

Air Odor Noise Committee

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



Water Committee

Lucinda Sonnenberg, Ph.D. – Chair
Gabriel DuPree
Amy Fu, P.E.
Bobby L. Baker, P.E.
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Education & Public Outreach

Michelle Tappouni - Chair
Lucinda Sonnenberg, Ph.D.
Nick Howland
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Amy Fu, P.E. – Vice Chairman

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

Monday, May 8, 2017

JEPB Rule 4 - Meeting Summary

Members Present

Nick Howland, Chair
Gabriel DuPree
Lucinda Sonnenberg, Ph.D.

Bobby Baker, P.E.
David Wood

Members not Present

Amy Fu, P.E., Vice Chair
Mobeen Rathore, M.D.

Roi Dagan, M.D.
Michelle Tappouni

Staff/Resources Present

James Richardson, EPB Administrator
Jeff Close, OGC (via phone)
Melissa Long, EQD Chief

Mike Williams, EQD Air Branch
Tree Kilbourn, EQD Enforcement

Visitor(s)

Clint Noble

Call to Order

Chair Nick Howland called the Public Hearing of the Environmental Protection Board (EPB) to order at 5:19 p.m.

Chair Statement

Chair Howland read a statement which provided an outline of how the hearing would proceed: presentation by staff, presentation by petitioner, comments from public, board discussion and clarification, board action and procedural summary.

Proposed Language

EPB Administrator James Richardson shared that at the April Board meeting it was suggested to return the proposed language for Rule 4 Noise Pollution Control to staff for further development and bring the JEPB Rule 4 back before the Board. Staff worked, in conjunction with the Office of General Counsel, to come up with proposed language for JEPB Rule 4. The information was provided to the Board for review on May 3rd and shared with the petitioner.

Michael Williams, EQD Air Branch stated the proposed language which will be incorporated into JEPB Rule 4 will allow for a permit which the Board will have the right of approval on a case by case basis. The proposed application will be used to gather information regarding the site (safety issues, mitigation) which will be presented before the board for consideration and then issuance of the permit (5 yrs.) after Board approval.

Board Discussion

Several questions ensued regarding the application and permit fees.

Board Decision

A motion was made to approve the proposed JEPB Rule 4 Noise Pollution Control as prepared and presented by EQD staff (Sonnenberg) properly seconded (Dupree) and approved by the body.

Procedural Summary

Mr. Close, OGC, stated that JEPB Rule 4: Noise Pollution Control will be filed with the Council Secretary and twenty days after filing, it becomes effective.

Comments from Public

None.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 5:54 p.m.

Respectfully Submitted

Ruby Tucker, Executive Assistant to EQD Chief

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, within 200 meters of a property that is in a Class A or Class B area, unless a Nighttime Dumpster Collection Permit has been granted by the EPB, in accordance with "D" of this subpart.
- 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.
- D. The application for a Nighttime Dumpster Collection Permit must be made by the owner or operator of the property to be permitted. The Permit application will be made on forms provided by the Environmental Quality Division (EOD), and granted, denied, renewed, and revoked as follows:
1. Each Permit application shall be heard by the EPB to determine whether: 1) there is a reasonable concern of a safety hazard in the continuance of daytime dumpster collection, or 2) granting the Permit would create a nuisance detrimental to the public health, safety and welfare, or 3) granting the Permit would unreasonably interfere with the quiet use and enjoyment of any Class A or Class B properties within 200-meters of the proposed nighttime dumpster collection location. Notice of the EPB public hearing will be provided by the applicant to all Class A and Class B property owners within 200-meters of the proposed permitted location, which shall be mailed at least 14 days prior to the EPB meeting.
At the conclusion of the public hearing, any application determined by the board to 1) not present sufficient evidence that there is a reasonable concern of a safety hazard for continued daytime dumpster collection, or 2) constitute a nuisance if granted, or 3) unreasonably interfere with the quiet use and enjoyment of any Class A or Class B properties within 200-meters of the proposed permitted location, shall be denied.
 2. Once approved, the Permit shall expire on a date five (5) years from the issuance date. Unless the Permittee submits a complete application for Permit renewal and payment of any applicable permit renewal fees prior to expiration of the existing Permit, the existing Permit shall expire and the Permittee's right to nighttime dumpster collection shall terminate. The Permit renewal application approval shall follow the same process as the initial application.
 3. The Permit is revocable by EOD if the terms of the Permit are violated. Any Permit revocation may be reviewed by the EPB through the filing of a request for hearing within 10 days of receipt of any notice of revocation.

Revocation appeals will be heard at the next regular EPB meeting, unless the next regular meeting is scheduled less than 48 hours after the revocation notice is received. In such case, the EPB shall convene a special meeting to be held within 10 days after the request for hearing is received for the purpose of hearing the appeal.



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

Environmental Protection Board Nighttime Dumpster Collection Application

I. Date of Application: _____

II. Applicant:

Name: _____

Mailing Address: _____

Phone Number: _____

III. Permittee Name (if different from the applicant): _____

Location/Address: _____

Contact Person: _____

Contact Phone Number: _____

IV. Detailed description of safety hazard concern for continued daytime dumpster collection (attach any supporting documents): Attachments (check one): Yes _____ No _____

V. Map or aerial photo depicting specific location of proposed nighttime dumpster collection:

Attached (Check One): Yes _____ No _____

VI. Ground level photos depicting specific location of proposed nighttime dumpster collection area:

Attached (Check One): Yes _____ No _____

VII. Identify all Class A and B land uses that are within 200-meters of the proposed nighttime dumpster collection location, by address:

VIII. Map or aerial photo depicting subject property location and all Class A and B land uses within 200-meters:

Attached (check one): Yes _____ No _____

IX. Detailed description of noise mitigation measures that will be taken during nighttime dumpster collection (Note: Applicant must consider both operational and physical/mechanical noise mitigation methods. Applications offering no noise mitigation may be cause for denial. Applications offering only operational mitigation must describe why physical/mechanical noise mitigation is impractical/cost prohibitive and how operational noise mitigation alone will be sufficient to prevent the operation from being a nuisance to Class A and B properties within 200-meters).

Attachments (check one): Yes _____ No _____

Applicant's Signature: _____

Printed Name: _____

Date Signed: _____

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**Jacksonville Environmental Protection
Board Nighttime Dumpster Collection Permit**

The EPB, after conducting a public hearing on _____, and upon review of the applicant's (_____) Nighttime Dumpster Collection application dated _____, and after due consideration, of any and all comments made at the public hearing of _____, hereby grants the applicant's (_____) a Nighttime Dumpster Collection Permit this _____, 20_____.

The applicant (_____) shall comply with all elements stated in the applicant's Nighttime Dumpster Collection application dated _____. Further the applicant (_____) shall comply with all conditions expressed in this Permit. Failure to comply with any of the elements, conditions, requirements expressed in the applicant's Nighttime Dumpster Collection application or conditions of this Nighttime Dumpster Collection Permit constitutes grounds for the EPB to revoke this Nighttime Dumpster Collection Permit.

Conditions:

- I. This Nighttime Dumpster Collection Permit expires five (5) years from the date of issuance. Unless the Permittee submits a complete application for Permit renewal and payment of any applicable renewal fees prior to expiration, the Permit shall expire and the Permittee's right to nighttime dumpster collection shall terminate.
- II. [Other conditions such as specific noise mitigation methods to be employed.]

All required submittals are to be made to:

**Melissa M. Long, P.E.
Division Chief EQD, Suite 500
214 North Hogan Street
Jacksonville, FL 32202**

This Nighttime Dumpster Collection Permit is hereby issued by the EPB on this date: _____.

Nick Howland
JEPB Chair