

**City of Jacksonville, Florida**  
**ENVIRONMENTAL PROTECTION BOARD**  
**Monday, March 14, 2016**  
**5:00 p.m.**  
**Board Meeting Summary**

**Members Present**

Michelle Tappouni, Chair  
Tony C. Bellamy, P.E.  
Roi Dagan, M.D.

Amy Fu, P.E.  
Lucinda Sonnenberg, Ph.D.

**Members Not Present**

Nick Howland, Vice Chair  
Mobeen Rathore, M.D.

Steven Jenkins  
Bobby Baker, P.E.

**Staff/ Resources Present**

James Richardson, EPB Administrator  
Sondra Fetner, OGC  
Melissa Long, EQD Chief

Jason Teal, OGC  
Tree Kilbourn, EQD Enforcement  
Bill Joyce, Public Works

**Visitors**

John Nooney  
Lisa Rinaman

**Call to Order**

Chair Michelle Tappouni called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:07 p.m.

**Chairman's Remarks**

None.

**Approval of February Board Minutes**

Chair Tappouni entertained a motion to approve the meeting summary of the February 8<sup>th</sup> Board Meeting, (Dagan), which was properly seconded (Bellamy) and approved by the body.

**Approval of February Committee Minutes**

Chair Tappouni entertained a motion to approve the meeting summary of the February 22<sup>nd</sup> EPB Water Committee meeting (Bellamy), which was properly seconded (Dagan) and approved by the body.

Chair Tappouni entertained a motion to approve the meeting summary of the February 22<sup>nd</sup> EPB Air & Odor Committee meeting (Sonnenberg), which was properly seconded (Fu) and approved by the body.

**COMMENTS FROM THE PUBLIC**

John Nooney, resident of 8356 Bascom Rd, Jax Florida, stated the he is seeking support from the EPB to perform cleanups throughout the City on public and private property. Mr. Nooney has volunteered with KJB, Riverkeeper, Rising Tides and others. He would like to perform individual cleanups, and proposes the EPB provide funding for, or otherwise support, a "SMARTvan".

**Consent Agenda**

(Air/Odor/Noise)

- **Phoenix Products, Inc. (AP-16-01)** - Failure to renew DEP Permit 0310571-002-AO; operating an air pollution source without a permit – Settlement fee \$600

- **Transportation Equipment Specialists, Inc. (AP-15-08)** - Emission of unconfined particulate matter without taking reasonable precaution to prevent such emissions – Settlement fee \$600
- **Trend Offset Printing Services, Inc. (AP-15-07)** - Circumvention of pollution control device; Failure to maintain VOC destruction efficiency resulting in excess emission of VOC – Settlement fee \$3,704.45 [\$600 penalty and recovery of economic benefit of \$3,104.45] [minor source permit]
- **Christopher Gallaher and Serg Enterprises, Inc. (NP-15-01)** - Causing, allowing or permitting emission of sound in exceedance of nighttime noise standards – Settlement fee \$2,001

A motion was made to approve the above consent orders (Dagan) which was properly seconded (Sonnenberg) and approved by the body.

(Water/Haz Mat)

- **Back Cove Holdings LLC d/b/a Dunkin Donuts (WP-16-02)** - Unlawful discharge of other untreated waste or wastewater or other material [turbid water] - \$1,600 [\$2,000 less 20% good faith efforts to cooperate]
- **EB Holdings, LLC (WP-15-40)** - Unlawful discharge of sewage or other untreated waste or wastewater; Failure to maintain collection lines to function as intended – Settlement fee \$960 [\$1,200 less 20% good faith efforts to cooperate] [discharge local to ground in easement]
- **Hammond Residential Group, Inc. for Hunters Way Jacksonville, LLC (WP-15-36)** - Unlawful discharge of sewage or other untreated waste or wastewater; Unlawful bypass of wastewater collection/transmission system or treatment facility – Settlement fee \$960 [\$1,200 less 20% good faith efforts to cooperate] [discharge locally to ground, no runoff to storm drain or surface water]
- **Sailormen, Inc. d/b/a Popeyes Chicken & Biscuits (WP-15-35)** - Unlawful discharge of untreated wastewater; Failure to maintain wastewater collection/ transmission system to function as intended; Failure to comply with sewerage design standards; Failure to post sign with required information – Settlement fee \$3,840 [\$4,800 less 20% good faith efforts to cooperate] [discharge public health concern in parking lot of restaurant]
- **Jacksonville Elderly Tower I Limited Partnership c/o Cambridge Management of Washington, Inc.(WP-15-27)** - Failure to provide safe access; Failure to comply with sewerage design standards; Failure to perform required maintenance and keep a permanent maintenance log – Settlement fee \$960 [\$1,200 less 20% good faith efforts to cooperate] [no discharge]
- **NW/PSREG Brooklyn Owner, LLC and K T Carter Contracting, Inc. (WP-15-21)** - Unlawful discharge of other material; Failure to comply with erosion and sediment control standards – Settlement fee \$12,800 [\$16,000 less 20% good faith efforts to cooperate] [discharges of sediment to storm drain 3/4/15 and 6/23/15]

A motion was made to approve the above consent orders (Bellamy) which was properly seconded (Dagan) and approved by the body.

(Negotiated Settlement)

- **SEP in Settlement Agreement for City of Jacksonville, Department of Public Works and JEA (WP-13-18)** - Failure to comply with erosion and sediment control standards; Unlawful discharge to surface waters; Exceedance of water quality standards for surface waters

Melissa Long, EQD Chief, advised that this item was a result of the issues associated with the Willowbranch construction project. She informed the EPB that staff had been working with the contractor, JEA and the Public Works Department to come up with a settlement agreement regarding the erosion and sediment issues. To help reduce cases of turbidity and sedimentation a Compliance Plan and negotiated settlement for a SEP is proposed. The SEP will provide for language that will be placed into future Public Works construction contracts stating that contractors must have an individual trained in erosion and sediment control standards and procedures onsite at all times during land disturbing activities.

Discussion ensued regarding the settlement terms, compliance project, future contract obligations, enforcement, follow up procedures and other details that might have been contemplated during the negotiations. Chief Long expressed that, ultimately, an ordinance in place to include fines for violations, is ideal, however she was very pleased to have support of Public Works to get to this point and felt this to be a major win. Bill Joyce, Public Work, supported that position.

The Chair asked if there was a motion regarding the proposed settlement. Board Member Lucinda Sonnenberg offered a motion to approve the negotiated Settlement Agreement which failed due to lack of a second.

The EPB made a recommendation of potential items to be considered which were 1) to have controls placed in the contract (the follow up procedures) and 2) environmental reporting and monitoring. She advised that the item would be deferred to the April board meeting.

Chair Tappouni called a 5 minute recess.

### **Enforcement Report**

Representing the Enforcement activity, Tree Kilbourn asked if there were any questions on the enforcement report submitted to the Board for review. (There were no questions).

Ms. Kilbourn gave a brief update on the Dollar Tree and Mayport Partners/Port of Call Shopping Center consent orders indicating that modifications are forthcoming. Staff will provide a report on the compliance status at the next meeting.

### **Presentation(s)**

St. Johns River Keeper Update – Lisa Rinaman provided a brief update on the Army Corps of Engineers Jacksonville Harbor Deepening Project and the efforts of the St. Johns Riverkeeper. The permitting process is moving forward and a draft permit has been issued. Citizens have until April 1<sup>st</sup> to file a challenge. The organization believes that the permit will allow potential adverse impacts to the St. Johns and its tributaries and some of the language in the permit raised new concerns. They will continue to monitor the project and will keep the EPB informed along the way.

### **Commission Updates**

Waterways Commission – No update

KJB Commission – No update

### **Legislative Update**

Mr. Richardson provided a 2016 Florida Legislative Session Update – Post Session on the following bills (see attachment):

- HB191/SB318 Regulation of Oil & Gas Resources (Well Stimulation Bill) - failed
- HB7005/SB552 Environmental Resources (Major Water & Springs Bill) – approved and signed by Governor
- HB989/SB1168 Implementation of Water & Land Conservation Constitutional Amendment - approved
- HB5003/SB2502 Implementing the 2016-2017 General Appropriations Act (Budget) - approved
- HB589/SB1052 Environmental Control – approved
- Funding projects for BMAP – New administration submitted projects to Tallahassee for funding and one project will be funded through appropriations

### **EPB Administrator Report**

Mr. Richardson shared:

- The resolution for retiree Steve Pace was introduced to City Council and staff will notify the Board when the resolution will be presented at the Council meeting.
- A new parking procedure is coming in October for Boards and Commissions.
- Florida's Governor has declared April as Water Conservation Month. The City Council is considering a resolution soon. Mr. Richard shared that he would like the EPB to consider joining other agencies in adopting a proclamation. A proposed Resolution proclaiming April as Water Consecration Month was distributed for consideration.

A motion was made to approve the Resolution Proclaiming April as Water Conservation Month (Dagan) which was properly seconded (Bellamy) and approved by the body.

## **Departmental Report**

Chief Long shared:

- The SOA will go before City Council next week.
- The EPA 2017 – 2019 Enforcement Initiative will be submitted to the EPB for review.
- A reorganization of City government has been proposed and is going through the Council approval process. There will be minimal change to EQD which will primarily be placement in a newly formed Neighborhoods Department. Information will be distributed to the Board for information.
- DOT is willing to fund a potential Microbe Lift Study. More information will be forthcoming.

## **Old Business**

- The Seismic Gun Testing Resolution – remains referred to EPOC.
- Jacksonville Harbor Deepening Project – remains referred to EPOC.
- EPB Policy Positions – (referred to EPO Committee)

## **New Business**

Discussion – Environmentally Sensitive Land and Cell Tower Siting – deferred to the April Meeting.

## **Item(s) referred to Committees**

- Funding Request – Groundwork Jacksonville (EPO Committee)
- Funding Request – EPB Education & Outreach (EPO Committee)

## **Comments from the Public**

None.

## **Next Scheduled Board Meeting(s)**

EPB Committees

- a. Water Committee – March 28, 2016 at 4:30pm
- b. Air & Odor Committee – March 28, 2016 at 5:00 pm

EPB Monthly Meeting – April 11, 2016 at 5:00 pm

## **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:06 p.m.

Respectfully Submitted

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Ruby Tucker, Executive Assistant to EQD Chief