

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD
Monday, December 14, 2015
5:00 p.m.
Board Meeting Summary

Members Present

Michelle Tappouni, Chair
Lucinda Sonnenberg, Ph.D.
Steven Jenkins

Roi Dagan, M.D.
Amy Fu, P.E.

Members Not Present

Mobeen Rathore, M.D.
Nick Howland, Vice Chair

Tony C. Bellamy, P.E.
Bobby Baker, P.E.

Staff/ Resources Present

James Richardson, EPB Administrator
Sondra Fetner, OGC
Terry Carr, EQD
Melissa Long, EQD Chief

Kimberly Scott, Regulatory Compliance Director
Steve Pace, EQD Air Branch Manager
Jason Teal, OGC
Tree Kilbourn, EQD Enforcement

Visitors

Gabriel DuPree
Todd Sack, Florida Medical Association
Tim Sleeth

Gary Bowers
Brian Zielinski

Call to Order

Chair Michelle Tappouni called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:08 p.m.

Chairman's Remarks

None.

Approval of November Board Minutes

Chair Tappouni entertained a motion to approve the meeting summary of the November 9th Board Meeting, (Sonnenberg), which was properly seconded (Jenkins) and approved by the body.

Approval of November Committee Minutes

Chair Tappouni entertained a motion to approve the November 16th summary of the EPB Water Committee meeting (Dagan), which was properly seconded (Sonnenberg) and approved by the body.

Chair Tappouni entertained a motion to approve the November 23rd summary of the EPB Air & Odor Committee meeting (Sonnenberg), which was properly seconded (Dagan) and approved by the body.

COMMENTS FROM THE PUBLIC

Gary Bowers, former EPB Member spoke on the fracking issue stating that water is a major issue in this City and the thought of drawing more and more water from the aquifer, particularly the amounts needed is ludicrous and the other issue is groundwater contamination. All the surrounding counties oppose the fracking bill. This bill should not be approved in its current format, however, oversight should stay in the hands of statewide control and management and not the local municipalities.

Dr. Todd Sack, former EPB Chairman, representing the American Medical Association and the Florida Medical Association which opposes SB318 and HB191, stated that this bill makes it impossible to know what chemicals are being put into the ground. The chemical will not be disclosed without a lawsuit and will not be known for years after the process starts because of the details in this bill. 70% of the wells in the nation hide at least one chemical from the government. The chemicals that were disclosed included carcinogens, liver toxins, neurotoxins, and chemicals known to cause birth defects and because the chemicals can be hidden, regulators can't even measure the quality of water before and after fracking. There are so many holes in the bill, so many potential injuries to the people of Florida and the people of Jacksonville. He urges the Board to strongly oppose HB191 and SB318.

Consent Agenda

- **Renessenz, LLC (AP-15-05)** - Failure to repair 3 leaks within 5 days of discovery in Calendar Year 2014; Failure to conduct RM21 testing – Proposed settlement \$14,000
- **Renessenz, LLC (AP-15-04)** - Causing or permitting objectionable odors and receipt of 5 validated complaints from 5 different households within a 90 day time period – Proposed settlement \$1,500

Board Member Steven Jenkins asked Tree Kilbourn to briefly discuss Renessenz violations in the context of the Repeal of EPB Rule 5. A brief discussion ensued.

Board Member Sonnenberg inquired regarding the penalty guidelines which are no longer under JEPB Rule 5. Tree Kilbourn briefly shared the guidelines are based on the number of complaints (5 in 90 days, verified and validated), 5-9 complaints based settlement fee \$1,000 - \$1,999 (1st time, the owner starts at the bottom of guideline. Renessez is a first time odor citation.

A motion was made to approve the consent order(s) (Dagan) which was properly seconded (Fu) and approved by the body.

(Water/Haz Mat)

- **Fletcher Bright Company, agent for Oceanway Plaza Associates, Ltd. (WP-15-04)** - Unlawful discharge of sewage or other untreated waste or wastewater; Failure to maintain wastewater collection/transmission system – Proposed Settlement \$240 [\$960 less the mitigation credit of \$720 for SEP]

A motion was made to approve the consent order(s) (Jenkins) which was properly seconded (Sonnenberg) and approved by the body.

- **Dragados USA, Inc. and Prince Contracting, LLC (WP-15-26)** - Unlawful discharge to surface waters; Exceedance of water quality standards for surface waters [Deep Bottom Creek, Class III] – Proposed settlement \$32,000

Dr. Sonnenberg inquired what is being approved. Tree Kilbourn stated that the Compliance Plan is for the duration of the work of the project. There are strict report requirements, a force majeure clause in case of an incident, corrective actions, etc. The Compliance Plan can be modified as the project progresses.

A motion was made to approve the consent order(s) (Dagan) which was properly seconded (Sonnenberg) and approved by the body.

Enforcement Report

Tree Kilbourn shared that the Walgreens Compliance Plan has been received.

Presentation(s)

None.

Public Hearing(s)

None.

Commission Updates

- Waterways Commission – No Update
- KJB Commission – No update

Program Administrator Report

Mr. Richardson shared that the report (attached) was emailed to the Board members

Departmental Report

Chief Long shared the following:

- The Department has received a draft of the Air Pollution Control Specific Operating Agreement (SOA) and it is in staff review (update will be provided at the Air Committee Meeting)
- She will remain as Chief of EQD. The Regulatory & Compliance leadership group will remain the same.

Old Business

- The Seismic Gun Testing Resolution – future discussion.
- Jacksonville Harbor Deepening Project – remains referred to EPOC.

New Business

EPB sponsored PSA's - Dr. Sonnenberg shared that the suggestion is to do several PSA's centered around open burning and other issues that seem to be recurring. They would be done to educate the public and possibly to reduce citizen's complaints. The Chair referred the item to the EPOC for deliberation.

A brief discussion ensued regarding the well stimulation bill (fracking). Board Member Jenkins proposed that JEPB take a position in opposition to SB318 and HB191.

A motion was made (Jenkins) to approve the proposal that JEPB take a position opposing SB318 and HB191 (Dagan) which was properly seconded (Fu).

It was recommended to submit a letter to Council, Mayor's Office and the Duval Delegation asking them to take action in the form of a resolution.

Further discussion ensued regarding the fracking bill.

A motion was made to withdraw the previous proposal to revise the JEPB opposition language on SB316 and HB19.

A motion was made (Sonnenberg) to take opposition to SB316 and HB191 because the well stimulation process poses potential risk to contaminating the Florida's Aquifer and does not protect our State and County's water supply and environment, which was properly seconded (Jenkins) and approved by the body.

Item(s) referred to Committees

None

Comments from the Public

Gabriel DuPree stated that over 20 counties and 40 cities in the State, representing 43% of the state's population, are opposing fracking and wonders why Jacksonville is timid to do so.

Next Scheduled Board Meeting(s)

Air Committee Special Meeting – January 7, 2016 at 4:00 pm

EPB Monthly Meeting – January 11, 2016 at 5:00 pm

EPB Committees – January 25, 2016 at 4:30 pm

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:12 p.m.

Respectfully Submitted

Ruby Tucker, Executive Assistant to EQD Chief