

52

FCRU's Response to Staff's 7th Request
for Production of Documents No. 24

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for water and wastewater service in Duval, Baker, and Nassau Counties, by First Coast Regional Utilities, Inc.	DOCKET NO. 20190168-WS DATED: October 20, 2021
---	---

**FIRST COAST REGIONAL UTILITIES, INC.'S RESPONSE TO
STAFF'S SEVENTH REQUEST FOR PRODUCTION OF DOCUMENTS TO
FIRST COAST REGIONAL UTILITIES, INC. (NO. 24)**

First Coast Regional Utilities, Inc. ("Applicant" or "First Coast" or "FCRU"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, responds to Staff's Seventh Request for Production of Documents.

DOCUMENTS REQUESTED

24. Please provide a copy of the Nassau County 2030 Comprehensive Plan.

Response: Due to the voluminous nature of the Nassau County 2030 Comprehensive Plan ("Plan"), FCRU has produced the Water and Wastewater Sub Elements of the Nassau Plan, as referenced in Part II, Section C of the Application, attached as Exhibit 1 to this Response to Staff's Seventh Request for Production of Documents. Should Staff desire to review other sections of the Plan that it may deem relevant, the Nassau County link to the entire 2030 Comprehensive Plan is:

<https://www.nassaucountyfl.com/769/2030-Comprehensive-Plan> .

Respectfully submitted this 20th day of October, 2021.

William E. Sundstrom
Florida Bar 225533
Robert C. Brannan
Florida Bar 0103217
Sundstrom & Mindlin, LLP
2548 Blirstone Pines Drive
Tallahassee, FL 32301
wsundstrom@sfflaw.com
rbrannan@sfflaw.com

John L. Wharton
Florida Bar 563099
Dean Mead and Dunbar
215 South Monroe Street, Suite 815

Tallahassee, FL 32301
jwharton@deanmead.com
hschack@deanmead.com

/s/ Robert C. Brannan
Attorneys for First Coast Regional Utilities, Inc.

Nassau County 2030 Comprehensive Plan
Public Facilities Element (WAT) (SEW) (SOL) (STM)
Goals, Objectives and Policies

Potable Water Sub-Element (WAT)

Goal

Provide public potable water supply facilities in a manner, which ensures the health, welfare and safety of the residents of Nassau County; promotes compact, efficient development; reduces urban sprawl; protects and conserves natural resources; and satisfies the requirements of sound fiscal planning.

OBJECTIVE WAT.01

The County shall ensure that adequate potable water facility capacity will be in place to serve new development in accordance with the adopted level of service prior to the issuance of a certificate of occupancy or its functional equivalent.

Policy WAT.01.01

The following level of service (LOS) standards are hereby adopted for regional potable water supply systems serving the unincorporated areas of the County, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development planning to use such systems.

	
JEA	100.0 gpd per capita
Nassau Amelia Utilities	81.0 gpd per capita

Policy WAT.01.02

Fire hydrants will be installed in all subdivisions where an existing public water supply can be extended within dedicated or proposed right-of-way that is within one-quarter (1/4) mile of said proposed development. The developer will extend the water supply and provide the fire hydrants as required by the County Fire-Rescue Department.

Policy WAT.01.03

Developments in unincorporated areas of the County which plan to use a municipal potable water supply system shall use the level of service (LOS) standards set by the municipality in its comprehensive plan as the basis for determining the availability of facility capacity and the demand generated by the development.

Policy WAT.01.04

All improvements, replacements, expansion or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and the distribution of these facilities shall be consistent with the Future Land Use Map.

Policy WAT.01.05

New or expansion service areas for publicly owned or investor-owned utilities shall be consistent with the Future Land Use Map. The boundaries of the utility service areas shall not be gerrymandered in such a way that enclaves are created that will lack service.

Policy WAT.01.06

The Growth Management Department shall determine where the potential exists for Nassau County to improve public facilities through coordinating County efforts with adjacent county/municipality system planning and recommend to the County Commission intergovernmental agreements that will promote improved services and thereby discourage urban sprawl.

OBJECTIVE WAT.02

The County shall correct deficiencies in potable water systems for which it is responsible.

Policy WAT.02.01

A Schedule of Capital Improvements (SCI) for public facilities, including potable water systems, will be maintained as part of the Capital Improvements Element of this plan. The County shall evaluate and prioritize capital improvement projects based upon the following criteria:

- A) Preservation of the health and safety of the public
- B) Compliance with all mandates and prior commitments
- C) Elimination of existing deficiencies
- D) Maintenance of adopted level of service standards
- E) Protection of existing capital investments
- F) Consistency with the Comprehensive Plan and plans of other agencies
- G) Eligibility for grants
- H) A demonstrated relationship between projected growth and capital project
- I) Impact on operating costs
- J) Utilization of economies of scale and timing of other projects
- K) Adjustment for unseen opportunities, situations, and disasters
- L) Funding sources

OBJECTIVE WAT.03

The County shall regulate land use and discourage urban sprawl by adopting land development regulations that maximize use of current and planned infrastructure facilities.

Policy WAT.03.01

In order to promote more efficient development patterns, the County shall incorporate provisions into the Land Development Code (LDC) to encourage more compact, higher density and/or intensity development in the designated Urban Development Area (UDA) or in transitioning areas that are either currently served by central water systems or are planned to be served within 4-10 years.

Policy WAT.03.02

In order to lower the cost of regional water system infrastructure, the County shall incorporate provisions into the Land Development Code (LDC) to require minimum densities for residential development in the designated Urban Development Area (UDA) or in transitioning areas.

Policy WAT.03.03

Small community and non-community ("package") water systems shall be encouraged in clustered rural hamlets and rural employment centers. All new systems shall be compatible with the design standards of the nearest regional provider most likely to acquire the facility.

Policy WAT.03.04

The County shall incorporate provisions into the Land Development Code (LDC) to allow the County to establish and collect contributions in aid to construction for the benefit of developers who construct regional potable water treatment and distribution capacity to the standards of the franchised provider.

Policy WAT.03.05

Provisions shall be incorporated in the Land Development Code (LDC) to allow developer agreements for the timing of installation and connection to a regional potable water system. Such agreements may allow temporary use of on-site water or sewer systems at densities or intensities appropriate for the use of such systems until connection to a regional system is achieved. Temporary on-site systems must be approved by the County Department of Health and/or Department of Environmental Protection for proper operation in the specific location and meet design standards for the provider in whose service area the system is located.

OBJECTIVE WAT.04

The County shall reduce the need for water system expansion and protect water resources by promoting water conservation to reduce per capita demand.

Policy WAT.04.01

Nassau Amelia Utilities and/or other County-operated water suppliers shall continue to implement their water conservation plans submitted to SJRWMD as part of the consumptive use permitting process. The County shall continue its public information program utilizing materials available from the Water Management District to alert residents of wasteful water usage practices and enhance the responsible and practical use of potable water resources.

Policy WAT.04.02

Nassau County will seek to reduce potable water consumption by considering regulations in the Land Development Code requiring wastewater reuse for landscape irrigation where available.

Policy WAT.04.03

The County shall continue to coordinate with its water suppliers regarding implementation of water conservation measures and reuse water systems.

OBJECTIVE WAT.05

The County shall provide protection to natural groundwater recharge areas commensurate with their significance to natural systems or their status as current or future sources of potable water.

Policy WAT.05.01

The County shall coordinate with the St. Johns River Water Management District to define the location of significant groundwater recharge areas in the County. These recharge areas will be displayed graphically on a map series within the Comprehensive Plan so that requests for rezoning or land use changes in these areas can be evaluated both in terms of need and potential impact to the aquifer.

Policy WAT.05.02

The County, in coordination with DEP and the St. Johns River Water Management District shall, identify all known point and non-point sources of pollution within the County. All permitted discharge sources shall be required to meet state Water Quality Standards. All discharges under state law not requiring a permit will be required to meet all applicable Best Management Practices.

Policy WAT.05.03

The County shall establish Wellhead Protection Areas consisting of a 500 foot radial setback distance around Public Potable Water Wells to prevent aquifer contamination within the wellhead cone of influence, consistent with Chapter 62-521.400, F.A.C.

- A) For potable water wellfields as defined above, the first 200 feet within the Wellhead protection area will serve as a zone of exclusion. Within the 200-foot zone of exclusion, no activities may occur except existing residential uses, uses functionally related to the water supply system, open space, parks and playgrounds. No parking area; structures, or other impervious surfaces, other than those surfaces that are accessory to residential uses, will be allowed within this zone except for playing court, open-air shelters, and other similar recreation facilities. An exemption shall be allowed for one single family dwelling unit per parcel or lot that was created on or before June 1, 1993.
- B) Within a 500-foot radius around an existing Public Potable Water well, those actions and uses established by the Florida Department of Environmental Protection in Rule 62-521.400, Fla. Admin. Code shall be prohibited.
- C) Within 500-foot radius around an existing Public Potable Water well, the following activities shall also be prohibited:
 - 1. Animal feeding operations;
 - 2. Mines and mining operations;
 - 3. Excavation of waterways or drainage facilities which intersect the water table.

Policy WAT.05.04

The County shall continue to work with the SJRWMD to identify and plug abandoned, free flowing wells.

OBJECTIVE WAT.06

The County shall maintain a water supply facilities work plan as required by Florida Statutes.

Policy WAT.06.01

The County shall maintain a Water Supply Facilities Work Plan (Work Plan) that is coordinated with SJRWMD's North Florida Regional Water Supply Plan (NFRWSP). The Work Plan and related comprehensive plan policies will be updated, as necessary, within 18 months of an update of the NFRWSP that affects the County.

Policy WAT.06.03

The County's Water Supply Facilities Work Plan (2019-2030) prepared by the Northeast Florida Regional Council (2019) is incorporated into the comprehensive plan and included as Technical Appendix "N".

Policy WAT.06.04

The Water Supply Facilities Work Plan shall identify the water conservation and reuse practices, along with the traditional and alternative water supply projects, necessary to meet existing and future water demands.

Policy WAT.06.05

The Water Supply Facilities Work Plan will incorporate and identify the projects contained in the North Florida Regional Water Supply Plan and selected by the County for implementation.

Sanitary Sewer Sub-Element (SEW)**Goal**

Provide public sanitary sewer facilities in a manner, which ensures the health, welfare and safety of the residents of Nassau County; promotes compact, efficient development; reduces urban sprawl; protects and conserves natural resources; allows for mixed-use and industrial development; and satisfies the requirements of sound fiscal planning.

OBJECTIVE SEW.01

The County shall ensure that adequate sanitary sewer facility capacity will be in place to serve new development in accordance with the adopted level of service prior to the issuance of a certificate of occupancy or its functional equivalent.

Policy SEW.01.01

The following level of service (LOS) standards are hereby adopted for regional wastewater treatment systems serving the unincorporated areas of the County, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development planning to use such systems.

JEA	100	1.2
Nassau Amelia Utilities	76.8	1.2

Policy SEW.01.02

Developments in unincorporated areas of the County which plan to use a municipal potable water supply system shall use the level of service (LOS) standards set by the municipality in its comprehensive plan as the basis for determining the availability of facility capacity and the demand generated by the development.

Policy SEW.01.03

All improvements, replacements, expansion or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and the distribution of these facilities shall be consistent with the Future Land Use Map.

Policy SEW.01.04

New or expansion service areas for publicly owned or investor-owned utilities shall be consistent with the Future Land Use Map. The boundaries of the utility service areas shall not be gerrymandered in such a way that enclaves are created that will lack service.

Policy SEW.01.05

The Growth Management Department shall determine where the potential exists for Nassau County to improve its providing public facilities through coordinating County efforts with adjacent county/municipality system planning and recommend to the County Commission intergovernmental agreements that will promote improved services and thereby discourage urban sprawl.

OBJECTIVE SEW.02

The County shall correct deficiencies in sanitary sewer systems for which it is responsible.

Policy SEW.02.01

A Schedule of Capital Improvements (SCI) for public facilities, including sanitary sewer systems, will be maintained as part of the Capital Improvements Element of this plan. The County shall evaluate and prioritize capital improvement projects based upon the following criteria:

- A) Preservation of the health and safety of the public
- B) Compliance with all mandates and prior commitments
- C) Elimination of existing deficiencies
- D) Maintenance of adopted level of service standards
- E) Protection of existing capital investments
- F) Consistency with the Comprehensive Plan and plans of other agencies
- G) Eligibility for grants
- H) A demonstrated relationship between projected growth and capital project
- I) Impact on operating costs
- J) Utilization of economies of scale and timing of other projects
- K) Adjustment for unseen opportunities, situations, and disasters
- L) Funding sources

OBJECTIVE SEW.03

The County shall regulate land use and discourage urban sprawl by adopting land development regulations that maximize use of current and planned infrastructure facilities.

Policy SEW.03.01

In order to promote more efficient development patterns, the County shall incorporate provisions into the Land Development Code (LDC) to encourage more compact, higher density and/or intensity development in the designated Urban Development Area (UDA) or in transitioning areas that are either currently served by central water systems or are planned to be served within 4-10 years.

Policy SEW.03.02

In order to lower the cost of regional water system infrastructure, the County shall incorporate provisions into the Land Development Code (LDC) to require minimum densities for residential development in the designated Urban Development Area (UDA) or in transitioning areas

Policy SEW.03.03

Proposed residential subdivisions with more than 50 lots, proposed commercial subdivisions with more than 5 lots, and industrial or manufacturing uses within one-fourth mile of an existing regional sewer system, as measured and accessed via existing easements or rights-of-way, will be required to connect to that system when available pursuant to Sec. 381.0065, F.S.

Policy SEW.03.04

The Land Development Code shall provide for cluster development and mixed-use development where regional wastewater treatment is, or will be, available concurrent with the impact of development.

Policy SEW.03.05

Small community and non-community ("package") treatment systems shall be encouraged in clustered rural hamlets, rural employment centers, and in cases where failing septic systems create ground or surface water contamination. All new systems shall be compatible with the design standards of the nearest regional provider most likely to acquire the facility.

Policy SEW.03.06

The County shall incorporate provisions into the Land Development Code (LDC) to allow the County to establish and collect contributions in aid to construction for the benefit of developers who construct developers who build regional wastewater treatment capacity to the standards of the franchised provider.

Policy SEW.03.07

For developments using septic tanks or other on-site wastewater treatment systems, issuance of building permits will be conditioned upon demonstration of compliance with applicable federal, state and local permit requirements for on-site wastewater treatment systems.

Policy SEW.03.08

Provisions shall be made in the Land Development Code (LDC) for the inclusion of water and sewer utility easements and rights-of-way in a subdivision plat to assure the eventual construction and utilization of a sewage system in such subdivision (per Sec. 381.272(1) F.S.).

Policy SEW.03.09

Provisions shall be made in the Land Development Code (LDC) for waivers to the requirement for mandatory connection to a publicly owned or investor-owned sewage system based on the criteria listed in Chapter 381.272 F.S.

Policy SEW.03.10

Provisions shall be incorporated in the Land Development Code (LDC) to allow developer agreements for the timing of installation and connection to a regional wastewater treatment system. Such agreements may allow temporary use of on-site water or sewer systems at densities or intensities appropriate for the use of such systems until connection to a regional system is achieved. Temporary on-site systems must be approved by the County Department of Health and/or Department of Environmental Protection for proper operation in the specific location.

OBJECTIVE SEW.04

The County shall protect water resources by promoting water conservation to reduce per capita demand and minimize environmental impacts.

Policy SEW.04.01

The County shall require that wastewater be reused where practical. New wastewater treatment plants shall be required to provide for the reuse and/or disposal of wastewater by best available technology, including for agriculture or landscaping irrigation, percolation, or other permitted measures unless data are presented to support claims for inability of the system to support such reuse.

Policy SEW.04.02

The County will continue to require additional horizontal and/or vertical setbacks to the St. Marys River for all on-site treatment and disposal components.

Policy SEW.04.03

The County will promote public awareness of the need to periodically maintain septic systems to properly treat the effluent and protect the groundwater supply from contamination.