

**City of Jacksonville, Florida**  
**ENVIRONMENTAL PROTECTION BOARD**  
**Monday, June 13, 2016**  
**5:00 p.m.**  
**Board Meeting Summary**

**Members Present**

Michelle Tappouni, Chair  
Nick Howland, Vice Chair  
Steven Jenkins  
Roi Dagan, M.D.  
Bobby Baker, P.E.  
Lucinda Sonnenberg, Ph.D.

**Members Not Present**

Tony C. Bellamy, P.E.  
Mobeen Rathore, M.D.  
Amy Fu, P.E.

**Staff/ Resources Present**

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

**Visitors**

Gabriel DuPree  
Clint Noble

**Call to Order**

Chair Michelle Tappouni called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:10 p.m. (no quorum).

**Chairman's Remarks**

None.

**Comments from the Public**

None

**Enforcement Report**

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

Ms. Kilbourn gave a brief Penalty Guidelines update concerning the penalty matrix and enforcement changes that will impact both air and water. Three changes were made and are now in effect:

- 1) Created a new penalty to address particulate fugitive emissions. The guidelines mirror Florida code. All begin at Moderate level and the Extent of Deviation will determine the penalty amount.
- 2) The overall matrix was addressed for the first time in a number of years. The Minor and Moderate baseline numbers were adjusted upwards by \$200-\$300. The Major baseline was adjusted upwards by \$300.
- 3) The Base Settlement Penalty amount, tied to the number of complaints, was adjusted upwards by \$1,000.

A quorum of the board was achieved at 5:14pm.

### **Consent Agenda**

(Air/Odor/Noise)

- **Shands Jacksonville Medical Center, Inc. (AP-16-002)** – Failure to schedule and conduct required VE compliance testing for three natural gas fired boilers (EU 006, 007 and 008) in 2015- **proposed settlement fee \$600**

Roi Dagan, M.D. disclosed a voting conflict of interest, completed a Memorandum of Voting Conflict For 8B and abstained from voting. (attached)

(Water/Haz Mat)

- None

Sondra Fetner, OGC, informed the Board that under new legislation public comments should be open before a vote is taken on any matter. The Chair asked for public comments.

### **Comments from the Public**

None

A motion was made to approve the consent orders (Howland) which was properly seconded (Baker) and approved (4 approved; 1 abstained).

### **Approval of May Board Minutes**

Chair Tappouni entertained a motion to approve the meeting summaries of the May 9<sup>th</sup> Board Meeting, Variance Hearing-Project Rex, Funding Hearing- Groundworks Jacksonville, Funding Hearing Education & Outreach, (Howland), which was properly seconded (Baker).

### **Comments from the Public**

None

The motion made to approve the meeting summaries (Howland) which was properly seconded (Baker) and approved

### **Approval of May Committee Minutes**

Chair Tappouni entertained a motion to approve the meeting summaries of the May 23<sup>rd</sup> EPB Water Committee and May 23<sup>rd</sup> EPB Air & Odor Committee meetings (Baker), which was properly seconded (Sonnenberg).

### **Comments from the Public**

None

The motion made to approve the consent orders (Baker) which was properly seconded (Sonnenberg) was approved by the body.

### **Commission Updates**

Waterways Commission - Board Member Steven Jenkins shared that pertinent information from the meeting included:

- A presentation made by the Florida East Coast Railway concerning issues with the railway bridge located adjacent to the Acosta Bridge. There are complaints that individuals are getting trapped on the river for hours not knowing when a train is coming or going or how long it will be. Corrective actions will be made.
- Dave Micah will make a presentation on Wednesday, June 15<sup>th</sup> at 9:30am regarding fracking from an industry perspective

KJB Commission – Nick Howland shared:

- The next meeting is scheduled for July 27<sup>th</sup> (June was meeting canceled)

### **EPB Administrator Report**

Mr. Richardson shared:

- The resolution 2016-192 which honors Steve Pace on his retirement was approved by City Council and will be presented to Steve pace at the June 14<sup>th</sup> Council meeting at 5pm.
- The nomination period for the EPB awards is currently open through July 15<sup>th</sup>.
- The EPB is taking the lead in sponsoring Pollution Prevention Week (9/11/16 thru 9/17/16), the plans for the week will kick off with the EPB Symposium (Sept 9<sup>th</sup>); the Mayor's Environmental Luncheon (Sept. 15<sup>th</sup>); International Coastal Cleanup and a Pollution Prevention Festival (Sept 17<sup>th</sup>), more information will be shared as plans develop.
- An update regarding the funding for USGBC/LIVESmart and Groundworks Jacksonville's and potential conflict.

Members asked for clarification regarding the upcoming Pollution Prevention Festival. The Chair asked that the item be added to the upcoming EPO committee meeting for discussion.

### **EQD Report**

Chief Long shared:

- Budget is being reviewed (same level of funding).
- There will be slight changes to the irrigation ordinance (chapter 366) to match SJRWMD rule.
- The Water Monitoring Plan is being reviewed to ensure it covers our efforts for the stormwater permit.

In response to questions, Chief Long shared that there are three persons interested in the Air position, none with air experience. She is going to go ahead and schedule interviews soon.

### **Old Business**

- The Seismic Gun Testing Resolution – referred to EPOC.
- Jacksonville Harbor Deepening Project – Environmentally focused forum/town hall - referred to EPOC.
- EPB Policy Positions – referred to EPOC.

### **New Business**

none

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

Pollution Prevention Week

### **Comments from the Public**

None

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

EPB Committees

- a. Water Committee – June 27, 2016 at 4:30pm
- b. Air & Odor Committee – June 27, 2016 at 5:00 pm
- c. Education & Public Outreach – TBD (June 28<sup>th</sup> /July 27<sup>th</sup>)

EPB Steering Committee – July 6, 2016

EPB Monthly Meeting July 11, 2016 at 5:00 pm

### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 6:02 p.m.

Respectfully Submitted

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Ruby Tucker, Executive Assistant to EQD Chief

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>DAGAN, ROY, -</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Environmental Protection Board</b>	
MAILING ADDRESS <b>911 Alameda Lane</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <b>St. Johns</b>	COUNTY <b>St Johns</b>	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <b>6/13/2016</b>		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

### ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Roi Dagan, hereby disclose that on June 3, <sup>2016</sup>~~19~~:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain; or

inured to the special gain of UF Health, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

I am currently a UF Health employee, who is the subject of a consent order (AP-16-02)

- Failure to meet required UE compliance testing for natural gas fired boilers

Date Filed

Signature 

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.