

*Original  
with  
attachment*

P.O.Box 791  
Eastpoint, FL 32328  
May 31, 1994

Ms. Blanca S. Bayo, Director  
Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street, Room 111  
Tallahassee, Florida 32301

**ORIGINAL  
COPY**

**RE: PSC Docket No.. 931111- SU**

Dear Ms. Bayo,

I herewith register my protest to Mr. William Peebles' letter of April 26, 1994 in which he moves to dismiss all objections to the sewage treatment certificate for the Resort Village Utility, Inc. and respectfully request that the Public Service Commission deny his motion and hold appropriate hearings to allow full discussion of the issues on the Resort Village request.

My home is located several hundred feet from the proposed wastewater treatment plant and I believe I will suffer adverse impacts (noise, odor, and other potential dangers) from a plant located contiguous to a residential neighborhood.

I spoke with Mr. Jose D' Lorenzo about several factors in relation to this proposed plant and found that he (and perhaps others at the PSC) was not fully aware of many of the circumstances related to this particular application. Among the many factors are:

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG D'Sullivan
- LIN 3
- OPC \_\_\_\_\_
- ROH \_\_\_\_\_
- SEC 1
- WPS Galdon
- OTH \_\_\_\_\_

1. The Franklin County Commissioners denied the Resort Village proposal and application for an amendment to the 1977 Development Order on January 4, 1994 following two public workshops and a formal public hearing on December 7, 1993.
2. In a letter to Dr. Ben Johnson dated May 2, 1994, Joe May of the Dept. of Environmental Protection indicated that the Resort Village application is listed as incomplete as of 5/2/94. In part, the data regarding storm water has not been satisfactorily addressed by the Resort Village proposal. Copies of photographs I submitted at the public hearing on Dec. 7, 1993 show this particular area of the island is subject to severe flooding and it is located adjacent to Nick's Hole which is one of the most environmentally sensitive breeding areas of the entire Apalachicola Bay.
3. In a DEP memo (included herewith) several staff members seriously challenge the likelihood of the Resort Village operation achieving the level of environmental protection

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the applicant forecasts in the wastewater treatment proposal.

4. The P.S.C. has already issued a sewer certificate to Regency Sewer Inc. for St. George Island, and Regency has easements for sewer lines for the existing Leisure Lane which is the only through road running through the center of the proposed Resort Village.
5. The Resort Village proposal is located in an area a dune breach already exists, indicating past overwash events have occurred in this area, and the topography here indicates a 15 degree slope from the gulf to the bay.
6. Unlike other wastewater treatment facilities on the island which are located as near the gulf as possible, this proposal places the treatment plant very close to wetlands and the bay where environmental impacts would create a serious threat to the bay from improper operation, leakage, malfunction, flooding and containment problems.
7. The P.S.C. has repeatedly cited limitations of potable water supply on St. George Island, and the water needs of this plant and the proposed Resort Village has been cited by the P.S.C. and the Northwest Florida Water Management District as beyond the present capacity of the St. George Island Utility Co. to provide the needed water resources.
8. It is my understanding that negotiations with Dr. Johnson are currently underway for the State of Florida to acquire a portion of this property and bring it under the jurisdiction of the Estuary, along with other adjacent properties already acquired by the state.

Would the Public Service Commission seriously consider locating a sewage treatment plant in such a critical environmental area without a full discussion of all relevant data?

I respectfully request the P.S.C. to deny Mr. Peebles' motion and allow hearings on this application to proceed as anticipated and scheduled.

Sincerely,



Thomas H. Adams

Enclosures: DEP memo  
15 copies of this letter

Copy to: Jose D' Lorenzo, Staff Attorney  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301

ORDER DENYING AMENDMENT TO ST. GEORGE ISLAND  
DEVELOPMENT OF REGIONAL IMPACT ORDER

WHEREAS, Dr. Ben Johnson and Coastal Development Consultants, Inc., applied for an amendment to the St. George Island Development Order dated September 20, 1977 for 58 acres described in Appendix A hereto.

WHEREAS, the Franklin County Board of County Commissioners has conducted workshops and a hearing pursuant to Chapter 380,

WHEREAS, the 1977 Development Order designates the Property as a Commercial Area, to be developed with "one or more high quality resort hotels or motels, together with such affiliated uses as may be appropriate or desirable,..." and

WHEREAS, the Applicant proposed an Amendment to the 1977 Development Order, which would have permitted a mixed-use development of the Applicant's property, including the construction of up to 60 multi-family residential units; and

WHEREAS, there was strong opposition from individual property owners within the Plantation to the inclusion of multi-family residential units within the proposed development; and

WHEREAS, the 1977 Development Order requires further Board approval for the use of the Property for the construction of condominiums or multi-family residential units.

WHEREAS, the Franklin County Board of County Commissioners, hereby finds and orders,

1. This order is based on Competent and substantial evidence.
2. It is not necessary to determine if the proposed development order presented at the December 7, 1993, hearing is a substantial deviation from the 1977 development order.
3. The development plan described in the proposed St. George Island Resort Village Development Order amendment, including 60 multi-family residential units, is denied and the 1977 Development Order as it relates to the Property is not amended.
4. Any development of the Property will continue to be controlled by the terms and conditions of the 1977 Development Order as it relates to the Property.
5. The approval of site plans and appropriate rezoning of land within the development is addressed in the 1977 Development of Regional Impact Order. Development permits may be obtained as set forth in the 1977 Development of Regional Impact Order. The owners should apply for an amendment to the development order specifying densities of uses permitted for the property.
6. Future applications for development orders should adequately address storm water, sewage disposal, fire safety, emergency evacuation and water supply, and provide reasonable assurances that the quality and productivity of Apalachicola Bay will be maintained.

A certified copy hereof shall be furnished by certified U.S. Mail to the Department of Community Affairs, the Apalachee Regional Planning Council, Ben Johnson and Coastal Development Consultants, Inc.

DONE AND ORDERED this 4<sup>th</sup> day of January, 1994.

KENDALL WADE  
CO:FRANKLIN CLERK  
ST:FL

FL 940009-B-437-P-247  
CO:FRANKLIN ST:FL

FILED AND RECORDED  
DATE 01/06/94 TIME 15:11

RECORD VERIFIED  
BY Donna Crum DC



# Florida Department of Environmental Protection

Lawton Chiles  
Governor

Northwest District  
160 Governmental Center  
Pensacola, Florida 32501-5794

Virginia B. Wetherell  
Secretary

MAY 2 - 1994

Dr. Ben Johnson, President  
Coastal Development Consultants, Inc.  
1234 Timberlane Road  
Tallahassee, Florida 32312

Dear Dr. Johnson:

This is to acknowledge receipt of your application, file number DC19-235845, for a permit to construct a new 0.030 MGD wastewater treatment facility to serve St. George Island Resort Village. Reclaimed water will be discharged to three (3) absorption beds.

The additional information received on April 4 was reviewed, however, the items listed on the attached sheet remain incomplete. Evaluation of your proposed project will continue to be delayed until we receive all requested information.

If you have any questions, please contact Joe May at (904) 444-8380. When referring to this project, please use the file number indicated.

Sincerely,

Allan W. Johnson, P.E.  
Program Administrator  
Water Facilities

AWJ:jmb

Attach: Completeness Summary Items

cc: Gary J. Volenec, P.E.  
Franklin County Public Health Unit  
Tallahassee Branch Office, DEP  
Richard Deadman, DEP I'GOV PR  
Duncan J. Cairns, NFWMD  
Mike Donovan, ARPC  
Thomas H. Adams

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

M E M O R A N D U M

TO: Duncan ~~Cairns~~ Chief, Bureau of Environmental Management and  
Resource Planning

THROUGH: Graham Lewis, Ph.D. Senior Environmental Scientist  
Tom Pratt Chief, Ground Water Bureau  
Pam Latham Environmental Engineer

FROM: Dan Tonmaire Assistant Water Resource Planner

DATE: February 8, 1993

SUBJECT: St. George Island Resort Village Development Onsite Wastewater  
Treatment Plant

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The proposed project is located within the Apalachicola River and Bay System, which has been designated by the Northwest Florida Water Management District as the highest priority watershed under the Surface Water Improvement and Management (SWIM) Program. As such, the Florida Legislature has directed the District to protect and restore water quality and natural resources of the river and bay system. The waters of Apalachicola Bay are classified as an Aquatic Preserve, Outstanding Florida Water (OFW), and Class II Shellfish Harvesting Approved waters. In addition, the area has been designated a National Estuarine Research Reserve and an International Biosphere Reserve. Activities that would adversely impact the water quality and natural resources of the system should not be permitted.

The proposed development encompasses approximately 58 acres adjacent to the airstrip east of Nick's Hole on St. George Island. Nick's Hole includes seagrass beds and marshes, and is one of the most productive nursery areas in the outer reaches of Apalachicola Bay. The initial proposal consisted of 175 hotel rooms, 165 residential condominium units, 42,000 square feet of commercial space, and 340 restaurant seats. This development will generate an estimated 70,000 - 90,000 gallons per day (GPD) of wastewater requiring disposal. An advanced wastewater treatment plant is proposed to handle the waste. This facility will utilize an extended aeration mode of the activated sludge process with additional high levels of nitrogen and phosphorus removal. The resulting wastewater will have a 5:5:3:1 (5 mg/l BOD, 5 mg/l TSS, 3 mg/l TN, and 1 mg/l TP) level of treatment.

The District's primary concern remains the potential degradation of surface waters and aquatic habitat in the bay. The District strongly encourages review of secondary and cumulative impacts on water resources associated with the overall proposed project and recommends that a Stormwater Plan for the entire site be submitted in conjunction with the wastewater treatment plant application in order that appropriate cumulative impacts be properly assessed. Insufficient information has been provided to adequately assess potential degradation of this OFW or interaction between rainfall, overland runoff, ground water, and surface waters, including circulation and mixing with Apalachicola Bay.

This application does not address potential stormwater impacts for the entire project. Reduced absorption over the disposal areas and increased impervious surfaces will result in additional stormwater runoff. The combined potential increase of stormwater runoff and effluent disposal may compound adverse effects to the water quality and aquatic habitat. These possibilities give cause for concurrent review of cumulative impacts from the development.

Specific concerns with the wastewater treatment plant application are included below:

1. The applicant has not provided documentation regarding the "strong ability [of marsh] to add to the natural filtration and processing of the diffused ground water..." (pp.1-11 and page 33 in original submittal). In addition, the applicant does not address the impacts of nutrient enriched freshwater on the receiving salt marsh community. Increased freshwater flows may provide opportunities for colonization of "weedy" or "noxious" species less tolerant of higher salinities (e.g., Phragmites and Typha).
2. The applicant does not address the impacts of nutrient rich freshwater on the gulf beach interface. Nutrient enriched freshwater could potentially discharge on the gulf beach, which might be conducive to noxious growths including bacteria and blue green algae.
3. Category I, Class C designation for the treatment plant requires minimal staff requirements (3 hours/day, 6 days/week) and does not appear adequate, given the location of the facility and potential load variability (peak usage on weekends and limited load during the week).
4. The applicant has based estimation of impacts to ground water on assumptions with which District staff do not concur. For instance:

Information presented on page 31 is used to demonstrate that dilution of wastewater will be sufficient to substantially reduce ground water nutrient concentrations below the 3 mg/L of nitrogen and 1 mg/L of phosphorus input concentrations at the discharge facility. The case is given of there being available 9.5 million gallons of ground water in which to dilute the discharged effluent. This volume is used to support the notion of achieving a 100:1 dilution of the treated effluent.

There are at least two reasons to question the assumptions underlying the concept of a 100:1 dilution ratio. First, in order to achieve the 100:1 dilution ratio, it would be necessary to have complete and instantaneous mixing of the 90,000 gallons of effluent into the 9.5 million gallons of ground water. Given the physics of ground water flow, this is simply not achievable. Second, in order to maintain the dilution ratio, each unit of 90,000 gallons of effluent (one days operation at maximum design capacity) would require a corresponding volume of 9.5 million gallons of uncontaminated ground water in which to be diluted. This would require complete replacement of the 9.5 million gallons on a daily basis, something that is also not possible.

A more reasonable assumption would be that a contaminant plume will develop as treated effluent becomes entrained in the local flow system. While it is true that the plume will undergo some dilution as it is transported through the flow system, it is questionable whether the dilution specified in the original submittal will be achieved. There is abundant literature to indicate that contaminant plumes emanating from constant sources of contamination can (under certain circumstances and for particular contaminants) maintain high concentrations, relative to that of the source. Indeed, the most conservative assumption in this case would be to assume no dilution over the course of plume evolution and discharge to adjacent surface waterbodies. In any case, the applicant should further substantiate the cited dilution rate, or provide other relevant calculations to support another rate.

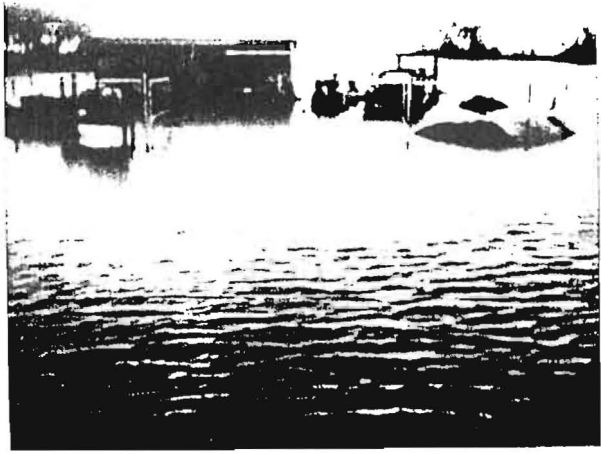
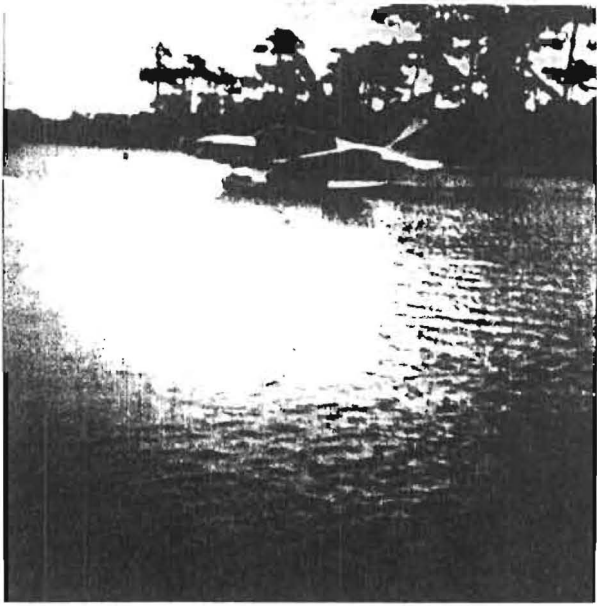
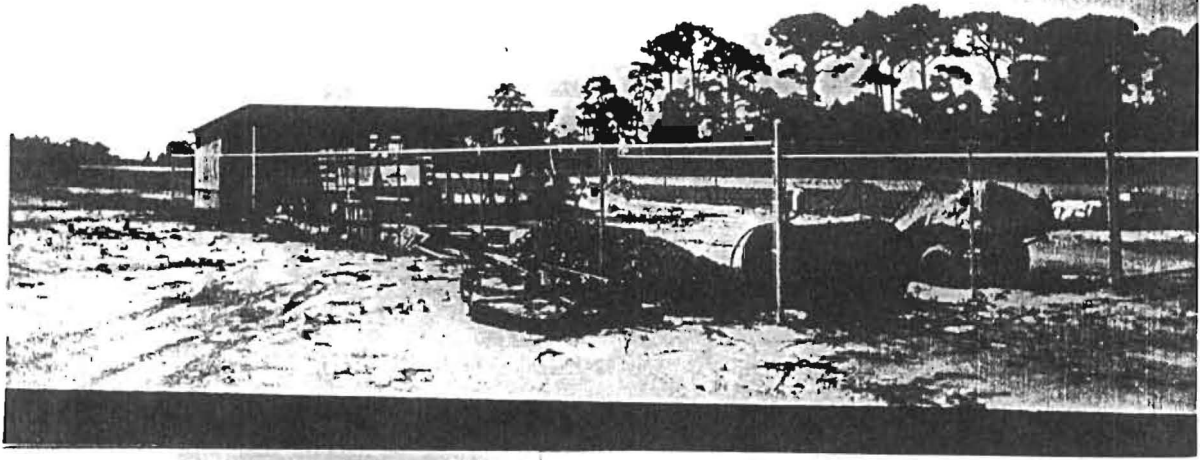
Due to the unknowns involved in forecasting the actual discharge interface of the ground water and effluent to the surface waters without site specific data, conservative estimates are warranted. This assumption could then be used to estimate impacts to surface water from the effluent.

Submittals have indicated that mounding will occur under the absorption beds. Mounding will alter the elevation and flow of ground water. The site-specific information submitted in the recent ground water survey should allow calculations and estimates to be accomplished which could more accurately predict alterations in the direction and quantity of ground water flow due to the mounding. Once the fate of ground water quantities has been established, impacts at the interface with surface waters (bay and gulf) should be considered.

5. Much of the information provided by the applicant includes general estimations based on limited data. The applicant should provide relevant data from previous studies to substantiate statements made regarding water quality of effluent being discharged. If permits are to be issued on such limited information, marsh inventories of vegetation and soil chemistry and water quality data should be submitted to DEP on a regular basis for review and determination of impact. In the event of an impact, the facility should cease operation or alter disposal method or quantity.

6. At least four surface water quality monitoring stations should be located near the north shore (in the tidal creek, at the mouth of the tidal creek, east and west of the tidal creek mouth) which will provide early indication of water quality changes. If contamination is indicated, stations should be added to assess the contamination (one site should be added in Nick's Hole and a second control site outside the area of impact, probably further offshore). Surface water sampling should include a minimum of  $\text{NH}_4$ ,  $\text{PO}_4$ , TP, DO along with other parameters proposed. In the event of an impact, the plant should cease operation or alter disposal method or quantity.
7. The close proximity of the proposed project, and particularly the wastewater treatment facility, to the bay requires all possible precautions. Plant malfunction or operator error could produce a "spill", creating a situation demanding on-site retention of plant overflow and/or stormwater. Occasional flooding presently occurs under certain tidal and storm conditions which could flush contaminants from the uplands directly to the bay. Potential impacts from flooding events should be considered.
8. According to the applicant and DEP, a stormwater plan for the facility is not required (sufficiency responses 1.F). Although a Stormwater permit is not required for this facility, it is likely that a permit will be required for the entire development. The combination of potential impacts from stormwater runoff (from the plant and the entire development) and effluent should be considered to approximate potential degradation.

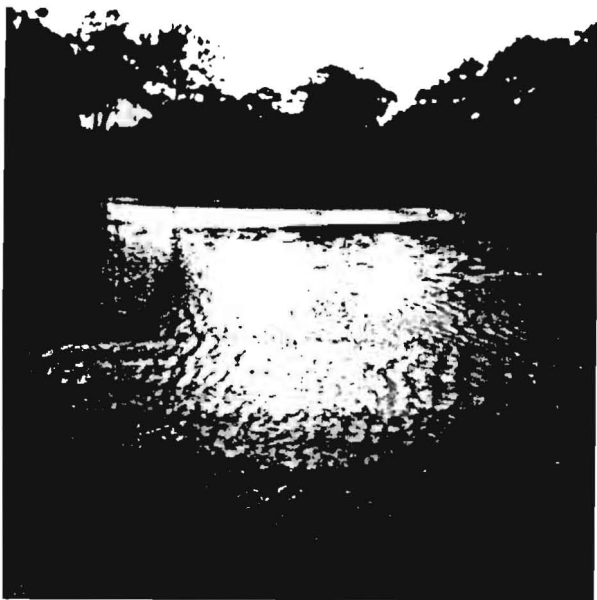


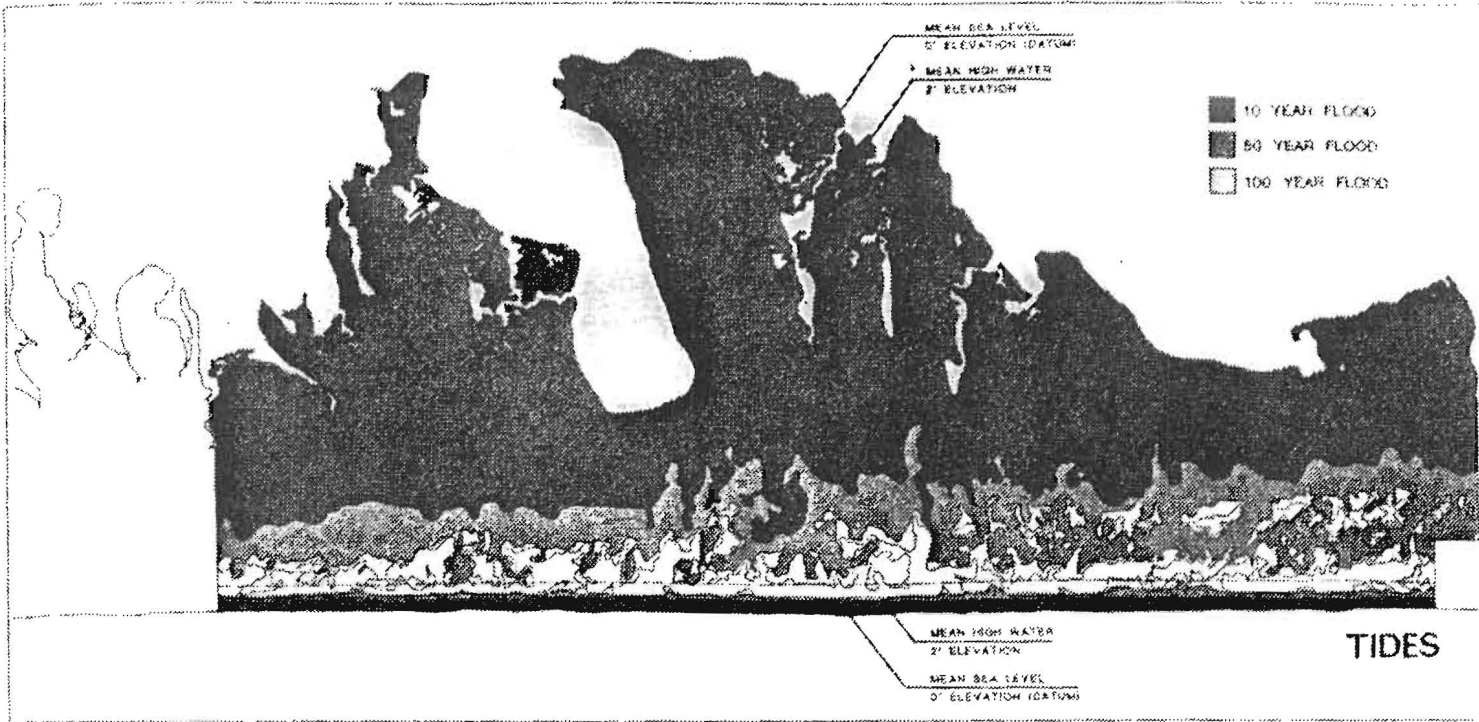


*flooding on  
Oct 3-92*

AIRPORT  
10-3-92 Leisure Lane 10-392

10-3-92 AIRPORT  
MIDWINTER AIRPORT





is in jeopardy. Regeneration of the dunes would be favorably considered by the State Bureau of Beaches and Shores, and state participation in such a program has been suggested as a possibility.

A second factor in tidal consideration is the HUD insurance requirement that the floor level of structures in this area be a minimum of 9 to 10 feet above mean sea level, or from 7 to 8 feet above mean high tide. This drastically limits the extent of normal slab-on-grade construction, and suggests a post-and-beam island architecture.

Living quarters would thereby be lifted well above grade, giving protection from insects, welcome exposure to the prevailing

breezes, improved views, and shade for cars which could be parked under the buildings.

In addition, Florida State law also provides that all buildings must be located behind a "coastal construction setback line." The precise location of this line has been established in cooperation with the State Bureau of Beaches and Shores. Construction must be located sufficiently landward of the dune crest line to prevent damage to its structural integrity.

**The dunes:** In addition to the possible rebuilding and reshaping of the dunes, their protection from overuse and from the ravages of "off-the-road vehicles" must be ensured.

The owners will cooperate with state and local officials in enforcing the legal provisions against any vehicles on the dunes forward of the setback line. Residents' village will have full and free access to beaches through membership in a homeowners' association. The general public is encouraged to use the public beaches and state park.

**The wetlands:** The tidal marshes of Apalachicola Bay are the most productive and valuable land-water areas in the region. They are also the most vulnerable to pollution. Since the health of the bay is a function of its yield of fish, oysters,

