



MEMORANDUM

TO: JEPB Air and Water Committees
THROUGH: Melissa M. Long, Acting Division Chief
FROM: Dana L. Brown, Environmental Enforcement Administrator
DATE: May 13, 2014
**SUBJECT: PROPOSED PRESENTATION TO JEPB JUNE 9, 2014
APPROVAL OF CONSENT ORDER SETTLEMENT**

Water

Ticon, Inc. (WP-14-03)

Failure to comply with erosion and sediment control standards

750 Cassat, LLC and Beauty Max USA, Inc. (WP-13-33)

Failure to post sign with required information; Failure to provide operator maintenance, perform required maintenance and maintain permanent log

John Hardwick (WP-12-21)

Failure to maintain system; failure to comply with design standards; failure to have monthly operator attendance and post sign with required information; failure to correct illicit connection to storm sewer or MS4; failure to have recorded OMR agreement

c: Ms. Kimberly Scott, Director
Mr. Jason Teal, OGC
Ms. Jody Brooks, OGC
Mr. James Richardson, Program Administrator, EPB
EQD Branch Managers

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**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
JUNE 9, 2014**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
REGULATORY COMPLIANCE
DEPARTMENT,**

-vs-

Ticon, Inc.,

Petitioner,

Respondent.

Type of alleged violation(s): Failure to comply with erosion and sediment control standards

Source of alleged violation(s): Construction project located at 1012 Margaret Street, Jacksonville, Florida

Date of alleged violation(s): On or before 1/6/14, 1/8/14, 1/13/14 and 1/30/14

Method of determining alleged violation(s): Field investigations

Rules allegedly violated: FS § 403.161(1)(b), JEPB Rule 3.604

RCD response to alleged violation(s): Cease and Desist Citation WP-14-03 issued 2/11/14 to Retail Properties, Inc., the property owner, and Ticon, Inc. and K T Carter Contracting, Inc., the contractors

Respondent's corrective actions: Site returned to compliance

Consent Order settlement fee: \$1,600

Consent Order requirements: None

Previous/Other enforcement actions:

NTC issued 1/23/14 to Retail Properties, Inc. for failure to comply with erosion and sediment control measures. Referred to Enforcement.

NTCs issued 11/20/14 to Retail Properties, Inc. and Ticon, Inc. for failure to comply with erosion and sediment control standards. Closed.

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**CITY OF JACKSONVILLE
REGULATORY COMPLIANCE
DEPARTMENT,**

-vs-

750 Cassat LLC and Beauty Max USA, Inc.,

Petitioner,

Respondents.

Type of alleged violation(s): Failure to post sign with required information; Failure to provide operator maintenance, perform required maintenance and maintain permanent log

Source of alleged violation(s): Wastewater collection/transmission system located at 750 Cassat Avenue, Jacksonville Florida

Date of alleged violation(s): On or before 7/5/13

Method of determining alleged violation(s): Field investigation

Rules allegedly violated: FS §403.161(1)(b), JEPB Rules 3.404A.6, 3.405A.5.a, 3.405A.5.c and 3.405A.5.g

RCD response to alleged violation(s): Cease and Desist Citation WP-13-13 issued 12/4/13

Respondent's corrective actions: Sign posted, maintenance records provided

Consent Order settlement fee: \$100

Consent Order requirements: None

Previous/Other enforcement actions:

NTCs GT120249 issued 7/11/13 to 750 Cassat LLC and Beauty Max for failure to provide monthly operator and perform maintenance. Referred to enforcement.

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Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
REGULATORY COMPLIANCE
DEPARTMENT,**

-vs-

John Hardwick,

Petitioner,

Respondent.

Type of alleged violation(s): Failure to maintain system; failure to comply with design standards; failure to have monthly operator attendance and post sign with required information; failure to correct illicit connection to storm sewer or MS4; failure to have recorded OMR agreement

Source of alleged violation(s): Wastewater collection/transmission system located at 5951 Willard Road with lift station serving multiple parcels and owners, including 5950 Wilmar Rd., 5931 Wilmar Rd., 5934 Wilmar Rd., 5915 Wilmar Rd., 5914 Wilmar Rd.

Date of alleged violation(s): On or before 8/23/11 and continuing; On or before 8/7/12 and continuing

Method of determining alleged violation(s): Field investigations

Rules allegedly violated: FS §403.161(1)(b), JEPB Rules 3.103.G; 3.404.A.9; 3.405A.5.a and 3.405A.5.g; 3.404.A.6; 3.103.E and 3.403.D

RCD response to alleged violation(s): Cease and Desist Citation WP-12-12 issued to John and Allison Hardwick 9/7/12; OMR notice letter issued to all property owners 9/4/12

Respondent's corrective actions: Unknown pipe capped, repairs made, Final OMR agreement recorded 3/27/14

Consent Order settlement fee: \$0, due to demonstrated inability to pay

Consent Order requirements: None

Previous/Other enforcement actions:

NTC issued 10/24/11 (for inspection 8/23/11) for failure to provide monthly operator and post sign. Closed.

Air Odor Noise Committee

Tony C. Bellamy, P.E. – Chair
Lucinda Sonnenberg, Ph.D.
Michelle Tappouni
Mobeen Rathore, M.D.

Education & Public Outreach

Steven Jenkins
Gary Bowers, M.D.
Michelle Tappouni
Lucinda Sonnenberg, Ph.D.



Water Committee

Nick Howland – Chair
Gary Bowers, M.D.
Amy Fu, P.E.
Bobby L. Baker, P.E.

Steven Jenkins – Chairman
Michelle Tappouni – Vice Chairman
Lucinda Sonnenberg, Ph.D., Gary Bowers, M.D.
Nick Howland, 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, June 9, 2014
5:00 p.m.
Meeting Summary

Members Present

Steven T. Jenkins, Chair
Bobby L. Baker, P.E.
Gary Bowers, M.D.
Amy Y. Fu, P.E.

Nick Howland
Mobeen Rathore, M.D.
Lucinda Sonnenberg, Ph.D.
Michelle Tappouni, Vice Chair

Members Not Present

Tony C. Bellamy, P.E.

Staff/ Resources Present

James Richardson, EPB Administrator
Lawsikia Hodges, OGC
John Flowe, EQD Water Branch Manager

Dana Brown, EQD Enforcement Administrator
Tree Kilbourn, EQD Enforcement

Visitors

Kevin Holbrooke, JEA

Call to Order

Chair Steven Jenkins called the monthly meeting of the Environmental Protection Board (EPB) to order at 5:03 p.m.

Chairman's Remarks

Chair Jenkins shared that the Education & Public Outreach Committee is meeting the hour prior to the Board meeting and extended an invitation to all to attend.

Approval of May Board Minutes

Chair Jenkins entertained a motion to approve the EPB meeting summary of the May 12, 2014 Board Meeting (Baker) which was properly seconded (Tappouni) and approved by the body.

Approval of May Committee Minutes

Chair Jenkins entertained a motion to approve the summary of the May 19, 2014 EPB Water Committee Meeting (Baker) which was properly seconded (Fu) and approved by the body.

Chair Jenkins entertained a motion to approve the summary of the May 21, 2014 EPB Air & Odor Committee Meeting (Tappouni) which was properly seconded (Sonnenberg) and approved by the body.

Consent Agenda

(Air/Odor/Noise)

- There were no consent order(s)

(Water/Haz Mat)

- **Ticon, Inc. (WP-14-03)** – Failure to comply with erosion and sediment control standards – settlement fee \$1,600
- **750 Cassat, LLC and Beauty Max USA, Inc. (WP-13-33)** - Failure to post sign with required information; Failure to provide operator maintenance, perform required maintenance and maintain permanent log – settlement fee \$100
- **John Hardwick (WP-12-21)** - Failure to maintain system; failure to comply with design standards; failure to have monthly operator attendance and post sign with required information; failure to correct illicit connection to storm sewer or MS4; failure to have recorded OMR agreement – settlement fee \$0 due to demonstrated inability to pay

Chair Jenkins entertained a motion to approve the consent order (Bowers) which was properly seconded (Sonnenberg) and approved by the body.

Chair Jenkins asked about extensions to consent orders previously granted by the EPB which generated a discussion of the monthly reports prepared by the Enforcement section. The staff will work with the Chair and the committees to present possible modified reports for discussion at a future meeting.

Legislative Update

Dana Brown shared that the Governor has now signed the budget with minimal changes or vetoes. There was no real impact on EQD programs other than changes to Asbestos fees already discussed. There are a number of bills that he has not signed yet, none of which would be of major concern for EQD. In response to questions she shared that the House & Senate are likely to take up various water issues in the next session. Committees will begin meeting in September and we will know more at that point. In further discussion about funding for water related capital projects, Duval County did not request any funding for projects.

Public Hearing

There were no public hearings.

Program Administrator Report

James Richardson submitted his report to the board electronically (copy is attached)

Departmental Report

John Flowe, reporting for Melissa Long, Acting EQD Chief, shared that the agreement with the Florida Forestry Service has been signed. This agreement allows our staff to enforce open burning in the county. The SOA with FDEP has still not been received. Funding from the EPA 105 grant is working its way through the legislative process with City Council. The funding will begin the replacement of equipment in the ambient air monitoring network. Finally, the FY15 EPA 105 grant has been submitted for approval by the administration.

Ms. Tappouni shared with the Board that she reviewed the video from the Council Special Budget Committee meeting and that she wanted to commend Chief Long on her presentation, especially considering she had only been in place about 4 days.

Old Business

- Asbestos Program
Chair Jenkins shared that Chief Long will present information to the EPB at the July meeting.

- Public Works ESC Procedures Update
Mr. Richardson shared that he distributed an update received from Jim Robinson, PW Director, on changes to their ESC procedures. Staff clarified questions concerning procurement issues and changes to how ESC plans are communicated to contractors. There was also discussion of permit reviews for those procedures.

Chair Jenkins asked that board members let Mr. Richardson know if there are old issues they want to discuss or receive updates on. In response to comments, it was shared that the LID Manual was adopted and incorporated into the County's Red Book which is a governing planning document. Chief Long has expressed a desire to revisit it and do more to enhance the manual. A question was raised about the BMAP and Chair Jenkins advised that he has asked that a presentation be made to educate the board on BMAPs which may lead to some action.

New Business

- EPB-DCPS Environmental Champion Award
Mr. Richardson shared a recommendation from the Education & Public Outreach Committee that the award be presented to Amanda Polematadis who is a science teacher at Landmark Middle School.

A motion was made to approve the recommendation (Tappouni) which was properly seconded (Rathore) and approved by the body.

Comments from the Public

- None

Item(s) referred to Committees

- None

Next Scheduled Board Meeting(s)

Monday, July 14, 2014 at 5 pm.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 5:56 p.m.

Respectfully Submitted

James Richardson, Program Administrator
Environmental Protection Board

DEPARTMENT REPORT TO EPB

JUNE 9, 2014

John Flowe for Chief Melissa Long

- Staff met with Dr. Sonnenberg to develop the proposal for a Mercury Study for Duval County.
- Councilman Carter contacted EQD regarding the processing of a well permit for a home with disabled children, and why the process was delayed. A message was left with the Councilman that EQD received the application for drilling the well on May 30, and the agency was prepared to issue the permit on June 4th. The Drilling Contractor and the property owner were contacted and advised that the permit was ready to be picked up, on June 4th
- EQD met with ITD on April 17th to receive a progress update and demonstration of the new additions to the EQD GIS Dashboard Phase II project. After the demonstration it was determined that the EQD GIS Dashboard Phase II project was complete. ITD will move this project to production and alert EQD when it is available for use.
- EQD met with ITD on April 24th to finalize the well permitting functional requirements for the Enterprise Land Management System Project. The Enterprise Land Management System project is a much needed e-permitting management system. GRMS customers have been requesting an e-permitting system that will allow online well permit application submittal and online permit processing fee payments which are the highest priority functional requirements that the GRMS would be most interested in having implemented as soon as possible. ITD anticipates completing the RFP by the end of May and implementing the Well Permitting module one year from now.
- EQD has not received a draft of the pending Specific Operating Agreement from FDEP to date. The agreement is set to expire in July. The other Local Programs have met with DEP and reviewed a draft/suggested agreement. DEP has advised the RCD Director's office that a meeting will be scheduled shortly.
- EQD conducted a noise survey of Welcome to Rockville concert, held at Metropolitan Park.
- The Pepsi Place Near Road NOx site is now fully operational.
- The Land Clearing Open Burning agreement with the Florida Forestry Service has been signed and now both parties continue to work jointly and cooperatively under this Agreement. This continues to help each agency provide the best possible service to the Jacksonville community.
- Councilman Carter contacted EQD regarding the processing of a well permit for a home with disabled children, and why the process was delayed. A message was left with the Councilman that EQD received the application for drilling the well on May 30, and the agency was prepared to issue the permit on June 4th. The Drilling Contractor and the property owner were contacted and advised that the permit was ready to be picked up, on June 4th
- A White Paper was generated to address Bill 2014-335 regarding the appropriation of \$100,000 in unobligated federal 105 grant funds. The paper was sent to the Chairs of the PHS and Finance Committees of City Council.
- Generated the FY 15 EPA 105 grant application and forwarded same to OGC, to obtain the Mayor's signature.

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EPB ADMINISTRATOR REPORT – June 2014 EPB Meeting

- ✓ **The appointment term for Dr. Bowers will expire September 30th. If any member knows of someone in the medical profession who may have an interest in serving, please let me know. I would like to begin compiling a list for the Council President to consider in time for legislation to be introduced so that we have a seamless transition.**
- ✓ **Per JEPB Rule 1.104(B) & (C), the election of Chair and Vice-Chair will take place at the September meeting. I mention this now so that members may begin to consider if they may want to be considered for the two leadership positions.**
- ✓ **As you are likely aware, the EPA issued the Clean Power Plan on June 2nd. That announcement marks the beginning of the second phase of the agency's outreach efforts. EPA will accept comment on the proposal for 120 days and will hold four public hearings on the proposed Clean Power Plan during the week of July 28 in the following cities: Denver, Atlanta, Washington, DC and Pittsburgh. Based on this input, EPA will finalize standards next June following the schedule laid out in the June 2013 Presidential Memorandum. The Clean Power Plan may be found at the following link: <http://www2.epa.gov/carbon-pollution-standards>. Members should review the proposed plan as some facets of it will be implemented locally. You may consider hearing from JEA on the subject at some point in the future.**
- ✓ **Registration for the August 15th symposium will open June 15th.**