

Air Odor Noise Committee

Roi Dagan, M.D. – Chair
Michelle Tappouni
David Wood
Gabriel DuPree
Leo Hearn - Alt

Education & Public Outreach

Michelle Tappouni - Chair
Lucinda Sonnenberg, Ph.D.
Bobby Baker, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair
Gabriel DuPree
Amy Fu, P.E.
David Wood – Alt
Leo Hearn

Lucinda Sonnenberg, Ph.D. – Chairman
Amy Fu, P.E. – Vice Chairman
Bobby L. Baker, P.E., Roi Dagan, M.D., Gabriel DuPree
Leo Hearn, Michelle Tappouni, David Wood

Jacksonville Environmental Protection Board

Monday, May 14, 2018
BOARD MEETING SUMMARY

MEMBERS PRESENT:

Lucinda Sonnenberg, Ph.D., Chair
Amy Fu, P.E., Vice Chair
Gabriel DuPree
Michelle Tappouni

David Wood
Leo Hearn
Bobby Baker, P.E.

MEMBERS NOT PRESENT:

Roi Dagan, M.D.

STAFF/RESOURCES PRESENT:

James Richardson, JEPB Administrator
Jeff Close, OGC

Melissa M. Long, P.E., EQD Chief
Tree Kilbourn, EQD Enforcement

VISITOR(S) PRESENT:

Bill Armentrout
Martha Torres
Alberto Flores

Rich Weeks
Christian Tempesta

CALL TO ORDER**DR. SONNENBERG**

Chair Sonnenberg called the monthly meeting of the Jacksonville Environmental Protection Board (JEPB) at 5:02 pm.

I. CHAIRMAN'S REMARKS

none

II. COMMENTS FROM THE PUBLIC

none

III. PRESENTATION(s)

A discussion took place clarifying the request to have a presentation from JaxPort on dredging activities. It was determined that the request would be to ask JaxPort to provide an update on the work around the Mile Point project and any impacts from it.

Later in the meeting, discussion ensued again and it was determined that JaxPort would be contacted to seek a presentation on the Mile Point project and whatever could be shared regarding the Jax Harbor Deepening project.

IV. APPROVAL OF MINUTES

- Approval of the April 9, 2018 meeting minutes

A motion to approve the minutes was made (Tappouni), properly seconded (Wood) and approved by the body.

V. CONSENT ORDERS

TREE KILBOURN

(Air/Odor/Noise)

- **Hubbard Construction Company d/b/a Atlantic Coast Asphalt Company (AP-18-05)** - Exceedance of PM emission limit; Failure to timely submit two PM test reports – proposed settlement fee **\$8,400**

A motion to approve the consent order was made (Baker) was properly seconded (DuPree) and approved by the body.

(Water/Haz Mat)

- **103 Bldg C, LLC (WP-17-50)** - 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 provide operator to perform required maintenance and keep required records; Failure to notify EQD of a discharge of wastewater and provide required records – proposed settlement fee **\$8,240** [*\$10,300 less 20% good faith efforts to cooperate*]

A motion to approve the consent order was made (Baker) was properly seconded (Hearn) and approved by the body.

VI. ENFORCEMENT REPORT

TREE KILBOURN

- **Fort Francis, LLC d/b/a Royal Estates – Compliance Plan update and possible modification**
From Martha Torres with Somari Management: "I sent a copy of the mail received by the company Advance Utility where they indicated that they cannot do the work of the Manholes in Royal Estates until October or November of this year. In turn we recommend the company of Davie Underground's who informed us that they have no availability until December."

Ms. Kilbourn introduced issues associated with the compliance plan. Discussion ensued around actions that had previously been taken. The engineer on the project and staff from the property management firm addresses questions of the members. After discussion, possible revised conditions were proposed:

1. All permitted work is to be completed and permits applied for by June 30, 2019
2. Work on the project is to commence by 4th quarter 2018
3. Quarterly reports are to be provided regarding construction schedule until the contractor begins the work.
4. Once construction commences, monthly reports are to be provided and include construction schedules with milestones and anticipated completion dates.

Once the conditions were determined by the members, the engineer and property management firm provided their understanding of them and acceptance.

A motion was made to approve the compliance plan modifications with the above conditions (Baker), was properly seconded (Tappouni) and approved by the body.

VII. PUBLIC HEARING(s)

None

VIII. COMMISSION & JEPB COMMITTEE UPDATES

- Waterways Commission
 - Ms. Tappouni mentioned that the work of the commission was growing. Artificial reefs were discussed again and Algal Bloom task force would be meeting in June. She mentioned that the pace of work will likely continue and that she wanted her replacement to be aware of that going in.
- KJB Commission
 - Ms. Fu mentioned that the Downtown cleanup and the Earth Day Festival at the Landing were held on April 21st. They are also seeking nominations for their awards. It was asked that the nomination forms be shared with the JEPB members.
- JEPB Water Committee – routine
- JEPB Air Committee
 - The committee is working on a checklist to be used in conjunction with noise variance applications and discussion of ongoing noise issues along Bay Street.
- JEPB Education & Outreach Committee
 - Ms. Tappouni asked the members to really promote getting quality nominations.

IX. EPB ADMINISTRATOR REPORT

JAMES RICHARDSON

Mr. Richardson discussed information contained in his monthly report (attached).

X. ENVIRONMENTAL QUALITY DIVISION REPORT

MELISSA LONG

Chief Long mentioned that they are changing how they track issues to include more tracking for downstream sources. They are beginning these efforts in the Miller Creek area. She mentioned Welcome to Rockville and Funkfest and that there were a few complaints but no violations. She will be meeting with SJRWMD to discuss funding of the microbial study. The Navy Partnership meeting will be taking place later in the month. The total nitrogen reduction RFPs (responses) were received and are being graded. She will share more information at later meetings. Finally she mentioned that the annual budget process had commenced.

Ms. Kilbourn shared that rulemaking for JEPB Rule 2 and JEPB Rule 6 would commence with information being distributed at the Air Committee.

XI. OLD BUSINESS

- JEPB Retreat – when, what and where

The Chair shared that the date would be Monday, August 13th from 4 pm to 8 pm, although it is not anticipated that it would go that entire time length. It will be held at the MSRI building on the campus of JU. She outlined potential topics to be discussed: EPB history, rulemaking, board structure and member issues. She encouraged members to think of items/issues that they would like to have the board work on in the coming months and prepare to advocate for them.

XII. NEW BUSINESS

- EPB-DCPS Environmental Champion Award

Ms. Tappouni shared the history of the award which is in partnership with the Duval County School district. She shared that there was historically one chosen, however two quality nominations were provided.

Mr. Richardson shared information about the two Green Champions being presented. Historically he has worked with the District to identify a nominee from the Gold and Platinum level champions as determined by the District. However, two nominees are being presented this year because of their strength: Jessica Brothers, Jacksonville Beach and Nathan Heffner, Alden Road Exceptional Student Center. After sharing aspects of each program, he discussed that the Board could choose one winner or they could select both and split the \$500 stipend that is provided with the award.

Discussion ensued around the nominees presented and the quality of each program. A motion was made to approve both as Joint Champions with a \$500 stipend to each (Wood), was properly seconded (DuPree) and was approved by the body.

XIII. ITEMS REFERRED TO COMMITTEES

- none

XIV. NEXT SCHEDULED BOARD MEETING(s)

- EPB Committees
 - I. Air & Odor Committee – May 29, 2018 at 4:30 pm
 - II. Water Committee – May 29, 2018 at 5:00 pm
 - III. Education & Public Outreach – May 29, 2018 at 5:30 pm
- EPB Steering Committee – June 6, 2018 at 4:00 pm
- EPB monthly meeting – June 11, 2018 at 5:00 pm

XV. ADJOURNMENT

The meeting was adjourned at 6:28 pm.

Respectfully Submitted

James Richardson, EPB Administrator



City of Jacksonville, Florida

Lenny Curry, Mayor

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

ONE CITY. ONE JACKSONVILLE.

MEMORANDUM

May 8, 2018

TO: Jacksonville Environmental Protection Board Steering Committee

THROUGH: Stephanie Burch, Esq., Director
Neighborhoods Department

Melissa M. Long, P.E., Chief
Environmental Quality Division

FROM: Tree Kilbourn, Environmental Enforcement Officer
Environmental Quality Division

RE: **AMENDED PROPOSED PRESENTATION TO JEPB – May 14, 2018**
APPROVAL OF CONSENT ORDER SETTLEMENTS

Air

Hubbard Construction Company d/b/a Atlantic Coast Asphalt Company (AP-18-05) - Added
Exceedance of PM emission limit; Failure to timely submit two PM test reports

Water/Hazmat

103 Bldg C, LLC (WP-17-50)

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 provide operator to perform required maintenance and keep required records; Failure to notify EQD of a discharge of wastewater and provide required records

Fort Francis, LLC d/b/a Royal Estates – Compliance Plan update and possible modification

From Martha Torres with Somari Management: "I sent a copy of the mail received by the company Advance Utility where they indicated that they cannot do the work of the Manholes in Royal Estates until October or November of this year. In turn we recommend the company of Davie Underground's who informed us that they have no availability until December."

c: Ms. Stephanie Burch, Director
Mr. Jason Teal, OGC
Mr. Jeff Close, OGC
Mr. James Richardson, Program Administrator, EPB
EQD Branch Managers

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
MAY 14, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Hubbard Construction Company d/b/a
Atlantic Coast Asphalt Company,**

Petitioner,

Respondent.

Type of alleged violation(s): Exceedance of PM emission limit; Failure to timely submit two PM test reports

Source of alleged violation(s): Drum mix asphalt plant located at Real Estate Parcel ID 159630-0130, 9622 E. Florida Mining Blvd., Jacksonville, Florida, (DEP Permit No. 0310026-010-AO, EU 002)

Date of alleged violation(s): 12/15/17 to 2/14/18 for PM emission exceedance
1/29/18 to 4/4/18 for 12/15/17 test report [65 days late]
2/23/18 to 4/4/18 for 1/9/18 test report [40 days late]

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

Rules allegedly violated: FS 403.161(1)(b); 40 CFR 60.92(a)(1), FAC 62-204.800 [which adopts by reference 40 CFR Part 60 Subpart I] and JEPB Rule 2.201 [which adopts and incorporates by reference FAC 62-204] and DEP Permit No. 0310026-010-AO, Emissions Unit Specific Conditions No. 5, Page 7 of 20
FS 403.161(1)(b); FAC 62-297.310(10)(a) and JEPB Rule 2.1201 [which adopts and incorporates by reference FAC 62-297], and DEP Permit No. 0310026-010-AO, Emissions Unit Specific Conditions No. 13.a, Page 9 of 20

ND response to alleged violation(s): Cease and Desist Citation AP-18-05 issued 4/23/18

Respondent's corrective actions: Retest 2/14/18 confirmed return to compliance for PM emission limit – leak repaired
All required reports received as of 4/4/18

Consent Order settlement fee: **\$8,400**

Consent Order requirements: None

Enforcement actions:

Citation AP-05-06 issued to Hubbard Construction Company d/b/a Atlantic Coast Asphalt Company for objectionable odors. \$800 penalty paid. Case closed.

Citation AP-90-13 issued 2/13/90 for exceeding visible emissions. \$5,000 penalty paid. Case closed.

NTC A6429 issued 7/29/04 for unconfined particulate matter. Closed.

NTC A0356 issued 7/21/99 for AOR violation - exceeding hours of operation. Closed.

NTC 8316 issued 1/7/97 for failure to maintain equipment. Closed.

NTC 8253 issued 11/14/96 for excess hours of operation. Closed.

NTC 8281 issued 10/24/06 for no permanent test fac. of asphalt drum mixer. Closed.

NTC 8141 issued 1/10/96 for failure to maintain pollution controls. Closed.

NTC issued 10/05/93 for unconfined emissions. Closed

NTC issued 11/18/91 for unconfined emissions of yard dust. Closed.

NTC issued 8/13/91 for fugitive emissions. Closed.

NTC issued on 2/05/90 for unconfined particulate matter from shaker tower. Closed.

NTC issued on 6/27/89 for unconfined emission of yard dust. Closed.

NTC issued on 6/19/89 for fugitive emissions from shaker tower. Closed.

NTC issued on 2/15/89 for unconfined emissions from shaker tower. Closed.

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MAY 14, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

103 Bldg C, LLC,

Petitioner,

Respondent.

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 provide operator to perform required maintenance and keep required records; Failure to notify EQD of a discharge of wastewater and provide required records

Source of alleged violation(s): Wastewater collection/transmission system located at 13333 103rd Street, Real Estate ID Number 002212-0100, Jacksonville, FL

Date of alleged violation(s): On or before 12/19/17

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

Rules allegedly violated: FS §403.161(1)(b); JEPB Rules 3.103B, G. and I; 3.403 and 3.404; 3.405A.5.c and 3.405A.5.g; and 3.405A.7 and 3.405A.7.a

ND response to alleged violation(s): Cease and Desist Citation WP-17-50 issued 12/27/17

Respondent's corrective actions: Wastewater removed from stormwater ditch and ditch treated with FDOT and PW guidance; repairs to system made, engineer confirmed design

Consent Order settlement fee: **\$8,240** [\$10,300 less 20% good faith efforts to cooperate]

Consent Order requirements: None

Enforcement actions: None

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
MAY 14, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Fort Francis, LLC and Somari Management
Company, Inc.,**

Petitioner,

Respondents.

Type of alleged violation(s): Unlawful discharge of wastewater; Failure to maintain the system so as to function as intended, Illicit connection to a storm sewer drain; Unlawful bypass of wastewater treatment facility; Exceedance of state water quality standards; Failure to comply with sewerage design standards; Failure to provide operator and post a sign with required information; Failure to notify EQD of an unlawful discharge of wastewater and submit required documentation.

Source of alleged violation(s): Wastewater collection/transmission system located at 8050 Arlington Expressway, Jacksonville, Florida

Date of alleged violation(s): On or before 1/7/14

Method of determining alleged violation(s): Field investigations

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103.B, G, E and I, 3.201, 3.403 and 3.404, 3.404.A.6, .405A.5.c, 3.405.A.5.g, and 3.405A.7.a

ND response to alleged violation(s): Cease and Desist Citation WP-14-01 issued 1/24/14.

Respondent's corrective actions: Repairs made and engineer hired to permit modifications to system. Permit issued 10/10/15 (normally would have 5 years to complete permitted work)

Consent Order settlement fee: \$0 pursuant to the EPA's ABEL Model results demonstrating the Respondent's inability to pay the assessed civil penalties

Consent Order requirements: Permit Number 0011224-749-DWC was issued 10/10/15
Monthly status reports to EQD with the first report due 1/1/17
Request for Approval shall be submitted to EQD by 7/14/17
Modified 6/12/17 to extend deadline to 11/17/17
Modified 11/13/17 to extend deadline to 1/8/18 or appear at 1/8/18 JEPB
Modified 1/8/18 extend DEP Request for Approval submittal to JEA deadline to 6/1/18 and final permitting completion deadline to 6/30/18

Enforcement actions:

NTCs GT14-0267 issued 1/9/14 to Florida RE Investments Group, LLC, Fort Francis, LLC, ICM Green Builders, LLC and Royal Estates Apartments for unlawful discharge, failure to notify and failure to post required sign. Referred to Enforcement.

Previous property owner:

Citation WP-11-38 issued 11/14/11 to MPI Wynter Green LLC d/b/a Royal Estates Apartments for unlawful discharge, failure to maintain, failure to secure, and failure to notify. \$0 penalty as property was foreclosed prior to resolution of penalty. Closed.
Citation WP-08-56 issued 9/19/08 to MPI Wynter Green LLC d/b/a Royal Estates Apartments for unlawful discharge, failure to maintain, and failure to notify. \$8,000 penalty less \$6,000 mitigation credit for SEP. \$2,000 penalty paid. Closed.

NTCs VY09047 issued 10/6/09 for failure to keep equipment in service, unlawful discharge and failure to notify EQD. Closed.
NTCs VY08083 issued 12/17/08 for failure to provide safe access. Closed.

NTCs VY08061 issued 10/9/08 for failure to keep equipment in service and unlawful discharge. Referred to Enforcement.

NTCs VY08052 issued 8/6/08 for failure to keep equipment in service and unlawful discharge. Referred to Enforcement.

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Water Committee

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EPB ADMINISTRATOR REPORT – May 2018

- ✓ **The 2nd annual Jax Aquafest was held on Saturday, May 5th at MOSH. There were over 15 educational stations set up throughout the museum. There were just over 700 attendees.**
- ✓ **As requested, the JEPB Air Committee will continue discussing a checklist to be developed as an attachment to the noise variance application. This will also outline possible conditions that will be added to the variance if approved by the JEPB. Staff will present that information to the committee at their next meeting.**
- ✓ **At the June meeting, the JEPB will undertake rulemaking on JEPB Rule 2 – Air Pollution. This is regularly held annual rulemaking that is required by the Standard Operating Agreement with FDEP. You should receive proposed changes in your meeting packet next month.**
- ✓ **The nomination period for the annual JEPB Environmental Achievement Awards will soon be open. Please begin now to ponder possible nominations. Be on the lookout for the announcement and share it with others.**
- ✓ **The symposium planning team has settled on “Investment, Innovation and Action – Leading the Way to a Sustainable Future” as the theme for the event to be held on Friday, September 14th. Erin Black – VP Risk Management & Sustainability for Coca-Cola Beverages Florida will serve as the luncheon keynote. One highlight that I will share is the discussion of closing the symposium with a roundtable discussion of an Environmental Vision for N Florida. Panelists contemplated include leadership from FDEP, SJRWMD, JEA, COJ Public Works, FCMA, St Johns Riverkeeper and Quint White. If you have any thoughts or specific wishes for event content, please let staff know.**