

Air Odor Noise Committee

Lucinda Sonnenberg, Ph.D. – Chair
 Amy Fu, P.E.
 Nick Howland
 Mobeen Rathore, M.D.

Education & Public Outreach

Steven Jenkins
 Michelle Tappouni
 Lucinda Sonnenberg, Ph.D.
 Tony Bellamy, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair
 Steven Jenkins
 Tony C. Bellamy, P.E.
 Roi Dagan, M.D.

Michelle Tappouni – Chairman
Nick Howland – Vice Chairman
Lucinda Sonnenberg, Ph.D., Steven Jenkins,
Roi Dagan, M.D., Tony C. Bellamy, P.E.
Bobby L. Baker, P.E., Mobeen Rathore, M.D., Amy Fu, P.E.

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD
Monday, August 10, 2015
5:00 p.m.
Public Hearing- JEPB Rule 5
Renessenz, LLC

Members Present

Michelle Tappouni, Chair
 Nick Howland, Vice Chair
 Steven T. Jenkins
 Amy Y. Fu, P.E.

Bobby L. Baker, P.E.
 Lucinda Sonnenberg, Ph.D.
 Roi Dagan, M.D.
 Tony C. Bellamy, P.E.

Members Not Present

Mobeen Rathore, M.D.

Staff/Resources Present

James Richardson, EPB Administrator
 John Sawyer, OGC
 Melissa Long, EQD Chief
 Terry Carr, Groundwater Resource Mgmt.

Steve Pace, P.E., EQD Air Branch Manager
 Tree Kilbourn, EQD Enforcement

Visitors

Gary Bowers
 Avedis Serpekiar
 Whitney McGuire
 Brenda Murray
 Paul Steinbrecher, JEA
 Brian Zielinski
 Kerri Stewart
 Roger Chubin, IFF Chemical Holding
 Tom Larson, Sierra Club
 Tom Harb

Call to Order

Chair Michelle Tappouni called the Public Hearing of the Environmental Protection Board (EPB) to order at 5:47 p.m.

Chair Tappouni 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.

Certification of Public Notice

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

EPB Staff Statement

James Richardson shared that on July 13, 2014, a petition for rulemaking was received from Renessenz, LLC seeking the abolishment of JEPB Rule 5: Control of TRS and VOC Emissions from Crude Sulfate Trupentine Processing Facilities. In accordance with JEPB Rule 1.202 the JEPB must initiate rulemaking or deny the request. As of this date August 10, 2015 the workshop initiates the rulemaking process. The Board is not being asked to take any action but to continue the hearing until the September 14th Board meeting. At that time the Board will have formal presentations by the petitioner and by EQD staff. Today's workshop is an opportunity to ask limited questions of staff and the petitioner and to indicate any specific information the Board may require be include in the formal presentations next month.

Board Discussion and Staff Clarification

Board Member Jenkins made a request for staff to prepare a spreadsheet which shows what the requirements of Rule 5 and show where there are duplicative requirements in other federal and state regulations.

Board Member Sonnenberg requested that the Board delay any action on the hearing until the enforcement actions against Renessenz have been concluded. Tree Kilbourn, EQD Enforcement staff, stated that any rulemaking the Board does on Rule 5 will not impact the enforcement action which is for violations that have already occurred under the rule in place at the time. Changes to the rule do not impact the division's ability to move forward with current enforcement actions.

Board Member Sonnenberg shared that the Board is limited in their discussion regarding Renessenz until the enforcent action is completed and her concern is that there is information involved in the enforcement action which might impact their opinions of whether or not the rule should either be abolished or modified. Ms. Kilbourn stated that rulemaking should be undertaken to address the rule that is needed in order to regulate the environmental concerns in the entire community. Enforcement actions are case specific. Consideration of rulemaking as a regulation addresses the industry as a whole.

Member Sonnenberg further stated that one of the key points made in the request is that this is one of two entities regulated by Rule 5 and therefore the Board should consider the petition. Case in point, the board is being asked to consider rule revision based on a single case and she feels that she might be asked of decide without information that she has not been able to receive because its not appropriate to be discussed during an enforcement procedure. For example; the source of odors, which the body has not heard from since the enforcement action began, is now asking for a review of Rule 5 and for the board to make a decision whether, or how, we regulate sources of odors - all without knowing what the situation is with the facility.

Chief Long stated that as part of the presentation at the hearing on September 14th staff will be discussing implications of abolishing the rule.

Chair Tappouni shared that Dr. Sonnenberg is making her statement clearly that this is not a change in the rule or a request to abolish the rule that came from some other source or from within the board or staff. Because the source of the petition is currently involved in enforcement, it's a fair comment that the Board should have as much information as possible.

Comments from Public

Whitney McGuire, attorney representing Renessenz, stated if there is any specific information that Renessenz can provide to the Board at the formal presentation, please so advise. She stated that there are two separate enforcement issues with respect to Renessenz. The one that arises out of the citizen complaints (5 validated odor complaints) does not arise under Rule 5, it arises under Rule 1. The reported and validated issues were not CST material odors.

All questions the board has will be forwarded through the appropriate channels to Ms. McGuire.

Board Vote

A motion was made to continue the rulemaking hearing until September 14, 2015 at 5:00 pm (Howland), the motion was properly seconded (Sonnenberg) and unanimously approved by the body.

Procedural Summary

None.

Adjournment

There being no further business to come before the Board, the Board hearing was continued.

Respectfully Submitted

Ruby Tucker, Executive Assistant to EQD Chief