

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD
Monday October 14, 2013
5:00 p.m.

Meeting Summary

Members Present

Steven T. Jenkins, Chair
Nick Howland
Gary Bowers, M.D.
Tony C. Bellamy, P.E.
Lucinda Sonnenberg, Ph.D.
Bobby L. Baker, P.E.
Mobeen Rathor, M.D.

Members Not Present

Michelle Tappouni, Vice Chair

Staff/ Resources Present

Honorable Councilwoman Lori Boyer, Council District 5
Terrance L. Ashanta-Barker, Neighborhoods Department Director
John Shellhorn, Acting EQD Chief
James Richardson, EPB Administrator
Ruby Tucker, Executive Secretary
Jody Brooks, OGC
Steve Pace, , P.E., Environmental Engineering Manager Senior
Dana Brown, Environmental Enforcement Administrator

Visitors

Daniel Hlaig, JEA

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 welcomed Terrance Ashanta-Barker, Neighborhoods Department Director, who shared that Scott Trebatoski, Acting Chief for EQD has returned to full duty as Chief of Animal Care and Protective Services. He then introduced John Shellhorn, Chief of Mosquito Control, as the new Acting Chief of Environmental Quality. Mr. Pace added that John was very experienced in Air & Water Quality issues and is very well suited to serve as Acting Chief.

Approval of September Board Minutes

Chair Jenkins entertained a motion to approve the meeting summary of the August 12, 2013 Board Meeting, August 12th Public Hearing Meeting, August 19, 2013 Public Hearing, and the August 19th EPB Retreat, which was properly seconded and approved by the body.

Approval of September Committee Minutes

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

Presentation

Mr. Jenkins introduced Honorable Councilwoman Lori Boyer, Council District 5. She expressed that she had a desire to have our tributary creeks cleaned up so she wanted to bring that to the board's attention and hopefully engage them in it as well. She asked the EPB to consider gathering information and clarity on the tributary creek BMAPs and what the aspects of it are. She has heard a lot in BMAP discussions about TMDLs and point source reductions, mostly in the main stem, but the agreement talks about non-point source issues, part of which related to the tributary creeks.

She referenced the River Accord report, and that it provides some detail about what was planned to be done. The first BMAP for the Lower St Johns River Tributaries included 10 tributaries that were considered impaired for Fecal Coliform. In 2009 a second tier was adopted and an additional 15 tributaries were added and were to be adopted by FDEP in Fall 2010. She cannot find for certain if that was done and what any requirements were that were adopted.

The River Accord talks about any number of actions that the City, and others, was to take to improve water quality in the tribs. Part of it was Spetic Tank phaseouts. We collect monies through stormwater fees and her concern is that the money was being set aside and not used because of a disagreement with FDEP on how much credit we would receive for phasing out septic tanks in certain areas. Her concern has been that it does not matter which ones were done because of the improvements that would be provided. Also, JEA had agreed to provide labor if the City provided the materials, up to the \$2 million being set aside annually. Now we have accumulated \$6 million, but the agreement with JEA is capped.

We also had substantial monitoring going on in tribs and she does not know if it still happening or if it has stopped and why. Also in 2008/2009 we adoted irrigation and fertilizer restrictions and how we approve landscape plans next to waterbodies or wetlands all to try and address nonpoint source runoff issues and fecal coliform issues. Not sure if anything is being done, so she hopes that the board can reengage the City in the process.

She asked if the board was familiar with the discussion to purchase excess TMDL reduction credits to make up for the portion the City was to do. Her concern with that is two fold: First, it does nothing to fix or improve the tributary creeks which impacts our lifestyle and property values. She noted that there are parks where signs are posted to avoid contact with the water and the City put in a kayak launch. The city has the river and all the connections and we are not working to improve the water quality and access to clean water for residents. She hopes that the Board could re-initiate some of this so that the City takes the approach of what we want to see done and not just how to meet the standard by paying some money. The second part is the question of reciprocity. Is the agreement such that we are purchasing credits now but are expected to have excess credits down

the road? If the reason we are at this point is mainly financial, how will we get the money to do the things that generate extra credits? She also feels the total focus is on the main stem and not the tributaries.

What can the board do?

- Research to understand where we stand with the tributary BMAPs - have they been adopted,
- Research is the agreement being discussed waiving any obligation to do anything or do we still have to comply and have an extension of time?
- Determine are we still doing the monitoring and if so, where is the data going?
- the River Accord lists several things to be accomplished related to tributary creeks - an update on which we have done, have not done, where are they?

Those are the things that she would like help with. Waterways Commission will be addressing this as well. She feels that this has lost priority status and she would like to see it regain some.

Discussion ensued between the board and the Councilwoman. Funding was discussed, or the lack of funding. She provided that the board can advocate for additional funding for specific areas of importance. That is the only way the council will know of priority shifts. There was discussion of the monitoring being done, and the lab FDEP has created.

The Chair spoke to the possibility of a status report on the initiatives taken place over the last 7 years – the fertilizer ordinance, stormwater management, septic tanks, lift stations, irrigation and one unmentioned, the LID items. He shares her curiosity as to what progress has been made on those fronts.

The Chair closed by thanking the CW, accepted her request for help and summarized the request to take on a progress report for the public. The board should also take on the BMAP issue as a filter for future funding (Nick Howland). In that regard, CW Boyer suggested a potential project to take on the installation of doggy plastic bag stations in public lands along tributaries. Could be city wide project where people walk their dogs along a tributary or creek.

Consent Agenda

(Air/Odor/Noise)

- There are no consent orders(s)

(Water/Haz Mat)

- **Church Fellowship Worship Ministries, Inc. (WP-13-14)** – failure to maintain the wastewater collection/transmission system so as to function as intended (2 pumps); failure to comply with design standards; failure to post required information; failure to provide certified operator for monthly maintenance - settlement \$0 due to inability to pay.

Consent Order Add-ons

- **JEA (WP-13-21)** – failure to comply with erosion and sediment control standards; unlawful discharge to surface or groundwaters MMS4); Exceedance of water quality standards - settlement \$8,960.

- **Solomon Properties, Inc. (WP-13-10)** – Modification of Consent Order with a Supplemental Environmental Project (SEP). The project engineer has requested a 30 day extension of time to finalize all work to construct the gravity sewer system with grease interceptor and abandon the existing lift station for the SEP

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

Legislative Update

Ms. Brown indicated that there were three bills being watched:

- A bill looking at reducing tag fees. No direct impact on EQD, however, we will monitor this because this section of the statutes houses funding of local air programs and we would not like that language revised in any way.
- Rep Rodriguez has introduced a Hydraulic Fracturing, better known as “fracking”, bill which will protect as trade secrets all chemicals used in hydraulic fracturing operations. There are currently no operations of this type in Florida, however, it has been proposed in the SW Florida area. There is currently no legislative or regulatory authority for this in Florida. The concerns expressed center around Florida's hydrogeological makeup and the fact we have limestone which presents a pretty easy way for chemicals to travel.
- A “Springs” bill has been filed. We are providing comments to the legislator who introduced the bill. The bill would require counties and cities in first magnitude springs areas to adopt, at a minimum, the FDEP fertilizer model ordinance and will require connection of septic tanks at no cost to owner. The legislation would use documentary stamps as the source of funding. The bill is not likely to pass because of historical opposition to the fertilizer ordinance and the doc stamps discussions.
- It appears that one half of the legislature will be focused on water quality this year and the other on water quantity. Not sure of the impact of all of this as of yet.

On Federal level we are watching the budget and the climate change legislation proceeding through the legislature.

Program Administrator Report

James Richardson shared the following:

- Legislation for the EPB Education Activities (2013-558) is being heard in Council Committees. It was approved by the Rules and TEU committees earlier and will be heard in Finance the following day. The legislation was modified to remove potential funding for the symposium.
- Resolution 2013-665 reappointing Mr. Howland until 2017 was approved by the Rules Committee. Will be before full Council next week.
- Lot of questions and press on the algal bloom occurring in the St. Johns. The EPB and FDEP don't really have any purview, rather it is the SJRWMD. May have

representative from there and the Dept of Health to come to future meeting if the bloom continues.

Some discussion ensued about this and monitoring. The board would like to get the monitoring report distributed by SJRWMD, like it does the aquifer levels, on the algal identification and toxin analysis.

- The Clean Air Festival that the Board was partnering with FDEP to host was cancelled until next year. We did, however, arrange for a few environmental groups to have tables present distributing information and supported community efforts to provide free access to furloughed federal employees and families.
- A new Board Manual has been generated and as soon as copies are made, we will distribute to the Board members.

Departmental Report

Steve Pace, Environmental Engineering Manager Senior, shared that the COJ FY2013-14 budget has been completed and shared impacts to EQD:

- the EPB Secretary position was eliminated. Ruby will however stay on staff and assume the EQD Chief Secretary position with new responsibilities and also maintain some support of the EPB
- The Water Pollution group lost a vacant technician position which supported tributary sampling and water pollution complaint response.
- The overtime for Emergency Response was eliminated. They responded to over 300 incidents which do not always happen during normal business hours. We will use comp and flex time to address them as they occur.
- Loss of \$30,000 in part-time hours in the lab which was specific to fecal coliform sampling and analysis and air toxics sampling and analysis.

Dr. Bowers requested to put the information in a report to the Board and share that with the City Council. Discussion ensued with it being decided that a report would be drafted to the EPB Chair for him to determine how to distribute it.

Public Hearing(s)

None.

Old Business

- COJ FY13/14 Budget update – impact to EQD & EPB
Provided during the Department Report
- Proposed Phase II COJ Reorganization - Ord 2013-209
Continues to be deferred in Council Committees. The Chair reported that he had received a request to possibly appear before Council and has not responded. As a Board, a letter was drafted expressing concerns and no further action has been taken.
- New Education & Outreach Committee of the EPB (time permitting)
Deferred until a future meeting.

New Business

- St Johns River Report - Salinity (Clarification)
Dr. Sonnenburg shared the work plan of the report team about how salinity would be handled in the report. They will take a couple sites in the transition zones and report information over time with the next report establishing a baseline. After discussion, the Board concurred and agreed that it should be compiled in a specific section of the report.

Comments from the Public

None.

Item(s) referred to Committees

None

Next Scheduled Board Meeting(s)

Tuesday, November 12, 2013

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:27 p.m.

Respectfully Submitted

James Richardson, Program Administrator
Environmental Protection Board