

Air Odor Noise Committee

Roi Dagan, M.D. – Chair
Michelle Tappouni
Mobeen Rathore, M.D.
David Wood
Gabriel DuPree - Alt

Education & Public Outreach

Michelle Tappouni - Chair
Lucinda Sonnenberg, Ph.D.
Nick Howland
Bobby Baker, P.E.



Water Committee

Lucinda Sonnenberg, Ph.D. – Chair
Gabriel DuPree
Amy Fu, P.E.
Bobby L. Baker, P.E.
David Wood – Alt

Nick Howland – Chairman

Amy Fu, P.E. – Vice Chairman

Bobby L. Baker, P.E., Roi Dagan, M.D., Gabriel DuPree

Mobeen Rathore, M.D., Lucinda Sonnenberg, Ph.D., Michelle Tappouni, David Wood

**City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD**

Monday, April, 2017

JEPB Rule 4 - Meeting Summary

Members Present

Nick Howland, Chair
Amy Fu, P.E., Vice Chair
Gabriel DuPree
Bobby Baker, P.E.

Lucinda Sonnenberg, Ph.D.
David Wood
Roi Dagan, M.D.
Michelle Tappouni

Members not present

Mobeen Rathore, M.D.

Staff/Resources Present

James Richardson, EPB Administrator
Cherry Pollock, OGC
Melissa Long, EQD Chief

Mike Williams, EQD Air Branch
Tree Kilbourn, EQD Enforcement

Visitor(s)

John Nooney
Shannon Gregory
Mark Mussler
Eric Nizamoff

Clint Noble
Mike Allens
Paula Kukelhan

Call to Order

Chair Nick Howland called the Public Hearing of the Environmental Protection Board (EPB) to order at 5:34 p.m.

Certification of Public Notice

James Richardson, EPB Administrator, certified that the public notice required by Florida law appeared in the Financial News & Daily Record.

Chair Statement

Chair Howland read a statement which provided an outline of how the hearing would proceed.

EPB Staff Statement

James Richardson stated that on February 22, 2016, the JEPB received a Petition for Rulemaking from Shannon Gregory on behalf of WRH Realty Services, Inc. The Petitioner seeks a change to JEPB Rule 4.211(a) adding proposed language. The language being proposed to be added reads "A waiver may be granted on a case by case basis by the board allowing mechanical trash hauling hours to be extended to include the hours of 5am -7am for property owners in locations where the hauling of trash is only feasible from a public area commonly used by pedestrians, cyclist and motorist such as a public street or sidewalk".

The JEPB members voted at their March 13th Board meeting to accept the petition and open rulemaking at the April 10th Board meeting. There have been no public comments or correspondence received. The Board Counsel is also present to assist as needed.

Proponent Presentation (Presentation attached)

Paula Kukelhan shared that the proposal requesting a waiver be granted on a case by case basis is for the safety of the drivers, pedestrians, cyclists, motorists and the health of the residents at their two downtown locations – The Carling and 11 E. Increased traffic congestion after 5 am puts the drivers, pedestrians, cyclists and other motorists in harm's way.

In urban areas, like downtown Jacksonville, trash haulers must remove trash from the right of way. There is not a central parking lot or other area away from residents, pedestrians, cyclists and motorists for pick up to occur. In order to maintain a safe work environment, trash haulers require trash to be hauled no later than 5 am. At this time of day there are fewer people and traffic moving around. The truck needs to be at the landfill before 5:30 pm (landfill Closes at 6 pm) in order to unload. Hauling in the evening before 10 pm is impossible.

Bins are part of a compactor system used in high rises. Due to the historic nature of the buildings there are no other container systems available to remove resident trash. There are 17 floors with chutes (100 families in one building /127 families in the other building) for residents to dump trash. The lack of pickup will cause a backup of garbage in the chutes causing major health and sanitation issues. 2 haulers out of 4 haulers available have refused to pick up because of the safety of the drivers and the liability. They are also anxiously awaiting the outcome of this hearing.

Presentation by Staff (presentation attached).

Michael Williams, EQD Air Branch, stated that the dumpster bins at The Carling are rolled out and placed outside of the garage onto the street (photographs presented). There was a review of other municipal dumpster restrictions (Los Angeles, Atlanta, San Diego, Chicago, New York City and Portland, Oregon) as well as potential sound mitigation options. Mr. Williams stated that staff is not opposed to the waiver and suggested that the Board should consider some type of mitigation as well. The requester should include in their application sound mitigations options they plan to pursue.

A lengthy discussion occurred at this time regarding the waiver for a case by case basis, the hours of 5am -7am, noise mitigation, trash hauling safety concerns, etc.

Comments from Public

None.

Proponent Rebuttal

None

Several questions ensued regarding the proposal: how does Los Angeles and other cities dumpster haulers makes this work? It was stated that the Los Angeles landfill is open later. Jacksonville has one landfill that accepts commercial trash and it closes at 6 pm.

Has the company considered having a spotter in the truck? It was stated to have a spotter on a long term basis is expensive.

It was suggested to have the haulers and staff involved to determine an acceptable timeframe (the waiver can dictate the time).

Board Discussion and Staff Clarification

It was suggested to return the proposed language to staff for further development and bring the JEPB Rule 4 back before the Board. Specific items that should be considered include, but should not be limited to: Overall time constraints, length of possible permit, trash hauling safety concerns, when is there safety issue and noise mitigation.

Board Vote

A motion was made to return the proposed JEPB Rule 4 Noise Pollution Control to staff for further development and bring the intended Rule back before the Board (Tappouni), the motion was properly seconded (Sonnenberg) and unanimously approved by the body.

Procedural Summary

Cherry Pollock, OGC, stated that the proposed language will be too returned to staff for further development and will come back before the Board for final approval.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:36 p.m.

Respectfully Submitted

Ruby Tucker, Executive Assistant to EQD Chief