Ruth Nettles

090445-WS

From: George Glenn [gglenn@ircgov.com]
Sent: Wednesday, October 07, 2009 4:22 PM
To: Filings@psc.state.fl.us
Cc: Will Collins
Subject: Grove Land Utilities application
Attachments: Scanned Grove Land PSAC Objection.pdf

Consider this Indian River County's objection to the Grove Land Utilities application.

Sincerely yours,

George A. Glenn
Assistant County Attorney
Indian River County
1801 27th Street
Vero Beach, FL 32960
gglenn@ircgov.com
(772) 226-1424

DOCUMENT NUMBER-DATE
10370 OCT-7 09
FPSC-COMMISSION CLERK

BOARD OF COUNTY COMMISSIONERS

OFFICE OF COUNTY ATTORNEY

William G. Collins II, County Attorney
William K. DeBraal, Deputy County Attorney
George A. Glenn, Assistant County Attorney

October 7, 2009

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

Docket No. 090445-WS

Re: Application of Grove Land Utilities, LLC to operate a Water and Wastewater Utility in Indian River, Okeechobee and St. Lucie Counties, Florida

Gentlemen:

Indian River County recently was informed by the St. Lucie County Attorney of the proposed Grove Land Utilities (Utility) application pending before the Florida Public Service Commission. The forwarded application states in paragraph 5 that "*the Utility will provide notice of the Application by regular mail to ... Indian River County*". As of the date of this letter, the only verified notice of application that Indian River County can confirm is the notice provided by the St. Lucie County Attorney as a courtesy.

Indian River County objects to the creation of any utility that conflicts with its state mandated comprehensive land use plan. The comprehensive land use plan mandates that any centralized sanitary sewer service and potable water service shall be limited to areas within the County's Urban Service Area (USA) or limited areas outside the USA if permitted by comprehensive plan. In no event may these systems be extended 500 feet from the USA.

The locations proposed to be served by this Utility are prohibited by the County's Comprehensive Plan. Further, the approval and permitting of these facilities so far away from the County's existing USA would promote urban sprawl as defined by the Fla. Admin. Code 9j-5.003.

Please consider this letter as an objection by Indian River County to the proposed Grove Land Utilities, LLC application for the water and wastewater systems. I have attached pertinent provisions of the Indian River County Comprehensive Plan for reference. Please contact me should have any further questions.

Sincerely yours,

George A. Glenn
Assistant County Attorney

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1801 27th Street, Vero Beach, Florida 32960-3365 · (772) 226-1424 · Fax (772) 569-1347
ircattorney@ircgov.com

I hereby certify that on the 7th day of October 2009, this Objection was filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 323099-0850 and mailed to Grove Land Utilities, LLC,660 Beachland Boulevard, Suite 301, Vero Beach, Florida 32963.

George Glenn
Assistant County Attorney
Indian River County
1801 27th Street
Vero Beach, FL 32960
Florida Bar No. 28992
Telephone: (772) 226-1424
Facsimile: (772) 569-4317

POLICY 5.8: Consistent with the policies of the Future Land Use Element of this plan, provision of centralized sanitary sewer service shall be limited to the following areas:

- Areas within the Urban Service Area;

- Areas where the county has legal commitments to provide facilities and services as of the date of adoption of this plan;

- Areas outside of the Urban Service Area where at least a portion of the site is contiguous to an Urban Service Area boundary as depicted on the Official Future Land Use Map. These areas are subject to the following provisions:

  - The maximum density of such land shall be as shown on the Future Land Use Map, and the provision of centralized sanitary sewer service shall not be justification for an increase in maximum density;

  - Sanitary sewer line extensions shall be limited to laterals and minor lines connecting land uses to main lines; and

  - In no case shall centralized sanitary sewer lines be permitted to extend more than 500 feet from the centerline of a roadway which is an Urban Service Area boundary, or more than 500 feet from the Urban Service Area boundary when the boundary is not a roadway.

- Development projects located outside of the Urban Service Area that meet the criteria of the policies of the Future Land Use Element for:

  - clustering of residential development within agricultural areas;
  - clustering of residential development within privately owned upland conservation areas;
  - clustering development within mixed use districts; or
  - traditional neighborhood design communities;
  - public facilities such as public schools

- Areas where, consistent with Sanitary Sewer Sub-Element Policy 2.4, the lack of centralized sanitary sewer service is determined to be a public health threat.

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POLICY 6.1: The county shall limit the use of package wastewater treatment systems to areas that meet the following criteria governing connection to the county sanitary sewer system:

- Development served by existing package treatment plants may continue to treat their sewage in that manner until centralized service becomes available. At that time, all development within ¼ mile of a county sewer line shall be connected to the county system. Developments whose sewage treatment systems cause a public health problem must connect to the regional system regardless of the distance to sewer lines.

- Package treatment plants shall be allowed in areas of development outside of the Urban Service Area when such development meets the criteria of policies of the Future Land Use Element for:

    - clustering of residential development within agricultural areas;
    - clustering of residential development within privately owned upland conservation areas;
    - clustering development within mixed use districts; or
    - tradition neighborhood design communities.

POLICY 6.2: The county shall ensure that, prior to the issuance of development orders or permits, the applicant has demonstrated that the project complies with applicable federal, state, and local permit requirements for package treatment plants.

POLICY 6.5: The county shall require all new package wastewater treatment plants to be built according to current federal, state, and county requirements. In addition to obtaining a county permit demonstrating compliance with county regulations, any developer building and operating a package wastewater treatment plant must obtain a state permit demonstrating compliance with state and federal regulations. Those regulations include but are not limited to the Federal Water Pollution Control Act of 1972 (PL 92-500) and its amendments through the Clean Water Acts of 1977 (PL 95-217) and 1981 (PL 97-117), Chapters 381 and 403 of the Florida Statutes, and Rules 17-3 and 17-6 of the Florida Administrative Code. Both state and county permits are required for the construction of a plant, and for any future expansion or modification of a plant.

POLICY 6.6: At the time the county approves any new package treatment plants, the county will require, that at the time deemed appropriate by the county, the package treatment plant shall be dedicated to the county for operation and maintenance.

POLICY 5.7: Consistent with the policies of the *Future Land Use Element* of this plan, provision of potable water service shall be limited to the following areas:

- Areas within the Urban Service Area;
- Areas where the county has legal commitments to provide facilities and services as of the date of adoption of this plan;
- Areas outside of the Urban Service Area where at least a portion of the site is contiguous to an Urban Service Area boundary as depicted on the Official Future Land Use Map. These areas are subject to the following provisions:
    - The maximum density of such land shall be as shown on the Official Future Land Use Map, and the provision of centralized potable water service shall not be justification for an increase in maximum density;
    - Potable water line extensions shall be limited to laterals and minor lines connecting land uses to main lines; and
        - In no case shall centralized potable water lines be permitted to extend more than 500 feet from the centerline of a roadway which is an Urban Service Area boundary, or more than 500 feet from the Urban Service boundary when the boundary is not a roadway.
- Development projects located outside of the Urban Service Area that meet the criteria of the policies of the *Future Land Use Element* for:
    - clustering of residential development within agricultural areas;
    - clustering of residential development within privately owned upland conservation areas;
    - clustering development within mixed use districts; or
    - traditional neighborhood design communities.
    - public facilities such as public schools.
- Areas where, consistent with Potable Water Sub-Element Policy 2.4, the risk of private well contamination is determined to be unacceptably high.
- Approved agricultural businesses where at least a portion of the development site is located within one mile of a public roadway which serves as an Urban Service Area boundary as depicted on the Official Future Land Use Map.

POLICY 6.1: The county shall limit the use of Privately Owned Public Water Plants to areas that meet the following criteria governing connection to the county potable water system:

- Development served by existing Privately Owned Public Water Plants may continue to provide potable water in that manner until centralized service becomes available. At that time, all development within ¼ mile of a county water line shall connect to the county system. Developments whose potable water system cause a public health problem must connect to the regional system regardless of the distance to water lines.

- Privately owned public water treatment plants shall be allowed in areas of development outside of the Urban Service Area when such development meets the criteria of policies of the Future Land Use Element for:

    - clustering of residential development within agricultural areas;
    - clustering of residential development within privately owned upland conservation areas;
    - clustering development within mixed use districts; or
    - traditional neighborhood design communities.

POLICY 6.2: The county shall ensure that, prior to the issuance of development orders or permits for privately owned public water treatment plants, the applicant has demonstrated that the project complies with the Federal Safe Drinking Water Act, Public Law 93-523; the Florida Safe Drinking Water Act, Section 403.850 - 403.864, FS; Chapter 381, FS; and Rules 62-550, 40C-2, 40C-3, 17-22, and 64E-8, FAC.

POLICY 6.5: The county shall require all new privately owned public water treatment plants to be built according to the current federal, state, and county requirements. In addition to a county permit demonstrating compliance with county regulations, any developer building and operating a privately owned public water treatment plant must obtain a state permit demonstrating compliance with state and federal regulations. Those regulations include but are not limited to the Federal Safe Drinking Water Act, Public Law 93-523; the Florida Safe Drinking Water Act, Section 403.850 - 403.864, FS; Chapter 381, FS; and Rules 62-550, 40C-2, 40C-3, 17-22, and 64E-8, FAC. Both state and county permits are required for the construction of a plant, and for any future expansion or modification of a plant.

POLICY 6.6: At the time the county approves privately owned public water treatment plants, the county will require that, at the time deemed appropriate by the county, the water treatment plant shall be dedicated to the county for operation and maintenance.