

Public Hearing – Meeting Summary
Variance Modification Request – JEA Riverside Water Main
Monday, May 13, 2013
5:00 p.m.

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 Jenkins called the Public Hearing to order at 5:30 p.m.

Certification of Public Notice

James Richardson, EPB Administrator certified that the public notice required by Florida law appeared in the Financial News & Daily Record on April 29, 2013.

Chair Jenkins read a statement which provided an outline of how the hearing would proceed: presentation by EPB staff, presentation by OGC, presentation by petitioner, staff rebuttal, comments from public, staff/petitioner rebuttal or clarification to public comment, board discussion and clarification, board action and procedural summary of any action taken.

Presentation By EPB Staff

James Richardson shared background information on the original variance ordered by the EPB for the project. He shared that JEA and staff met with the The Air & Odor Committee who then requested that JEA modify the original variance application and provide background information for possible board action at public hearing during the May 13, 2013 Board Meeting. JEA has now made a request for a continuance of the public hearing.

Presentation by OGC

Jason Teal, OGC, stated since there had been a request made from JEA for a continuance of the public hearing, from a procedural standpoint, that issue would have to be addressed before getting to the merits of the actual modified variance application. The Board would have to take action to continue the public hearing to the next scheduled meeting date in June or call a special meeting of the EPB in order to consider the request.

Presentation by Petitioner

Jay Worley, JEA provided a brief overview of the project and the reason JEA has made a request for a continuance of the hearing. Mr. Worley also informed the Board that JEA's comprehensive monitoring program is the first of this kind in Jacksonville for this critical infrastructure project.

Staff Rebuttal

Steve Pace, Environmental Engineering Manager Senior shared that JEA's request to modify the variance is to remove conditions(b) 85 dBA,(c) a monthly status report, and (d) sound measures be performed in the variance order. The applicant proposes to meet an instantaneous dBA of 110 through the duration of the project and an L10 of 85 dBA as measured over an 8 hour work shift.

JEA continues to exceed the 85 dBA granted in the variance by 100, 103, 97, 94 dBA. In the original application JEA stated if the projects noise level was approaching the 85 dBA limit, action will be taken to mitigate the noise. Staff's recommendation is to revoke the variance.

There was considerable discussion of the project, the methods being used, monitoring data provided and the method of capturing the information.

Jason Teal stated that JEA would have to demonstrate just cause, as determined by the Board, in order to qualify for a modification of their variance. JEA has demonstrated they had much data and wanted to further analyze that before finalizing the variance modification and that was the reason for the continuance request.

Comments from Public

None.

Staff/Petitioner Rebuttal or Clarification

None.

Board Discussion

A lengthy discussion continued with questions and concerns from the EPB to JEA regarding whether JEA is prepared to make their case on the variance or if the requested continuance was because JEA was not prepared to make their case. If not how long will it take to prepare a request for modification of the variance etc.

Chair Jenkins stated that the Board will have to take action to consider the request to continue the public hearing or not. A motion was made to grant the continuance and require the applicant to make a presentation at a special meeting of the EPB on May 22, 2013 following the Air & Odor Committee Meeting at 5:00pm.

The Board also requested that JEA provide the Board with the monitoring data and specifics of the justifications in advance of the hearing. JEA will provide the information on Tuesday, May 21th.

Board Decision

Chair Jenkins entertained a motion to continue the public hearing at a special meeting scheduled for Wednesday, May 22, 2013, which was properly seconded and approved unanimously.

Procedural Summary

None.

Adjournment

The Public Hearing was adjourned at 6:20 pm and was continued to 5 pm on Wednesday, May 22, 2013.

Respectfully submitted

Ruby Tucker, Executive Secretary I
Environmental Protection Board