

Air Odor Noise Committee

Lucinda Sonnenberg, Ph.D. – Chair
Nick Howland
Amy Fu, P.E.
Mobeen Rathore, M.D.

Education & Public Outreach

Tony Bellamy, P.E.
Steven Jenkins
Lucinda Sonnenberg, Ph.D.
Michelle Tappouni



Water Committee

Bobby L. Baker, P.E. – Chair
Tony C. Bellamy, P.E.
Roi Dagan, M.D.
Steven Jenkins

Michelle Tappouni – Chairman
Nick Howland – Vice Chairman
Bobby L. Baker, P.E., Tony C. Bellamy, P.E.
Roi Dagan, M.D., Amy Fu, P.E., Steven Jenkins,
Mobeen Rathore, M.D., Lucinda Sonnenberg, Ph.D.

ENVIRONMENTAL PROTECTION BOARD
City of Jacksonville, Florida
Monday, August 22, 2016
4:30 p.m.
Water Committee Meeting Summary

Members Present:

Bobby Baker, P.E., Chair
Tony C. Bellamy, P.E.
Steven Jenkins
Roi Dagan, M.D.

Michelle Tappouni (ex-officio)
Nick Howland
Lucy Sonnenberg

Members not present:

Staff/Resources Present:

James Richardson, EPB Program Administrator
Sondra Fetner, OGC
Melissa Long, EQD
Tree Kilbourn, EQD

John Flowe, EQD
Amando David, EQD
Charles Hubsch, EQD
Terry Carr, EQD

Visitor(s):

Wayne Young, JEA

Call to Order

Chair Bobby Baker called the meeting to order at 4:37 pm.

Comments from the Public

None

Groundwater Resources

Amando David gave the groundwater report (document attached).

Administrator Report

- Mr. Richardson shared that Ord 2016-587 and 2016-588 have been introduced to Council. These are the reappointments of Mr. Baker and Ms. Fu to the EPB.

Departmental Report

Charles Hubsch shared information on a number of topics including: NPDES/MS4, routine ambient monitoring/sampling, storage tank compliance, blight & NICE, BMAP & Septic Tank Phaseout, stream remediation by septic tank phase out and upcoming community events (report attached).

Charles Hubsch shared the CARE Statistics – July 1st – July 31st (report attached).

Old Business

None

New Business

Human Health Criteria – Melissa Long shared information on what had been done by FDEP regarding the HHC including the process. She shared information on the criteria that is being proposed to change. There was some discussion regarding the impacts here in Duval County.

Resolution 2016-536 – Mr. Richardson shared that the EPB Chair had charged the committee with reviewing the legislation to determine if the EPB should take a position. Members shared their thoughts and concerns. The general consensus was that more information would be needed in order to make a decision. No action was taken.

Items Forwarded to the Steering Committee

none

Date Scheduled for Next Meeting

September 26, 2016

Adjournment

Meeting adjourned at 5:30 pm.

Respectfully Submitted,

James Richardson, Program Administrator

**ENVIRONMENTAL PROTECTION BOARD
AUGUST WATER COMMITTEE MEETING
GROUNDWATER RESOURCE MANAGEMENT SECTION REPORT
JULY 2016 DATA**

Total Number of Well Construction Permits Issued:	<u>113</u>
• Domestic Potable Well Permits:	23 (20%)
• Irrigation Well Permits:	47 (41%)
• Public Supply Well Permits:	0
• Monitoring Well Permits (multiple wells per permit):	20 (18%)
• Recovery Well Permits:	0
• Well Abandonment/Plugging Permits	21 (19%)
• Geothermal Heat Pump Supply/Return Well Permits	1 (1%)
• Repair Well Permits	1 (1%)

Total Number of Irrigation Well Permits Issued:	<u>47</u>
• Surficial Aquifer System Irrigation Wells:	29 (61%)
• Intermediate Aquifer System-Hawthorn Irrigation Wells:	12 (26%)
• Floridan Aquifer System Irrigation Wells:	6 (13%)

Total Number of Domestic Potable & Public Supply Well Permits Issued:	<u>23</u>
• Surficial Aquifer System DP & PS Wells:	14 (61%)
• Intermediate Aquifer System-Hawthorn DP & PS Wells:	5 (22%)
• Floridan Aquifer System DP & PS Wells:	4 (17%)

EQD Scorecard Data for FY 2016

Percentage of well permits issued within 5 working days for July: 100% ave: 1.5 days

Well Related Complaints/Responses (Leaking, Damaged Wells): 3
Utility work 2 visits; abandonment by owner of residential irrigation less than 2 in does not need a permit.

Irrigation/Watering Related Complaint Investigations: 18
Eleven flyers, 6 non violations and 1 non address.

Irrigation/Watering Related Information Requested: 0

SJRWMD Floridan Aquifer Report for July

Water levels in Northeast Florida rank at 47%, with respect to a period of record highs (March 1998) and record lows (June 2000), which is a -13% monthly decrease and a -9% annual decrease.

Florida Climate Center Climate Summary for July

Jacksonville received 2.14 inches of rainfall. The normal rainfall is 6.55 inches.

Note: Daylight savings time began on March 13th allowing twice weekly landscape irrigation.

Environmental Quality Division Water Branch Citizen Active Response Effort (C.A.R.E.) System
Issues Received and Closed For July 1, 2016 – July 31, 2016.

1. Wells – Abandoned/Damaged/Threatened = 1 received and 1 closed.
2. Stormwater Discharge – Commercial/Industrial = 1 received and 0 closed.
3. Sewer drains into yard/ditch = 12 received and 12 closed.
4. Pollution-Water General = 2 received and 0 closed.
5. Pollution – Water – Illegal Discharge = 2 received and 0 closed.
6. Sewer Overflow = 10 received and 8 closed.
7. Fish Kills = 1 received and 1 closed.
8. Hazardous Material – Disposal = 2 received and 2 closed.
9. Hazardous Material – Spill, Release = 1 received and 3 closed.
10. Wells Leaking, Damaged = 1 received and 0 closed.
11. Erosion & Sediment Control = 4 received and 4 closed.
12. Pollution - Stormwater - Grass and Leaves = 2 received and 2 closed.
13. Watering – Violations of City Ordinance Code = 17 received and 12 closed.
14. Fertilizer – Violation of City Ordinance Code = 0 received and 0 closed.
15. Fertilizer Application – Information Request = 0 received and 0 closed.
16. Watering Regulations – Information Requested = 1 received and 1 closed.
17. Stormwater – Illicit Dumping or Discharge = 4 received and 6 closed.
18. Wells – Construction or Abandonment Without a Permit = 0 received and 0 closed.
19. Miscellaneous – Environmental Quality Staff Use Only = 2 received and 2 closed.

**Water Branch Report to EPB Water Committee
August 23, 2016**

MS4

FSA Stormwater Operator Certification Level I Course scheduled for August 23-24. 34 people registered. Class will be conducted at Legends Center, Soutel Drive. Level II Course cancelled due to low registration.

City of Jacksonville submitted minor comments to the **Draft MS4 Permit**. FDOT submitted several comments to FDEP regarding the Draft MS4 Permit. FDEP responded with written comments. The comments submitted by COJ were acceptable to FDEP. FDEP will submit the **Intent to Issue Draft Permit** within a few days.

Data currently being compiled for **Annual Report** for NPDES MS4 Permit.

CARE

Environmental Quality Division Water Branch Citizen Active Response Effort (C.A.R.E.) System Issues Received and Closed For June 1, 2016 – June 30, 2016.

1. Wells – Abandoned/Damaged/Threatened = 0 received and 1 closed.
2. Stormwater Discharge – Commercial/Industrial = 0 received and 1 closed.
3. Sewer drains into yard/ditch = 5 received and 7 closed.
4. Pollution-Water General = 1 received and 2 closed.
5. Pollution – Water – Illegal Discharge = 0 received and 0 closed.
6. Sewer Overflow = 8 received and 7 closed.
7. Fish Kills = 0 received and 0 closed.
8. Hazardous Material – Disposal = 2 received and 3 closed.
9. Hazardous Material – Spill, Release = 2 received and 0 closed.
10. Wells Leaking, Damaged = 0 received and 0 closed.
11. Erosion & Sediment Control = 3 received and 3 closed.
12. Pollution- Stormwater - Grass and Leaves = 2 received and 2 closed.
13. Watering – Violations of City Ordinance Code = 19 received and 19 closed.
14. Fertilizer – Violation of City Ordinance Code = 0 received and 0 closed.
15. Fertilizer Application – Information Request = 0 received and 0 closed.
16. Watering Regulations – Information Requested = 1 received and 1 closed.
17. Stormwater – Illicit Dumping or Discharge = 11 received and 19 closed.
18. Wells – Construction or Abandonment Without a Permit = 0 received and 0 closed.
19. Miscellaneous – Environmental Quality Staff Use Only = 5 received and 5 closed.

Miller Creek Cleanup

Saturday past, 35 or so volunteers engaged trash, tires, dead animals, and post office mail bins in the shores of Miller Creek.

Accord Report

The draft of the 2016 River Accord Annual Report has been sent to the contributors for final review. The report will be released at the Symposium Sept 9.

Hogan Creek Fecal Coliform Intensive Survey

By the end of August, based upon data provided by FDEP, a team of JEA, EQD, and Public Works staff will investigate storm and sewer lines for the source of fecal coliform in the vicinity of 16th Street and Perry Street. JEA will supply telemetry and smoke to look for leaks, seepage and illicit connections.

Upcoming Community Events

- Sept 9 Environmental Symposium
- Sept 10 Pollution Solution Festival @ MOSH
- Sept 15 Mayor's Environmental Luncheon
- Sept 17 International Coastal Cleanup
- Sept 19-23 National Pollution Prevention Week
- October 8 Hogan Creek Biodiversity Festival

Analysis of Florida DEP's Human Health Criteria

Background:

EPA updated its national recommended water quality criteria for human health in June 2015 for chemical pollutants to reflect the latest scientific information and EPA policies, including updated fish consumption rate, body weight, drinking water intake, health toxicity values, bioaccumulation factors, and relative source contributions. EPA's water quality criteria serve as recommendations to states and tribes when establishing water quality standards under the Clean Water Act (CWA). States may modify EPA's criteria to reflect state or regional specific conditions, or adopt different criteria based on other scientifically-defensible methods. EPA must approve any new water quality standards adopted by a state before the criteria can be used for CWA purposes.

Florida's water quality criteria, found in Rule 62-302.530, Florida Administrative Code (F.A.C.), for human health are designed to protect human health from adverse health effects resulting from exposure to environmental contaminants in surface waters (lakes, streams, rivers, and estuaries). Florida's current water quality criteria were last adopted by FDEP in 1992.

People can be exposed to environmental contaminants in surface waters primarily through: a) drinking water derived from surface water sources, and b) consuming fish and shellfish that may have accumulated contaminants in their tissues.

Analysis:

The Florida Department of Environmental Protection (FDEP) proposed the addition of 39 new criteria where limits had not been previously established and updating 43 existing criteria previously adopted in 1992. The department used a scientific method for calculating criteria, called the probabilistic approach, that more directly addresses exposure risk; the most recent toxicological data recommended by the U.S. Environmental Protection Agency (EPA); and region-specific information on the types and quantities of fish Floridians eat.

The FDEP formed a Human Health Peer Review Committee (HHPRC) in 2012 to evaluate FDEP's technical approach. HHPRC panelists included Dr. Elizabeth Doyle (US Environmental Protection Agency Office of Research and Development), Dr. Kendra Goff (Florida Department of Health), Dr. Raymond Harbison (University of South Florida), Dr. Dale Hattis (Clark University), Dr. Charles Jagoe (Florida Agricultural and Mechanical University), Dr. Susan Klasing (California Environmental Protection Agency), and Dr. Chris Teaf (Florida State University). The panel, which was moderated by Dr. Stephen Roberts (University of Florida), met on October 8 and 9, 2012, to discuss and provide responses to a series of technical questions.

The HHPRC endorsed the probabilistic approach to determine risk and more accurately derive criteria. This approach is the preferred approach for doing toxicological evaluations because it allows an analysis of an entire population of people. FDEP used the probabilistic approach (which involves a Monte Carlo simulation) to evaluate the risk to Florida's entire population and develop criteria to protect Floridians at a pre-specified risk level. The department selected the target risk level after considering: a) consistency with national recommendations on target populations; b) confidence in the exposure risk calculations; c) whether the criteria will be protective of highly exposed sub-populations

(e.g., subsistence fishers) at low increased cancer risk levels (1-in-10,000), consistent with U.S. EPA methodologies; and d) the substantial safety factors applied to the toxicity data used to derive the criteria, which provide added layers of protection.

For carcinogens, FDEP established the criteria to achieve an extremely low (1-in-1,000,000) incremental increased lifetime cancer risk for the average Floridian and a very low increased risk (1.9 to 2.4-in-1,000,000) for virtually all Floridians. FDEP established the water quality criteria for non-carcinogens to ensure that intake of a given contaminant does not exceed a safe dose for virtually all Floridians. Individuals who consume seafood on a daily basis for subsistence purposes will also be protected at a very low increased risk (1.3-in-1,000,000 to 2.1-in-100,000).

The key toxicity data used in the calculation of the human health criteria are the reference doses (RfD) and cancer potency (slope) factors (CSF), and the department used nationally recognized values from EPA's Integrated Risk Information System (IRIS). Safety factors are applied to the RfD to ensure that it is set at a level protective of the entire population, including the most sensitive individuals such as children.

FDEP included other exposure related variables such as the relative source contribution (RSC), which accounts for other, non-water based pathways, and bioaccumulation factors (BAFs) and bioconcentration factors (BCF), which predict how contaminants can get into seafood. These variables are parameter-specific and were entered into the analysis as point values based on the most recent U.S. EPA recommendations, which are summarized in EPA's parameter-specific technical support documents available at <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table>.

More recent nationally supported and peer reviewed studies have concluded that particular compounds may be more or less toxic than previously thought. The department used all these most recent studies in order to create scientifically sound criteria regardless of its effect on the ultimate criteria values. Changes in toxicity and bioaccumulation factors resulted in some criteria values getting more stringent, and others getting slightly less stringent.

As part of the Monte Carlo simulation approach, the most recent locally relevant data and information were used to calculate the exposure component of the risk calculations, including body weight, drinking water consumption rate, fish and shellfish consumption rate, and fat (lipid) content of fish (which relates to how pollutants get into seafood). National or regional recommendations were from the 2011 Exposures Factors Handbook (USEPA, 2011) or the *Estimated Fish Consumption Rates for the U.S. Population and Selected Subpopulations (NHANES 2003-2010)* (USEPA, 2014).

Parameters that were considered but are not being added include five banned pesticides (4,4'-DDD; 4,4'-DDE; alpha-BHC; Endrin aldehyde; and Hexachlorobenzene) and three parameters for which current toxicological data does not support criteria revision at this time (Arsenic, Methyl Chloride, Dioxin and Thallium).

Conclusion:

FDEP evaluated all the latest scientific information, including receiving expert input from a peer review panel, to develop human health criteria.

1 Introduced by Council Member Love:
2
3

4 **RESOLUTION 2016-536**

5 A RESOLUTION OPPOSING THE RECENT CHANGES TO
6 FLORIDA'S SURFACE WATER QUALITY STANDARDS BY
7 THE FLORIDA ENVIRONMENTAL REGULATION
8 COMMISSION AND URGING THE GOVERNOR TO
9 RECONSIDER THE COMMISSION'S RECOMMENDATIONS
10 PRIOR TO THE RECOMMENDATIONS BEING SENT TO THE
11 ENVIRONMENTAL PROTECTION AGENCY FOR FINAL
12 REVIEW AND APPROVAL, AND URGING THE EPA TO
13 PROVIDE MORE APPROPRIATE PUBLIC COMMENT PERIOD
14 FOR THE PROPOSED CHANGES AND THOROUGH
15 EVALUATION OF SAME; PROVIDING AN EFFECTIVE
16 DATE.
17

18 **WHEREAS**, the federal Clean Water Act requires that states
19 periodically review standards for water quality publicly and adopt
20 changes, as appropriate, and Florida's current Human Health-Based
21 Water Quality Criteria were last updated in 1992; and

22 **WHEREAS**, the Environmental Protection Agency ("EPA") issued
23 new scientific recommendations in 2015 based on national water
24 quality and demographic trends; and

25 **WHEREAS**, the Florida Department of Environmental Protection
26 ("FDEP") is required to apply the EPA's guidelines while also
27 accounting for Florida's specific water chemistry and population
28 through human health-based criteria; and

29 **WHEREAS**, the FDEP could have followed the more conservative
30 risk assessment model and risk exposure levels for regulated
31 chemicals that are recommended by the EPA, which would have likely

1 resulted in more stringent regulations on numerous chemicals,
2 including known carcinogens, but instead selected a less protective
3 path that exposes millions of Floridians to a higher risk
4 threshold; and

5 **WHEREAS**, in May the FDEP announced that it was planning to
6 take the proposed rules to the Florida Environmental Regulation
7 Commission (the "Commission") in early fall for consideration; and

8 **WHEREAS**, on June 30th, FDEP announced that the proposed rules
9 would be fast-tracked and sent to the Commission on July 26th,
10 instead of the early fall timeframe given in May; and

11 **WHEREAS**, on Tuesday, July 26, 2016, the Commission, whose
12 members are appointed by Governor Rick Scott, voted 3-2 to support
13 changes that increase the amount of numerous toxic chemicals in
14 Florida's waterways; and

15 **WHEREAS**, there are currently two empty seats on the
16 Commission, one representing local government and the other for
17 representatives of the environmental community, preventing key
18 stakeholder groups from being adequately represented on important
19 statewide regulatory decisions; and

20 **WHEREAS**, the FDEP contends that the new regulations are based
21 on Florida's specific water chemistry and population; and

22 **WHEREAS**, prior to the vote on July 26th, requests by interested
23 parties, including various environmental groups and the Miccosukee
24 Tribe of Indians of Florida, were made to delay a decision on the
25 recommendations until more study on the health impacts of the
26 changes, particularly to children and the elderly, and until the
27 two vacant positions on the Commission were filled; and

28 **WHEREAS**, U.S. Senator Bill Nelson and eight members of the
29 U.S. House have sent a letter to the EPA Administrator, Gina
30 McCarthy, stating that they have "serious concerns" about the
31 changes, which will be sent to the EPA for final review and

1 approval; and

2 **WHEREAS,** the City of Jacksonville makes recommendations
3 through the formal resolution process; now therefore

4 **BE IT RESOLVED** by the Council of the City of Jacksonville:

5 **Section 1. Resolution Opposing the Proposed Changes to**
6 **the State Human Health-Based Water Quality Criteria and Requesting**
7 **Further Review of the Criteria by State and EPA.** The City of
8 Jacksonville does hereby state its opposition to the recent changes
9 to Florida's Human Health-Based Water Quality Criteria recommended
10 by the Florida Environmental Regulation Commission and urges the
11 Governor, Rick Scott, to reconsider the Commission's
12 recommendations to increase the limits for numerous chemicals
13 discharged into Florida's waterways prior those recommendations
14 being sent to the Environmental Protection Agency for final review
15 and approval. In addition, the Council urges EPA to provide a more
16 appropriate public comment period for the proposed Florida Human
17 Health-Based Water Quality Criteria and to thoroughly evaluate the
18 methods used to determine the proposed Human Health-Based Water
19 Quality Criteria to ensure the utmost protection for Florida's
20 citizens, environment and economy.

21 **Section 2. Effective Date.** This resolution shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24 Form Approved:

25
26 /s/ Paige Hobbs Johnston

27 Office of General Counsel

28 Legislation Prepared By: Paige H. Johnston

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