

**City of Jacksonville, Florida**  
**ENVIRONMENTAL PROTECTION BOARD**  
**Monday, May 13, 2013**  
**5:00 p.m.**

**Meeting Summary**

**Members Present**

Steven T. Jenkins, Chair  
Michelle Tappouni, Vice Chair  
Gary Bowers, M.D.  
Lucinda Sonnenberg, Ph.D.  
Nick Howland

**Members Not Present**

Bobby L. Baker, P.E.  
Tony C. Bellamy, P.E.

**Staff/ Resources Present**

Scott Trebatoski Acting EQD Chief  
James Richardson, EPB Administrator  
Ruby Tucker, Executive Secretary I  
Jason Teal, OGC  
Jody Brooks, OGC  
Jim Robinson, Public Works Department Director  
Steve Pace, Environmental Engineering Manager Senior  
Dana Brown, Environmental Enforcement Administrator  
Richard Robinson, P.E., Environmental Engineering Manager

**Visitors**

Jay Worley, JEA  
Andrew Sears, Sr. Environmental Scientist, JEA  
Gage Miller, Project Manager, Golder Associates  
Renee Barlow, JEA  
Steve Patterson, Florida Times Union  
Robert Kermitz, ETM  
Buckley Williams, ETM  
Wayne Young, JEA  
Ted Mikalson, Interested Citizen

**Call to Order**

Chair Steven Jenkins called the regular meeting of the Environmental Protection Board (EPB) to order at 5:00 p.m.

**Chairman's Remarks**

Chair Jenkins requested that Jody Brooks, EPB's new legal counsel assigned to support the Board and Jason Teal, OGC briefly introduce themselves.

### **Approval of April Board Minutes**

Chair Jenkins entertained a motion to approve the meeting summary of the April Board Meeting, which was properly seconded and approved by the body.

### **Program Administrator Report**

EPB Administrator James Richardson shared the following:

- James Richardson shared that the Jacksonville Harbor Deepening draft report expected to be released for public review and comments on May 6<sup>th</sup> has been delayed. The new release date is scheduled for May 31<sup>st</sup>.
- The EPB Annual Earth Day Poster Contest drew over 1400 entries. The entries were submitted from public, private, catholic and home schools, including community centers, Team Up sites. Girl Scouts and 4H clubs.
- The Marine Science Research Institute will be holding its annual "Ripples on the River" event Saturday, May 18<sup>th</sup>, from 11am to 2pm. Admission is \$10 per adult with children under 16 free.
- The Florida Inland Navigational District (FIND) subcommittee of the Waterways Commission is revising its process and is seeking public input on future projects. If the Board Members have any thoughts, suggestions, or would like to review the current projects please contact him.
- The proposed date for the EPB retreat is Monday, August 19, 2013. Further details will be provided at a later time.

### **Department Report**

Scott Trebatoski, Acting Interim Chief of the Environmental Quality Division, shared that he reviewed open enforcement cases report for the Division and found two which had been resolved but were still showing up as open. The Board was made aware of the resolution of those two cases which will be closed on the report.

A brief discussion occurred regarding open cases with COJ, and outside COJ, from 2002 to date. Michelle Tappouni inquired what can be done to reduce the list. Chief Trebatoski stated that he will work with staff to formulate a process to resolve the open cases. An update will be provided at the next Board meeting regarding a solution.

There were concerns shared regarding the enforcement process pre and post settlement. Some are sent to OGC and others have a foreclosure notation. What keeps those cases from going to the next step, to close the case? Dana Brown replied; when a citation is issued, if a settlement is reached with the parties, a consent order is issued and signed by the parties and returned. If a settlement is not reached it is sent to OGC for investigation with anticipation of litigation and an oversight notice is sent to the party to resolve the case. If resolved, a lawsuit may be filed. The foreclosures properties where septic tanks have not been connected have no clear title and remain on the report and are being tracked until there is a new owner. Those properties will then be required to connect within 365 days.

### **Approval of April Committee Minutes**

Chair Jenkins entertained a motion to approve the meeting summaries for both the Water Committee and the Air and Odor Committee for the month of April. The motions were properly seconded and approved by the body.

### **Consent Agenda**

(Air/Odor)

- **Center Point Terminal Company (AP-12-43)** – for exceedance of total organic compounds (TOC) emission limits – settlement fee \$12,480.

(Water )

Ms. Brown also asked for consideration of one add-on item.

- **National Retail Properties (WP-12-30)** - The respondent and the engineer request additional time until June 1, 2012 to complete the evaluation of the property and submit the construction permit application to EQD.

Chair Jenkins entertained a motion to approve the above consent orders, which was properly seconded and approved by the body.

### **Legislative Update**

Dana Brown shared the following:

- The budget recently discussed at the last meeting passed.
- The budget cut to the Tanks Program was reduced from \$7 million received last year to \$5 million this year.
- There was some budget proviso language added regarding the cleanup pre-approval program. Not sure how this will work yet so we are monitoring it.
- On HB999 the House removed a provision for the fertilizer study group, kept language allowing counties to adopt fertilizer regulations which are deemed appropriate for their jurisdictions and also removed problematic language with regard to wetlands.

### **Public Hearing**

Chair Jenkins suspended the Board Meeting at 5:30 p.m. in order to conduct a Public Hearing on a Variance Modification Request for the JEA Riverside Water Main project.

Mr. Jenkins reconvened the Board Meeting at approximately 6:23 p.m.

### **Old Business**

- Riverside Duck Pond Maintenance – None.
- Tree Hill Geothermal Project – A presentation will be made at the June Board Meeting.
- Environmental Protection Fund – Chair Jenkins will prepare and distribute a letter with a questionnaire for the board and ask that it be returned to staff.
- Proposed Phase II Reorganization – a response to the letter sent to the Mayor's Office, and copied to the City Council, with questions from the Board has not been received from the Mayor's Office. Jody Brooks, OGC requested a copy of the letter sent to the Mayor's Office in order to understand the questions and the concerns of the Board.
- Michelle Tappouni made a request for an update on the LID manual and the EPB Environmental Symposium.

**New Business**

- Funding Request – EPB Community Outreach Budget – the proposed funding request was assigned to the Water Committee.

**Comments from the Public**

None.

**Item(s) referred to Committees**

None

**Next Board Meeting Date**

Monday, June 10, 2013

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:05 p.m.

Respectfully Submitted

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Ruby Tucker, Executive Secretary I  
Environmental Protection Board