

ENVIRONMENTAL PROTECTION BOARD
City of Jacksonville
Wednesday, March 20, 2013
4:30 p.m.

Air Odor and Noise Committee Meeting Summary

Members Present:

Bobby L. Baker, P.E.
Michelle, L. Mahoney, P.E.
Michelle Tappouni

Members Not Present:

Tony Bellamy, P.E., Chair

Staff/Resources Present:

Vince Seibold, P.E., Chief
James Richardson, EPB Administrator
Ruby Tucker, Executive Secretary I
Cherry Shaw, OGC
Steve Pace, P.E., Environmental Engineering Manager Senior
Dana Brown, Environmental Enforcement Administrator
Richard Robinson, P.E., Environmental Engineering Manager

Visitors:

Andrew Sears, JEA
Scott Shine, Interested Citizen

CALL TO ORDER

Acting Chair Bobby Baker, P.E. called the meeting to order at 4:30 p.m.

ENFORCEMENT

Board Cases

Dana Brown, Environmental Enforcement Administrator, reported that there were no board cases to be presented to the Board for approval under Consent Order settlements.

Legislative Update

Ms. Brown informed the Committee she attended a meeting in Tallahassee, FL with Representative Jimmy Patronis and reported:

- HB999 will preempt local governments from regulating well construction and will change the Title V fee structure. The bill will clarify how fees are assessed against pollution sources.
- Well construction bill - will preempt local governments from having well construction permitting programs. The preemption will be removed and SJRWMD will still delegate well construction permitting to local governments.
- Fertilizers – Speaker-Elect Cristafulli is assembling a stakeholders group to discuss potential changes to state legislation in response to concerns from the green

industry over the state's model ordinance. The group will work to develop legislation for the 2014 session.

MONTHLY COMPLAINTS

Air and Odor Complaints (February)

Steve Pace, P.E., Environmental Engineering Manager Senior, reported the following:

- 3 nuisance complaints were received and investigated, 1 complaint was validated
- 19 odor complaints were received and investigated, 2 complaints were validated
- 3 open burning permits were issued
- 12 open burning complaints were received and investigated

Noise Complaints (February)

Mr. Pace reported the following:

- 22 noise complaints were received
- 13 warning letters were issued
- 5 complaints were referred to the Jacksonville Sherriff's Office (JSO).

EPB ADMINISTRATOR REPORT

James Richardson, EPB Administrator shared the following:

- The State of the River Report funding request (2012-138) was approved by four Council Committees and the Waterways Commission. It will go before the full Council on March 26, 2013.
- The Kennedy Community Center ribbon cutting with the Mayor and EPA Region 4 officials is April 19, 2013 at 10 am and all board members are encouraged to attend.
- An Award Ceremony will be held for the recipients of the EPB Poster Contest at the Earth Day Ecology Fair to be held at the Jacksonville Landing on Saturday, April 20, 2013 at noon. Board members are encouraged to attend.
- Save the Date: August 23, 2013 for the Environmental Symposium. Staff has issued a call for papers to determine the presentation topics.

DEPARTMENTAL REMARKS

Vince Seibold, P.E., Chief shared the following:

- The Board has one vacant position in the medical field to replace Dr. Rice. Please forward board recommendations to James Richardson.
- The Noise Ad-hoc Subcommittee chaired by Councilwoman Denise Lee in regard to the Metro Park noise issue will meet on March 21, 2013. Staff will keep the board advised as things progress.

OLD/NEW BUSINESS

• Open Variances

Segment 4 Project - Andrew Sears, JEA, stated that the horizontal drilling project under the expressway has been delayed. JEA is reevaluating an option of open cut trenching.

Riverside Water Main Project – The public meeting to discuss the project with the affected residents was held February 28, 2013. Work has just begun on the project. No complaints have been received.

Intracoastal Waterway Transmission Tower Repair - The public meeting to discuss the project has been scheduled for April 4, 2013. Council members have been notified of the project by JEA.

- **Health Zone 1 Study**

James Richardson stated that staff has not had any contact with Dr. Prabhu. Staff will be meeting with staff from the Health Planning Council to discuss possible options.

- **Committee Focus Areas**

Mr. Richardson stated that the Air & Odor Committee was asked if they had any areas of interest or suggestions at their last meeting. He presented the opportunity to the Air & Odor Committee to develop a list of proposed major categories for discussion of priorities. The Air & Odor Committee asked that the Water Committee Focus Areas be forwarded to them for review.

- **Rule Making – JEPB Rule 4: Noise Pollution**

Mr. Richardson shared that, based on the direction from the board at the March meeting, staff met to develop possible language for consideration. Based on the comments expressed during the meeting and potential language offered at the time, staff discussed the rule as it currently is and provided proposed language for discussion with the committee. (See attachment) The committee members were pleased with the proposed language. They asked staff to review past permits to consider potential impacts of the language on other industries.

OLD BUSINESS

None

COMMENTS FROM PUBLIC

Scott Shine, 4390 Richmond Park Dr. E., Jacksonville, Florida stated the proposed language in the rule is very good and is similar to the language in the permit prior to the rule change.

ITEMS FORWARDED TO STEERING COMMITTEE

None

DATE SCHEDULED FOR NEXT MEETING

Wednesday, April 17, 2013.

ADJOURNMENT

There being no further business to come before the Air and Odor Committee, the meeting was adjourned at 5:15 p.m.

Respectfully Submitted,

Ruby Tucker, Executive Secretary I
Environmental Protection Board

(Attachment)

JEPB Rule 4 – Noise Pollution Control Rulemaking Language Options

Current Rule 4.207(a) Language

4.207 Construction or Maintenance Operations

- A. No person shall operate or permit the operation of construction or maintenance equipment excluding generators, mudhogs, well point pumps, and golf course landscaping equipment used in construction or maintenance during nighttime hours. Generators, mudhogs, well point pumps, and golf course landscaping equipment used during nighttime hours shall not exceed 60 dBA.

Proposed Rule 4.207(a) Language (by Scott Shine)

4.207 Construction or Maintenance Operations

- A. No person shall operate or permit the operation of construction or maintenance equipment excluding generators, mudhogs, well point pumps, and golf course landscaping equipment used in construction or maintenance during nighttime hours. Generators, mudhogs, and well point pumps, and golf course landscaping equipment used during nighttime hours shall not exceed 60 dBA.

This will result in the rule reading as such:

- A. No person shall operate or permit the operation of construction or maintenance equipment excluding generators, mudhogs and well point pumps used in construction or maintenance during nighttime hours. Generators, mudhogs and well point pumps used during nighttime hours shall not exceed 60 dBA.

Proposed Rule 4.207(a) Language (Staff interpretation of EPB Discussion)

4.207 Construction or Maintenance Operations

- A. No person shall operate or permit the operation of construction or maintenance equipment excluding generators, mudhogs and well point pumps used in construction or maintenance during nighttime hours. Generators, mudhogs and well point pumps used during nighttime hours shall not exceed 60 dBA.
- B. The staging of golf course landscaping equipment used in maintenance is allowed from 6 am to 7am during nighttime hours and shall not exceed 60 dBA. The operation of golf course landscaping equipment, during nighttime hours, is expressly prohibited.