

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD
Monday, November 14, 2016
5:00 p.m.
Board Meeting Summary

Members Present

Nick Howland, Chair
Amy Fu, P.E., Vice Chair
Tony Bellamy, P.E.

Michelle Tappouni
Lucinda Sonnenberg, Ph.D.
Bobby Baker, P.E.

Members Not Present

Mobeen Rathore, M.D.
Roi Dagan

Steven Jenkins

Staff/ Resources Present

James Richardson, EPB Administrator
Sondra Fetner, OGC

Melissa Long, EQD Chief
Tree Kilbourn, EQD Enforcement (via phone)

Visitors

Gabriel DuPree
David Wood
Janet Herrick

Warren Anderson
Tom Larson

Call to Order

Chair Nick Howland called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:00 p.m.

Chairman's Remarks

Chair Howland acknowledged EPB Members Tony Bellamy and Steve Jenkins for eight years of service with the EPB (2 full terms). Chair Howland also recognized the immediate past chair Michelle Tappouni.

Comments from the Public

None

Approval of September Board Summaries

Chair Howland entertained a motion to approve the September 12th and September 26, 2016 Board Meeting summaries

Comments from the Public

None

A motion to approve the meeting summaries (Sonnenberg) was properly seconded (Baker) and approved by the body.

Approval of October Board Summaries

Chair Howland entertained a motion to approve the October 10th Board Meeting and October 10th Rulemaking Hearing Meeting summaries

Comments from the Public

None

A motion to approve the meeting summaries (Bellamy) was properly seconded (Baker) and approved by the body.

Approval of October Committee Meeting Summaries

Chair Howland entertained a motion to approve the October 24th, Water Committee meeting, October 24th Air Committee meeting, and October 24th Education & Public Outreach Committee meeting summaries

Comments from the Public

Janet Herrick asked that the minutes from the EPO committee be changed to reflect OEC Consulting, LLC.

A motion to approve the meeting summaries (Bellamy) was properly seconded (Baker) and approved by the body.

Consent Orders

(Air/Odor/Noise)

- **Greenland Biomass, LLC and Sphinx Management, LLC (AP-16-04)** Operation of an air pollution source without a permit; Operation of an installation in a manner not consistent with issued permit – **proposed settlement fee \$1,500**
- **Waste Management, Inc. of Florida d/b/a Waste Management of Jacksonville (NP-16-06)** Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B areas [Forsyth St., Adams St.] - **proposed settlement fee \$5,000**

(Water/Haz Mat)

- **BMLRW LLLP, through BMLR Properties, Inc., its agent, d/b/a Beachwood Apartments (WP-16-15)** - Unlawful discharge of untreated wastewater to storm sewer; Allowing stormwater to discharge to sewer designed to carry sewage – **proposed settlement fee \$50** [\$3,800 less 20% good faith efforts to cooperate and less the mitigation credit of \$2,990 for the SEP]
- **Cedar Ridge Holdings, LLC d/b/a Cedar Springs Village Apartments (WP-16-04)** - Unlawful discharge of sewage or other untreated waste or wastewater; Failure to maintain collection lines to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility – **proposed settlement fee \$960** [\$1,200 less 20% good faith efforts to cooperate] *Isolated area, discharge not to storm water conveyance or surface waters*

I. *Public Comment - None*

II. *Board Vote - A motion to approve the consent order(s) (Baker) which was properly seconded (Bellamy) and approved by the body*

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).

- **Mayport Partners 2, LLC (WP-13-25)** - Modification of Compliance Plan deadline request. (this Third Modification of Consent Order with Compliance was presented to the Board by project owner).

A motion to approve the modification of compliance plan (Bellamy) was properly seconded (Tappouni) and approved by the body

Presentations(s)

None.

Public Hearing(s)

Chair Howland suspended the EPB meeting at 5:21 pm in order to conduct the scheduled Public Hearing(s)

- Funding Request – Jax Zoo Living Shoreline Project.
- Funding Request – Public Trust Tree Canopy Survey Project

The EPB meeting was reconvened at 8:01 pm.

Commission Updates

Waterways Commission – an update will be provided at the next meeting.

KJB Commission – Board Member Nick Howland shared:

- The America's Recycle Day is Tuesday, November 15th locations are Adventure Landing and Prime Osborn

EPB Administrator Report

Monthly report is attached.

EQD Report

Chief Melissa Long shared:

- Staff has met with the Waste Haulers regarding dumpster timeframes and the process for petitioning for changes to the Noise rule (JEPB Rule 4).
- Meetings will be scheduled with property owners and property managers
- The notification rule – statewide emergency rule for pollution incidents is in place until December 24th. (individuals will be notified when there is immediate harm in their area)

Old Business

- JEPB Committees – Chair Howland reminded everyone of the new committee assignments to begin in January. He shared that they were done based on feedback received during prior meetings. Any questions, please reach out to Mr. Richardson.

New Business

- December Meeting Logistics – snacks will be provided at the meeting.
- Ms. Tappouni shared that the Education Committee was to try and reduce the time spent on funding requests at the Board meetings. She would like to institute a new process of having funding requests heard by the committee for two cycles. This will allow for more thorough vetting before the requests come to the full EPB.
- A request was made to have an update on the balance of the EPB Fund at the December Board meeting

Item(s) referred to Committees

None

Next Scheduled Board Meeting(s)

- EPB Committees
 - i. Water Committee – November 28, 2016 at 4:30 pm
 - ii. Air & Odor Committee – November 28, 2016 at 5:00 pm
 - iii. Education & Public Outreach – November 28, 2016 at 5:30 pm
- EPB Steering Committee – December 6, 2016 at 4:00 pm
- EPB monthly meeting – December 12, 2016 at 5:00 pm

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:13 p.m.

Respectfully Submitted

James Richardson, Program Administrator

Air Odor Noise Committee

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

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.
Amy Fu, P.E.
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.

EPB ADMINISTRATOR REPORT – November 2016

- ✓ **REMINDER** Parking – new procedures for parking related to all Boards and Commissions are now in effect. If there are any questions, please let me know.

- ✓ **EPB Membership – Resolution 2016-717 (Gabriel DuPree Appointment) and Resolution 2016-718 (David Wood Appointment) are making their way through the Council legislative process. These are the appointments replacing Mr. Jenkins and Mr. Bellamy. They should be approved at the November 22nd Council meeting and will join the EPB at the November 28th committee meetings.**

- ✓ **Regular EPB committee meetings will take place on November 28th. Decision will be made at those meetings as to the December committee meetings.**

- ✓ **A couple of meetings ago, I asked for input regarding preferred options for days and times for an EPB retreat. We are forming the agenda now, so I may send something to reconfirm best days and times. Also, some have already done so, but if you have thoughts or ideas for retreat topics please send the information to me before the end of the month.**

MEMORANDUM

TO: Jacksonville Environmental Protection Board Steering Committee
THROUGH: Melissa M. Long, P.E., Division Chief
FROM: Tree Kilbourn, Environmental Enforcement Officer
DATE: October 31, 2016
**SUBJECT: PROPOSED PRESENTATION TO JEPB NOVEMBER 14, 2016
APPROVAL OF CONSENT ORDER SETTLEMENTS**

Air

Greenland Biomass, LLC and Sphinx Management, LLC (AP-16-04)

Operation of an air pollution source without a permit; Operation of an installation in a manner not consistent with issued permit

Waste Management, Inc. of Florida d/b/a Waste Management of Jacksonville (NP-16-06)

Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B areas [Forsyth St., Adams St.]

Water

BMLRW LLLP, through BMLR Properties, Inc., its agent, d/b/a Beachwood Apartments (WP-16-15)

Unlawful discharge of untreated wastewater to storm sewer; Allowing stormwater to discharge to sewer designed to carry sewage

Cedar Ridge Holdings, LLC d/b/a Cedar Springs Village Apartments (WP-16-04)

Unlawful discharge of sewage or other untreated waste or wastewater; Failure to maintain collection lines to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility

Mayport Partners 2, LLC (WP-13-25)

Modification of Compliance Plan deadline request to be presented by project owner

c: Ms. Kimberly Scott, Interim Director
Mr. Jason Teal, OGC
Ms. Sondra Fetner, OGC
Mr. James Richardson, Program Administrator, EPB
EQD Branch Managers

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**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
NOVEMBER 14, 2016**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Greenland Biomass, LLC and Sphinx Management,
LLC,**

Petitioner,

Respondents.

Type of alleged violation(s):	Operation of an air pollution source without a permit; Operation of an installation in a manner not consistent with issued permit
Source of alleged violation(s):	Open burning operations at 0 Phillips Highway, Real Estate Parcel ID Number 168068-1100, Jacksonville, Florida, (DEP Permit No. 0310592-002-AO, permit address listed as 11651 Davis Creek Road East)
Date of alleged violation(s):	On or before 6/23/16 and continuing on at least 6/24/16 and 7/1/16
Method of determining alleged violation(s):	File reviews and field investigations,
Rules allegedly violated:	FS 403.161(1)(b); FAC 62-4.030 and JEPB 2.1401 [which adopts and incorporates by reference FAC Rule 62-4] and DEP Permit No. 0310592-002-AO
ND response to alleged violation(s):	Cease and Desist Citation AP-16-04 issued 7/25/16
Respondent's corrective actions:	Stopped burning until permit is modified
Consent Order settlement fee:	\$1,500
Consent Order requirements:	Permit application for modification due 11/30/16 Status reports due monthly beginning 11/1/16
Enforcement actions:	None

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
NOVEMBER 14, 2016**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Waste Management, Inc. of Florida d/b/a Waste
Management of Jacksonville,**

Petitioner,

Respondent.

Type of alleged violation(s): Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B areas [Forsyth St., Adams St.]

Source of alleged violation(s): Property located at 11 E. Forsyth Street, Jacksonville, Florida

Date of alleged violation(s): 6/9/16 at 4:50 a.m.

Method of determining alleged violation(s): Field investigation

Rules allegedly violated: JEPB Rule 4.211A

ND response to alleged violation(s): Cease and Desist Citation NP-16-06 issued 6/14/16

Respondent's corrective actions: Working with EQD on safety concerns; notified property owner of inability to service location in compliance with JEPB Rule 4

Consent Order settlement fee: \$5,000

Consent Order requirements: None

Enforcement actions:

6/9/16 courtesy e-mail to all waste haulers that complaint was reported.

7/2/15 EQD Notice letter to all waste haulers regarding change in penalty guidelines and procedures.

Previous Enforcement with Waste Management for operation of a trash or refuse service between 10pm and 7am:

NP-07-XY referred complaints from 2/9/01 through 2010 to OGC. Penalties for noise violations offset in City litigation with Waste Management. Case closed by Acting Chief 5/13/13.

NP-01-03 issued 2/9/01 to Waste Management of Jacksonville (12458 San Jose Blvd.). Penalties for noise violations offset in City litigation with Waste Management. Case closed by Acting Chief 5/13/13.

NP-99-03 issued 8/17/99 to Waste Management of Jacksonville (7457 and 7530 103rd Street and 11101 St. Augustine Rd.). Penalties for noise violations offset in City litigation with Waste Management. Case closed by Acting Chief 5/13/13.

NTCs for Waste Management:

2/19/10 for 919 King St. Referred to OGC. Closed.

12/19/08 for 6044 and 6132 Merrill Rd. Referred to OGC. Closed.

12/4/08 for 1044 Park St. Referred to OGC. Closed.

12/2/08 for 4260 Herschel St. Referred to OGC. Closed.

11/20/08 for 7535 Ft. Caroline Rd. Referred to OGC. Closed.

8/3/07 for 10601 San Jose Blvd. Referred to OGC. Closed.

8/3/07 for 3301 Hartley Rd. Referred to OGC. Closed.

7/10/07 for 3628 St. Johns Ave. Referred to OGC. Closed.

6/11/07 for 11610 San Jose. Referred to OGC. Closed.

5/7/07 for 3301 Hartley Rd. Referred to OGC. Closed.

Consent Order NP-16-06

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5/2/07 for 1103 Barrs St. Referred to OGC. Closed.
3/8/07 for 7535 Ft. Caroline Rd. Referred to OGC. Closed.
2/23/07 for 10601 San Jose Blvd. Referred to OGC. Closed.
7/8/06 for 7551 Baymeadows Rd. Referred to OGC. Closed.
1/17/06 for 9735 St. Augustine Rd. Referred to OGC. Closed.
1/17/06 for 11610 San Jose Blvd. Referred to OGC. Closed.
7/28/05 for 12200 San Jose Blvd., Ste. 13. Referred to OGC. Closed.
7/28/05 for 12200 San Jose Blvd., Ste. 22. Referred to OGC. Closed.
6/14/05 for 12200 San Jose Blvd. Referred to OGC. Closed.
5/4/05 for 6484 Ft. Caroline Rd. Referred to OGC. Closed.
1/20/05 for 5115/5207 Normandy Blvd. Referred to OGC. Closed.
12/13/04 for 2621 Cesery Blvd. Referred to OGC. Closed.
10/18/04 for 6044 Merrill Rd. Referred to OGC. Closed.
8/2/04 for 6044 Merrill Rd. Referred to OGC. Closed.
7/16/04 for 3634 Rogero Rd. Referred to OGC. Closed.
7/16/04 for 6044 Merrill Rd. Referred to OGC. Closed.
7/16/04 for 6484 Ft. Caroline Rd. Referred to OGC. Closed.
4/23/04 for 2104 University Blvd. N. Referred to OGC. Closed.
4/23/04 for 3634 Rogero Rd. Referred to OGC. Closed.
4/23/04 for 6484 Ft. Caroline Rd. Referred to OGC. Closed.
4/16/04 for 6140 Merrill Road. Referred to OGC. Closed.
1/7/04 for 1821 San Marco Blvd. Referred to OGC. Closed.
11/20/03 for 547 W. 28th St. Referred to OGC. Closed.
11/6/03 for 547 W. 28th St. Referred to OGC. Closed.
6/13/03 for 7535 Ft. Caroline Rd. Referred to OGC. Closed.
6/9/03 for 5909 University Blvd. Referred to OGC. Closed.
5/15/03 for 2206 Spring Park Rd. Referred to OGC. Closed.
12/18/02 for 7916 Atlantic Blvd. Referred to OGC. Closed.
11/12/02 for 144 Arlington Rd. S. Referred to OGC. Closed.
11/2/02 for 32 Arlington Rd. S. Referred to OGC. Closed.
7/10/02 for 7324 Atlantic Blvd. Referred to OGC. Closed.
2/8/01 for 12458 San Jose Blvd. Referred to OGC. Closed.
1/25/01 for 12458 San Jose Blvd. Referred to OGC. Closed.
11/6/00 for 3901 University Blvd. Closed.
11/6/00 for 4805 University Blvd. Closed.
10/23/00 for 3901 and 4805 University Blvd. Closed.
3/9/00 for 2644 Atlantic Blvd. Closed.
10/13/99 for 4533 Sunbeam Rd. Closed.
8/3/99 for 11101 St. Augustine Rd. Referred to Enforcement.
4/28/99 for 7530 103rd St. Referred to Enforcement.
10/28/98 for 7457 103rd St. Referred to Enforcement.
8/6/98 for 4521 Atlantic Blvd. Closed.
6/18/98 for 2130 University Blvd. W. Closed.
6/8/98 for 3556 St. Johns Ave. Closed.
4/9/98 for Tom's Small Engine Repair. Closed.
4/9/98 for Physical Therapy Service. Closed.
12/11/97 for Oaklane. Closed.
10/30/97 for 4521 Atlantic Blvd. Closed.
5/8/96 for 4000 St. Johns Ave. Closed.
3/3/95 for Atlantic Mini Storage. Closed.

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
NOVEMBER 14, 2016**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**BMLRW LLLP, through BMLR Properties, Inc.,
its agent, d/b/a Beachwood Apartments,**

Petitioner,

Respondents.

Type of alleged violation(s): Unlawful discharge of untreated wastewater to storm sewer; Allowing stormwater to discharge to sewer designed to carry sewage

Source of alleged violation(s): Wastewater collection/transmission system with lift station located at 2901 Beachwood Boulevard, Jacksonville, Florida

Date of alleged violation(s): On or before 6/9/16 and 6/30/16

Method of determining alleged violation(s): Field investigations

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B, F, G and I;

ND response to alleged violation(s): Cease and Desist Citation WP-16-15 issued 7/7/16

Respondent's corrective actions: Repairs completed, including repair to wet well lid to prevent stormwater intrusion.

Consent Order settlement fee: \$50 [\$3,800 less 20% good faith efforts to cooperate and less the mitigation credit of \$2,990 for the SEP],

Consent Order requirements: Install 2 manhole float alarms before 1/31/17

Enforcement actions:

NTC issued 7/3/12 to BMLRW LLLP c/o Alonzo D. Walton for failure to post sign with required information.

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
NOVEMBER 14, 2016**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Cedar Ridge Holdings, LLC d/b/a Cedar Springs
Village Apartments,**

Petitioner,

Respondent.

Type of alleged violation(s): Unlawful discharge of sewage or other untreated waste or wastewater; Failure to maintain collection lines to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility

Source of alleged violation(s): Gravity wastewater collection/transmission system located at 2039 Niblick Drive, Jacksonville, Florida

Date of alleged violation(s): On or before 1/6/16, pipes not repaired as of 1/11/16

Method of determining alleged violation(s): Field investigation

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B, G and I

ND response to alleged violation(s): Cease and Desist Citation WP-16-04 issued 2/23/16

Respondent's corrective actions: Repairs made to pipes

Consent Order settlement fee: **\$960** [\$1,200 less 20% good faith efforts to cooperate]
Isolated area, discharge not to storm water conveyance or surface waters

Consent Order requirements: None

Enforcement actions: None

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
NOVEMBER 14, 2016**

Consideration of Modification to a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
REGULATORY COMPLIANCE
DEPARTMENT,**

-vs-

**Mayport Partners 2, LLC and American
Management Group of North Florida, LLC,**

Petitioner,

Respondents.

Type of alleged violation(s): Failure to maintain system so as to function as intended; failure to comply with sewerage design standards; failure to provide operator maintenance, perform required maintenance and maintain permanent log

Source of alleged violation(s): Wastewater collection/transmission system located at 2771 Mayport Road, Atlantic Beach, Florida 32233

Date of alleged violation(s): On or before 5/9/13 for operator and maintenance; on or before 7/19/13 for design standards

Method of determining alleged violation(s): Field investigations and file reviews

Rules allegedly violated: FS §403.161(1)(b), JEPB Rules 3.103.G, 3.403, 3.404, 3.405A.5.a, 3.405A.5.c and 3.405A.5.g

RCD response to alleged violation(s): Cease and Desist Citation WP-13-25 issued 10/29/13

Respondent's corrective actions: **System to be redesigned and permitted for property redevelopment**

Consent Order settlement fee: \$5,200 by 2/29/16
\$1,000 due to ABEL demonstrated inability to pay
[electricity not provided to lift station for over a year causing discharges]

Consent Order requirements: **Status reports due last day of each month beginning 11/30/16**
Lift station operator attendance monthly and records submitted to EQD by last day of each month
3 remaining tenants and no further leases to be entered into
Demolition of existing System to DEP guidelines when last tenant vacates with invoices and photos provided to EQD; or
Completion of construction as permitted no later than _____ (date determined by Board).

Previous/Other enforcement actions: None