

**City of Jacksonville, Florida**  
**ENVIRONMENTAL PROTECTION BOARD**  
**Monday, September 12, 2016**  
**5:00 p.m.**  
**Board Meeting Summary**

**Members Present**

Michelle Tappouni, Chair  
Nick Howland, Vice Chair  
Amy Fu, P.E.

Steven Jenkins  
Lucinda Sonnenberg, Ph.D. (via phone)

**Members Not Present**

Tony C. Bellamy, P.E.  
Mobeen Rathore, M.D.

Roi Dagan, M.D.  
Bobby Baker, P.E.

**Staff/ Resources Present**

James Richardson, EPB Administrator  
Sondra Fetner, OGC

Melissa Long, EQD Chief  
Tree Kilbourn, EQD Enforcement

**Visitors**

Gabriel DuPree  
Frank Keasler

Hillary Almond  
Barbara Singleton

**Call to Order**

Chair Michelle Tappouni called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:03 p.m. It was determined that there was not a quorum present and that no official action would take place at the meeting.

**Chairman's Remarks**

The EPB Symposium held on September 9<sup>th</sup> went well and she expressed thanks to the Planning Team for their efforts.

**Comments from the Public**

None

**Approval of August Board Minutes**

Action was deferred.

**Approval of August Committee Minutes**

Action was deferred.

**Consent Orders**

(Air/Odor/Noise)

- **Keystone Properties, LLC and Keystone Investments, LLC (AP-16-03)** - Emission of unconfined particulate matter without taking reasonable precaution to prevent such emissions – **proposed settlement \$1,200** [*\$1,500 less 20% good faith efforts to cooperate*] **\$1,713 economic benefit pursuant to EPA's BEN model - Total of \$2,913**

(Water/Haz Mat)

- **Arium St. Johns (WP-16-14)** - Unlawful discharge of untreated wastewater to stormwater sewer; Allowing wastewater to bypass its collection/transmission system or treatment facility; Failure to have key available for emergency access to lift station; Failure to notify EQD of discharge – **proposed settlement \$2,300**

- **Mayport Partners 2, LLC (WP-13-25)** - Modification of Compliance Plan deadline request to be presented by project owner
- **Arlington Village Apartments (WP-16-05)** - 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 \$1,200**
  - I. *Public Comment*
  - II. *Board Vote*

Action on the consent orders was deferred.

Ms. Kilbourn advised that the Compliance Plan in place for Mayport Partners was set to expire September 15<sup>th</sup> and that they were present to ask for a modification. She asked that they be allowed to present their information for the record. Mr. Frank Keasler shared information regarding the shopping center's current status and that there were no plans for any capital investments to take place in the near future. He asked that they be allowed to leave the lift station in place with on-site inspections, 2-3 times monthly, have it sealed with no inflow to the pump and that a log of all this be maintained for the next 18 month window.

During discussion the Board members asked staff to ensure the details discussed and a specific window of time is included in any proposed modification brought before them.

**Enforcement Report**

Melissa Long advised that the staff would like to have the EPB proceed with a Rulemaking Hearing at the October meeting. The rulemaking would be on JEPB Rule 4 and would change the hours of commercial waste pickup restrictive hours.

The Chair asked that notice be given that a Rulemaking Hearing will be scheduled for the October meeting.

**Presentations(s)**

None.

**Commission Updates**

Waterways Commission - Board Member Steven Jenkins shared that he would have a report at the next meeting.

KJB Commission – Nick Howland shared information on two upcoming events: The International Coastal Cleanup will take place September 17<sup>th</sup> and the Right Whale Festival will take place October 1<sup>st</sup>.

**EPB Administrator Report**

Mr. Richardson shared that particulars about the symposium were still being compiled, but that the event was a success. More information would be shared at next meeting.

**EQD Report**

None.

**Old Business**

None.

**New Business**

- Human Health Criteria Water Quality Standards
- JEPB Elections
  - Chair
  - Vice-Chair

Items were deferred.

**Item(s) referred to Committees**

None

**Comments from the Public**

None

**Next Scheduled Board Meeting(s)**

- EPB Committees
  - i. Water Committee –September 26, 2016 at 4:30 pm
  - ii. Air & Odor Committee – September 26, 2016 at 5:00 pm
  - iii. Education & Public Outreach – September 26, 2016 at 5:30 pm
- EPB Steering Committee – TBD
- EPB monthly meeting – October 10, 2016 at 5:00 pm

During discussion, it was determined that the EPB would modify the committee meetings and that the full EPB would hold a meeting on September 26<sup>th</sup> at 5 pm. Normal staff reports would be shortened and provided during the regular business meeting. Normal committee meetings will resume in October.

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 5:27 p.m.

Respectfully Submitted

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James Richardson, Program Administrator

**City of Jacksonville, Florida**  
**ENVIRONMENTAL PROTECTION BOARD**  
**Monday, September 26, 2016**  
**5:00 p.m.**  
**Board Meeting Summary**

**Members Present**

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

Steven Jenkins  
Roi Dagan  
Bobby Baker, P.E.

**Members Not Present**

Mobeen Rathore, M.D.  
Lucinda Sonnenberg, Ph.D.

**Staff/ Resources Present**

James Richardson, EPB Administrator  
Sondra Fetner, OGC

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

**Visitors**

Gabriel DuPree  
Clint Noble  
Tom Larson

**Call to Order**

Chair Michelle Tappouni called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:03 p.m.

**Chairman's Remarks**

Chair Tappouni shared she attended the Florida Conservation Coalition event on Saturday. Senator Bob Graham, State Senator Gibson and Councilwoman Boyer were in attendance. The event was very interesting and a lot of information was shared.

**Comments from the Public**

Tom Larson, 887 Marshside Court, Jacksonville Beach made brief comments concerning the Water Quality Standards, timing of notifications for public comments, reductions in protection of chemicals below standards, chemicals being added to the list.

**Approval of August Board Minutes**

Chair Tappouni entertained a motion to approve the meeting summary of the August 8, 2016 Board Meeting with a correction adding the actual August 8, 2016 date.

**Comments from the Public**

None

The motion made to approve the meeting summary as corrected (Howland) was properly seconded (Dagan) and approved by the body.

**Approval of September Committee Minutes**

Chair Tappouni entertained a motion to approve the meeting summary of the August 22<sup>nd</sup> EPB Water Committee.

Comments from the Public

None

The motion to approve the meeting summary (Bellamy) was properly seconded (Howland) and approved by the body.

Chair Tappouni entertained a motion to approve the meeting summary of the August 22<sup>nd</sup> EPB Air & Odor Committee.

Comments from the Public

None

A motion was made to approve the meeting summary (Howland) was properly seconded (Fu) and was approved by the body.

Chair Tappouni entertained a motion to approve the meeting summary of the August 22<sup>nd</sup> EPB Education & Outreach Committee.

Comments from the Public

None

Mr. Bellamy asked that the summary be amended to reflect his attendance as not present. A motion was made to approve the meeting summary as amended (Jenkins) was properly seconded (Bellamy) and was approved by the body.

#### Consent Orders

(Air/Odor/Noise)

- **Keystone Properties, LLC and Keystone Investments, LLC (AP-16-03)** - Emission of unconfined particulate matter without taking reasonable precaution to prevent such emissions – **proposed settlement \$1,200** [*\$1,500 less 20% good faith efforts to cooperate*] **\$1,713 economic benefit pursuant to EPA's BEN model - Total of \$2,913**

(Water/Haz Mat)

- **Arium St. Johns (WP-16-14)** - Unlawful discharge of untreated wastewater to stormwater sewer; Allowing wastewater to bypass its collection/transmission system or treatment facility; Failure to have key available for emergency access to lift station; Failure to notify EQD of discharge – **proposed settlement \$2,300**
- **Arlington Village Apartments (WP-16-05)** - 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 \$1,200**
  - I. *Public Comment - None*
  - II. *Board Vote - A motion was made to approve the consent order(s) (Baker) which was properly seconded (Howland) and approved by the body*

#### Enforcement Report

EQD Chief Melissa Long asked if there were any questions on the enforcement report submitted to the Board for review. (There were no questions).

#### Presentations(s)

None.

#### Commission Updates

Waterways Commission - Board Member Steven Jenkins shared:

- The chair is asking for volunteers to participate on a subcommittee focused on increasing riverfront activities.
- Land use amendments on a development in the Fishweir neighborhood was discussed and approved.
- Riverkeeper update

KJB Commission – Board Member Nick Howland shared the next KJB meeting is scheduled for Wednesday, September 28, 2016.

### **EPB Administrator Report**

James Richardson shared:

- Resolution 2016-587 (Amy Fu Reappointment) and Resolution 2016-588 (Bobby Baker Reappointment) were both approved by the Council Rules Committee on Tuesday, Sept 20<sup>th</sup>. They will both be on the Consent Agenda for the Tuesday, September 27<sup>th</sup> City Council Committee. Recommendations for the two replacements (Mr. Jenkins and Mr. Bellamy) have been forwarded to the Mayor's Office.
- EPB Committees and Appointments - discussion of possible new committee leadership will begin during the October Steering Committee meeting. A poll soliciting your desire to serve on the three existing committees and also any willingness to serve as the Chair will be sent out. Also, new representatives to the Waterways Commission and to the KJB Commission will also be needed. If EPB members are willing to serve in those roles, please contact Mr. Richardson.
- The EPB will conduct a Rulemaking Hearing for JEPB Rule 4 at the October monthly meeting.
- Envirofest Festival at the Cummer Museum is scheduled for October 1<sup>st</sup> from 10am -4pm (free to the public).
- EPB/UNF Environmental Symposium was successfully held on September 9<sup>th</sup>. A brief analysis of the event was shared. (attached)

Tom Larson stated that the Annual Symposium is a very good investment in education and disseminating a lot of information to the public and he encourages EPB to continue to make investments dealing with scholarships.

### **EQD Report**

Chief Melissa Long shared:

Water Branch

- Stormwater (MS4) final permit should be received the beginning of October. The permit will require a new water monitoring plan, review of tributaries impaired that have a TMDL and no BMAP, rank, etc.
- As of July EQD will manage the City's 21 artificial reef permits
- Private ponds that have HOAs and are not maintained are being reviewed by staff.
- Literature and data is being reviewed that develop answers whether or not septic tank phase out is making a difference. Staff is conducting a 2 month extensive sampling at Fishing creek and Fishweir creek.
- There was a total of 139 domestic well permits issued

Air Branch

- Non- Odor Activity Report – There was a typo under Air Pollution General - Southern Tank (there was no enforcement)
- Air Engineering Manager – EQD will soon have a new air manager if the offer is accepted.

### **Old Business**

None.

### **New Business**

- Human Health Criteria Water Quality Standards - Chair Tappouni shared there was discussion regarding Resolution 2016-536 - Human Health Criteria Water Quality Standards at the August Water Committee meeting and no action was taken. The committee was asked to review the legislation to determine if the EPB should take a position. Based on a number of factors, she decided to bring it to the EPB for discussion of the issue.

Considerable discussion occurred as EPB members shared their concerns (Sonnenberg provided written comments) regarding the resolution, the standards and if the EPB should express a position. After deliberation and summarizing thoughts and comments, Chair Tappouni clarified that the Board's position is

not whether they agree with the science of the water quality criteria standards. The decision is whether the Board supports that the EPA should provide a more appropriate commenting period. If any correspondence is approved, it will state their basis for supporting the second portion of the resolution

Board Member Howland made a recommendation, which was properly seconded, that the Board sends a letter which states that while the JEPB does not take a position on the science involved with the process, it does express support of Resolution 2016-536 primarily because of the second portion of the resolution asking that EPA provide a more appropriate commenting period.

#### Public Comments

Clint Noble resident of 11743 Fort Caroline Rd inquired if the Board had access to a toxicologist as an advisor and stating that this topic will need a scientific expert for the Board to be correctly advised.

Tom Larson shared that there is concern with the toxins being changed with the standards and that FDEP is moving forward in a direction not favorable to residents.

The motion was approved by a 6 – 1 (Jenkins) vote.

- JEPB Elections – The Chair opened nominations for leadership. Mr. Richardson shared that there had been one nomination received for Nick Howland as Chair. Seeing no other nominations from the floor, she opened the vote and Nick Howland was approved as Chair by the body.

Mr. Richardson shared that there had been one nomination for Amy Fu as Vice-Chair. The Chair asked if there were any additional nominations. Mr. Jenkins nominated Dr. Lucy Sonnenberg, however it was determined that she needed to be present. He withdrew the nominations. Seeing no other nominations from the floor, she opened the vote and Amy Fu was approved as Vice-Chair by the body.

Several members expressed gratitude for the service of Michelle as the Chair.

#### **Item(s) referred to Committees**

None

#### **Comments from the Public**

None

#### **Next Scheduled Board Meeting(s)**

- EPB Steering Committee – October 5, 2016
- EPB monthly meeting – October 10, 2016 at 5:00 pm
- EPB Committees
  - i. Water Committee –October 24, 2016 at 4:30 pm
  - ii. Air & Odor Committee – October 24, 2016 at 5:00 pm
  - iii. Education & Public Outreach – October 24, 2016 at 5:30 pm

#### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 6:13 p.m.

Respectfully Submitted

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James Richardson, Program Administrator

**MEMORANDUM**

**TO:** Jacksonville Environmental Protection Board Steering Committee  
**THROUGH:** Melissa M. Long, P.E., Division Chief  
**FROM:** Tree Kilbourn, Environmental Enforcement Officer  
**DATE:** September 8, 2016  
**SUBJECT: REVISED PROPOSED PRESENTATION TO JEPB SEPTEMBER 12, 2016  
APPROVAL OF CONSENT ORDER SETTLEMENTS**

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**Air**

**Keystone Properties, LLC and Keystone Investments, LLC (AP-16-03)**

Emission of unconfined particulate matter without taking reasonable precaution to prevent such emissions

**Water**

**Arium St. Johns (WP-16-14)**

Unlawful discharge of untreated wastewater to stormwater sewer; Allowing wastewater to bypass its collection/transmission system or treatment facility; Failure to have key available for emergency access to lift station; Failure to notify EQD of discharge

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

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

**Arlington Village Apartments (WP-16-05)**

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

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



**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
SEPTEMBER 12, 2016**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**Keystone Properties, LLC and Keystone Investments,  
LLC,**

**Petitioner,**

**Respondents.**

Type of alleged violation(s): Emission of unconfined particulate matter without taking reasonable precaution to prevent such emissions

Source of alleged violation(s): Bulk Material Processing Facility located at 1915 Wigmore Street, Jacksonville, Florida, Real Estate Parcel ID Numbers 111219-0010, 111219-0500 and 131424-0000  
[Keystone Properties, LLC, the property owner and permittee, and Keystone Investments, LLC, also a property owner]

Date of alleged violation(s): 5/5/16

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

Rules allegedly violated: FS 403.161(1)(b), FAC 62-296.320(4)(c)1, JEPB Rule 2.1101 [which adopts and incorporates by reference FAC 62-296], and DEP Permit No. 0310569-002-AO, Section II. Facility Wide Conditions, Subsection B. Specific Conditions 6, page 5 of 8, and Section III. Emission Unites and Conditions Emission Unit No. 004-Stockpiles, Emission Limitations and Standards 2, page 8 of 8

ND response to alleged violation(s): Cease and Desist Citation AP-16-03 issued 5/25/16

Respondent's corrective actions: Water pond and well with SJRWMD permit for water to control fugitive emissions  
Increased use of water trucks  
Installing sprinkler system for bulk material stock piles  
Provided JEA with emergency contact numbers  
Purchased street sweeper

Consent Order settlement fee: \$1,200 [\$1,500 less 20% good faith efforts to cooperate]  
\$1,713 economic benefit pursuant to EPA's BEN model  
Total of \$2,913

Consent Order requirements: Status reports due 1<sup>st</sup> of each month  
Increase or expand the use of water trucks as needed  
By October 15:  
Complete the installation of the elevated sprinkler system at the bulk materials stock piles  
Complete the internal facility road repair and paving  
Complete the construction of the truck wash near the front entrance of the facility

Enforcement actions:

NTC issued 3/18/15 to Keystone Properties, LLC for unconfined emission of particulate matter. Closed.

Ticket A3182 issued 9/28/06 to Keystone Properties for open burning violation. Paid. Closed.

**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
SEPTEMBER 12, 2016**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**Arium St. Johns, LLC,**

**Petitioner,**

**Respondent.**

Type of alleged violation(s): Unlawful discharge of untreated wastewater to stormwater sewer; Allowing wastewater to bypass its collection/transmission system or treatment facility; Failure to have key available for emergency access to lift station; Failure to notify EQD of discharge

Source of alleged violation(s): Wastewater collection/transmission system with lift station located at 7925 Merrill Road, Jacksonville, Florida

Date of alleged violation(s): 6/21/16

Method of determining alleged violation(s): Field investigation and file review

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B, F and I; 3.404A.12 and 3.405A.7

ND response to alleged violation(s): Cease and Desist Citation WP-16-14 issued 6/28/16

Respondent's corrective actions: Breaker relocated for easier and faster access during electrical disruptions to control panel

Consent Order settlement fee: \$2,300

Consent Order requirements: None, property has been sold

Enforcement actions: None

**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
SEPTEMBER 12, 2016**

Consideration of voluntary Compliance Plan:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**Arlington Village Apartments, LLC,**

**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 900 Bert Road, Jacksonville, Florida

Date of alleged violation(s): On or before 12/18/15

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

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-16-05 issued 2/23/16

Respondent's corrective actions: Collection system lines jetted

Consent Order settlement fee: \$1,200

Consent Order requirements: None

Previous/Other enforcement actions: None

# ONE CITY ONE JACKSONVILLE!

Arium St. Johns, LLC  
3340 Peachtree Road NE, Suite 2250  
Atlanta, Georgia 30326

**RE: Cease and Desist Citation WP-16-14**  
**Wastewater collection/transmission system with lift station located at 7925 Merrill Road, Jacksonville, Florida**  
**Unlawful discharge of untreated wastewater to storm sewer; Allowing wastewater to bypass its collection/transmission system or treatment facility; Failure to have key available for emergency access to lift station; Failure to notify EQD of discharge**

## Consent Order

The purpose of this letter is to complete the resolution of violations identified by the City of Jacksonville, Neighborhoods Department, formerly the Regulatory Compliance Department (Department), in Cease and Desist Citation **WP-16-14** (the "Citation"). The corrective actions required to bring your facility into compliance have been performed. To complete the resolution of the case, the payment of a civil penalty of **\$2,300** is required. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department within 30 days after approval of this agreement by the City of Jacksonville Environmental Protection Board (JEPB). Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing for any allegations in the Citation, nor shall it constitute or be construed as an admission of liability or wrongdoing for violation of any federal, State, or local law, statute, rule, regulation, ordinance, or other requirement.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the Department and approved by the JEPB, this letter shall constitute a consent order and final agency action on behalf of the Department and full satisfaction of the Citation and the matters alleged in the Citation. The terms of the consent order may be enforced in a court of competent jurisdiction, pursuant to Florida Statutes (FS) §§120.69 and 403.121, and Jacksonville Ordinance Code Chapter 360. Failure to comply with the terms of this consent order may constitute a violation of FS §403.161(1)(b) and Jacksonville Ordinance Code §362.110(a)(2).

The Department for, and in consideration of, the timely performance by the Respondent of the obligation agreed to in this consent order, hereby waives any rights to seek administrative or judicial imposition of civil and administrative action, complaints, citations, causes of action, and claims arising from the Citation. The Respondent waives its right to an administrative hearing on, or judicial review of, the terms of this consent order.

Failure to sign and return this document to the Department on or before September 22, 2016, will be assumed to be a rejection of the settlement agreement contained herein. This matter will then be referred to the City Office of General Counsel for further action.

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

09/07/16  
Date

Kimberly Scott  
Kimberly Scott, M.P.A., Interim Director

**Arium St. Johns, LLC**

9.06.16  
Date

Tracy Williams  
Print Name: Tracy Williams  
Print Title: Regional Manager

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**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Michelle M. Tappouni, Chair  
Environmental Protection Board

Arlington Village Apartments, LLC  
840 Bert Road  
Jacksonville, Florida 32211

**RE: Cease and Desist Citation WP-16-05**  
**Gravity wastewater collection/transmission system located at 900 Bert Road, Jacksonville, Florida**  
**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**

**Consent Order**

The purpose of this letter is to complete the resolution of violations identified by the City of Jacksonville, Neighborhoods Department, formerly the Regulatory Compliance Department (Department), in Cease and Desist Citation **WP-16-05** (the "Citation"). The corrective actions required to bring your facility into compliance have been performed. To complete the resolution of the case, the payment of a civil penalty of **\$1,200** is required. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department within 30 days after approval of this agreement by the City of Jacksonville Environmental Protection Board (JEPB). Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing for any allegations in the Citation, nor shall it constitute or be construed as an admission of liability or wrongdoing for violation of any federal, State, or local law, statute, rule, regulation, ordinance, or other requirement.

Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the Department and approved by the JEPB, this letter shall constitute a consent order and final agency action on behalf of the Department and full satisfaction of the Citation and the matters alleged in the Citation. The terms of the consent order may be enforced in a court of competent jurisdiction, pursuant to Florida Statutes (FS) §§120.69 and 403.121, and Jacksonville Ordinance Code Chapter 360. Failure to comply with the terms of this consent order may constitute a violation of FS §403.161(1)(b) and Jacksonville Ordinance Code §362.110(a)(2).

The Department for, and in consideration of, the timely performance by the Respondent of the obligation agreed to in this consent order, hereby waives any rights to seek administrative or judicial imposition of civil and administrative action, complaints, citations, causes of action, and claims arising from the Citation. The Respondent waives its right to an administrative hearing on, or judicial review of, the terms of this consent order.

Failure to sign and return this document to the Department on or before September 28, 2016, will be assumed to be a rejection of the settlement agreement contained herein. This matter will then be referred to the City Office of General Counsel for further action.

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

09/09/16  
Date

Kimberly Scott  
Kimberly Scott, M.P.A., Interim Director

**Arlington Village Apartments, LLC**

Sept 9, 2016  
Date

Daisha Belgrave  
Print Name: Daisha Belgrave  
Print Title: Property Manager

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**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Michelle M. Tappouni, Chair  
Environmental Protection Board

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**BEFORE THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE**

CITY OF JACKSONVILLE	)	
NEIGHBORHOODS DEPARTMENT,	)	
ENVIRONMENTAL QUALITY DIVISION,	)	
	)	EMISSION OF UNCONFINED
Petitioner,	)	PARTICULATE MATTER
	)	
vs.	)	DEP Permit No. 0310569-002-AO
	)	
Keystone Properties, LLC and Keystone	)	Cease and Desist Citation AP-16-03
Investments, LLC,	)	
	)	
<u>Respondents.</u>	)	

**CONSENT ORDER WITH COMPLIANCE PLAN**

This Consent Order with Compliance Plan is made and entered into between the City of Jacksonville, Neighborhoods Department, formerly the Regulatory Compliance Department (Department), Keystone Properties, LLC, the property owner and permittee, and Keystone Investments, LLC, also a property owner (collectively, the "Respondents").

1. The Department, through its Environmental Quality Division (EQD), enforces Chapter 360 and 362, City of Jacksonville Ordinance Code and Jacksonville Environmental Protection Board Rule 2.

2. The Respondents are located at 1915 Wigmore Street, Jacksonville, Florida, Real Estate Parcel ID Numbers 111219-0010, 111219-0500 and 131424-0000 and operate a bulk material processing facility, DEP Permit No. 0310569-002-AO, (the "facility").

3. On May 25, 2016, the Department issued Citation AP-16-03 to the Respondents for allowing the emission of unconfined particulate matter from any activity without taking reasonable precautions to prevent such emissions.

4. The Respondents and the Department have met in an effort to resolve their disputes as to compliance issues and any alleged violations of City of Jacksonville ordinances and rules. The parties have agreed to enter into this Consent Order with Compliance Plan in order to expeditiously address compliance issues without litigation and its attendant costs, delays, and risks.

Having reached a resolution of this matter without any admission of liability or wrongdoing by the Respondents, the parties agree, and it is

**ORDERED:**

5. The Respondents shall operate the facility in accordance with all local, state, and federal rules and regulations.



6. The Respondents have completed the following corrective actions to date:
  - a. Created a water pond near the bulkhead loading/unloading area to provide water for the installed misting apparatus to control of fugitive emission of particulate matter from bulk materials during loading and unloading operations;
  - b. Obtained a consumptive use permit from the St. Johns River Water Management District for water well #6022 for a supply of water to control the fugitive emission of particulate matter;
  - c. Completed the construction of water well pump in existing well to service a sprinkler system to control the fugitive emission of particulate matter from the stock piles of bulk material;
  - d. Purchased a sprinkler system with final parts and components to be delivered in August 2016 to be installed at a height of 25 feet to control the fugitive emission of particulate matter from the stock piles of bulk material;
  - e. Provided Respondents' Environmental Manager contact information to JEA in order to quickly communicate any off-site impacts from facility operations and fugitive emission of particulate matter affecting JEA operations so that immediate corrective actions can be implemented; and
  - f. Purchased a street sweeper to use on internal facility roads.
7. The Respondents shall complete the corrective actions in accordance with the following schedule:
  - a. Increase or expand the use of water trucks as needed to prevent the emission of unconfined particulate matter and impacts to the surrounding area, including public property and JEA operations;
  - b. Complete the installation of the elevated sprinkler system at the bulk materials stock piles by no later than **October 15, 2016**. EQD and JEA will monitor the off-site impacts from the operations during the first 30 days of the sprinkler's use and evaluate the effectiveness of this pollution control device for assurance that the impacts to the surrounding area, public property and JEA's operations have been eliminated;
  - c. Complete the internal facility road repair and paving by no later than **October 15, 2016** to minimize fugitive emission of particulate matter from vehicle movement during facility operations; and
  - d. Complete the construction of the truck wash near the front entrance of the facility by no later than **October 15, 2016**, to further minimize the fugitive emission of particulate matter to the surrounding area and public roads caused by vehicle track out of soil during facility operations.

8. The Respondents shall submit a status report for the corrective actions by the first of each month beginning **September 1, 2016** and continuing until EQD has determined that all necessary corrective actions are complete and there is reasonable assurance that the impacts from fugitive emissions of particulate matter to the surrounding area and public property have been eliminated. All status reports for the project shall be provided by electronic mail to Tree Kilbourn, Environmental Enforcement Officer, Environmental Quality Division, at [tkilbour@coj.net](mailto:tkilbour@coj.net).

9. Pursuant to Section 360.306, Ordinance Code, if the Respondents fail to meet any of the deadlines specified in paragraph 6 above, then the Director of the Department may impose a civil fine of up to \$500 for each occurrence of noncompliance with this Consent Order with Compliance Plan. Each day of non-compliance shall constitute a separate offense. The civil fine shall be due within seven days of written notification to the Respondents. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to Department, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202 to the attention Tree Kilbourn.

10. Respondents shall pay a civil penalty of \$1,200 [\$1,500 less 20% good faith efforts to cooperate] and economic benefit of \$1,713 pursuant to EPA's BEN model, for a total of **\$2,913**, within 30 days after execution of this Consent Order and approval of this agreement by the City of Jacksonville Environmental Protection Board. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department.

11. This Consent Order with Compliance Plan does not preclude JEA from pursuing any claims the public utility may have for impacts from nuisance to public property and for Respondents to defend against any such claims.

12. This Consent Order with Compliance Plan fully resolves all issues raised in the Department's Cease and Desist Citation AP-16-03 regarding the matters addressed herein. The Department reserves the right to take appropriate enforcement action against Respondents for any future violation of the Ordinance Code or rules. Respondents reserve their right to contest any such enforcement action in accordance with applicable law.

13. Notwithstanding paragraph 9 above, a violation of the terms of this Consent Order may subject the Respondents to judicial imposition of civil penalties of up to \$10,000 per violation per day.

14. In consideration of the complete and timely performance by the Respondents of the obligations agreed to in this Consent Order with Compliance Plan, the Department waives any right to seek judicial imposition of additional penalties. The Respondents waive their right to an administrative hearing pursuant to Section 120.57(1), Florida Statutes, regarding the terms of this Consent Order with Compliance Plan.

15. The provisions of this Consent Order with Compliance Plan shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms, and corporations in active concert or participation with them.

16. Entry of this Consent Order with Compliance Plan does not relieve the Respondents of the need to comply with applicable federal, state or local laws, regulations or ordinances.

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT**

08/25/16  
Date

Kimberly Scott  
Kimberly Scott, M.P.A., Interim Director

**Keystone Properties, LLC**

Aug 24 2016  
Date

Tom L Schell  
Print Name: Tom L Schell  
Print Title: Manager Member

**Keystone Investments, LLC**

Aug 24 2016  
Date

Tom L Schell  
Print Name: Tom L Schell  
Print Title: President

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**ORDER**

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Michelle Tappouni, Chair  
Environmental Protection Board

Year to Year Symposium Snapshot					
	2014	2015	2016	inc/dec	% inc/dec
Total Registered	245	257	295	38	14.79%
Total Attended	219	233	251	18	7.73%
No shows	26	24	44		
Exhibitors	7	5	7	2	40.00%
NP/G Exhibitors	22	19	19	0	0.00%
Lunch Tables	4	3	5	2	66.67%
NP/G Attendees	91	110	105	-5	-4.55%
CPAC	2	2	1	-1	-50.00%
Individuals*	35	59	40	-19	-32.20%
Lunch Only	46	29	49	20	68.97%
Revenue **	\$6,840	\$6,435	\$7,450	\$1,015	15.77%
Carryover	\$1,302	\$969	\$1,700		
Total Revenue	\$8,142	\$7,404	\$9,150	\$1,746	23.58%
EPB Total Costs ***	\$5,606.00	\$5,424.78	\$9,647.42	\$4,223	77.84%
Carryover to 2016	\$2,536	\$1,979	-\$497		
Scholarship Requests	38	81	82	1	1.23%
Waivers granted	97	114	121	7	6.14%
Total Waived	\$3,265	\$4,410	\$4,285	-\$125	-2.83%

\* 40 full day, 10 half day

\*\* 98 Credit cards, 11 checks, 6 JE

\*\*\* \$9074 food+facilities, \$80 signage, \$493 Overhead