

**ENVIRONMENTAL PROTECTION BOARD**  
**City of Jacksonville**  
**Wednesday, October 23, 2013**  
**4:30 p.m.**  
**Air Odor and Noise Committee Meeting Summary**

**Members Present:**

Tony Bellamy, P.E., Chair  
Bobby L. Baker, P.E.  
Michelle Tappouni  
Mobeen Rathore, M.D.

**Members Not Present:**

None

**Staff/Resources Present:**

Terrance Ashanta-Barker, Director of Neighborhoods  
James Richardson, EPB Administrator  
Jody Brooks, OGC  
Steve Pace, P.E., Environmental Engineering Manager Senior  
Dana Brown, Environmental Enforcement Administrator  
Ruby Tucker, Executive Secretary

**Visitors:**

Daniel, Hlaing, JEA

**CALL TO ORDER**

Chair Tony Bellamy called the meeting to order at 4: 35 p.m.

**ENFORCEMENT**

**Board Cases**

Dana Brown, Environmental Enforcement Administrator, stated that there were no consent orders to be presented to the Board for approval.

**DIRECTOR'S REPORT**

The Chair recognized Terrance Ashanta-Barker, Director of Neighborhoods, to give an update on the EQD Chief's position. The position was posted some time ago. 4 applications were received. 3 of the 4 dropped out. The position will be reposted and the goal is not to continue with a rotation of Acting Chiefs but rather to get a permanent Chief in place as soon as possible. In response to a question, he shared that there are no candidates for the position at this time. There were 4 candidates, 3 from out of state and 1 local. He asked that the committee encourage potential candidates to apply.

## **Legislative Update**

Ms. Brown shared that she has spent considerable time reviewing State Agency budget requests. Agencies were asked to show what 5% reductions looked like. With regards to the Air Program, there is a proposed \$450,000 reduction in "Other Personal Services" which is usually where the Title V contract monies are located. If that is in fact the case, this would ensure that FDEP will not be reinstating EQD's Title V program. She is trying to confirm this. In other locations of the budget, FDEP is proposing to redirect funding for 12 positions for Ambient Air Quality Monitoring from FDEP district offices to Tallahassee in an effort to centralize the program there. They have made suggestions of downsizing the network and have discussed with us the number of sites we currently have. Also in that section of the budget, even though there is \$150,000 allocated for the Asbestos Program, FDEP is proposing to redirect \$130,000 to Tag Fee Funds which is a potential impact to our Asbestos Program. They are also shifting \$250,000 from "Other Personal Services" to Tag Fees which is likely part of the \$450,000 reduction discussed previously. Ms. Brown closed by sharing that Governor Scott announced that in addition to his proposed \$500 million in tax cuts, he wants the agencies to identify another \$100 million in cuts.

There were questions and some discussion of potential impacts to our local program. Ms. Brown stated at this point, it appears that Duval may be the only county not being funded for Title V, however, that is not confirmed. She shared that it is early in the process and things won't be confirmed until the legislature puts their budget together during session. However, she likes to make the board aware of issues early so that education of legislators can begin if the board desires that. In response to questions on local program air monitoring, she shared that at this time it appeared that FDEP was simply moving people in the Ambient Air Program from local offices to Tallahassee and not looking at local programs, however the FDEP Inspector General has sent inquiries to our program seeking information on if any of our equipment was purchased with State monies. Steve Pace shared that three counties have had inquiries – Duval, West Palm and Pinellas. He expressed that the information requested was quite extensive and was requested for equipment at each site. Duval has 11 monitoring sites which FDEP has suggested is too many and that if they had the program, the number of locations would be significantly reduced, likely to 2 sites. He also shared that EQD had also just received a Public Records request from Hopping, Green & Sams, a Tallahassee law firm, for all "105" program information from the past two fiscal years. Question was posed if we had used any State money to purchase equipment and if they were looking for any negatives. Mr. Pace shared that the likely source of funding for equipment was Tag Fees which is actually DMV monies passed to counties through FDEP. Ms. Brown shared that FDEP was not looking to see if we did anything wrong, rather they are looking to see if we used any FDEP money to purchase equipment so that they could essentially take it over. Mr. Pace closed by sharing that most of the local programs feel strongly that if they purchased the equipment and have maintained it, the local programs own the equipment. General discussion on the programs, State rationale for actions, etc. took place.

## **MONTHLY COMPLAINTS**

### **Air and Odor Complaints (September)**

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

- 1 air pollution complaint was received and validated.
- 8 nuisance complaints were received and investigated with 0 complaint(s) being validated
- 18 odor complaints were received and investigated of which 7 were validated
- 1 open burning permit was issued
- 4 open burning complaints were received and investigated with 0 being validated

### **Noise Complaints (September)**

Mr. Pace reported the following:

- 23 noise complaints were received
- 25 warning letters were issued
- 2 complaints were referred to the Jacksonville Sherriff's Office (JSO)

Mr. Pace provided the latest on Endo Exo Nightclub on Kings Ave. He reminded the committee of the consent order with compliance plan and advised that they had not complied, had not paid rent and the landlord posted an "Eviction Notice" on the property. Penalties continue to accrue; they are in violation of the consent order. Courts will likely determine who is to pay fines, if any. In response to a question of the JSO referrals, Mr. Pace shared that the cases referred to them are "catch if they can". They send us a report if they are able to go to the site and observe a violation. If they are unable to go to a referral, they do not provide a report back to staff.

Mr. Pace shared the monthly compliance activity numbers and explained several compliance actions that the staff would typically take in asbestos and stack testing. He then shared the monthly Air Quality Index numbers and explained that the information gleaned is gathered at the 11 ambient air quality monitoring stations.

Mr. Pace shared information about EPA promulgating new standards for climate control which addresses existing and new electric generating units such as JEA. For new facilities, EPA is moving forward. For existing sources, EPA will be working with industry, state and local programs to determine the best approach and are currently holding hearings. There will be new rules and regulations in the future because the power plants generate 33% of the CO<sub>2</sub> which contributes to climate change and increases smog which is Ozone. He provided information on Mercury and shared that EQD is looking at the possibility to do Mercury testing in both air and water. He then shared information on Particulate Matter which shows that the World Health Organization has now declared it to be a carcinogen.

Mr. Pace closed with providing information on the recycling of asphalt shingles. He explained how companies want to take shingles, grind them up and introduce them to asphalt which is an excellent method of recycling. However, if they are ground, the potential is there to release asbestos fibers. In addition, no asbestos laden shingles can

be introduced to road surfacing asphalt. Because of this, testing of the shingles must take place first. There are two companies locally that are doing this. Duval Asphalt has a company that captures the shingles and tests them for asbestos. Any found to have it are redirected to the landfill; the others are passed to Duval Asphalt for use. They are currently modifying their permit to do this. Another company wants to grind the asphalt shingles which will require a permit which they are seeking.

#### **DEPARTMENTAL REMARKS**

James Richardson, EPB Administrator shared the following:

- John Shellhorn will be attending the EPB Steering Committee and Board meetings. He will rely on Steve Pace and John Flowe to attend the committee meetings for Departmental Reports and other board directives to EQD. He will attend the next committee meetings to discuss this and ensure they are both comfortable with that.
- Future meeting materials will be provided electronically and copies will not be available at the meetings.
- Legislation for the EPB Education & Outreach expenses was approved by City Council.
- 2014 Legislative Positions will be distributed for review next week and voted on at the November Board meeting.

#### **OLD/NEW BUSINESS**

- **Open Variances**  
Daniel Hlaing, JEA, provided an update on the Segment 4 River Crossing - have had no complaints.
- **Health Zone 1 Study**  
Discussions ongoing
- **Metro Park Noise**  
Proposed temporary legislation has been submitted to council and is going through the legislation process.

#### **COMMENTS FROM PUBLIC**

None

#### **ITEMS FORWARDED TO STEERING COMMITTEE**

None

#### **DATE SCHEDULED FOR NEXT MEETING**

Wednesday, November 20, 2013 (meeting may be cancelled)

#### **ADJOURNMENT**

There being no further business to come before the Air and Odor Committee, the meeting was adjourned at 5:42 p.m.

Respectfully Submitted,

James Richardson, Program Administrator  
Environmental Protection Board