Jacksonville Environmental Protection Board

Monday, July 17, 2023

MONTHLY MEETING SUMMARY

MEMBERS PRESENT:

David Wood, Chair

Thomas Deck, Vice-Chair

Charles Garrison

Beth Leaptrott

Sunil Joshi

Adam Hoyles

MEMBERS NOT PRESENT:

Guillermo Simon

Clint Noble

STAFF/RESOURCES PRESENT:

James Richardson, JEPB Administrator

Melissa Long, Chief - EQD

Cherry Pollock, OGC

Terry Carr, EQD

Mike Williams, EQD

VISITOR(s) PRESENT:

Andrew Sears, JEA

John Nooney

Kay Ehas, Groundwork Jacksonville

John Kiefer, Black & Veatch (via Teams)

Elizabeth Filippelli, Duval Audubon

Katie Templeton

Richie Mullaney

Dani Arnwine

Angel Basora, Summit Contracting

Chris Kurtz

Jimmy Tomazinis, FDEP

CALL TO ORDER DAVID WOOD

INTRODUCTIONS

Chair Wood called to order the monthly meeting of the Jacksonville Environmental Protection Board (JEPB) at 5:01 pm. A quorum was established.

CHAIRMANS REMARKS

None

COMMENTS FROM THE PUBLIC

John Nooney shared various thoughts concerning FEMA, resiliency, and Pottsburg Creek. He provided a check for the artificial reef trust fund.

NEW LOGO PREVIEW

James Richardson reminded members of the upcoming 50th anniversary of the JEPB. With that, he wanted to try to refresh the logo and to do that, has been working with Kairos Digital to re-design a new logo. Instead of making a unilateral decision, he wanted to get some input and feedback from the members, so he introduced Madelyn Weatherford who shared concepts that they had come up with so far. Discussion ensued and there was consensus that the concepts were good but not quite to the liking of the members. The current logo is good because it is pictorial but could just use some tweaking. Mr. Richardson indicated that he would take the feedback and reconvene with the Kairos team.

APPROVAL OF MINUTES

A motion to approve meeting summaries for the April 17th JEPB meeting was made (Joshi), properly seconded (Deck) and approved by the body.

CONSENT ORDERS

**Air/Noise**

* None

**Water**

* **Blanchard Apartments LLC,** (*WP-22-55) - at 1515 Pullen Road]* Unpermitted - Discharge of untreated wastewater to the ground and surrounding environment; Failure to operate and maintain the System to remain operational; Failure to comply with Wastewater Collection/Transmission System design standards; Failure to notify EQD of Discharge from the System

Respondent’s corrective actions: Discharge abated October 26, 2022

Consent Order settlement fee: **$8,000**

10/07/2022 Discharge of untreated wastewater to the ground and surrounding environment; Failure to operate and maintain the System to remain operational; Failure to notify EQD of Discharge from the System and provide required records

Potential for Harm Major - Discharge due to equipment out of service (non-transmission)

Extent of Deviation Major: Direct discharge to MS4, surface water, wetland, or groundwater or with sampling results 70% and above over standard

* **G&H Land and Timber Investments, LLC –** (*WP-22-65) at 15504 Yellow Bluff Road* Discharge of non-stormwater to City Municipal Separate Storm Sewer System (“MS4”); Turbidity discharge to surface water in exceedance of surface water quality standards

Respondent’s corrective actions: Unknown

Consent Order settlement fee: **$3,600**

11/04/2022 State water quality standards = 61 NTUs and Downstream impact = 100 NTUs (63% above standard)

Major potential for harm and Moderate extent of deviation with Good Faith Efforts to Cooperate = 20% ($1200); Unique Circumstances (communication issues) = 20% ($1200) discount.

* **DRI/CTR JAX Phase I, LLC, Evans General Contractors, LLC, and Vallencourt Construction Co. Inc. –** (*WP-23-34) at 9909 Pritchard Road -* Discharge of non-stormwater to City Municipal Separate Storm Sewer System (“MS4”); Failure to comply with erosion and sediment control requirements

Respondent’s corrective actions: Unknown

Consent Order settlement fee: **$8,000**

4/19/2023 Insufficient BMPs/failure to maintain BMPs resulting in unlawful discharge of non-stormwater and turbid water from the Project to MS4.

1. Water samples taken at the point of discharge (source) from the Project to the MS4 had a reading of 1000 NTUs.
2. Water samples taken in the surface water downstream of the Site had a reading of 600 NTUs.
3. The samples taken upstream from the point of discharge from the Project had a background turbidity reading of 3.2 NTUs.
4. The state water quality standard for turbidity is not greater than 29 NTUs above natural background conditions.

Penalty assessed at most severe violation of water quality exceedance

Major potential for harm and Major extent of deviation - $8,000

Consent Order requirements: Immediately upon the effective date: Monitor, sample, notify EQD

and report to EQD until Final Stabilization

Within 14 days of the effective date: Perform/Revise BMP Assessment

Within 21 days of the effective date: Submit BMP Assessment to EQD

Within 28 days of the effective date: Implement BMP Assessment

A motion was made to approve the consent orders as presented (Hoyles), properly seconded (Garrison) and approved by the body.

ENFORCEMENT REPORT MELISSA LONG

No questions or concerns.

PRESENTATION(s)

* Groundwork Jacksonville – Possible Funding Kay Ehas

Mr. Richardson shared that he had discussions with Kay Ehas regarding the Groundwork Jacksonville McCoys Creek project and needs they have. He asked that she come to the Board to discuss the funding need to see if there was consensus to consider options.

Ms. Ehas shared that the project had an opportunity to obtain water quality credits to offset credits that might be lost with the resizing of one of the area stormwater ponds. She introduced John Keifer, with Black & Veatch, who share information about the need and the process required to have FDEP consider providing water quality credits for a natural creek restoration project. Chief Long shared that this is something that could be possibly utilized on future projects and that it would be a worthy project to support. There was general support expressed by the board members. Mr. Richardson then shared that he would put together a funding request package for consideration at a future meeting.

PUBLIC HEARING(s)

None

OLD BUSINESS

* + Retreat – Follow-up Points?
  + Education & Public Outreach

Mr. Wood shared that this was a recurring item to make sure that the Board had some opportunity to discuss the subject at each meeting. The request from GWJ reaffirmed discussions that members had previously about making more in the community aware of the trust fund and how it could be used.

NEW BUSINESS

* Noise Variance – Summit Contracting
  + ACTION – Withdrawal of Variance Application

Mr. Richardson provided background on the variance request. During the technical review process, the applicant indicated that the variance was no longer needed. At the request of OGC, the Board is asked to take official action to withdraw the application.

A motion as made to withdraw the Summit Contracting noise variance application (Joshi), properly seconded (Deck) and approved by the body.

* Noise Variance – JEA
  + ACTION – Waive JEPB Rule 1.602(e)

Mr. Richardson shared background information on the JEA project and the rationale for waiving the requirement to have the application reviewed by committee first. A motion to waive the rule was made (Hoyles), properly seconded (Deck) and approved by the body.

* + ACTION – Noise Variance Application

Adrew Sears, JEA, provided details of the project and the need for the variance. Mike Williams provided his technical review of the application and recommended conditions for the variance. A motion to approve the variance with the conditions recommended was made (Hoyles) and properly seconded (Deck). The variance application was then approved by the body.

* Discussion – Possible Workshop JEPB Rule 4 – Noise Pollution

Mr. Wood shared thoughts concerning ongoing construction project needs and noise variance applications recently received. He wondered if the members might be open to having a workshop to discuss possible changes to JEPB Rule 4. After some discussion, members agreed that a workshop might be in order. Mr. Richardson shared that he would work with the Chair to schedule something.

COMMISSION & JEPB COMMITTEE UPDATES

* **Waterways Commission** – Mr. Hoyles shared that the Commission was in summer break and had not met.
* **KJB Commission** – No report.
* **JEPB Water Committee** – Mr. Carr discussed information from the Water Branch report and responded to member questions.
* **JEPB Air Committee** – Mr. Williams discussed information from the Air Branch report and responded to member questions.

EPB ADMINISTRATOR REPORT

Mr. Richardson shared that Dr. Joshi had been appointed the first Chief Health Officer for the City of Jacksonville and that he and Mr. Garrison were serving on the Transition Infrastructure Committee for Mayor Deegan. He also shared that he and Mr. Hoyles were recently re-elected to the BOD for FLERA, and that Chief Long and Cassidy Reichert were re-elected to the BOD for the Florida Stormwater Association. He closed by reminding members that elections would be held in September for JEPB leadership.

ENVIRONMENTAL QUALITY DIVISION REPORT

Chief Long shared that Mayor Deegan had presented her first budget to Council and that it included a flat budget for EQD. She shared that at that time she was still in her position and any changes would be communicated. She closed with sharing that she would be bringing a consent order to the Board next month which included a SEP.

ITEMS REFERRED TO COMMITTEES

None

NEXT SCHEDULED BOARD MEETING(s)

* JEPB Committees

Air Committee – TBD

Water Committee – TBD

* JEPB Steering Committee – Monday, August 14, 2023, at 4:00 pm
* JEPB Monthly Meeting – Monday, August 21, 2023, at 5:00 pm

The meeting was adjourned at 6:33 pm.