

Lisa Smith

From: Office of Commissioner La Rosa
Sent: Wednesday, October 20, 2021 1:07 PM
To: Commissioner Correspondence
Subject: FW: Letter of Concern re: Wastewater Capacity of North Beach Utilities to support current and future Commercial and Residential development
Attachments: Letter to State Commission -Commissioner LaRosa.pdf

Good afternoon,

Please place the email below and attachment in Docket No. 20210000.

Thank you!

From: joe.nbca@gmail.com <joe.nbca@gmail.com>
Sent: Saturday, October 16, 2021 4:35 PM
To: Office of Commissioner La Rosa <Commissioner.LaRosa@psc.state.fl.us>
Cc: 'Clare-Salzler, Michael John' <salzler@pathology.ufl.edu>; 'Breau Alexander' <breaux@gmail.com>; carolmacdonaldanderson@gmail.com; 'Sallie O'Hara VBMS' <tarahillspecialties@gmail.com>
Subject: Letter of Concern re: Wastewater Capacity of North Beach Utilities to support current and future Commercial and Residential development

Dear Commissioner LaRosa,

I am writing you, on behalf of the North Beach Community Alliance (NBCA) representing over 1,500 Vilano Beach/North Beach residents. The purpose of this email is to present you with a letter, which is attached, from the NBCA that lays out our concerns about the wastewater capacity of North Beach Utilities to support current and future commercial and residential development in the Vilano Beach/North Beach Communities.

This issue is of serious concern to the residents of Vilano Beach/North Beach, as evidenced by the number of folks who have signed our petition, and we would appreciate your assistance in helping us resolve it.

Regards,
Joe Anderson
NBCA



North Beach Community Alliance (NBCA)



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October 16, 2021

Commissioner Mike La Rosa
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
1-800-342-3552

Dear Commissioner La Rosa,

Our purpose in this letter is to provide the Florida Public Service Commission with information that has led to very serious concerns on the part of our community with the utilities in Vilano and North Beaches, St. Augustine 32084. This letter is from the North Beach Community Alliance (NBCA) but supported by over 1,500 members of the community as well as key stakeholders.

The North Beach Community Alliance (NBCA), is a citizens group founded in 2021 to address major concerns over potential impacts to Vilano Beach caused by out-of-control development. We believe that this overdevelopment has a highly detrimental impact on the infrastructure, the environment and the quality of life associated with this historic district. <https://neighbors4northbeach.com/>

In particular, we are writing to you to express our concern about the sufficiency of North Beach Utility, a private utility serving Vilano and North Beach. We believe that the wastewater capacity to serve the new development occurring in Vilano Beach/North Beach Florida today as well as the 2,500 +/- Vilano Beach/North Beach residents is at risk. Here are our concerns:

North Beach Utilities (NBU), a private utility, provides wastewater service to about 33% of Vilano/North Beach Residences.

- On Page S-13 of the 2019 Annual Report, NBU reports they have **152 sewer connections** with a **maximum capacity of 304 connections**.
- On Page S-9(a) of the 2019 Annual Report NBU reports **873 sewer customers**. That's **569 customers more their stated maximum connection capacity of 304**.
- Their Annual Reports reflect **NO** increases in wastewater processing capacity from 2009 to 2019.

- In the Executive Summary of their 2019 Year End Report, NBU wrote:

"Increased residential construction throughout our service area combined with hotel and proposed multi-family in Town Center will impact our ability to dispose of both treated effluent and RO reject within 5-10 years"

This warning was made two years ago, and it grossly underestimated what new development has occurred, what is coming down the road and the impact it will have on wastewater capacity. NBU doesn't have any time left...their day of reckoning is here...right now. Here are the facts on the development going on in Vilano Beach/North Beach:

Hotels using the services of North Beach Utilities

- There are two new hotels, one built and one being built, adding 170 new hotel rooms that have yet to prove they do not stress the wastewater system.
- An additional 12 hotel rooms have been approved at the OceanView lodge, at the end of Vilano Road.
- A third new hotel is in proposal stage, planned for 194 rooms, a restaurant, spa, and retail shops. This brings the total number of hotel rooms in the 4 tenths of a mile stretch of Vilano Road to over 500.

Other sponsored development using the services of North Beach Utilities

- There is a residential/mixed use development approved on Vilano Road that will add 49 townhomes plus retail space,
- There are 75 or so new RV parking spaces in the existing North Beach Campground on the "Scenic" Coastal Highway approximately 2 miles from the Vilano Town Center.
- There is a proposed new development also on Coastal Highway called Tolomato River Farms, projected to have 56 residential homes as well as small retail space.
- A newly proposed RV park in North Beach on the "Scenic" Coastal Highway with over 150 spaces, approximately 2.5 miles north of Vilano Town Center.
- **Just this new development alone is adding 725 or so new connections, almost doubling the current number of connections.**

Additional development and concerns

- The above numbers don't take into consideration all the new Short-Term Rentals and new homes being built within Vilano Beach/North Beach that will be pumping wastewater into the NBU wastewater system that no one knows if it has the capacity or infrastructure to support.
- The most critical issue other than the new development are the 1600 Vilano/North Beach residences who are on septic systems, whose homes are in a designated flood plain, who have experienced flooding, who don't have access to sewer service.

- We are concerned about the impact this septic leakage has on our drinking water quality seeing as how NBU gets our drinking water from wells.

There is much that we do not know but should be part of the consideration for any development.

Section D.1.4.3 of the 2025 St Johns County Comprehensive Plan states: "Pursuant to applicable law, and as required by St. Johns County Land Development Code (LDC), residents using septic tank systems shall be required to tie into centralized sewer systems once that system becomes available in the area".

How many Vilano Beach/North Beach residents have requested to be tied into the NBU wastewater system and been denied service because of NBU's insufficient capacity, infrastructure, and financial wherewithal to provide the service? We don't know because those records are conveniently not maintained.

The fact that NBU could be allocating it's limited, if any, available wastewater capacity to support this new development at the expense of the residents just to support the self-interest of a few is wrong.

Requests for help from St. Johns County

This uncontrolled development is putting at risk the very fundamental services the residents have a right to expect from their County and State government and no one is willing to intervene. We have addressed this issue with the St Johns County Growth Management Department but have been told, repeatedly "it's not their problem," that traffic and utilities are outside the scope of their adjudication. *This refusal appears to be in direct conflict with the 2025 St Johns County Comprehensive Plan, Section D.1.1.13 which states: "St. Johns County shall monitor total capacity and facility demand for each utility system in the county to assure that the adopted level of service (LOS) standards are maintained and the Concurrency Management System is up to date".*

We were told by County staff that when there is proposed development in St. Johns County, the developer solicits a letter from the local utility provider saying that they are able to handle the additional water and wastewater treatment. The County also said that they do not audit or question that letter. This appears to be in *direct conflict with Section D.1.2.1 of the 2025 St Johns County Comprehensive Plan which states: "The County shall continue to ensure that sanitary sewer facilities which serves new development meets or exceed the minimum level of service (LOS) as adopted in the Comprehensive Plan".*

This development must stop until a comprehensive study is completed regarding the near term and long-term capability of NBU to support current and future wastewater demand for all Vilano Beach/North Beach resident as well as commercial development.

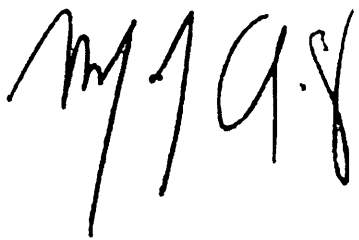
About 1500 Vilano Beach/North Beach residents have signed our petition to pause any further development until the appropriate infrastructure studies can be conducted. https://www.change.org/p/saint-johns-county-and-vilano-town-center-suspend-permits-for-commercial-mixed-use-developments-in-vilano-beach-town-center-a1e03be9-a68a-488c-ad86-6ff597a18754?utm_content=cl_sharecopy_30114528_en

[US%3A7&recruiter=641693453&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition](#)

We have tried the County staff. We have tried to address our concerns to our County Commissioner. We are not being heard, and what is more troubling is that it appears that there is no one at the St. Johns County government level who is responsible for ensuring that the wastewater treatment is adequate for the businesses and residences.

Having exhausted our County options, we ask for help from your Commission to become involved in the wastewater situation in Vilano/North Beach, St. Augustine 32084. We are more than willing to listen to constructive arguments to our concerns and enter into a dialogue to help us understand where our calculations are misguided. We have exhausted every public document trying to understand, and if there are non-public documents, we have a right to review those.

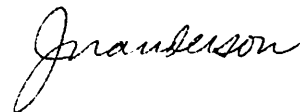
We are asking for your help and support in initiating the appropriate studies to determine both the short term and long-term viability of North Beach Utilities to provide the wastewater service to the residents and commercial properties within the Vilano Beach/North Beach service area and to urge a pause in any further development until these studies are completed.



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Cc: Florida State Representative Cyndi Stevenson, St Johns County Commissioner Henry Dean,