

**BEFORE THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE**

City of Jacksonville, Neighborhoods Department,

Petitioner

and

IFF Chemical Holdings, Inc.,

Respondent

Re: Cease and Desist Citations AP-20-05 and AP-21-18

IFF Chemical Holdings, Inc. crude sulfate turpentine processing facility located at 2051 Lane Avenue North, Jacksonville, Florida (the "IFF Facility")

Objectionable Odors

COMPLIANCE PLAN

This Compliance Plan (Plan) is made and entered into between the **City of Jacksonville, Neighborhoods Department** (the Department) and **IFF Chemical Holdings, Inc., the IFF Facility and property owner**, (Respondent), to settle certain issues between them under Chapters 360, 362 and 376 of the Jacksonville Ordinance Code (Ordinance Code) and Rule 1 of the Jacksonville Environmental Protection Board (JEPB).

1. The Department, under authority of its Director (Director) through its Environmental Quality Division (EQD), is charged with the administration and enforcement of Chapters 360, 362 and 376, Ordinance Code, and the rules promulgated thereunder.
2. IFF Chemical Holdings, Inc. (Respondent) is a foreign corporation, and is the owner of the real property pursuant to the Special Warranty Deed dated December 31, 2001, and recorded February 26, 2002, in the Official Records of Duval County, Florida at Book 10371, Page 800.
3. Respondent operates a facility located at 2051 Lane Avenue North, Jacksonville, Florida, that manufactures chemical compounds that are used for the flavoring or fragrance of commercial and household goods.
4. In the last 365 days, the Director, through EQD, has issued citation AP-21-18 related to:
 - a. Two (2) citizen complaints on September 23, 2021,

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- b. Nine (9) citizen complaints on September 27, 2021,
 - c. Two (2) citizen complaints on September 28, 2021,
 - d. Two (2) citizen complaints on October 1, 2021, and
 - e. One (1) citizen complaint on October 9, 2021,

regarding objectionable odors allegedly emitted from the IFF Facility. Complaints were received from a total of 16 persons from 16 separate households. After receiving the complaints, the allegations were investigated by EQD staff, objectionable odor was detected by EQD staff who concluded that the IFF Facility was causing or contributing to the odor.

- 5. In addition, Citation AP-20-05 had been previously issued on or about December 11, 2020, in which EQD validated six (6) citizen complaints between October 2, 2020 and December 2, 2020. The Citation asserted that IFF had violated City Ordinance Code Chapters 360 and 362, and Florida Department of Environmental Protection (FDEP) Permit No. 0310071-022-AV by causing or contributing to an objectionable odor.
- 6. The City asserted in the Citation that complaints of odor from the Murray Hill neighborhood and surrounding areas, approximately three to nine miles from the IFF Jacksonville Plant, were caused by IFF.
- 7. IFF conducted internal investigations and has found no source of odor at IFF which correlated to the complaints in the Citations.
- 8. The IFF Jacksonville Plant has maintained consistent operations for many years; the facility does not increase or vary its production at night or on the weekends.
- 9. FDEP is the primary state environmental regulator for the IFF Jacksonville Plant. As mentioned, the FDEP's Northeast District staff have investigated odor complaints by conducting 16 separate site visits between 2012 and 2019, meeting with complainants, and reviewing air monitoring reports from IFF, as well as site visits in 2020 through 2022. The Northeast District staff was unable to substantiate any of the odor concerns.
- 10. The IFF Jacksonville Plant uses various processes to prevent potential odors from leaving the facility, such as a vapor collection system, boilers, and a scrubber, to treat the air coming from the Plant's equipment.
- 11. As a good community steward, IFF cares about the community and preventing potential odor is very important to IFF.
- 12. IFF has an Environmental Health and Safety team who continuously monitors Plant operations and surveys the Plant to prevent odors from leaving the facility, appropriately addressing any issues found.
- 13. In the last 365 days, the parties have met numerous times to review the complaints, the facility, and to discuss potential solutions.
- 14. Based on the number of validated complaints contained in the two issued citations, civil penalties have been calculated to be \$14,997.00. Respondent

shall deliver to the City: a cashier's check or money order in this amount, made payable to the City of Jacksonville Environmental Protection Trust Fund, mailing address **Environmental Quality Division**, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202, Attention: Melissa Long.

15. In consideration of this Plan and the terms and obligations set forth herein, Respondent agrees to this Plan without any admission of responsibility or liability for any of the complaints alleged within the Citations. In addition, Respondent hereby waives its right to a hearing pursuant to §360.403(a), Ordinance Code.
16. Unless the Plan is terminated for non-compliance by Respondent, Petitioner shall seek no separate or further enforcement action, citations, cease and desist orders, penalties or damages against the Respondent for the complaints contained in the Citations AP-20-05 and AP-21-18.
17. For validated odor complaints from the Plant beyond the Plant's property boundary during the Term of the Compliance Plan, the Petitioner shall not issue citations, however, Petitioner may provide notice of the verified complaints and validated complaints.
18. Respondent acknowledges that failure to abide by the Plan may result in the imposition of legal claims for civil or criminal penalties and any other remedies available.
19. Petitioner agrees that the adoption of the Plan shall constitute final action, pursuant to the Board Rules and the Ordinance Code, by the Petitioner as to the claims under these citations listed in paragraph 4 and 5 above.
20. As a part of the Plan, within eighteen (18) months of the execution of this Agreement, IFF agrees to conduct the following Wastewater Pond Maintenance:
 - i. Maintain the floating hex-cover system on the surface of the Pond.
 - ii. Permanently install the pure oxygen diffusion system.
 - iii. Upgrade the oil/water separator that pretreats wastewater before it enters the Pond; the equipment information will be maintained on site for review by the City.
 - iv. Conduct an engineering study to determine options for improvement of the biological system of the Wastewater Pond; the results of the engineering study will be maintained on site for review by the City.

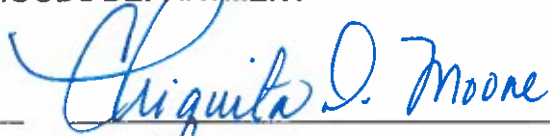
In order to facilitate the Pond Maintenance described above, IFF agrees to meet the Project Milestones set forth in Schedule A, attached hereto and incorporated by reference. The Parties agree that EQD has authority to conduct an in-person inspection at the Facility to confirm compliance with the Project Milestones.

21. In the event that EQD is not able to validate odor complaints from five (5) or more different households within a 90-day period for six (6) months following the completion of the upgrade to the oil/water separator, the Compliance Plan shall automatically terminate. However, if there are five (5) or more validated complaints from different households within a 90-day period after completion of the upgrade to the oil/water separator, both Parties agree to renegotiate any modifications to the Plan in good faith. Failure to negotiate in good faith shall be considered a breach of the Plan which is subject to 60 days' notice and an opportunity to cure. Following an expiration of the 60 days, the Plan shall terminate upon written notice of termination from the City or JEPB.
22. The Compliance Plan may be modified with the consent of Respondent, EQD and the JEPB to address subsequent issues or developments not contained in the Plan. In the event of modification, Respondent shall be involved in the modification and shall work with EQD and the JEPB in good faith to address new developments and the modifications needed.
23. This Odor Compliance Plan identifies subsequent remedial measures being undertaken by IFF. Nothing herein shall be deemed an admission of liability, fault, or wrongdoing by IFF, such liability being expressly denied. This Odor Compliance Plan, and the subsequent remedial measures provided for herein, shall not be admissible in any lawsuit, administrative action, or any judicial or administrative proceeding to show, demonstrate, evidence or support a contention that IFF acted illegally, improperly, was negligent, is culpable, or is in breach of any law, permit, contract or proper conduct.
24. The provisions of this Plan shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns.
25. The Plan shall become effective upon execution by the Chairperson of the Jacksonville Environmental Protection Board, which will occur after its execution by the Respondent and the Director of the Department.
26. Performance of the terms and conditions of this Plan does not relieve the Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.
27. This term for this Plan is for a maximum of five (5) years from the effective date of the Plan. The Plan may be terminated at any time with the mutual consent of the parties.

CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT

12/06/2022

Date



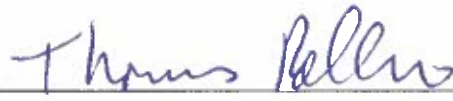
Bryan Mosier, Director

CHIQUITA MOORE, OPERATIONS DIRECTOR

IFF Chemical Holdings, Inc.

December 2, 2022

Date



Print Name: Thomas Rollins

Print Title: Plant Manager

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 12 day of DECEMBER, 2022.



David Wood, Chair
Environmental Protection Board

Schedule A

IFF Project Milestones

Project Stage	Conduct Engineering Study to Determine options for Improvement of the Biological System of the Wastewater Pond	Install Permanent Hex-Floating Cover on Pond Surface	Permanent Install of Pure Oxygen Diffusion System	Install new Oil/Water Separator
Conceptual Design	Complete	Complete	Complete	3 months after compliance Plan signed
Estimated time to complete construction	N/A	Complete	11-17 months after compliance Plan signed	11-17 months after compliance Plan signed
Estimated startup	N/A	Complete	12-18 months after compliance Plan signed	12-18 months after compliance Plan signed



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

Lenny Curry, Mayor

Environmental Quality Division
214 N. Hogan St., 5th Floor
Jacksonville, FL 32202
(904) 255-7100

Joseph Dunbar, Project Manager
A. J. Johns, Inc.
3225 Anniston Road
Jacksonville, FL 32246

**Re: Cease and Desist Citation WP-21-39
Duval County - Water Pollution
Construction project located at Real Estate I.D. Number (RE) 149039-0080, O Sunbeam Road,
Jacksonville, Florida
Unlawful discharge of non-stormwater and turbid water to MS4; Failure to comply with erosion
and sediment control requirements**

Consent Order

The purpose of this letter is to complete the resolution of violations of the City of Jacksonville Environmental Protection Board (JEPB) Rule 3 as identified by the City of Jacksonville, Neighborhoods Department in Cease and Desist Citation **WP-21-39** (the "Citation"), a copy of which is attached as Exhibit A and incorporated herein. The corrective action was completed by the contractor to secure the horizontal land. To complete the resolution of this case, the payment of a civil penalty of **\$1,500** is required. The check shall be made payable to the City of Jacksonville **Environmental Protection Trust Fund** and shall be mailed to the Department's Environmental Quality Division ("EQD") at **214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202** to the attention of **Ronda Wheeler** within 30 days after approval of this agreement by the JEPB. ***EQD cannot accept this payment until after JEPB approval. Do not submit payment until receipt of a fully executed Consent Order with the JEPB Chair signature.***

Payment of such amount does not constitute, nor shall it be construed as, an admission of liability or wrongdoing for any allegations in the Citation.


Your signing of this letter constitutes your agreement to the terms of the letter. After this letter has been countersigned by the Department and approved by the JEPB, this letter shall constitute a consent order and final action on behalf of the Department and full satisfaction of the Citation and the matters alleged in the Citation. The terms of the consent order may be enforced in a court of competent jurisdiction, pursuant to Jacksonville Ordinance Code Chapter 360. Failure to comply with the terms of this consent order may constitute a violation of Jacksonville Ordinance Code §362.110(a)(2).

The Department for, and in consideration of, the timely performance by the Respondent of the obligation agreed to in this consent order, hereby waives any rights to seek administrative or judicial imposition of civil and administrative action, complaints, citations, causes of action, and claims arising from the Citation. The Respondent waives its right to an administrative hearing on, or judicial review of, the terms of this consent order.

Failure to sign and return this document to the Department, on or before December 5, 2022, will be assumed to be a rejection of the settlement agreement contained herein. This matter will then be referred to the City's Office of General Counsel for further action.


CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT

11/18/2022
Date


Bryan Mosler, Director
Chiquita Moore, Operations Director

11/17/2022
Date

A J Johns, Inc.


Print Name: JOSEPH DUNBAR
Print Title: PROJECT MANAGER

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this 12 day of DECEMBER, 2022.

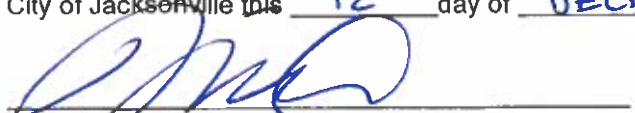

David Wood, Chair
Environmental Protection Board

EXHIBIT A



ONE CITY ONE JACKSONVILLE

City of Jacksonville, Florida

Lenny Curry, Mayor

Environmental Quality Division
214 N. Hogan St., 5th Floor
Jacksonville, FL 32202
(904) 255-7100

**CEASE AND DESIST
CITATION
WP-21-39**

By Certified Mail – Return Receipt

Certified Mail # 9489 0090 0027 8278 4197 00

Jeremy's Hill, LLC
751 Oak Street, Suite 110
Jacksonville, Florida 32204

Certified Mail # 9489 0090 0027 8278 4197 24

Strategem Partners, LLC, Registered Agent for
Jeremy's Hill, LLC
751 Oak Street, Suite 110
Jacksonville, Florida 32204

Certified Mail # 9489 0090 0027 8278 4197 17

A.J. Johns, Registered Agent for
A.J. Johns, Inc.
3225 Anniston Rd
Jacksonville, FL 32246

**RE: Duval County – Water Pollution
Construction project located at Real Estate I.D. Number (RE) 149039-0080, 0 Sunbeam Road,
Jacksonville, Florida
Unlawful discharge of non-stormwater and turbid water to MS4; Failure to comply with erosion
and sediment control requirements**

PLEASE TAKE NOTICE that pursuant to Florida Statutes (FS) Chapter 403 and Jacksonville Ordinance Code (JOC) Title X, Chapters 360 and 362, **Jeremy's Hill, LLC**, a Florida limited liability company and owner of the subject real estate parcel noted above according to the Special Warranty Deed dated March 4, 2021 and recorded in the Official Records of Duval County, Florida at Book 19617, Page 184, and **A.J. Johns, Inc.**, the contractor (collectively the Respondents), are hereby notified that they are in violation of FS Chapter 403 and Jacksonville Environmental Protection Board (JEPB) Rule 3.

To cause or allow to be discharged unpermitted discharges of sewage, industrial wastewater, or other untreated waste or wastewater or other material to surface or groundwaters within Duval County, by direct or indirect flow, or to the ground or surrounding environment, and City municipal separate stormwater sewer system (MS4) is violation of JEPB Rule 3.103B and D.

Failure to comply with erosion and sediment control requirements of Jacksonville Environmental Protection Board Rule 3 that prohibit unlawful discharges from construction activity and require use of erosion and sediment control performance measures sufficient to prevent off-site impacts to wetlands, surface waters, public streets, public stormwater and adjoining properties, as outlined in the City of Jacksonville *Land Development Procedures Manual* [11/9/90] and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* published by the Florida Department of Environmental Protection [July 2008 and updated 2018], is a violation of JEPB Rule 3.604 [which adopts and incorporates by reference both manuals].

The violations were determined by staff of the Neighborhood Department's Environmental Quality Division (EQD) from site investigations and records review which document that:

On or before June 28, 2021, the Respondents conducted construction activity at the construction project located at RE 149039-0080, 0 Sunbeam Road, Jacksonville, Florida (the Project), which activity resulted in the unlawful discharge of non-stormwater and turbid water from the Project to City MS4. Water samples taken in the MS4 at the point of discharge from the Project had a turbidity reading of 800 Nephelometric Turbidity Units (NTUs). The samples taken upstream of the Project in the MS4 had background turbidity readings of 15 NTUs. The state water quality standards for turbidity is <29 NTUs above natural background conditions.

On or before June 28, 2021, the Respondents failed to utilize sufficient erosion and sediment control performance measures outlined in the *Land Development Procedures Manual* and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (DEP Manual) at the Project to ensure all non-stormwater and turbid water remained within the Project boundaries and did not discharge to public stormwater, surface water or wetlands.

CORRECTIVE ACTION REQUIRED

1. Cease the unlawful discharge of non-stormwater and turbid water to City MS4, and the failure to comply with erosion and sediment control requirements.
2. Confirm receipt of this Citation by emailing Ms. Tree Kilbourn at tkilbour@coj.net.
3. Remove or abate the cause of the violation(s) to cease unlawful discharges to public streets, stormwater, surface water or wetlands.
4. If the project is still active as of the date of this Citation, perform an assessment of the best management practices (BMPs) for erosion and sediment control currently being used at the Project (BMP Assessment), using guidance in the DEP Manual as a reference. The **BMP Assessment** shall identify all areas of potential discharge/drainage from the Project, including, but not limited to, all areas of stormwater drainage and stormwater and sediment runoff and all areas of where soil is not stabilized, especially along boundaries abutting public streets, stormwater, surface water and wetlands. The BMP Assessment shall also identify any areas in which BMPs need to be improved, installed, and maintained to eliminate all unauthorized discharges of non-stormwater, sediment and turbid water to public streets, stormwater, surface water and wetlands and prevent water quality violations for turbidity.
5. Respond to this Citation (in writing) within fourteen (14) calendar days from the date of receipt of this Citation and include the **BMP Assessment** (if Project is still active) with your written response to Ms. Tree Kilbourn and EQD staff, at tkilbour@coj.net and ESC@coj.net.

The potential maximum daily penalty for violations is \$15,000 under FS §§403.141(1). If litigation or an administrative hearing is required to achieve compliance, full penalties and recovery of legal fees will be sought.

DATED this 07th day of July, 2021

City of Jacksonville
NEIGHBORHOODS DEPARTMENT

By: 
Bryan Mosier, Director

c: DEP staff
EQD staff
EQD Enforcement File