**JEPB Monthly Meeting Agenda**

**Monday, April 19, 2021**

Physical Location:

5:00 p.m. - Ed Ball Building

214 N. Hogan Street – Conference Room 110

**BOARD MEETING AGENDA**

CALL TO ORDER **DAVID WOOD**

I. CHAIRMAN’S REMARKS

II. COMMENTS FROM THE PUBLIC

III. APPROVAL OF MINUTES

* Minutes of March 15, 2021 Monthly Meeting

IV. CONSENT ORDERS **TREE KILBOURN**

Air/Noise

* + **AA Precast Products, Inc. (AP-21-01) -** Failure to timely submit AGP registration for new/replacement equipment and conduct required VE compliance testing

Respondent’s corrective actions: Test conducted 2/10/2021 demonstrated compliance

Consent Order settlement fee: **$800**

*Violation penalty calculation Operating without valid permit:*

*Operating 10/23/2020 until AGP effective date of 11/27/2020 (35 days)*

*Potential for Harm – Minor, minor source*

*Extent of Deviation - Minor, operating without permit for a period of less than 90 days*

*$300*

*Violation penalty calculation late VE test for AGP registration:*

*2020 VE test for AGP registration operating as of 10/23/2020 due by 12/22/2020 (rule requires within 60 days) and test was conducted 2/10/2021 (50 days)*

*Potential for Harm – Minor, minor source*

*Extent of Deviation – Moderate, minor source with no VE test 30 to 60 days after due date*

*$500*

Consent Order requirements: None

Water

* + **KB Home Jacksonville LLC, Smith Trucking Company, Inc., and A.J. Johns, Inc. (WP-21-16) -** Unlawful discharge of non-stormwater, sediment and turbid water to wetlands; Exceedance of water quality standards; Failure to comply with erosion and sediment control requirements

Respondent’s corrective actions: Improved BMPs installed and discharge ceased

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

*2/22/2021 Insufficient BMPs/failure to maintain BMPs resulting in unlawful discharge of non-stormwater, sediment and turbid water to wetlands   
Sample at point of discharge from the Project to wetlands - 340 NTUs*

*Sample upstream in the wetlands from the point of discharge from the Project - 40 NTUs*

*State water quality standards for turbidity is <29 NTUs above natural background*

*Exceedance > 70% of allowed 69NTUs to wetlands*

*Major potential for harm and Major extent of deviation*

Consent Order requirements: Within 14 days of the effective date: Perform BMP Assessment

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

Within 28 days of the effective date: Implement BMP Assessment

Immediately upon the effective date: Monitor, sample, notify EQD and report to EQD until Final Stabilization

* + **Camelot Property Owner LLC and Camelot Property Owners 2 LLC (WP-21-14) -** Unlawful discharge of untreated wastewater to the ground and surrounding environment; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of system or treatment facility; Failure to perform required maintenance and/or keep required records; Failure to notify EQD of discharge and provide required records

Respondent’s corrective actions: The clean out cap was replaced, wastewater removed, area limed. However, maintenance records provided demonstrated noncompliance with maintenance and/or recordkeeping requirements and raise operational concerns to be reviewed by engineer. Engineer hired.

Consent Order settlement fee: **$4,900**

*3/9/2021 Failure to maintain system with unlawful discharge of untreated wastewater to ground and surrounding environment near public areas but not likely to reach surface waters, bypassing the system’s treatment facility with failure to notify EQD*

*Major potential harm and minor extent of deviation*

Consent Order requirements: Initial Engineer Report: Within 60 days of the effective date

DEP Permit application (if required): Within 60 days of notification by EQD

Final Engineer Report: Deadline set by EQD after review of report

Monthly Status Report: Beginning 4/30/2021 with maintenance records

* + **Preserve at Cedar River Limited Partnership (WP-21-12) -** Unlawful discharge of untreated wastewater to the ground and surrounding environment adjacent to surface water, Failure to maintain wastewater collection/transmission system with lift station to function as intended; Unlawful bypass of system or treatment facility; Failure to comply with sewerage design standards; Failure to notify EQD of discharge and provide required records

Respondent’s corrective actions: Clean out repairs, clog removed, wastewater cleaned up and engineer hired

Consent Order settlement fee: **$4,900**

3/9/2021 Failure to maintain system, failure to comply with sewage design standards, unlawful discharge of untreated wastewater to ground and surrounding environment near public areas but not likely to reach surface waters, failure to notify EQD and provide required records

Major potential harm and minor extent of deviation

Consent Order requirements: Initial Engineer Report: Within 120 days of the effective date

DEP Permit application (if required): Within 60 days of notification by EQD

Final Engineer Report: Deadline set by EQD after review of report

Monthly Status Report: Beginning 4/30/2021 with maintenance records

* + **Regency Plaza Partners, LLC (WP-21-08) -** Unlawful discharge of untreated wastewater to the ground, surrounding environment and MS4; Failure to maintain wastewater collection/transmission system with lift station to function as intended; Unlawful bypass of system or treatment facility

Respondent’s corrective actions: Engineer hired

Consent Order settlement fee: **$3,900**

*3/9/2021 Failure to maintain system, unlawful discharge of untreated wastewater to ground, surrounding environment and public stormwater*

*Major potential harm and major extent of deviation*

Consent Order requirements: Initial Engineer Report: Within 60 days of the effective date

DEP Permit application (if required): Within 60 days of notification by EQD

Final Engineer Report: Deadline set by EQD after review of report

Monthly Status Report: Beginning 4/30/2021 with maintenance records

* + **SVCN 1 LLC and RTM Operating Company, LLC (WP-21-03) -** Failure to comply with sewerage design standards

Respondent’s corrective actions: Engineer hired to review system design following receipt of Citation

Consent Order settlement fee: **$1,840** *[$2,300 less 20% discount]*

*10/29/2020 Failure to comply with sewerage design standards with unpermitted bypass and allowing stormwater intrusion*

*Moderate potential for harm and moderate potential for harm*

*$2,300*

*Less 20% good faith efforts to cooperate once property owner notified by hiring engineer for full review of system to determine with no discharge of wastewater documented as of Consent Order*

Consent Order requirements: Initial Engineer Report: Within 120 days of the effective date

DEP Permit application (if required): Within 60 days of notification by EQD

Final Engineer Report: Deadline set by EQD after review of report

Monthly Status Report: Last day of each month with maintenance records [first will now be 4/30/2021]

* + **Forestar (USA) Real Estate Group, Inc. and Earthworks of Florida, LLC (20-50) -** Unlawful discharge of non-stormwater and turbid water to stormwater (MS4) and wetlands; Failure to comply with erosion and sediment control requirements

Respondent’s corrective actions: BMPs improved and discharge ceased

Consent Order settlement fee: **$6,400** *[$8,000 less 20% discount]*

*11/12/2020 Unlawful discharge of non-stormwater to the MS4 and turbid water to wetlands from the Project by direct flow  
Sample in the wetlands at the point of discharge from the Project - 2,600 NTUs*

*Sample upstream of the Project had a background turbidity reading of 28 NTUs > 70%*

*State water quality standards for turbidity is <29 NTUs above natural background*

*Major potential for harm and Major extent of deviation*

*$8,000*

*Less 20% for good faith efforts to cooperate to minimize impacts from heavy rains with pending Tropical Storm*

Consent Order requirements: Within 14 days of the effective date: Perform BMP Assessment

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

Within 28 days of the effective date: Implement BMP Assessment

Immediately upon the effective date: Monitor, sample, notify EQD and report to EQD until Final Stabilization

* + **Infinity Reserve at Waters, LLC (WP-20-49) -** Wastewater collection/transmission system with lift station located at Real Estate ID Number 129379-0000, 6100 Arlington Expressway, Jacksonville, Florida

Respondent’s corrective actions: Engineer hired following filing of litigation

Consent Order settlement fee: **$6,000**

*11/16/2020 Unlawful discharge of wastewater to ground or surrounding environment, in public access area and near surface waters, bypassing treatment facility*

*Major potential for harm and moderate extent of deviation*

Consent Order requirements: Initial Engineer Report: Within 90 days of the effective date

DEP Permit application (if required): Within 60 days of notification by EQD

Final Engineer Report: Deadline set by EQD after review of report

Monthly Status Report: Beginning 4/30/2021 with maintenance records

* + **Chance Olevia, LLC and Live Oak Contracting, LLC (WP-20-48) -** Unlawful discharge of non-stormwater, debris, and sediment to the ground, surrounding environment and stormwater (MS4); Failure to comply with erosion and sediment control requirements

Respondent’s corrective actions: Improved BMPs installed

Consent Order settlement fee: **$6,000**

*10/30/2020 Unlawful discharge from the Project of non-stormwater, debris, and sediment to the MS4 on Bertha Street and Olevia Street, and sediment to the surrounding environment, including public streets at Olevia Street, Bertha Street, Kings Avenue, and Mitchell Avenue*

*Some MS4 structures with no BMPs or insufficient BMPs, excessive track out*

*Major potential for harm and moderate extent of deviation*

Consent Order requirements: Within 14 days of the effective date: Perform BMP Assessment

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

Within 28 days of the effective date: Implement BMP Assessment

Immediately upon the effective date: Monitor, sample, notify EQD and report to EQD until Final Stabilization

* + **Arep Pier, LLC and Pegasus Residential, L.L.C. (WP-20-01) -** Unlawful discharge of untreated wastewater to the ground and surrounding environment; Bypass of wastewater treatment facility; Failure to comply with sewerage design standards

Respondent’s corrective actions: Engineer hired to review system

Consent Order settlement fee: **$4,900**

*12/12/2019 Unlawful discharge of wastewater to ground or surrounding environment, in public access area and near stormwater drain, bypassing treatment facility, but little possibility of reaching surface water*

*Major potential for harm and minor extent of deviation*

Consent Order requirements: Initial Engineer Report: Within 90 days of the effective date

DEP Permit application (if required): Within 60 days of notification by EQD

Final Engineer Report: Deadline set by EQD after review of report

Monthly Status Report: Beginning 4/30/2021 with maintenance records

* + **Jax Utilities Management, Inc. (WP-18-83) -** Unlawful discharge of sediment and turbid water to wetlands; Failure to comply with erosion and sediment control standards

Respondent’s corrective actions: BMPs improved

Consent Order settlement fee: **$6,720** *[$8,000 less the original discount of 20% for good faith efforts to cooperate with corrective actions*

*7/24/19 Failure to comply with erosion and sediment control standards with sediment and turbid water off-site impacts to wetlands*

*Major potential harm and major extent of deviation*

*$8,000*

*8/9/19 Failure to comply with erosion and sediment control standards with corrective actions in progress*

*some measures added but not yet sufficient to protect wetlands from off-site impacts*

*5% of assessed penalty for additional violation*

*$400*

Consent Order requirements: None

* + **Jax Utilities Management, Inc. (WP-18-77) -** Unlawful discharge of non-stormwater to wetlands; Failure to comply with erosion and sediment control standards

Respondent’s corrective actions: BMPs improved

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

*11/26/18 Failure to comply with erosion and sediment control standards with sediment and turbid water impacts by direct discharge to wetlands and surface waters – NTU exceedance at Half Creek*

*Major potential for harm and major extent of deviation*

*$8,000*

Consent Order requirements: None

* + **JJTA5 Real Properties, LLC (VCO-21-01) -** Failure to comply with sewerage design standards

Respondent’s corrective actions: Contacted EQD about corrective actions and agreed to hire engineer and sign Consent order

Consent Order settlement fee: **$0,** *no documented discharge from system and responded to Notice to Correct to enter Consent Order*

Consent Order requirements: Initial Engineer Report: Within 60 days of the effective date

DEP Permit application (if required): Within 60 days of notification by EQD

Final Engineer Report: Deadline set by EQD after review of report

Monthly Status Report: Beginning 3/15/2021 with maintenance records by end of each month

V. ENFORCEMENT REPORT **TREE KILBOURN**

VI. PRESENTATION(s)

* none

VII. PUBLIC HEARING(s)

* none

VIII. COMMISSION & JEPB COMMITTEE UPDATES & REPORTS

* Waterways Commission **ADAM HOYLES**
* KJB Commission **CALEENA SHIRLEY**
* JEPB Water Committee **MELISSA LONG**
* JEPB Air Committee **MELISSA LONG**
* JEPB Education & Outreach Committee **DAVID WOOD**

IX. [EPB ADMINISTRATOR REPORT](../../EPB%20Admin%20Reports/Apr%202021%20JEPB%20Admin%20Report.docx)(click link for report) **JAMES RICHARDSON**

X. ENVIRONMENTAL QUALITY DIVISION REPORT **MELISSA LONG**

XI. OLD BUSINESS

* Funding Request – Jax Zoo Living Shoreline **RICHARDSON**

XII. NEW BUSINESS **WOOD**

* + DISCUSSION ITEM – Potential Rulemaking on JEPB Rule 3: Water Pollution

XIII. ITEMS REFERRED TO COMMITTEES

XIV. NEXT SCHEDULED BOARD MEETING(s)

* JEPB Committees

No committee or workshops for April

* JEPB Steering Committee – Monday, May 10, 2021 at 4:00 pm
* JEPB monthly meeting – Monday, May 17, 2021 at 5:00 pm

XV. ADJOURNMENT