

**BEFORE THE  
JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD  
JACKSONVILLE, FLORIDA**

**THE GILBANE BUILDING COMPANY**

Petitioner,

Variance from EPB Rule 4.209(A) and 4.290(C)

v.

**CITY OF JACKSONVILLE, NEIGHBORHOODS DEPARTMENT,**

Respondent

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**ORDER GRANTING VARIANCE, WITH CONDITIONS**

This matter came for consideration before the Jacksonville Environmental Protection Board (hereinafter "Board") during a duly noticed public meeting held on September 21, 2020. The Petitioner seeks a variance from the requirements of Board Rule 4.209A and 4.209C. The Board, having heard the Petitioner and the Respondent, the City of Jacksonville, by and through its Environmental Quality Division, and being otherwise familiar with the premises, finds that:

A. Respondent, through its Environmental Quality Division, enforces Chapter 368, City of Jacksonville Ordinance Code and Jacksonville Environmental Protection Board Rule 4.

B. Petitioner has requested a Variance pursuant to Jacksonville Ordinance Code, Title X, Chapter 360.

C. The Petitioner is The Gilbane Building Company and seeks a variance from the Board's Noise regulations to conduct construction activities related to the building of an office building in the Brooklyn neighborhood. Specifically, Petitioner seeks to conduct activities related to the construction of the FIS Headquarters building to be located at 323 Riverside Avenue. A portion of the work may occur during nighttime hours and also generate sound levels which exceed the noise limits of EPB Rule 4. Thus, Petitioner requests a variance from EPB Rule 4 to complete the work involving building construction.

D. The Petitioner has demonstrated that it is technically or economically infeasible to bring the construction/maintenance operations into compliance with EPB Rule 4.

E. On September 21, 2020, the Board considered the Request for Variance and issued an Order thereto.

Having heard the facts of this case,

**IT IS, THEREFORE, ORDERED** that:

1. Petitioner is hereby **GRANTED** a Variance from Environmental Protection Board Rule 4.209A and 4.209C, subject to the following conditions:

- a. The variance application and presentation, and the commitments therein, shall be adopted and incorporated as part of the conditions of this Variance.
- b. Nighttime operation of construction equipment will be restricted to that required for concrete pours, dewatering, and power generation.
- c. The variance establishes a maximum noise level of 65 dBA for nighttime construction operations, as measured from any residential receptor, and 90 dBA for daytime construction operations, as measured from any commercial or residential receptor.
- d. The applicant will attempt to stage and wash out concrete mixer trucks involved in nighttime concrete pours in locations away from residential properties to the north of the construction site and select in and out routes for trucks that avoid driving past those residences to the extent possible.
- e. The applicant will use augured cast in place piles instead of driven piles.
- f. The applicant will use electric dewatering pumps. Fueled backup pumps are allowed.
- g. A jobsite speed limit of 5 mph will be established.
- h. All equipment will be fitted with proper exhaust systems and silencers as required by Rule 4.209D.
- i. Large concrete pours will not start before 3 a.m. Smaller pours will not start before 5 a.m.
- j. Concrete mixer trucks will not be allowed to air off onsite.
- k. Preference will be given to the use of equipment and concrete mixer trucks at night that are equipped with broadband or white noise backup alarms.
- l. The Environmental Quality Division is granted the ability to require additional noise mitigation if conditions warrant.
- m. Communications to residents of sensitive receptors to include:
  1. Notification of each anticipated nighttime concrete pour (residential properties only).
  2. Signage announcing upcoming nighttime concrete pours will be displayed on site in locations visible to area residents and businesses. (potential sign template is attached)
  3. Contact information for 24-hour hotline.
- n. Petitioner shall provide a monthly status report of the construction project to the Air & Odor Committee via email to [epb@coj.net](mailto:epb@coj.net). The report shall include:
  1. Number of complaints and any plan for remediation or corrective action in response to complaints.

- 2. Project progress, including substantial changes.
- o. This variance shall be granted for the **September 21, 2020 through July 31, 2022** time period.

2. A violation of the terms of this Variance may subject the Petitioner to judicial imposition of civil penalties of up to \$10,000 per violation per day.

3. Entry of this Variance does not relieve the Petitioner of the requirement to comply with applicable federal, state or local laws, regulations or ordinances.

**DONE AND ORDERED** this 22<sup>nd</sup> day of September 2020

**ENVIRONMENTAL PROTECTION BOARD**



By: \_\_\_\_\_  
**Amy Y. Fu, P.E., Chair**

**ATTEST:**

Melissa M. Long  
Melissa M. Long, P.E., Chief  
Environmental Quality Division  
City of Jacksonville

