

Air Odor Noise Committee
Lucinda Sonnenberg, Ph.D. – Chair
Michelle Tappouni
Amy Fu, P.E.
Mobeen Rathore, M.D.

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.
Steven Jenkins

Nick Howland – Chairman
Amy Fu, P.E. – Vice Chairman
Bobby L. Baker, P.E., Tony C. Bellamy, P.E., Roi Dagan, M.D.
Steven Jenkins, Mobeen Rathore, M.D., Lucinda Sonnenberg, Ph.D., Michelle Tappouni

Public Hearing
Rulemaking – JEPB Rule 4 – Noise Pollution Control
Monday, October 10, 2016
5:00 p.m.
Ed Ball Building
214 N. Hogan Street
8th Floor - Conference Room 851

AGENDA

- | | |
|---|-------------------------|
| CALL TO ORDER/QUORUM | NICK HOWLAND |
| I. CERTIFICATION OF PUBLIC NOTICE | JAMES RICHARDSON |
| II. CHAIR STATEMENT | NICK HOWLAND |
| III. EPB STAFF STATEMENT | JAMES RICHARDSON |
| IV. DISCLOSURE OF EX-PARTE COMMUNICATION | EPB MEMBERS |
| V. PRESENTATION BY STAFF | MELISSA LONG, EQD CHIEF |
| VI. COMMENTS FROM PUBLIC | |
| VII. RESPONSE(S) TO PUBLIC COMMENTS | |
| VIII. BOARD DISCUSSION AND STAFF CLARIFICATION | |
| IX. BOARD VOTE | |
| Possible Motion(s) for consideration: | |
| a) Move to adopt the proposed rule | |
| b) Move to deny the proposed rule and maintain the existing rule | |
| c) Move to return proposed rule to staff for further development | |
| d) Move to defer action and continue rulemaking hearing until a date and time certain | |
| X. PROCEDURAL SUMMARY | SONDRA FETNER |
| XI. ADJOURNMENT | |

If a person decides to appeal any decision made by the Board or committee with respect to any matter considered at this meeting or hearing, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD

RULE 4 NOISE POLLUTION CONTROL

4.211 Refuse Service-Dumpster Collection

- A. No person shall operate or permit the operation of any trash or refuse service, using a mechanical device for unloading a bin or hopper into a truck, ~~during nighttime hours~~ between the hours of 10:00 p.m. and 6:00 a.m., within 200 meters of a property that is in a Class A or Class B area.
- B. All property owners being serviced by a refuse service company for non-residential solid waste removal shall prominently mark each dumpster with the name and telephone number of the refuse service company and the name of the business being serviced.
- C. All labeling of dumpsters shall be completed within 60 days of the effective date of this Rule.

[History: Effective 8-3-09, renumbered 7-13-15, amended _____, effective _____]

Public Comments Received in Response to Notice for Rulemaking on JEPB Rule 4 – Noise Control

October 4, 2016

Mr. Richardson,

In anticipation of the meeting on October 10 at 5pm, which I won't be able to attend because I cannot get child care that evening, I am writing to express concern over the proposed changes to the dumpster pickup times. We live in a house directly behind Sherwin Williams in Avondale (3603 Pine St), and we put up with a lot of noise as a trade-off for living in such a fun and walkable area.

The dumpster pickups are loud and wake our children every Tuesday morning promptly at about 7:20 am when the truck comes through the alley. Moving this up to allow them to make so much noise as early as 6:00 am will really affect us and our neighbors. It could even negatively affect our property values.

We really try to be patient with all that comes with living in a mixed-use area, but asking us to put up with music from Mellow Mushroom late at night, and then waking us with dumpster noise as early as 6 am, is just not fair. We ask that the Board refrain from making any changes to these regulations.

Thank you for your time and consideration.

Sincerely,

Kasey Wagner and other residents of the 3600 block of Pine Street

Katherine C. Wagner
Attorney at Law
Licensed in FL and NC
The Lawrence Law Group
1301 Riverplace Blvd., Suite 1630
Jacksonville, FL 32207
Phone: 904-632-0077
Fax: 904-632-0730
kasey@lawyers-jacksonville.com
www.lawyers-jacksonville.com

October 5, 2016

Mr. Richardson:

I live and own a business in Riverside and want to be on record as another citizen opposed to changing the hours that dumpsters may be emptied in residential areas. There is too little to be gained and in Riverside, too many dumpsters near residences, to further consider this policy change.

Most residences in the Riverside/Avondale Historic District are in close proximity to commercial developments that use dumpsters for trash pick-up. We constantly struggle with the effects of commercial intrusion - including but not limited to increased traffic, noise, and lack of adequate parking - and continue to look for creative ways to balance the needs of residents with those of

businesses. This potential change shows a disturbing lack of concern for the people who live here. Adding an extra hour in the morning hour to the time dumpsters can be emptied will do two things: it will decrease the quality of life for residents in the historic district, and add to the bottom line of a very few businesses.

Not many years ago, a guest at my bed and breakfast was awakened by what he thought was a bomb going off. It was a dumpster being emptied at a nearby nursing home. That is not the way Jacksonville should be remembered by visitors to the city. It is, unfortunately, how Mr. Reideburg will remember the city and what he will tell people about his visit here. Don't make it worse: there are too many dumpsters near residences in Riverside to allow this change in hours.

Sincerely,

Joan E. Moore, owner
St. Johns House B&B
1718 Osceola St. in St. Johns Quarter
Jacksonville, FL 32204

October 6, 2016

Dear Mr. Richard,

Thanks for taking my call a few days ago re: the proposed new hours for dumpster pickup. To reiterate my concerns: My wife and I live in the Ramsgate subdivision in Mandarin. Our back fence is less than 200 meters from a commercial dumpster behind our house and there are 2 more behind the properties both to the north and to the south of the office behind us. It has not been uncommon for us to be awakened anytime from 4:00 to 7:00 am by the clanging and beeping from the disposal trucks. Each time that it occurs, I have called the Noise Pollution Department, but, there is usually little that they can do with only 1-2 inspectors for the entire county-and the companies and their drivers are well aware of this fact. IF they ARE caught-and it has happened a few times, they ignore the warning to not repeat offend. In the 1-2 cases in which the same driver was caught again and the company (and driver?) fined, it appears that both just consider it to be part of the cost of doing business.

I am a doctor and my wife is a nurse. We need to be as alert as possible when we work and having our sleep disturbed is not very helpful in that regard.

I do not think that a 7:00 am 'wakeup' is a major inconvenience, but 4, 5, 6:00??

1. If the current time is ignored at will, what makes anyone think that moving it back is going to be obeyed 2. I fail to understand how rolling this situation back 1 hour is going make a significant difference for the trash hauling companies. Yes, I understand that the drivers may get home 1 hour earlier, but this is not a good reason to increase the level of distress for the citizens who are forced to put up with this. I hope that your board will soundly reject the lunacy of changing the pickup time to 6:00.

Respectfully,

Dr. Randall Haas

October 9, 2016

Mr. Richardson,

I am writing on behalf of Riverside Avondale Preservation regarding Rule 4 and changing the hours of commercial garbage collection. We do not support any changing of hours that allow for collection earlier than the current start time. I have heard from neighbors adjacent to commercial areas that already have concern about the current rule not being adhered to. In addition to that concern, the general sentiment is that allowing for earlier commercial pickup would be a noisy inconvenience for adjacent residential property owners. Because we have many areas in the neighborhood that have residential adjacent to commercial, we hope that the JEPB can appreciate these neighbor's concerns and keep the existing ordinance as it is.

I hope that this email can be forwarded on to members of the JEPB.

Thank you for the work you and the JEPB do.

Respectfully,

Adrienne Burke
Executive Director
Riverside Avondale Preservation
2623 Herschel Street
Jacksonville, FL 32204
P: 904-389-2449
adrienne@riversideavondale.org

Additional Public Comments Received in Response to Notice for Rulemaking on JEPB Rule 4 – Noise Control

October 9, 2016

Dear Mr. Richardson,

I am writing in opposition to the proposed change to EPD Rule 4 that would enable commercial dumpster pick ups at 6 a.m. instead of 7 a.m. as required by the current rule.

I understand that the rationale behind the rule change is to make the commercial and residential pick up times consistent, but that misses the point of the current rule--the pick up of large metal dumpsters has a much higher noise level than that of mostly plastic residential garbage cans which are tiny in comparison. Anyone who has been anywhere near a commercial dumpster pick up in process has heard the loud banging and screeching of the dumpster as it is lifted onto the truck and then dropped with a crash to the ground.

This is very disruptive in a residential neighborhood and the current rule should remain in place, if not extended to a later pick up time. I understand the trash haulers have a business reason to desire the earlier pick up time but the residents in the affected neighborhoods have a more compelling interest in having a semblance of peace and quiet in their homes or apartments until at least a reasonable hour like 7 a.m. before being subjected to the disturbing metal clanging and crashing sounds of a dumpster pick up.

I suggest that the Board should instead consider an even later minimum pick up time like 9 a.m. By that hour, most people bound for work or school are off the roads and the haulers should have much less traffic to contend with. Until the industry can create a significantly quieter dumpster pick up process, which seems highly unlikely, the earliest commercial pick up time should remain 7 a.m. if not extended to a later hour like 9 a.m.

Thank you.

John Germany

October 10, 2016

Dear Mr. Richardson,

I am writing in opposition to the proposed change to EPD Rule 4 that would enable commercial dumpster pick ups at 6 a.m. instead of 7 a.m. as required by the current rule.

I have two dumpsters less than 100 feet from my residence. One is from the strip center on Oak Street (Al's Pizza-Firehouse Subs) and the other is from the Chelsie Condominiums on Herschel Streets. Believe me, I have been awakened many, many times 6 a.m. Anywhere from 3:30 a.m. to 5:30 a.m.

I understand that the rationale behind the rule change is to make the commercial and residential pick up times consistent, but that misses the point of the current rule--the pick up of large metal dumpsters has a much higher noise level than that of mostly plastic residential garbage cans which are tiny in comparison. Anyone who has been anywhere near a commercial dumpster pick up in process has heard the loud banging and screeching of the dumpster as it is lifted onto the truck and then dropped with a crash to the ground.

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I suggest that the Board should instead consider an even later minimum pick up time like 9 a.m. By that hour, most people bound for work or school are off the roads and the haulers should have much less traffic to contend with. Until the industry can create a significantly quieter dumpster pick up process, which seems highly unlikely, the earliest commercial pick up time should remain 7 a.m. if not extended to a later hour like 9 a.m.

Thank you.

Jerry R. Jones
2034 Herschel Street
904-616-7973

October 10, 2016

I oppose the change to enable commercial dumpster pick ups to begin earlier, at 6:00AM. I oppose the change for several reasons:

The companies completing these pick ups already abuse the start time of 7, so allowing them an earlier start time is a slippery slope--allow 6 then they will pick up at 5.

It was my understanding when I moved to the city that there were strict AM start time guidelines for companies/businesses that create noise pollution.

7:00 AM is early enough. Most M-F 8-5 workers are up by 7 and out the door by 8. 6:00 AM commercial dumpster pick ups are not reasonable and will not allow a peaceful night of sleep

From a logistics standpoint, I would think a later start time of perhaps 8 would allow the commercial pick up companies less congestion and more mobility. Many of us are out the door by 8. Some of my neighbors work overnight shifts and start their sleep at 4AM, thus an earlier start time creates disruption even sooner.

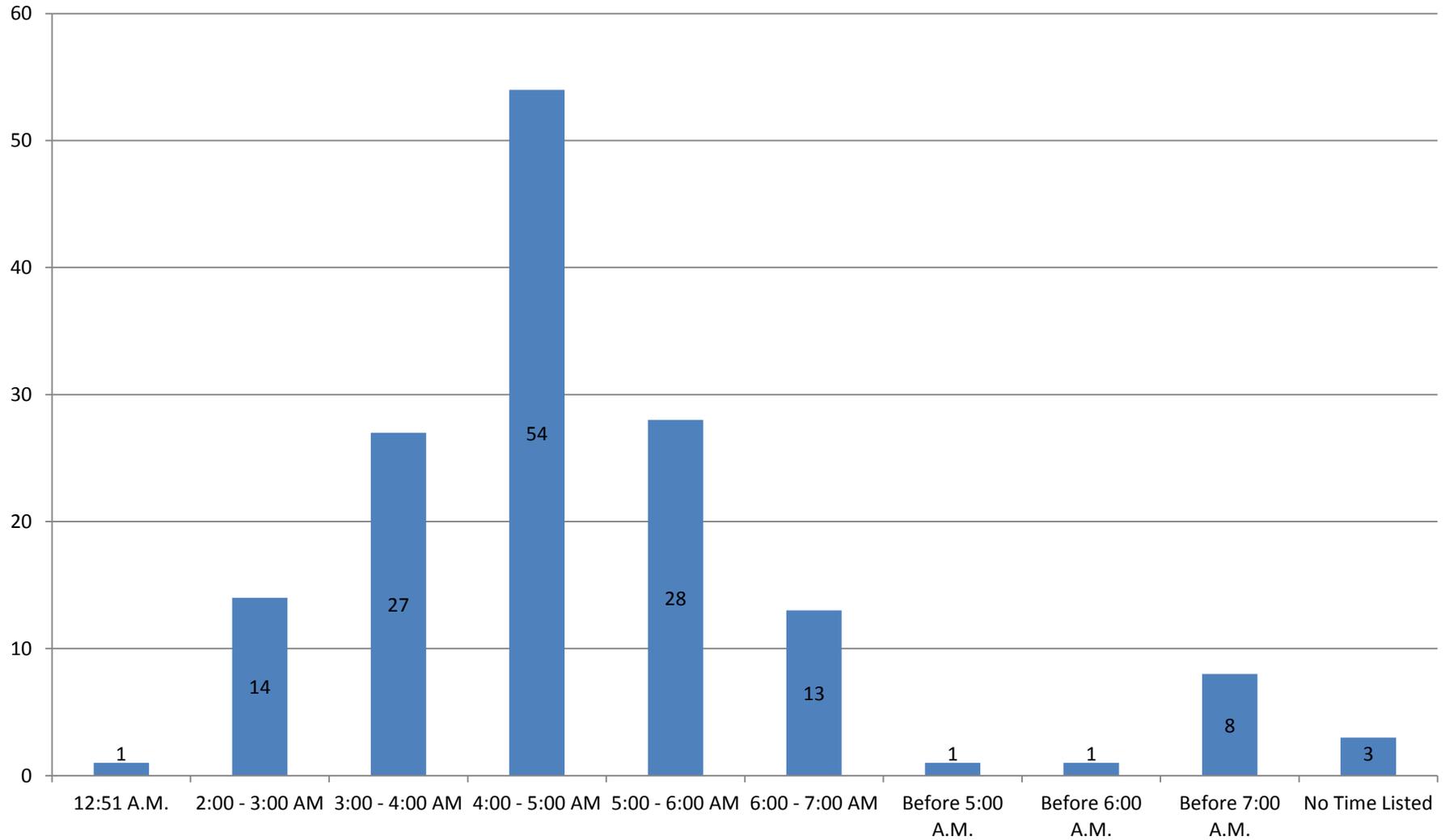
I run my own business and realize it is important to be as efficient as possible but a company that creates this high level of noise pollution needs to be cooperative and work with the residents of

this city. Is this early start time request for their convenience? What prompted the request? Are they not getting the routes completed by say 5? Then put more trucks on the road-adjust to the changing needs of commercial business pick ups. Regardless of the reason for the request to start earlier, there must be a better solution.

Thank you,
Joan Sullivan

Count of TIME of COLLECTION2

CARE Complaints from 2012-2016 Dumpster Hours



TIME of COLLECTION2



The Vestcor Companies, Inc.
3030 Hartley Road, Suite 310
Jacksonville, Florida 32257
T 904-260-3030
F 904-260-9031

October 10, 2016

James A. Richardson, II
Environmental Quality Division
Regulatory Compliance Dept.
214 N. Hogan Street, 5th Floor
Jacksonville, FL 32202

Dear Mr. Richardson,

My apologies for not attending this meeting personally.

We are here today to inform you of the impact your decision will have on the residents of 11 East and The Carling, as well as future planned development downtown.

The only way to remove trash from either building efficiently is to use the compactor containers. They are being hauled four to five times per week. This hauling has to be done very early so as to protect the safety of pedestrians. We have researched, along with our haulers, and have yet to find another feasible method to remove trash from a residential high rise.

We are certain you want what is best for our downtown residents as well, and implore you to reconsider and allow pick up at 5:00am.

Sincerely,

A handwritten signature in blue ink that reads "Paula J. Kukelhan".

Paula J. Kukelhan
Director of Asset Management

Richardson, James

From: Ron Root <rootjax@aol.com>
Sent: Monday, October 10, 2016 3:38 PM
To: Richardson, James
Subject: JEPB + Opposition to Proposed Change to Earlier 6 am Dumpster Collection Time
Attachments: NoiseIssues_3-17-16_Photos_of_Problems(JEPB_10-10-16).pdf

Dear Mr. Richardson,

I am writing in opposition to the proposed change to EPD Rule 4 that would enable commercial dumpster pick-ups at 6 a.m. instead of 7 a.m. as required by the current rule.

The banging and clanging of dumpsters being emptied, the revving of truck engines during the lifting operations, the screeching of brakes, and the incessant “beep-beep-beep...” whenever these trucks back up is not conducive to residential life. Residents should be allowed to enjoy their homes without this noise intrusion from various service trucks, especially dumpster trucks which are the noisiest of the bunch.

Perhaps you are unaware, but even the existing 7 a.m. collection start time is often ignored by local waste collection companies, and is poorly policed. Why would it make any sense to make allow for earlier collection times when the waste haulers (including the City of Jacksonville) ignore the current 7 am time, and when there is questionable enforcement of the existing rule?

I have attached a short report on just a few such incidents from the Riverside area showing various service trucks, performing noisy activities prior to the current 7 a.m. rule, including some trucks doing waste collection. This is a particular problem in the Riverside area where I live.

Given the lack of observance of the current 7 am rule by waste collection companies, it would make much more sense to me that a later start time be adopted by JEPB, say, for example 9 a.m. This would at least help ensure that the 7 am time is adhered to.

Thank you for your consideration,

Ronald C. Root