

**Air Odor Noise Committee**

Amy Fu, P.E. – Chair  
Caleena Shirley  
David Wood  
Thomas Deck  
Edmund Clark, M.D.

**Education & Public Outreach**

David Wood – Chair  
Lucinda Sonnenberg, Ph.D.  
Bobby Baker, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair  
Thomas Deck  
Roi Dagan, M.D.  
Edmund Clark, M.D.  
Caleena Shirley

Lucinda Sonnenberg, Ph.D. – Chairman  
Amy Fu, P.E. – Vice Chairman  
Bobby L. Baker, P.E., Edmund Clark, M.D., Roi Dagan, M.D.,  
Thomas Deck, Caleena Shirley, David Wood

**Jacksonville Environmental Protection Board**

Monday, December 10, 2018

**BOARD MEETING SUMMARY****MEMBERS PRESENT:**

Lucinda Sonnenberg, Ph.D., Chair  
Thomas Deck  
Michelle Tappouni  
Amy Fu, P.E., Vice Chair

Roi Dagan, M.D.  
David Wood  
Bobby Baker, P.E.

**MEMBERS NOT PRESENT:****STAFF/RESOURCES PRESENT:**

James Richardson, JEPB Administrator  
Melissa Long, EQD Chief  
Cherry Pollock, OGC

Michael Williams, EQD Air Branch  
Tree Kilbourn, EQD Enforcement  
Terry Carr, EQD Water Branch

**VISITOR(s) PRESENT:**

Chuck Harland, Cooper Const.  
Ben Wright, Cooper Const.  
Ron Bussey, Cooper Const.

Joseph Gentile, Fiber Core Group  
Jim Smith, Fiber Core Group  
Robert Mims, SE Utilities

**CALL TO ORDER  
INTRODUCTIONS****DR. SONNENBERG**

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

**CHAIRMAN'S REMARKS**

None

**COMMENTS FROM THE PUBLIC**

none

## APPROVAL OF MINUTES

Approval of the meeting summaries for the November 13, 2018 JEPB meeting and November 13, 2018 Public Hearing were deferred to the January 22, 2019 meeting.

## CONSENT ORDERS

(Air/Odor/Noise)

- **none**

(Water/Haz Mat)

- **American Classic Homes, LLC (WP-18-60)** - Unlawful discharge to ground, surrounding environment with overland flow to stormwater; Failure to comply with erosion and sediment control standards – **proposed settlement: \$4,800** [\$6,000 less 20% good faith efforts to cooperate]
- **Jax Esperanza, LLC d/b/a La Esperanza Apartments (WP-18-45)** - Unlawful discharge of sewage or other untreated wastewater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/ transmission system or treatment facility – **proposed settlement: \$3,920** [\$4,900 less 20% good faith efforts to cooperate]
- **Petticoat-Schmitt Civil Contractors, Inc. (WP-18-40)** - Unlawful discharge of sediment or turbid water to stormwater; Failure to comply with erosion and sediment control standards – **proposed settlement: \$6,400** [\$8,000 less 20% for good faith efforts to cooperate]
- **Wen South, LLC; Whataburger Restaurants LLC; North Florida Foods, LLC (WP-17-45)** - Unlawful discharge of sewage or other untreated wastewater to stormwater; Failure to maintain system to function as intended; Bypass of a wastewater treatment facility; Failure to notify EQD of discharge and provide required records – **proposed settlement: \$6,400** [\$8,000 less 20% good faith efforts to cooperate] Consent Order Requirements: Complete permitted work and submit DEP Request for Approval to EQD no later than 3/30/20; Quarterly reports to EQD beginning 4/15/19 until DEP Request for Approval submitted

A motion to approve the above four consent orders was made (Wood), properly seconded (Fu) and approved by the body.

- **W. Gardner, LLC WP-18-29** - Unlawful discharge to storm waters; Failure to comply with erosion and sediment control standards – **proposed settlement: \$11,200 penalty**
- **Angel Lakes Gated, Inc. and Jax Underground Utilities, Inc. (WP-18-33)** - Unlawful discharge to surface water; Failure to comply with erosion and sediment control standards – **proposed settlement: \$31,600** [discharge and/or water quality violations on days noted above] Consent Order requirements: Engineer/consultant to remain engaged for 3 months or until site stabilized; Weekly reports on site conditions to EQD for duration; May propose SEP w/in 6 months of approval of Consent Order with Compliance Plan and if approved, SEP to be completed within 1 year

A motion to approve the above two consent orders was made (Wood), properly seconded (Dagan) and approved by the body.

## **ENFORCEMENT REPORT**

## **TREE KILBOURN**

Ms. Kilbourn entertained questions on the report – there were none. She reported Royal Estates has their permit application in place with a contractor hired and that they hope to be completed by Christmas.

## **PRESENTATION(s)**

none

## **PUBLIC HEARING(s)**

- Southeast Utilities/Comcast – Noise Variance
- Cooper Construction – Noise Variance
- EPB Education & Outreach Budget – Funding Hearing

The JEPB meeting was suspended at 5:14 pm to conduct the public hearing. The JEPB meeting resumed at 5:58 pm.

## **COMMISSION & JEPB COMMITTEE UPDATES**

- Waterways Commission – Mr. Baker shared Ms. Tappouni would be providing the Algae Task Force report at the January meeting.
- KJB Commission – no update
- JEPB Water Committee – no update
- JEPB Air Committee – no update
- JEPB Education & Outreach Committee – no update

## **EPB ADMINISTRATOR REPORT**

Mr. Richardson shared that Gabriel DuPree has resigned from the JEPB due to relocation to Kansas. We have a potential member on deck who will be shared with the Mayor's Office. He mentioned that Chief Long, himself and one other staff attended the FSA Winter Conference. He mentioned that there was another variance under review and will need to come to the January meeting of the EPB. Given that, there may need to be a special meeting of the Air Committee. Finally, he reminded everyone that the meeting schedule will shift to the 3<sup>rd</sup> Monday of the month and he expressed appreciation for the service Michelle Tappouni has extended to the JEPB.

Ms. Tappouni then thanked Chief Long, Ms. Pollock, Mr. Richardson and JEPB members for their time and support provided to her, the Board and the community during her term of service and commended everyone.

## **ENVIRONMENTAL QUALITY DIVISION REPORT**

Chief Long shared that the Microbe lift project was among the recommendations from the staff of the SJRWMD for funding (\$53,000) and she will be attending their meeting in Palatka. She also thinks that FDEP may be able to provide some in-kind services to the project as well. The project is making its way through the appropriation process and is expected to begin in January. She mentioned that one of the boats is becoming a safety issue, so they are trying to identify potential funding sources to procure a new one. She concluded by sharing that the Legislative session begins in March, but committees are beginning to meet, and legislation is being filed so she and Mr. Richardson will begin to monitor everything.

Chief Long then shared that FDEP will soon be conducting their triennial review and will be taking public comments. They will be, in a longer time frame, looking at Human Health Criteria which includes a fish consumption study component. She will keep the board aware of things as they progress.

#### **OLD BUSINESS**

- SSO Prevention Ad Hoc Committee

A short organizational meeting will be taking place after the meeting.

#### **NEW BUSINESS**

- none

In response to a question, Mr. Richardson shared that written information had been communicated to the Duval Delegation in lieu of providing spoken comments.

In addition, he also shared that the EPA had approved seismic testing off the Atlantic Coast with boundaries that include off the coast of Duval. There is no further action that is contemplated by the JEPB at this time.

#### **ITEMS REFERRED TO COMMITTEES**

There were none.

#### **NEXT SCHEDULED BOARD MEETING(s)**

- EPB Committees
  - I. Air & Odor Committee – TBD (possible need for meeting prior to January Board meeting)
  - II. Water Committee – no December meeting scheduled
  - III. Education & Public Outreach – TBD
- EPB Steering Committee – Monday, January 14, 2019 at 4:00 pm
- EPB monthly meeting – Tuesday, January 22, 2019 at 5:00 pm

The meeting adjourned at 6:16 pm

Respectfully Submitted

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James Richardson, EPB Administrator



# City of Jacksonville, Florida

*Lenny Curry, Mayor*

Environmental Quality Division  
Ed Ball Building  
214 N. Hogan Street, 5<sup>th</sup> Floor  
Jacksonville, Florida 32202

ONE CITY. ONE JACKSONVILLE.

## **MEMORANDUM**

December 5, 2018

**TO:** Jacksonville Environmental Protection Board Steering Committee  
**THROUGH:** James A. Richardson, II, Board Administrator  
**THROUGH:** Melissa M. Long, P.E., Chief  
Environmental Quality Division  
**FROM:** Tree Kilbourn, Environmental Enforcement Officer  
Environmental Quality Division  
**RE:** **THIRD AMENDED - PROPOSED PRESENTATION TO JEPB – December 10, 2018**  
**APPROVAL OF CONSENT ORDER SETTLEMENTS**

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### **Water/Hazmat**

#### **American Classic Homes, LLC (WP-18-60)**

Unlawful discharge to ground, surrounding environment with overland flow to stormwater; Failure to comply with erosion and sediment control standards

#### **Jax Esperanza, LLC d/b/a La Esperanza Apartments (WP-18-45)**

Unlawful discharge of sewage or other untreated wastewater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility

#### **Petticoat-Schmitt Civil Contractors, Inc. (WP-18-40)**

Unlawful discharge of sediment or turbid water to stormwater; Failure to comply with erosion and sediment control standards

#### **W. Gardner, LLC (WP-18-29)**

Unlawful discharge to stormwaters; Failure to comply with erosion and sediment control standards

#### **Wen South, LLC; Whataburger Restaurants LLC; North Florida Foods, LLC (WP-17-45)**

Unlawful discharge of sewage or other untreated wastewater to stormwater; Failure to maintain system to function as intended; Bypass of a wastewater treatment facility; Failure to notify EQD of discharge and provide required records

#### **Angel Lakes Gated, Inc. and Jax Underground Utilities, Inc. (WP-18-33)**

Unlawful discharge to surface water; Failure to comply with erosion and sediment control standards

**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**American Classic Homes, LLC,**

**Petitioner,**

**Respondent.**

Type of alleged violation(s): Unlawful discharge to ground, surrounding environment with overland flow to stormwater; Failure to comply with erosion and sediment control standards

Source of alleged violation(s): Construction project site located at Real Estate Parcel ID Numbers 008845-1540, -1550, -1560, -1570, -1580, -1860, addressed as 1205, 1211, 1217, 1223, 1229 and 1348 Sarahs Landing Drive, Jacksonville, Florida [multiple homes being constructed]

Date of alleged violation(s): On or before 9/11/18

Method of determining alleged violation(s): Field investigation and file review

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B and D; JEPB Rule 3.604

ND response to alleged violation(s): Cease and Desist Citation WP-18-60 issued 9/24/18 to BH Sarahs, LLC and American Classic Homes, LLC

Respondent's corrective actions: Enhanced ESC performance measures installed

Consent Order settlement fee: **\$4,800** [\$6,000 less 20% good faith efforts to cooperate]

Consent Order requirements: None

Enforcement actions:

For this location:

NTCs issued 5/24/18 to BH Sarahs, LLC and American Classic Homes, LLC for failure to comply with erosion and sediment control standards. Referred to enforcement.

For American Classic Homes, LLC:

**Citation WP-18-71** issued to American Classic Homes and Hoose Homes & Investments, LLC [Century St.] for unlawful discharge to stormwater and failure to comply with erosion and sediment control standards. Pending.

**Citation WP-18-56** issued to American Classic Homes and 221 Oleander, LLC [Dickinson & Hillsdale] for unlawful discharge of sediment to ground and failure to comply with erosion and sediment control standards. Pending.

**Citation WP-18-39** issued to American Classic Homes and Hoose Homes & Investments, LLC [Hare Ave.] for unlawful discharge of sediment and failure to comply with erosion and sediment control standards. Pending penalty payment of \$3,080.

**Citation WP-16-21** issued to American Classic Homes and Payne Roberts, LLC [Willow Branch] for unlawful discharge of sediment to ground and failure to comply with erosion and sediment control standards. \$240 penalty paid. Closed.

**Citation WP-97-05** issued to American Classic Homes [Falcon Trace] for failure to maintain storm water management system. Closed.

NTC issued 10/25/18 to American Classic Homes [Cedar Hammock] for failure to comply with erosion and sediment control measures. Open.

NTCs issued 10/17/18 to Hoose Homes and Investments, LLC and American Classic Homes [Century St.] for failure to comply with erosion and sediment control standards. Referred to Enforcement.

**Consent Order WP-18-60**

**Memo Page 2**

NTC issued 10/3/18 to American Classic Homes [Middleburg Rd.] for failure to comply with erosion and sediment control measures. Open.

NTC issued 10/3/18 to American Classic Homes [Kaye Lane] for failure to comply with erosion and sediment control measures. Open.

NTC issued 10/2/18 to American Classic Homes [Royal Ave.] for failure to comply with erosion and sediment control measures. Open.

NTC issued 9/12//18 to American Classic Homes [Stuart Ave.] for failure to comply with erosion and sediment control standards. Open.

NTC issued 6/8/18 to Hoose Homes and Investments, LLC [Century St.] for failure to comply with erosion and sediment control standards. Closed.

NTCs issued 5/24/18 for failure to comply with erosion and sediment control standards [Sarabs Landing]. Referred to Enforcement.

NTC issued 5/24/18 to American Classic Homes [Wilson Blvd. and Goodrich] for failure to comply with erosion and sediment control standards. Closed.

NTC issued 5/11/18 to American Classic Homes [Hare Ave.] for failure to comply with erosion and sediment control standards. Referred to Enforcement.

NTC issued 3/21/18 to American Classic Homes [Shangri Lane Dr.] for failure to comply with erosion and sediment control standards. Closed.

NTC issued 9/14/16 to American Classic Homes [Willow Branch Ave.] for failure to comply with erosion and sediment control standards. Referred to Enforcement.

**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**Jax Esperanza, LLC d/b/a La Esperanza  
Apartments,**

**Petitioner,**

**Respondent.**

Type of alleged violation(s):      Unlawful discharge of sewage or other untreated wastewater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/ transmission system or treatment facility

Source of alleged violation(s):      Wastewater collection/transmission system located at Real Estate ID 135167-0000, 3800 University Boulevard South, Jacksonville, Florida

Date of alleged violation(s):      On or before 6/21/18

Method of determining alleged violation(s):      Field investigations and file reviews

Rules allegedly violated:      FS § 403.161(1)(b); JEPB Rules 3.103B, G and I

ND response to alleged violation(s):      Cease and Desist Citation WP-18-45 issued 7/16/18 to Respondent

Respondent's corrective actions:      Plumber removed grease clog from line. Entire collection system jetted.

Consent Order settlement fee:      **\$3,920** [\$4,900 less 20% good faith efforts to cooperate]

Consent Order requirements:      None

Enforcement actions:      None



**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**Petticoat-Schmitt Civil Contractors, Inc.,**

**Petitioner,**

**Respondent.**

Type of alleged violation(s):      Unlawful discharge of sediment or turbid water to stormwater; Failure to comply with erosion and sediment control standards

Source of alleged violation(s):      Price Park project located at Real Estate Parcel ID Number 149093-0400, 0 Hood Road, Jacksonville, Florida

Date of alleged violation(s):      On or before 6/21/18

Method of determining alleged violation(s):      Field investigations and file reviews

Rules allegedly violated:      FS § 403.161(1)(b); JEPB Rules 3.103B and D, 3.604

ND response to alleged violation(s):      Cease and Desist Citation WP-18-40 issued 7/2/18 to KB Home Jacksonville, LLC and Petticoat-Schmitt Civil Contractors, Inc.

Respondent's corrective actions:      Additional measures installed, discharge ceased

Consent Order settlement fee:      **\$6,400** [\$8,000 less 20% for good faith efforts to cooperate]

Consent Order requirements:      None

Enforcement actions:

NTCs issued 6/27/18 to KB Home Jacksonville, LLC and Petticoat-Schmitt Civil Contractors, Inc. for failure to comply with erosion and sediment control standards at Summerlyn project. Referred to Enforcement

Other locations for KB Home Jacksonville, LLC:

**Citation WP-17-38** issued 10/23/17 to KB Home Jacksonville, LLC and Burnham Construction, Inc. [Preston Pines] for unlawful discharge to surface waters and failure to comply with erosion and sediment control standards. \$6,720 penalty paid. Closed.

NTC issued 6/22/18 for failure to comply with erosion and sediment control standards [7125 and 7131 Preston Pines Trail]. Referred to Enforcement.

NTC issued 2/16/18 for failure to comply with erosion and sediment control standards [3124 Belfort Rd.]. Closed.

NTC issued 1/10/18 for failure to comply with erosion and sediment control standards [1440 Fouraker Rd.]. Closed.

NTC issued 10/13/17 for failure to comply with erosion and sediment control standards [Preston Pines]. Referred to Enforcement.

NTC issued 2/10/14 for failure to comply with erosion and sediment control standards [16023 N. Main St.]. Closed.

NTC issued 3/13/03 for failure to comply with erosion and sediment control standards [Daybreak Woods]. Closed.

Other locations for Petticoat-Schmitt Civil Contractors, Inc.:

NTC issued 1/29/18 for failure to comply with erosion and sediment control standards [1705 Pecan Park Rd.]. Closed.

NTC issued 12/7/17 for failure to comply with erosion and sediment control standards [4880 Town Center Pky.]. Closed.

NTC issued 9/21/09 for failure to comply with erosion and sediment control standards [3137 Green St.]. Closed.

**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**W. Gardner, LLC,**

**Petitioner,**

**Respondent.**

Type of alleged violation(s):      Unlawful discharge of sewage or other untreated wastewater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/ transmission system or treatment facility

Source of alleged violation(s):      Wastewater collection/transmission system located at Real Estate ID 135167-0000, 3800 University Boulevard South, Jacksonville, Florida

Date of alleged violation(s):      On or before 4/11/18, 5/1/18, 5/10/18, 5/15/18, 6/27/18, 7/11/18, 7/30/18, 8/16/18, 8/29/18

Method of determining alleged violation(s):      Field investigations and file reviews

Rules allegedly violated:      FS § 403.161(1)(b); JEPB Rules 3.103B and D, and 3.604

ND response to alleged violation(s):      Cease and Desist Citation WP-18-294/20/18 to Duval Investment Group, LLC and W. Gardner, LLC

Respondent's corrective actions:      Environmental consultant hired to install and maintain sufficient erosion and sediment control measures

Consent Order settlement fee:      **\$11,200**

Consent Order requirements:      None

Enforcement actions:

NTCs issued 4/13/18 TO Duval Investment Group, LLC and W. Gardner, LLC for failure to comply with erosion and sediment control standards and discharge to stormwater. Referred to enforcement.

**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs- Wen South, LLC; Whataburger Restaurants LLC; and  
North Florida Foods, LLC,**

**Petitioner,**

**Respondents.**

Type of alleged violation(s): Unlawful discharge of sewage or other untreated wastewater; Failure to maintain the wastewater collection/transmission system to function as intended; Bypass of a wastewater treatment facility; Failure to notify EQD of discharge and provide required records

Source of alleged violation(s): Wastewater collection/transmission system with lift station located at 3910 University Boulevard West and servicing 3930 University Boulevard West and 3860 University Boulevard West, Jacksonville, FL

Date of alleged violation(s): On or before 11/7/17

Method of determining alleged violation(s): Field investigation and file reviews

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B, F, G, I; 3.405A.7 and 3.405A.7.a.

ND response to alleged violation(s): Cease and Desist Citation WP-17-45 issued to Respondents 11/21/17

Respondent's corrective actions: OMR/Easements records for shared lift station; DEP WWCTS construction permit application filed for engineer recommended modifications to shared lift station

Consent Order settlement fee: **\$6,400** [\$8,000 less 20% good faith efforts to cooperate]

Consent Order requirements: Complete permitted work and submit DEP Request for Approval to EQD no later than 3/30/20  
Quarterly reports to EQD beginning 4/15/19 until DEP Request for Approval submitted

Enforcement actions:

NTC issued 3/10/09 to KFC for failure to keep equipment in service, unlawful discharge, and failure to notify EQD. Closed.

NTCs issued 4/12/07 to Kentucky Fried Chicken for failure to keep equipment in service and unlawful discharge. Closed.

Other locations for Respondents:

**Citation WP-18-28** issued 4/24/18 to Oldfield Crossing, LLC and North Florida Foods, LLC for unlawful discharge to stormwater from collection lines [Old Field Crossing]. Engineer reviewing grease trap and collection lines. Pending.

**Citation WP-12-35** issued 1/4/13 to Wen South, LLC for construction of a WWCTS without a permit but not yet in service [New King Road]. \$1,150 penalty paid. Case closed.

**THE ENVIRONMENTAL PROTECTION BOARD  
CITY OF JACKSONVILLE, FLORIDA  
DECEMBER 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE  
NEIGHBORHOODS DEPARTMENT,**

**-vs-**

**Angel Lakes Gated, Inc. and Jax Underground  
Utilities, Inc.,**

**Petitioner,**

**Respondents.**

Type of alleged violation(s):      Unlawful discharge to surface water; Failure to comply with erosion and sediment control standards

Source of alleged violation(s):      Seasons at Green Meadows project site located at Real Estate Parcel ID Number 019446-1745, 0 Angel Lake Drive, Jacksonville, Florida

Date of alleged violation(s):      May 4, May 10, May 15, June 11, July 30, August 15, October 12 and November 15, 2018

Method of determining alleged violation(s):      Field investigations and file reviews

Rules allegedly violated:      FS § 403.161(1)(b); JEPB Rule 3.103B; FAC 62-302.500, FAC 62-302.530(117) and JEPB Rule 3.201 [which adopts and incorporates by reference FAC Chapter 62-302]; JEPB Rule 3.604

ND response to alleged violation(s):      Cease and Desist Citation WP-18-33 issued to Respondents on 5/30/18

Respondent's corrective actions:      Engineer/Environmental consultant hired to inspect site and maintain sufficient erosion and sediment control measures to prevent off-site impacts

Consent Order settlement fee:      **\$31,600** [discharge and/or water quality violations on days noted above]

Consent Order requirements:      Engineer/consultant to remain engaged for 3 months or until site stabilized  
Weekly reports on site conditions to EQD for duration  
May propose SEP w/in 6 months of approval of Consent Order with  
Compliance Plan and if approved, SEP to be completed within 1 year

Enforcement actions:

NTCs issued 5/7/18 to Angel Lakes Gated, Inc., the property owner, and Jax Underground Utilities, Inc., the contractor, for failure to comply with erosion and sediment control standards. Referred to Enforcement

**Air Odor Noise Committee**

Amy Fu, P.E. – Chair  
Caleena Shirley  
David Wood  
Thomas Deck  
Edmund Clark, M.D.

**Education & Public Outreach**

David Wood – Chair  
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**Water Committee**

Bobby L. Baker, P.E. – Chair  
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Lucinda Sonnenberg, Ph.D. – Chairman  
Amy Fu, P.E. – Vice Chairman  
Bobby L. Baker, P.E., Edmund Clark, M.D., Roi Dagan, M.D.,  
Thomas Deck, Caleena Shirley, David Wood

**Jacksonville Environmental Protection Board**

Monday, December 10, 2018

**Noise Variance Request – Cooper Construction****Meeting Summary****MEMBERS PRESENT:**

Lucinda Sonnenberg, Ph.D., Chair  
Thomas Deck  
Michelle Tappouni  
Amy Fu, P.E., Vice Chair

Roi Dagan, M.D.  
David Wood  
Bobby Baker, P.E.

**MEMBERS NOT PRESENT:****STAFF/RESOURCES PRESENT:**

James Richardson, JEPB Administrator  
Melissa Long, EQD Chief  
Cherry Pollock, OGC

Michael Williams, EQD Air Branch  
Tree Kilbourn, EQD Enforcement  
Terry Carr, EQD Water Branch

**VISITOR(s) PRESENT:**

Chuck Harland, Cooper Const.  
Ben Wright, Cooper Const.  
Ron Bussey, Cooper Const.

Joseph Gentile, Fiber Core Group  
Jim Smith, Fiber Core Group  
Robert Mims, SE Utilities

**Call to Order**

Chair Sonnenberg called the Public Hearing of the Environmental Protection Board (EPB) to order at 5:14 p.m.

**Chair Statement**

Chair Sonnenberg 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 and Variance information**

EPB Administrator James Richardson shared all required public notices appeared in the Daily Record. He then that a request for a noise variance was received from Cooper Construction for the construction of a commercial office building. The variance seeks approval for nighttime

construction with a 65 dBA for all receiving lands through March 2019. The request was reviewed by Air Committee at their November meeting where they asked that it be transmitted through the Steering Committee to the Board for approval.

### **Presentation by Petitioner**

Mr. Chuck Harland, with Cooper Construction, provided information regarding the above referenced project and the measures that they would take in order to mitigate noise from the construction activities. He indicated that after the EPB Air Committee they had agreed to additional items to help reduce the anticipated noise.

### **Staff Discussion of Petitioner Request and Staff Recommendation**

Mr. Williams shared his review of the variance request application and the questions that he posed to the applicant. He shared the modeling profiles that he had put together. After review of that, in addition to what had been provided from the applicant, he was prepared to support the application request.

### **Comments from Public**

None.

### **Staff Rebuttal/Clarification to Public Comment**

None.

### **Petitioner Rebuttal/Clarification to Public Comment**

None.

### **Board Questions/Clarification**

Members posed several questions to the applicant and to staff. Clarification was provided as to why the proposed conditions extended the variance. It was shared that additional construction was anticipated on subsequent buildings and instead of another variance application, an overall timeframe would be given with notification requirements to sensitive receptors and JEPB staff once a construction timetable was established.

### **Board Vote**

A motion was made (Tappouni) to approve the requested variance with the proposed conditions which was properly seconded (Dagan). The motion included the following conditions:

- a) The variance application and commitments therein shall be adopted and incorporated as part of the conditions of this Variance.
- b) This variance shall be granted for the **December 10, 2018 through December 2020** time period.
- c) Sound levels limited to 65 dBA during the night
- d) notification to be provided to sensitive receptors once the project scheduled has been established
  - a. to include estimated dates of concrete pours at least one week in advance
  - b. to include a phone number for project contact
  - c. separate notification for each subsequent building
- e) EQD is granted ability to require additional mitigation
- f) Monthly reports to JEPB staff during duration of the project
  - a. To include completion date of Building 1
  - b. Initiation of construction of Building 2

The motion was approved by the body.

**Procedural Summary**

Ms. Pollock, OGC, stated that the JEPB had just approved the variance request by Cooper Construction and that the order would be prepared and transmitted to same.

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 5:27 p.m.

Respectfully Submitted

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James Richardson, EPB Administrator

**Air Odor Noise Committee**

Amy Fu, P.E. – Chair  
Caleena Shirley  
David Wood  
Thomas Deck  
Edmund Clark, M.D.

**Education & Public Outreach**

David Wood – Chair  
Lucinda Sonnenberg, Ph.D.  
Bobby Baker, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair  
Thomas Deck  
Roi Dagan, M.D.  
Edmund Clark, M.D.  
Caleena Shirley

Lucinda Sonnenberg, Ph.D. – Chairman  
Amy Fu, P.E. – Vice Chairman  
Bobby L. Baker, P.E., Edmund Clark, M.D., Roi Dagan, M.D.,  
Thomas Deck, Caleena Shirley, David Wood

**Jacksonville Environmental Protection Board**

Monday, December 10, 2018

**Funding Request – JEPB Education & Outreach Budget****Meeting Summary****MEMBERS PRESENT:**

Lucinda Sonnenberg, Ph.D., Chair  
Thomas Deck  
Michelle Tappouni  
Amy Fu, P.E., Vice Chair

Roi Dagan, M.D.  
David Wood  
Bobby Baker, P.E.

**MEMBERS NOT PRESENT:****STAFF/RESOURCES PRESENT:**

James Richardson, JEPB Administrator  
Melissa Long, EQD Chief  
Cherry Pollock, OGC

Michael Williams, EQD Air Branch  
Tree Kilbourn, EQD Enforcement  
Terry Carr, EQD Water Branch

**VISITOR(s) PRESENT:**

Chuck Harland, Cooper Const.  
Ben Wright, Cooper Const.  
Ron Bussey, Cooper Const.

Joseph Gentile, Fiber Core Group  
Jim Smith, Fiber Core Group  
Robert Mims, SE Utilities

**Call to Order**

Chair Sonnenberg called the Public Hearing of the Environmental Protection Board (EPB) to order at 5:50 p.m.

**Chair Statement**

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

**Certification of Public Notice**

EPB Administrator James Richardson shared all required public notices appeared in the Daily Record.



**Presentation of request**

Ms. Tappouni shared that the Education & Outreach Committee had reviewed the request from Mr. Richardson seeking \$75,000 for education & outreach expenses of the JEPB through FY2021. There had been much discussion and input provided over the past few meetings to clarify the request and to share concerns for expenditure tracking. Given that, the committee was now prepared to approve the request with the following conditions:

1. Expenditures are to be tracked on an annual basis
2. All PSAs are to be presented to the committee for review and approval

**Comments from Public**

None.

**Board Questions/Clarification**

The Chair thanked the committee for their review and appreciated the conditions that were added.

**Board Vote**

A motion was made (Tappouni) to approve the request as presented with the conditions listed which was properly seconded (Dagan). The motion was approved by the body.

**Procedural Summary**

Ms. Pollock, OGC, stated that the JEPB had just approved the funding request and that it will now go to MBRC for introduction to the legislative process.

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 5:57 p.m.

Respectfully Submitted

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James Richardson, EPB Administrator

**Air Odor Noise Committee**

Amy Fu, P.E. – Chair  
Caleena Shirley  
David Wood  
Thomas Deck  
Edmund Clark, M.D.

**Education & Public Outreach**

David Wood – Chair  
Lucinda Sonnenberg, Ph.D.  
Bobby Baker, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair  
Thomas Deck  
Roi Dagan, M.D.  
Edmund Clark, M.D.  
Caleena Shirley

Lucinda Sonnenberg, Ph.D. – Chairman  
Amy Fu, P.E. – Vice Chairman  
Bobby L. Baker, P.E., Edmund Clark, M.D., Roi Dagan, M.D.,  
Thomas Deck, Caleena Shirley, David Wood

**Jacksonville Environmental Protection Board**

Monday, December 10, 2018

**Noise Variance Request – Southeast Utilities / Comcast****Meeting Summary****MEMBERS PRESENT:**

Lucinda Sonnenberg, Ph.D., Chair  
Thomas Deck  
Michelle Tappouni  
Amy Fu, P.E., Vice Chair

Roi Dagan, M.D.  
David Wood  
Bobby Baker, P.E.

**MEMBERS NOT PRESENT:****STAFF/RESOURCES PRESENT:**

James Richardson, JEPB Administrator  
Melissa Long, EQD Chief  
Cherry Pollock, OGC

Michael Williams, EQD Air Branch  
Tree Kilbourn, EQD Enforcement  
Terry Carr, EQD Water Branch

**VISITOR(s) PRESENT:**

Chuck Harland, Cooper Const.  
Ben Wright, Cooper Const.  
Ron Bussey, Cooper Const.

Joseph Gentile, Fiber Core Group  
Jim Smith, Fiber Core Group  
Robert Mims, SE Utilities

**Call to Order**

Chair Sonnenberg called the Public Hearing of the Environmental Protection Board (EPB) to order at 5:28 p.m.

**Chair Statement**

Chair Sonnenberg 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 and Variance information**

EPB Administrator James Richardson shared all required public notices appeared in the Daily Record. He then shared that a request for a noise variance was received from Southeast Utilities / Comcast seeking a variance for construction activities in the Downtown core. The

variance seeks approval for nighttime construction and increased sound levels allowed for all times. The request was reviewed by Air Committee at their November meeting where they asked that it be transmitted through the Steering Committee to the Board for approval. The conditions proposed included:

- Allow for nighttime construction
- Sound levels limited to 90 dBA during the day and 80 dBA at night, with instantaneous peak of 105 dBA
- Sound measures to be conducted using "slow" method
- Measures for enforcement to be conducted at property line but no closer than 50 ft.
- Noise barriers and quieter equipment to be used within 300 feet of sensitive receptors – with roof on barriers to be used when receptor is 3 stories or higher
- EQD is granted ability to require additional mitigation
- 3-day notification to be provided to sensitive receptors which shall include a phone number for project contact
- Monthly reports to JEPB staff during duration of the project

### **Presentation by Petitioner**

Mr. Jim Smith, with Fiber Corp, provided information regarding the above referenced project and the measures that they would take in order to mitigate noise from the construction activities. He indicated that during the EPB Air Committee they had agreed to additional items to help reduce the anticipated noise.

### **Staff Discussion of Petitioner Request and Staff Recommendation**

Mr. Williams shared his review of the variance request application, questions that he posed to the applicant and concerns he continued to have with the suggested sound levels. He shared the modeling profiles that he had put together, as well as information he had obtained on various equipment and noise barriers. After review of that, in addition to what had been provided from the applicant, he was prepared to support the application request with a suggested sound level limit of 85 dBA during the day and 80 dBA during nighttime.

### **Comments from Public**

None.

### **Staff Rebuttal/Clarification to Public Comment**

None.

### **Petitioner Rebuttal/Clarification to Public Comment**

None.

### **Board Questions/Clarification**

Members posed several questions to the applicant and to staff. Clarification was provided by the Air Committee as to why they proposed the conditions allowing for the higher noise levels.

### **Board Vote**

A motion was made (Dagan) to approve the requested variance with the proposed conditions which was properly seconded (Tappouni). The motion included the following conditions:

- a) The variance application and commitments therein shall be adopted and incorporated as part of the conditions of this Variance.
- b) This variance shall be granted for the **December 10, 2018 through December 31, 2019** time period.
- c) Allow for nighttime construction
- d) Sound levels limited to 90 dBA during the day and 80 dBA at night, with instantaneous peak of 105 dBA
- e) Sound measures to be conducted using “slow” method
- f) Measures for enforcement to be conducted at property line but no closer than 50 ft.
- g) Noise barriers and quieter equipment to be used within 300 feet of sensitive receptors – with roof on barriers to be used when receptor is 3 stories or higher
- h) EQD is granted ability to require additional mitigation
- i) 3-day notification to be provided to sensitive receptors which shall include a phone number for project contact
- j) Monthly reports to JEPB staff during duration of the project
  - a. Number of citizen complaints and any plan for remediation or corrective action in response to residents’ complaints.
  - b. The number of exceedances of the acceptable dBA sound level and any remediation actions taken.
  - c. Project progress, including substantial changes

The motion was approved by the body.

### **Procedural Summary**

Ms. Pollock, OGC, stated that the JEPB had just approved the variance request by Southeast Utilities and that the order would be prepared and transmitted to same.

### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 5:49 p.m.

Respectfully Submitted

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James Richardson, EPB Administrator