

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD
Monday September 9, 2013
5:00 p.m.

Meeting Summary

Members Present

Steven T. Jenkins, Chair
Michelle Tappouni, Vice 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. (left 6:05 pm)

Members Not Present

None.

Staff/ Resources Present

James Richardson, EPB Administrator
Ruby Tucker, Executive Secretary
Jody Brooks, OGC
Scott Trebatoski, Acting EQD Chief
Dana Brown, Environmental Enforcement Administrator
Jim Robinson, Director, Public Works

Visitors

Jay Worley, JEA
Paul Steinbrecher, JEA
Ted Mikalsen, Interested Citizen

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 the newest Board Member Mobeen Rathore, M.D. to the Board and asked him to briefly introduce himself. Board Member Rathore stated that he is a physician at the University of Florida in Pediatric Infections Diseases and head of the University HIV Center. He's also Chief of Pediatric Infectious Diseases and Immunology at Wolfson Children's Hospital, a program for all ages. He is a resident of Duval County for 23 years and is delighted to be a member of the EPB.

Approval of August 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 August Committee Minutes

Chair Jenkins stated that August Water Committee Meeting was canceled and entertained a motion to approve the meeting summary for the Air and Odor Committee for the month of August. The motion was properly seconded and approved by the body.

Consent Agenda

(Air/Odor)

- **McCarthy Improvement Company (AP-13-09)** – Failure to schedule and conduct required initial visual emissions compliance test – settlement \$480.
- **Griswold (AP-13-03)** – Failure to schedule and conduct required visual emissions compliance test – settlement \$0 due to inability to pay.

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

(Water) *items were vetted at the board meeting and discussed individually*

- **JEA, England, Thims & Miller, Inc. and Murphy Pipeline Contractors, Inc. (WP-13-12)** - Failure to comply with erosion and sediment control standards; Unlawful discharge to surface or groundwaters (MS4); Exceedance of water quality standards – settlement fee \$13,740
- **Market Street Retail, LLC, Property Owner, and HJB Construction, Inc., Contractor (WP-13-11)** - Unlawful discharge of other materials to surface or groundwater [MS4]; Failure to comply with erosion and sediment control standards – settlement \$11,040
- **Solomon Properties, Inc. (WP-13-10)** - Construction or modification of wastewater collection/transmission system without a permit – settlement \$0 [\$6,400 with 100% mitigation for SEP of outstanding quality]

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

(Consent Order Add-Ons) *items were vetted at the board meeting and discussed individually*

- **COJ-Dept. of Public Works (WP-10-44)** - Placing a wastewater collection/transmission system into operation prior to submitting a Request for Approval and without Department clearance for use (Hanna Park) – settlement fee \$5,120
- **COJ-Dept. of Public Works (WP-05-53)** - Failure to comply with erosion and sediment control standards; Unlawful discharge of other materials into surface waters; Exceedance of water quality standards (Wayland Street Drainage Project) – settlement fee \$14,720
- **COJ-Dept. of Public Works (WP-03-04)** - Failure to comply with erosion and sediment control standards; Unlawful discharge of other materials into surface

waters; Exceedance of water quality standards (University Pointe Stormwater Pond) – settlement fee \$16,000

- **Robert Ray Permenter (WP-12-20)** - Failure to comply with erosion and sediment control standards; Unlawful discharge of other materials into surface waters; Exceedance of water quality standards (2175 Davis Road) – settlement fee \$0 due to inability to pay

A discussion ensued regarding erosion and sediment issues, types of violations, settlement fee negotiations, property owner and contractor obligations, a contractor on a non-responsible bidder list, and other items.

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

Presentation (COJ BMAP Status & Public Works Construction Projects Overview)

Jim Robinson, Director of Public Works reported that there was a final order adopting a Basin Management Action Plan (BMAP) as an agreement with FDEP and COJ to address nutrient impairments on the main stem of the lower SJR. The initial order required that COJ develop a detailed implementation plan by 2010. Substantial technical differences between FDEP and COJ delayed the plan and a warning letter was received from FDEP on June 21, 2013. A meeting was held on July 24th with FDEP to understand the warning letter, credit trading, and the path forward. It was agreed that COJ would provide a draft implementation plan no later than September 23, 2013. FDEP has acknowledged receipt of the draft plan.

In the original BMAP agreement a "toolbox" identified the different techniques to be used to reduce nitrogen discharged to the SJR. Toolbox included: 1) stormwater wet detention, 2) septic tank phase outs, 3) public education, 4) regulatory and policy implementation, 5) low impact development projects and polices, 6) BMAP credit trading. COJ is proposing a combination of the techniques in their draft implementation plan.

Several question ensued concerning the discharge removal reduction, the City's obligation and progress in reducing fecal coliform due to septic tanks and tributaries. Mr. Robinson stated that the starting project is a 756 septic tank phase out with completion by July 2015.

EPB Administrator James Richardson mentioned that Councilwoman Boyer has asked that the Board and Waterways Commission review the BMAP plan to see if there is any opportunity to provide input to Council on the prioritization of capital projects in support of the BMAP.

Ted Mikalsen, Interested Citizen, asked who are the point sources for credit trading. Mr. Robinson stated entities like JEA, DOT and the Cities of Atlantic and Neptune Beach.

Public Works Construction Projects Overview

Mr. Robinson shared suggestions and actions to help compliance with erosion and sediment as part of the construction process. A new construction contract will require the

contractor go through a certification workshop in conjunction with EQD and FDEP for erosion and sediment controls. Public Works (PW) inspectors will also be required to go through the certification class. Conditions will be placed in the language for non-compliance and the construction plans will be critiqued to make improvements. There was some discussion of the Willowbranch project which was used to provide several examples of where PW would be changing their process and contracts.

Department Report

Scott Trebatoski, Acting Chief shared the following:

- There are four or five finalists for the EQD Chief position and it's anticipated to have a new chief by the fiscal year. Will provide an update at the next meeting.

Program Administrator Report

James Richardson shared the following:

- The EPB Retreat was a big success and thanked the Board for the discussion regarding the Environmental Protection Fund. The Board is encouraged to consider scheduling time to have more strategic discussions.
- Approximately 230 individuals attended the EPB Environmental Symposium on Friday, August 23rd. Feedback was well received in all aspects. Staff will have an evaluation session next week and began discussion for the next symposium.
- Legislation for the EPB Education Activities (2013-558) has been introduced to City Council.
- The SJRWMD has been tracking an algae bloom over a month and it has slowly migrated from the Shands bridge area to Jacksonville. D levels of microcystin have been detected (will not cause harm to humans or animals). Betsy Deuerling will make a brief presentation before the Water Committer.
- EPB will partner with FDEP to host the second major Clean Air Festival on October 12th at the Museum of Science and History (MOSH) from 10am – 4pm.
- The US Army Corps of Engineer final meeting on the Harbor Deepening project on September 24th at the cruise terminal.

Chair Jenkins shared he received a revised funding request for the manatee study and asked Jody Brooks, OGC to review the request. It was determined by counsel that the revised request was not materially different than the original request presented before the Board. Therefore, at his direction, the request was not placed on the agenda for further consideration.

Old Business

- COJ FY13/14 Budget update – Acting Chief Trebatoski shared that vacant positions were traded off for positions in the budget cuts. The impacts of the EQD budget cuts will be the loss of the the two Executive Secretary positions.

A brief discussion occurred regarding the executive secretary position to the board, City Council's scheduled meetings, possible amendments to the budget, etc.

James Richardson stated that the EPB Secretary, Ruby Tucker, has served admirably in the position for many years. She is very professional and her contributions to the

success of the EPB cannot be fully acknowledged. She has been an invaluable partner, and her friendship, support and assistance has been greatly appreciated.

New Business

- Formation of a New Committee - Chair Jenkins shared that he would like the Board to consider possibly establishing a standing committee for public outreach and education to focus on the EPB Awards, Earth Day, Symposium, etc.

Jody Brooks stated that a special committee can be appointed for public outreach and not necessary a standing committee. With three members on a committee by Robert's Rules two is a quorum. The topic will be placed on the next Board agenda for further discussion.

Comments from the Public

None.

Item(s) referred to Committees

None

Next Scheduled Board Meeting(s)

Monday, October 14, 2013

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:55 p.m.

Respectfully Submitted

Ruby Tucker, Executive Secretary I
Environmental Protection Board