressed in 2017 dollars)

Charlotte County Utilities Department


BRIDGELESS BARRIER ISLAND LOCATIONS
Includes:
Thornton Key, Knight Island, Don Pedro Island, Little Gasparilla Island
Rotunda
775
GULF
OF
MEXICO
LEGEND
THORNTON KEY
KNIGHT ISLAND
Palm Island Resort on Knight Island
DON PEDRO ISLAND
Don Pedro Island State Park on Don Pedro Is
LITTLE GASPARILLA ISLAND


11:03 AM Thu Oct 31
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www.charlottecountyfl.gov
Charlotte County Government
CHARLOTTE COUNTY
Future Land Use Map Series
Map #18: Wetlands
SARASOTA COUNTY
DESOTO COUNTY
SARASOTA COUNTY
MYAKKA RIVER
PEACE RIVER
GULF OF MEXICO
CHARLOTTE HARBOR
GLADES COUNTY
LEE COUNTY
Stateplane Projection
Datum: NAD83
Units: Meters
Source: U.S. Fish & Wildlife Service - NWI
Metadata available upon request
LEGEND
Estuarine
Marine
Riverine
Lacustrine
Palustrine
Uplands
N
W
E
S
Created: 04.2010 M:\Departments\LIS\Projects\SmartCharlotte\Series_Maps\Wetlands\Wetlands.mxd

FLU Table A-1: Future Land Use Designations		
*Future Land Use Map Category	Abbrev.	Location Permitted
Rural Community Mixed Use	RCMU	Rural Service Area
U.S. 41 Mixed Use	41MU	Urban Service Area
Charlotte Harbor Mixed Use	CHMU	CHCRA
Murdock Village Mixed Use	MVMU	Murdock Village Community Redevelopment Area
Babcock Mixed Use	BMU	Babcock Ranch Overlay District
Other		
Public Lands & Facilities	PL	County-wide
Inactive Land Uses		
Rural Estate Residential	RER	County-wide
Charlotte Harbor Industrial	CHI	CHCRA
RV Park	RVP	Urban Service Area
Coastal Residential	CR	Rural Service Area – Bridgeless Barrier Islands

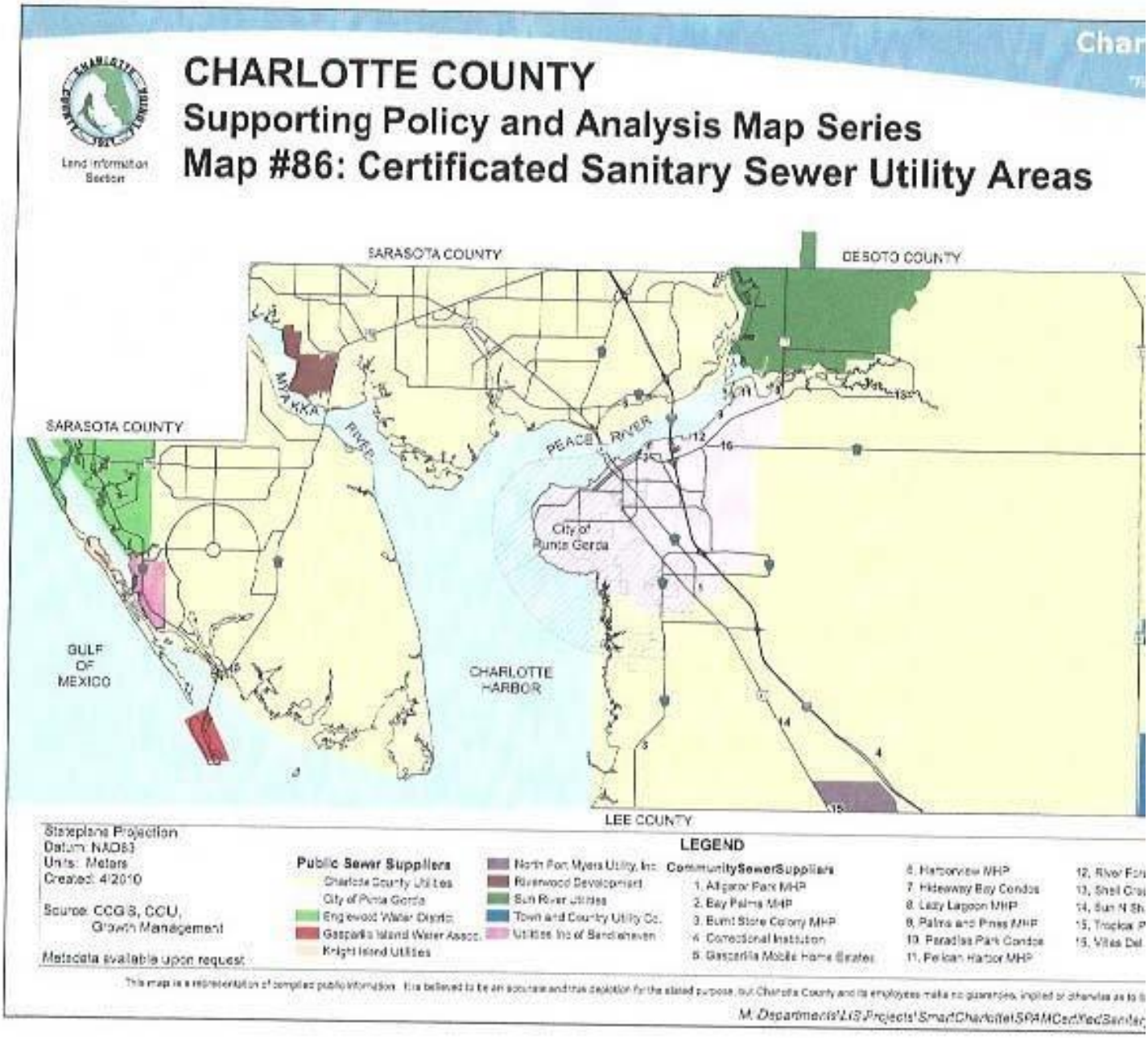
*There are some lands in the Rural Service Area designated with Future Land Use Map categories that are shown as being permitted only within the Urban Service Area. These designations existed as such prior to the adoption of this Plan or were placed within the Rural Service Area as a result of the adoption of this Plan. These lands may develop in accordance with existing FLUM and Zoning; however, under no circumstances can property in the Rural Service Area be amended to an Urban Service Area category.

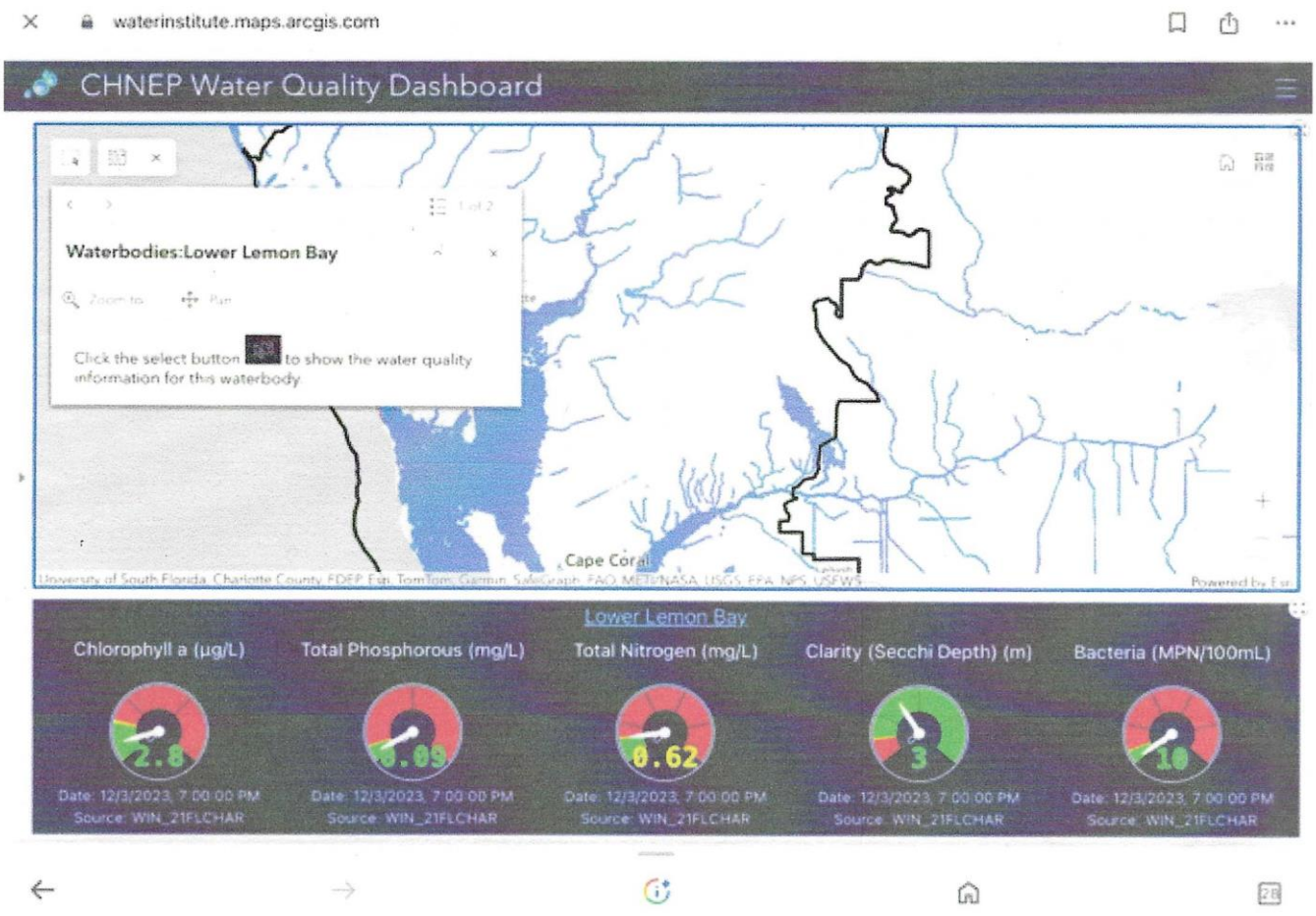
In addition, the FLUM denotes a Conservation Overlay that identifies lands that are publicly owned conservation lands as well as privately owned lands that are encumbered by a conservation easement. The Conservation Overlay is not a future land use designation and is illustrated for informational purposes only. The Conservation Overlay has no regulatory authority under this Plan or the FLUM.

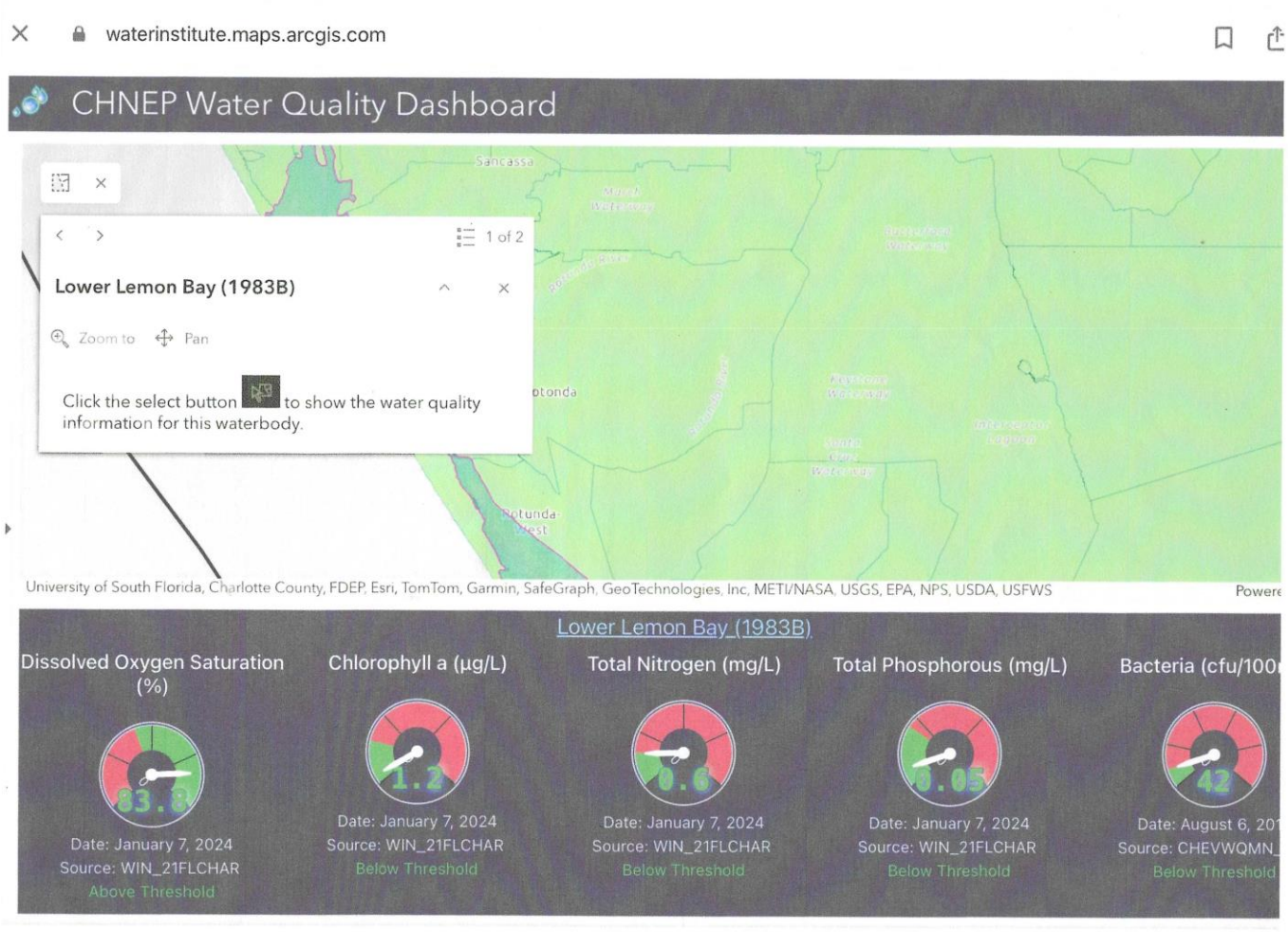
The official Future Land Use Map Series depicts the overlays identified in FLU Table A-2 and FLU Table A-3.

FLU Table A-2: Land Use Overlays		
Districts	Abbrev.	Type Area
Watershed Overlay District	WOD	Overlay Area
Surface Water Protection Overlay District	SWPOD	Overlay Area
Barrier Island Overlay District	BIOD	Overlay Area
U.S. 41 Overlay District	41OD	Overlay Area
Rural Settlement Area Overlay District	RSAOD	Overlay Area

FLU Table A-3: Policy Overlays		
Districts	Abbrev.	Type Area
Babcock Ranch Overlay District	BROD	Overlay Area
Burnt Store Area Overlay District	BSAOD	Overlay Area


CHARLOTTE COUNTY
Supporting Policy and Analysis Map Series
Map #86: Certificated Sanitary Sewer Utility Areas
Land Information Section
SARASOTA COUNTY
DESOTO COUNTY
SARASOTA COUNTY
MYAKKA RIVER
PEACE RIVER
City of Punta Gorda
GULF OF MEXICO
CHARLOTTE HARBOR
LEE COUNTY
Stateplane Projection
Datum: NAD83
Units: Meters
Created: 4/2010
Source: CCGIS, CCU, Growth Management
Metadata available upon request
LEGEND
Public Sewer Suppliers
Charlotte County Utilities
City of Punta Gorda
Englewood Water Distr.
Gasparilla Island Water Assoc.
Knight Island Utilities
North Port Myers Utility, Inc.
Riverwood Development
Sun River Utilities
Town and Country Utility Co.
Utilities Inc of Sandalhaven
CommunitySewerSuppliers
1. Alligator Park MHP
2. Bay Palms MHP
3. Burnt Store Colony MHP
4. Correctional Institution
5. Gasparilla Mobile Home Estates
6. Harborview MHP
7. Hideaway Bay Condos
8. Lazy Lagoon MHP
9. Palms and Pines MHP
10. Paradise Park Condos
11. Pelican Harbor MHP
M:\Departments\LIS\Projects\SmartCharlotte\SPAMCertifiedSanitar


waterinstitute.maps.arcgis.com
CHNEP Water Quality Dashboard
Waterbodies:Lower Lemon Bay
Click the select button to show the water quality information for this waterbody
Cape Coral
Lower Lemon Bay
Chlorophyll a (µg/L)
2.8
Total Phosphorous (mg/L)
0.09
Total Nitrogen (mg/L)
0.62
Clarity (Secchi Depth) (m)
3
Bacteria (MPN/100mL)
10
Date: 12/3/2023, 7:00:00 PM
Source: WIN_21FLCHAR


waterinstitute.maps.arcgis.com
CHNEP Water Quality Dashboard
Sarasota
1 of 2
Lower Lemon Bay (1983B)
Zoom to
Pan
Click the select button to show the water quality information for this waterbody.
Rotonda West
University of South Florida, Charlotte County, FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS
Lower Lemon Bay (1983B)
Dissolved Oxygen Saturation (%)
83.8
Date: January 7, 2024
Source: WIN_21FLCHAR
Above Threshold
Chlorophyll a (µg/L)
1.2
Date: January 7, 2024
Source: WIN_21FLCHAR
Below Threshold
Total Nitrogen (mg/L)
0.6
Date: January 7, 2024
Source: WIN_21FLCHAR
Below Threshold
Total Phosphorous (mg/L)
0.05
Date: January 7, 2024
Source: WIN_21FLCHAR
Below Threshold
Bacteria (cfu/100
42
Date: August 6, 20
Source: CHEVWQMN_
Below Threshold

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via email to the following parties this 1st day of November, 2024:

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/s/ Linda B. Cotherman
Linda B. Cotherman