**JEPB Monthly Meeting Agenda**

**Monday, May 16, 2022**

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 21, 2022, Monthly Meeting
* Minutes of April 18, 2022, Monthly Meeting

IV. CONSENT ORDERS  **TREE KILBOURN**

**Air/Noise**

* **Adkins Construction Company, LLC (AP-22-05) -** Failure to comply with asbestos NESHAP requirements for demolition or renovation

Respondent’s corrective actions: No notice but probable substantial compliance as they proceeded with emergency demolition once structural engineer declared building unsafe

Consent Order settlement fee: **$1,600**

*No notice but probable substantial compliance, 1st Violation - $2,000*

*Less $400 for 20% discount for unique circumstances, and they provided written confirmation of understanding regulations going forward*

Consent Order requirements: None

**Water**

* **WFC Fund II Pablo, LLC (WP-22-04) -** Unlawful discharge of untreated wastewater to the ground, surrounding environment and stormwater; Failure to operate and maintain the OEA Permitted System to function as intended and to provide uninterrupted service; Unlawful bypass of the OEA Permitted System or its treatment facility; Failure to notify EQD of discharge and provide required records

Respondent’s corrective actions: Engineer hired to complete review of manifold system

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

1/18/2022 Unlawful discharge of untreated wastewater to the ground, surrounding environment and stormwater with unknown compliance with design standards and maintenance, required documentation not provided in response to Citation

The sample taken at the discharge point to the environment had a reading of greater than 241,960 MPN/100 ml for E. coli.

The sample at the discharge point to the MS4 had a reading of 21,420 MPN/100 ml for E. coli.

The water quality standard for a single sample for E. coli is not greater than 410 MPN/100ml

Potential for Harm Major: Discharge of wastewater to stormwater

Extent of Deviation Moderate: Discharge to stormwater by indirect flow with water quality exceedance documented with sampling results of 70% above standard

Consent Order requirements: Complete Engineer Report: No later than July 16, 2022 [Project deadlines based on EQD accepted Engineer Report]

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

Final Engineer Report: Deadline set by EQD after review of Engineer Report and/or DEP permit issuance

Monthly Status Report and Maintenance Records: Beginning 5/3/2022 with maintenance records

* **JAX 2983, LLC, Arco Design/Build, LLC, and Vallencourt Construction Co., Inc. (WP-22-11) -** Unlawful discharge of non-stormwater and turbid water to surface water [Terrapin Creek]; Exceedance of state water quality standards; Failure to comply with erosion and sediment control requirements

Respondent’s corrective actions: BMPs improved and BMP assessment provided

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

*2/22/2022 Insufficient BMPs/failure to maintain BMPs resulting in unlawful direct discharge of non-stormwater and turbid water to surface water with BMP and dewatering hose placed directly in the surface water*

*Sample at point of discharge from the Project to surface water – 1,300 NTUs*

*Sample upstream of the Project in the surface water – 10.4 NTUs*

*State water quality standards for turbidity is <29 NTUs above natural background [allowed 39.4 NTU]*

*Potential for Harm Major: Discharge of nonstormwater or turbid discharge to surface water*

*Extent of Deviation Major: Direct discharge to surface water with water quality exceedance documented with sampling results of 70% above standard*

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

* **2015 SAC Self-Storage, LLC (WP-22-14) -** Unlawful discharge of untreated wastewater to the ground, surrounding environment and municipal separate storm sewer system (“MS4”); Unlawful bypass of the System or treatment facility; Failure to comply with wastewater collection/transmission system design standards; Failure to notify EQD of discharge and provide required records

Respondent’s corrective actions: Engineer hired to complete the engineering review and submit Engineer Report

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

*3/8/2022 Unlawful discharge of untreated wastewater to the ground, surrounding environment and MS4*

*The sample taken at the discharge point to the environment had a reading of greater than 241,960 MPN/100 ml for E. coli.*

*The sample at the discharge point to the MS4 had a reading of 21,420 MPN/100 ml for E. coli.*

*The water quality standard for a single sample for E. coli is not greater than 410 MPN/100ml*

*Potential for Harm Major: Discharge of wastewater to MS4 with noncompliant design elements for wastewater collection/transmission system*

*Extent of Deviation Major: Discharge to MS4 with water quality exceedance documented with sampling results of 70% above standard*

Consent Order requirements: Complete Engineer Report: No later than 6/30/2022: Project deadlines based on EQD accepted Engineer Report

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

Final Engineer Report: Deadline set by EQD after review of Engineer Report and/or DEP permit issuance

Monthly Status Report and Maintenance Records: Beginning 4/30/2022 with maintenance records

V. ENFORCEMENT REPORT **TREE KILBOURN**

VI. PRESENTATION(s)

* None

VII. PUBLIC HEARING(s)

• Noise Variance Application – Elkins Construction

* Waive JEPB Rule 1.602(e)

VIII. OLD BUSINESS

* None

IX. NEW BUSINESS

* + SB 1078 – Soil & Water Conservation Districts

X. COMMISSION & JEPB COMMITTEE UPDATES & REPORTS

* Waterways Commission **ADAM HOYLES**
* KJB Commission **JAMES RICHARDSON**
* JEPB Water Committee **TERRY CARR**
* JEPB Air Committee **MICHAEL WILLIAMS**
* JEPB Education & Outreach Committee **DAVID WOOD**

XI. EPB ADMINISTRATOR REPORT  **JAMES RICHARDSON**

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

XIII. ITEMS REFERRED TO COMMITTEES

XIV. NEXT SCHEDULED BOARD MEETING(s)

* JEPB Committees

Water Committee – TBD

Air Committee - TBD

* JEPB Steering Committee – June 13, 2022, at 4:00 pm
* JEPB Monthly Meeting – Tuesday, June 21, 2022, at 5:00 pm

XV. ADJOURNMENT