

Air Odor Noise Committee

Amy Fu, P.E. – Chair
Caleena Shirley
David Wood
Thomas Deck
Edmund Clark, M.D.

Education & Public Outreach

David Wood – Chair
Lucinda Sonnenberg, Ph.D.
Bobby Baker, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair
Thomas Deck
Roi Dagan, M.D.
Edmund Clark, M.D.
Caleena Shirley

Lucinda Sonnenberg, Ph.D. – Chairman
Amy Fu, P.E. – Vice Chairman
Bobby L. Baker, P.E., Edmund Clark, M.D., Roi Dagan, M.D.,
Thomas Deck, Caleena Shirley, David Wood

Jacksonville Environmental Protection Board

Monday, November 13, 2018

BOARD MEETING SUMMARY**MEMBERS PRESENT:**

Lucinda Sonnenberg, Ph.D., Chair
Gabriel DuPree
Michelle Tappouni
(via phone until 5:30 pm, then in person)

Roi Dagan, M.D. (arrived at 5:40 pm)
David Wood
Bobby Baker, P.E.

MEMBERS NOT PRESENT:

Amy Fu, P.E., Vice Chair

STAFF/RESOURCES PRESENT:

James Richardson, JEPB Administrator
Melissa Long, EQD Chief
Jeff Close, OGC

Tree Kilbourn, EQD Enforcement
Terry Carr, EQD Water Branch

VISITOR(S) PRESENT:

Tom Deck, Ensafe
Caleena Shirley

Edmund Clark, M.D

**CALL TO ORDER
INTRODUCTIONS**

DR. SONNENBERG

Chair Sonnenberg called the meeting of the Jacksonville Environmental Protection Board (JEPB) at 5:05 pm.

There was a brief discussion as to if a quorum was present with one member participating via phone. The initial statement was that it was.

CHAIRMAN'S REMARKS

None

COMMENTS FROM THE PUBLIC

none

APPROVAL OF MINUTES

A motion made (DuPree) to approve the October 8th JEPB retreat summary was properly seconded (Baker) and approved by the body.

A motion made (DuPree) to approve the October 8th Noise Variance hearing summary was properly seconded (Baker) and approved by the body.

CONSENT ORDERS

(Air/Odor/Noise)

- **Taylor Made Fiberglass, Inc. and Southern Fiberglass, Inc. (AP-18-10)** - Operating an air pollution source without a permit – proposed settlement: **\$4,800** [*\$6,000 less 20% good faith efforts to cooperate*]

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

(Water/Haz Mat)

- **IPR Southeast, LLC (WP-18-65)** - Failure to comply with erosion and sediment control standards – proposed settlement: **\$1,840** [*\$2,300 less 20% good faith efforts to cooperate*]

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

- **IM500, LLC (WP-18-43)** - Unlawful discharge of turbid water to stormwaters by overland flow; Failure to comply with erosion and sediment control standards – proposed settlement: **\$1,840** [*\$2,300 less 20% good faith efforts to cooperate*]
- **IM6282, LLC (WP-18-36)** - Unlawful discharge of turbid water to stormwaters and surface waters; Failure to comply with erosion and sediment control standards – proposed settlement: **\$13,440** [*\$16,800 less 20% good faith efforts to cooperate*]

A motion to approve the above two consent orders (DuPree) was properly seconded (Baker) and approved by the body.

- **Hoose Homes and Investments, LLC (WP-18-39)** - Unlawful discharge to ground, surrounding environment and indirect to stormwater; Failure to comply with erosion and sediment control standards – proposed settlement: **\$3,080** [*\$3,850 less 20% good faith efforts to cooperate*]

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

At 5:15 pm, Board Counsel indicated that “quorum” was constituted by physically present. As there was not a quorum, all votes previously taken would be invalid and would need to be reconsidered once a quorum had been established. The meeting proceeded to the enforcement report and air monitor siting presentation.

Upon the arrival of Michelle Tappouni at 5:30 pm, a quorum was established. A motion to approve all previous consent orders and minutes (DuPree) was properly seconded (Wood) and approved by the body.)

- **Commons on Anniston, LLC, new owner/buyer (WP-18-15)** - Unlawful discharge from break in private collection line crossing Jones Creek – proposed settlement: **\$6,400** [*\$8,000 less 20% good faith efforts to cooperate*] May propose SEP before 10/3/19
- **Paradise Village Limited, LP (WP-17-47)** - Unlawful discharge; failure to maintain WWCTS to function as intended; unlawful bypass of treatment facility – proposed settlement: **\$4,800** [*\$6,000 less 20% good faith efforts to cooperate*] [*Limited exposure to residents, not to stormwater or surface water*]

A motion to approve the above two consent orders (DuPree) was properly seconded (Baker) and approved by the body.

ENFORCEMENT REPORT

TREE KILBOURN

Ms. Kilbourn entertained questions on the report – there were none. She reported that more and more she is working with engineers on corrective actions which is good, however enforcement cases are taking much longer to get to the Board for approval.

PRESENTATION(s)

Chief Long shared some general information on the process involved for the siting of air monitors. (Presentation is attached)

PUBLIC HEARING(s)

- Southeast Utilities/Comcast – Noise Variance

The JEPB meeting was suspended at 5:58 pm to conduct the public hearing.
The JEPB meeting resumed at 6:00 pm.

COMMISSION & JEPB COMMITTEE UPDATES

- Waterways Commission – Mr. Baker shared that one of the main items of discussion was the safety around Ft. George Inlet and the possible addition of speed restrictions.
- KJB Commission – Mr. Richardson shared information around America Recycles Day and the Right Whale Festival.
- JEPB Water Committee – no update
- JEPB Air Committee – no update
- JEPB Education & Outreach Committee - discussion around EPB education funding request

EPB ADMINISTRATOR REPORT

Copy of report attached

ENVIRONMENTAL QUALITY DIVISION REPORT

Chief Long shared that the Microbe lift project was submitted to the SJRWMD for funding and she feels confident that it will be funded. She is working to fill a few vacancies in the division and should be pretty good with that in December. She is working to secure education targets from each of the branches and will be compiling that to share with the Education committee for alignment with EPB priorities.

Mr. Richardson then shared that there were a couple of variances that are in various stages of review and would likely require Air Committee meetings in November or prior to the December Board meeting.

OLD BUSINESS

- JEPB Retreat – Follow-up Discussion
 - Board Committees
 - Priorities

Dr. Sonnenberg then shared JEPB committee assignments effective January for the coming year. She then shared the Emerging Priorities once more before removing this agenda item.

NEW BUSINESS

- SSO Prevention Ad Hoc Committee
 - Committee Charge
 - Next Steps

Chair Sonnenberg discussed that given the new meeting structure of the committees, it might be best to establish a time-based ad hoc committee focused on the prevention of SSOs. She went through the charge (attached). Membership would be voluntary. Meetings would be scheduled during the regular time of the committees and the first meeting would be November 26th at 5:30 pm. She welcomes the input of staff.

EPO would meet at 4:30 on the 26th, Air Committee at 5:00 pm for the variance.

ITEMS REFERRED TO COMMITTEES

There were none.

NEXT SCHEDULED BOARD MEETING(s)

- EPB Committees
 - I. Water Committee – no November meeting scheduled
 - II. Education & Public Outreach – Monday, November 26, 2018 at 4:30 pm
 - III. Air & Odor Committee – Monday, November 26, 2018 at 5:00 pm
 - IV. SSO Ad Hoc Committee - Monday, November 26, 2018 at 5:30 pm
- EPB Steering Committee – Tuesday, December 4, 2018 at 4:00 pm
- EPB monthly meeting – Monday, December 10, 2018 at 5:00 pm

The meeting adjourned at 6:33 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

December 5, 2018

TO: Jacksonville Environmental Protection Board Steering Committee
THROUGH: James A. Richardson, II, Board Administrator
THROUGH: Melissa M. Long, P.E., Chief
Environmental Quality Division
FROM: Tree Kilbourn, Environmental Enforcement Officer
Environmental Quality Division
RE: **THIRD AMENDED - PROPOSED PRESENTATION TO JEPB – December 10, 2018**
APPROVAL OF CONSENT ORDER SETTLEMENTS

Water/Hazmat

American Classic Homes, LLC (WP-18-60)

Unlawful discharge to ground, surrounding environment with overland flow to stormwater; Failure to comply with erosion and sediment control standards

Jax Esperanza, LLC d/b/a La Esperanza Apartments (WP-18-45)

Unlawful discharge of sewage or other untreated wastewater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility

Petticoat-Schmitt Civil Contractors, Inc. (WP-18-40)

Unlawful discharge of sediment or turbid water to stormwater; Failure to comply with erosion and sediment control standards

W. Gardner, LLC (WP-18-29)

Unlawful discharge to stormwaters; Failure to comply with erosion and sediment control standards

Wen South, LLC; Whataburger Restaurants LLC; North Florida Foods, LLC (WP-17-45)

Unlawful discharge of sewage or other untreated wastewater to stormwater; Failure to maintain system to function as intended; Bypass of a wastewater treatment facility; Failure to notify EQD of discharge and provide required records

Angel Lakes Gated, Inc. and Jax Underground Utilities, Inc. (WP-18-33)

Unlawful discharge to surface water; Failure to comply with erosion and sediment control standards

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

American Classic Homes, LLC,

Petitioner,

Respondent.

Type of alleged violation(s): Unlawful discharge to ground, surrounding environment with overland flow to stormwater; Failure to comply with erosion and sediment control standards

Source of alleged violation(s): Construction project site located at Real Estate Parcel ID Numbers 008845-1540, -1550, -1560, -1570, -1580, -1860, addressed as 1205, 1211, 1217, 1223, 1229 and 1348 Sarahs Landing Drive, Jacksonville, Florida [multiple homes being constructed]

Date of alleged violation(s): On or before 9/11/18

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

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B and D; JEPB Rule 3.604

ND response to alleged violation(s): Cease and Desist Citation WP-18-60 issued 9/24/18 to BH Sarahs, LLC and American Classic Homes, LLC

Respondent's corrective actions: Enhanced ESC performance measures installed

Consent Order settlement fee: **\$4,800** [\$6,000 less 20% good faith efforts to cooperate]

Consent Order requirements: None

Enforcement actions:

For this location:

NTCs issued 5/24/18 to BH Sarahs, LLC and American Classic Homes, LLC for failure to comply with erosion and sediment control standards. Referred to enforcement.

For American Classic Homes, LLC:

Citation WP-18-71 issued to American Classic Homes and Hoose Homes & Investments, LLC [Century St.] for unlawful discharge to stormwater and failure to comply with erosion and sediment control standards. Pending.

Citation WP-18-56 issued to American Classic Homes and 221 Oleander, LLC [Dickinson & Hillsdale] for unlawful discharge of sediment to ground and failure to comply with erosion and sediment control standards. Pending.

Citation WP-18-39 issued to American Classic Homes and Hoose Homes & Investments, LLC [Hare Ave.] for unlawful discharge of sediment and failure to comply with erosion and sediment control standards. Pending penalty payment of \$3,080.

Citation WP-16-21 issued to American Classic Homes and Payne Roberts, LLC [Willow Branch] for unlawful discharge of sediment to ground and failure to comply with erosion and sediment control standards. \$240 penalty paid. Closed.

Citation WP-97-05 issued to American Classic Homes [Falcon Trace] for failure to maintain storm water management system. Closed.

NTC issued 10/25/18 to American Classic Homes [Cedar Hammock] for failure to comply with erosion and sediment control measures. Open.

NTCs issued 10/17/18 to Hoose Homes and Investments, LLC and American Classic Homes [Century St.] for failure to comply with erosion and sediment control standards. Referred to Enforcement.

Consent Order WP-18-60

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NTC issued 10/3/18 to American Classic Homes [Middleburg Rd.] for failure to comply with erosion and sediment control measures. Open.

NTC issued 10/3/18 to American Classic Homes [Kaye Lane] for failure to comply with erosion and sediment control measures. Open.

NTC issued 10/2/18 to American Classic Homes [Royal Ave.] for failure to comply with erosion and sediment control measures. Open.

NTC issued 9/12//18 to American Classic Homes [Stuart Ave.] for failure to comply with erosion and sediment control standards. Open.

NTC issued 6/8/18 to Hoose Homes and Investments, LLC [Century St.] for failure to comply with erosion and sediment control standards. Closed.

NTCs issued 5/24/18 for failure to comply with erosion and sediment control standards [Sarabs Landing]. Referred to Enforcement.

NTC issued 5/24/18 to American Classic Homes [Wilson Blvd. and Goodrich] for failure to comply with erosion and sediment control standards. Closed.

NTC issued 5/11/18 to American Classic Homes [Hare Ave.] for failure to comply with erosion and sediment control standards. Referred to Enforcement.

NTC issued 3/21/18 to American Classic Homes [Shangri Lane Dr.] for failure to comply with erosion and sediment control standards. Closed.

NTC issued 9/14/16 to American Classic Homes [Willow Branch Ave.] for failure to comply with erosion and sediment control standards. Referred to Enforcement.

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Jax Esperanza, LLC d/b/a La Esperanza
Apartments,**

Petitioner,

Respondent.

Type of alleged violation(s): Unlawful discharge of sewage or other untreated wastewater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/ transmission system or treatment facility

Source of alleged violation(s): Wastewater collection/transmission system located at Real Estate ID 135167-0000, 3800 University Boulevard South, Jacksonville, Florida

Date of alleged violation(s): On or before 6/21/18

Method of determining alleged violation(s): Field investigations and file reviews

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B, G and I

ND response to alleged violation(s): Cease and Desist Citation WP-18-45 issued 7/16/18 to Respondent

Respondent's corrective actions: Plumber removed grease clog from line. Entire collection system jetted.

Consent Order settlement fee: **\$3,920** [\$4,900 less 20% good faith efforts to cooperate]

Consent Order requirements: None

Enforcement actions: None

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

Petticoat-Schmitt Civil Contractors, Inc.,

Petitioner,

Respondent.

Type of alleged violation(s): Unlawful discharge of sediment or turbid water to stormwater; Failure to comply with erosion and sediment control standards

Source of alleged violation(s): Price Park project located at Real Estate Parcel ID Number 149093-0400, 0 Hood Road, Jacksonville, Florida

Date of alleged violation(s): On or before 6/21/18

Method of determining alleged violation(s): Field investigations and file reviews

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B and D, 3.604

ND response to alleged violation(s): Cease and Desist Citation WP-18-40 issued 7/2/18 to KB Home Jacksonville, LLC and Petticoat-Schmitt Civil Contractors, Inc.

Respondent's corrective actions: Additional measures installed, discharge ceased

Consent Order settlement fee: **\$6,400** [\$8,000 less 20% for good faith efforts to cooperate]

Consent Order requirements: None

Enforcement actions:

NTCs issued 6/27/18 to KB Home Jacksonville, LLC and Petticoat-Schmitt Civil Contractors, Inc. for failure to comply with erosion and sediment control standards at Summerlyn project. Referred to Enforcement

Other locations for KB Home Jacksonville, LLC:

Citation WP-17-38 issued 10/23/17 to KB Home Jacksonville, LLC and Burnham Construction, Inc. [Preston Pines] for unlawful discharge to surface waters and failure to comply with erosion and sediment control standards. \$6,720 penalty paid. Closed.

NTC issued 6/22/18 for failure to comply with erosion and sediment control standards [7125 and 7131 Preston Pines Trail]. Referred to Enforcement.

NTC issued 2/16/18 for failure to comply with erosion and sediment control standards [3124 Belfort Rd.]. Closed.

NTC issued 1/10/18 for failure to comply with erosion and sediment control standards [1440 Fouraker Rd.]. Closed.

NTC issued 10/13/17 for failure to comply with erosion and sediment control standards [Preston Pines]. Referred to Enforcement.

NTC issued 2/10/14 for failure to comply with erosion and sediment control standards [16023 N. Main St.]. Closed.

NTC issued 3/13/03 for failure to comply with erosion and sediment control standards [Daybreak Woods]. Closed.

Other locations for Petticoat-Schmitt Civil Contractors, Inc.:

NTC issued 1/29/18 for failure to comply with erosion and sediment control standards [1705 Pecan Park Rd.]. Closed.

NTC issued 12/7/17 for failure to comply with erosion and sediment control standards [4880 Town Center Pky.]. Closed.

NTC issued 9/21/09 for failure to comply with erosion and sediment control standards [3137 Green St.]. Closed.

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

W. Gardner, LLC,

Petitioner,

Respondent.

Type of alleged violation(s): Unlawful discharge of sewage or other untreated wastewater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/ transmission system or treatment facility

Source of alleged violation(s): Wastewater collection/transmission system located at Real Estate ID 135167-0000, 3800 University Boulevard South, Jacksonville, Florida

Date of alleged violation(s): On or before 4/11/18, 5/1/18, 5/10/18, 5/15/18, 6/27/18, 7/11/18, 7/30/18, 8/16/18, 8/29/18

Method of determining alleged violation(s): Field investigations and file reviews

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rules 3.103B and D, and 3.604

ND response to alleged violation(s): Cease and Desist Citation WP-18-294/20/18 to Duval Investment Group, LLC and W. Gardner, LLC

Respondent's corrective actions: Environmental consultant hired to install and maintain sufficient erosion and sediment control measures

Consent Order settlement fee: **\$11,200**

Consent Order requirements: None

Enforcement actions:

NTCs issued 4/13/18 TO Duval Investment Group, LLC and W. Gardner, LLC for failure to comply with erosion and sediment control standards and discharge to stormwater. Referred to enforcement.

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
December 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

**-vs- Wen South, LLC; Whataburger Restaurants LLC; and
North Florida Foods, LLC,**

Petitioner,

Respondents.

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 notify EQD of discharge and provide required records

Source of alleged violation(s): Wastewater collection/transmission system with lift station located at 3910 University Boulevard West and servicing 3930 University Boulevard West and 3860 University Boulevard West, Jacksonville, FL

Date of alleged violation(s): On or before 11/7/17

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

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

ND response to alleged violation(s): Cease and Desist Citation WP-17-45 issued to Respondents 11/21/17

Respondent's corrective actions: OMR/Easements records for shared lift station; DEP WWCTS construction permit application filed for engineer recommended modifications to shared lift station

Consent Order settlement fee: **\$6,400** [\$8,000 less 20% good faith efforts to cooperate]

Consent Order requirements: Complete permitted work and submit DEP Request for Approval to EQD no later than 3/30/20
Quarterly reports to EQD beginning 4/15/19 until DEP Request for Approval submitted

Enforcement actions:

NTC issued 3/10/09 to KFC for failure to keep equipment in service, unlawful discharge, and failure to notify EQD. Closed.

NTCs issued 4/12/07 to Kentucky Fried Chicken for failure to keep equipment in service and unlawful discharge. Closed.

Other locations for Respondents:

Citation WP-18-28 issued 4/24/18 to Oldfield Crossing, LLC and North Florida Foods, LLC for unlawful discharge to stormwater from collection lines [Old Field Crossing]. Engineer reviewing grease trap and collection lines. Pending.

Citation WP-12-35 issued 1/4/13 to Wen South, LLC for construction of a WWCTS without a permit but not yet in service [New King Road]. \$1,150 penalty paid. Case closed.

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
DECEMBER 10, 2018**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

**Angel Lakes Gated, Inc. and Jax Underground
Utilities, Inc.,**

Petitioner,

Respondents.

Type of alleged violation(s): Unlawful discharge to surface water; Failure to comply with erosion and sediment control standards

Source of alleged violation(s): Seasons at Green Meadows project site located at Real Estate Parcel ID Number 019446-1745, 0 Angel Lake Drive, Jacksonville, Florida

Date of alleged violation(s): May 4, May 10, May 15, June 11, July 30, August 15, October 12 and November 15, 2018

Method of determining alleged violation(s): Field investigations and file reviews

Rules allegedly violated: FS § 403.161(1)(b); JEPB Rule 3.103B; FAC 62-302.500, FAC 62-302.530(117) and JEPB Rule 3.201 [which adopts and incorporates by reference FAC Chapter 62-302]; JEPB Rule 3.604

ND response to alleged violation(s): Cease and Desist Citation WP-18-33 issued to Respondents on 5/30/18

Respondent's corrective actions: Engineer/Environmental consultant hired to inspect site and maintain sufficient erosion and sediment control measures to prevent off-site impacts

Consent Order settlement fee: **\$31,600** [discharge and/or water quality violations on days noted above]

Consent Order requirements: Engineer/consultant to remain engaged for 3 months or until site stabilized
Weekly reports on site conditions to EQD for duration
May propose SEP w/in 6 months of approval of Consent Order with Compliance Plan and if approved, SEP to be completed within 1 year

Enforcement actions:

NTCs issued 5/7/18 to Angel Lakes Gated, Inc., the property owner, and Jax Underground Utilities, Inc., the contractor, for failure to comply with erosion and sediment control standards. Referred to Enforcement

CITY OF JACKSONVILLE
REGULATORY COMPLIANCE DEPARTMENT,
ENVIRONMENTAL QUALITY DIVISION,

VS.

Respondents

Resolution WP-18-33

b. The consultant/engineer shall monitor the Project Site not less than weekly and submit a report to EQD with photos documenting continued compliance at the Project Site with no off-site impacts of sediment or turbid water to provide reasonable assurance of future compliance at the Project Site. Status reports shall be submitted by email to Tree Kilbourn, Environmental Enforcement Officer, tkilbour@coj.net, no later than Monday at 5:00 p.m. for the previous week's monitoring activity

Consent Order with Compliance Plan
WP-18-33
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c. The Project Site shall be monitored for a period of three months to end February 28, 2019 or when the Project Site is fully stabilized, whichever date is sooner.

6. As of the date this Consent Order with Compliance Plan is signed by the parties, a civil penalty of **\$31,600** is assessed for the alleged violations in paragraph 4 above. In lieu of payment of a civil penalty, Respondents may propose a SEP within six months of the date of this Consent Order with Compliance Plan. Any proposed SEP must be completed within 1 year of the date of this Consent Order with Compliance Plan. Should Respondents choose to perform a SEP to potentially mitigate a portion or all of the assessed civil penalty, Respondents shall submit a SEP proposal with detailed project description and itemized costs to EQD within six months of the date of this Consent Order with Compliance Plan. If the SEP proposal is recommended for approval by EQD staff, EQD shall propose a modification of this Consent Order with Compliance Plan to include the SEP with proposed project deadlines and penalty payment, if any, for consideration by the JEPB. Respondents shall then pay the final, assessed, mitigated civil penalty, if any, within 30 days after approval of the modification of this Consent Order with Compliance Plan by the City of Jacksonville Environmental Protection Board and complete the SEP as approved by the Board. If no SEP is proposed, the penalty of \$31,600 shall be due and payable no later than **June 30, 2019**. Penalty payment shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department, 214 N. Hogan Street, Fifth Floor, Jacksonville, FL 32202 to the attention Tree Kilbourn.

7. Should Respondents choose to submit a SEP proposal, Respondents acknowledge there exists certain restrictions which limit the use of federal, state or local financial assistance to fund the same activity as SEPs. Respondents also acknowledges that, pursuant to IRS regulations for federal income tax purposes, costs or expenditures incurred in performing the SEP cannot be capitalized into inventory or basis or be used to support certain tax deductions. The City of Jacksonville shall not be held responsible to violations of any assistance agreement or tax codes, and the Respondents should seek private professional guidance on any issues or concerns related to this matter.

8. Pursuant to Section 362.109, Ordinance Code, if Respondents fail to comply with any requirements of this Consent Order with Compliance Plan and any proposed and approved SEP, a civil fine of up to \$500 may be imposed for each occurrence of noncompliance with this Consent Order with Compliance Plan and any proposed SEP. Each day of non-compliance shall constitute a separate offense. Additionally, if a SEP is approved and not completed as agreed, the mitigated civil penalty credit awarded shall be immediately due and payable. If this remedy is imposed, the civil fine and any mitigated civil penalty if a SEP is proposed shall be due upon written notification to the Respondents by EQD. The check shall be made payable to the City of Jacksonville Environmental Protection Trust Fund and mailed to the Department at 214 N. Hogan Street, Fifth Floor, Jacksonville, Florida 32202 to the attention Tree Kilbourn.

9. This Consent Order with Compliance Plan fully resolves all issues raised in Cease and Desist Citation WP-18-33 and subsequent Project Site inspection and regarding the matters addressed herein. The Department reserves the right to take appropriate enforcement action against Respondents for any future violation of the Ordinance Code or rules. Respondents reserve their right to contest any such enforcement action in accordance with applicable law.

10. Notwithstanding and in addition to paragraph 8 above, pursuant to Section 362.110, a violation of the terms of this Consent Order with Compliance Plan may subject the Respondents to judicial imposition of civil penalties of up to \$10,000 per violation per day.

11. In consideration of the complete and timely performance by Respondents of the corrective actions to resolve the project impacts, and performance of the obligations agreed to in this Consent Order with Compliance Plan and any proposed SEP, the Department waives any right to seek judicial imposition of additional penalties.

Consent Order with Compliance Plan
WP-18-33
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Respondents waive their right to an administrative hearing pursuant to Section 120.57(1), Florida Statutes, regarding the terms of this Consent Order with Compliance Plan.

12. The provisions of this Consent Order with Compliance Plan shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms, and corporations in active concert or participation with them.

13. Entry of this Consent Order with Compliance Plan does not relieve Respondents, their agents or contractors of the need to comply with applicable federal, state or local laws, regulations or ordinances.

CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT

Date

Stephanie Burch, Director

Angel Lakes Gated, Inc.

Date

Name:

Title:

Jacksonville Underground Utilities, Inc.

Date

Name:

Title:

ORDER

I hereby certify that the foregoing document was adopted by order of the Environmental Protection Board of the City of Jacksonville this _____ day of _____, 20__.

Lucinda B. Sonnenberg, Ph.D., Chair
Environmental Protection Board

Siting of Ambient Air Quality Monitors

Michael Williams, P.E.
Air Quality Branch Manager



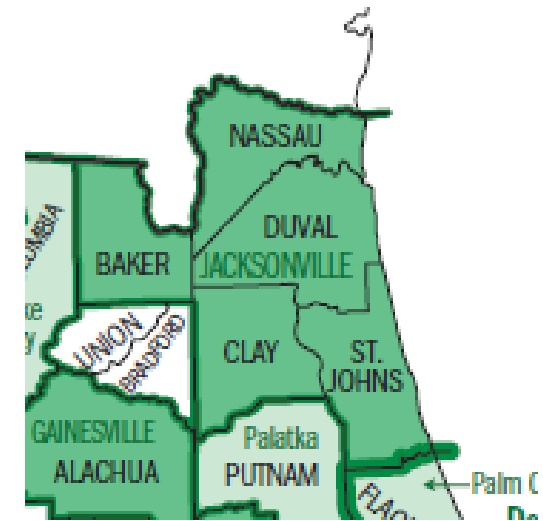
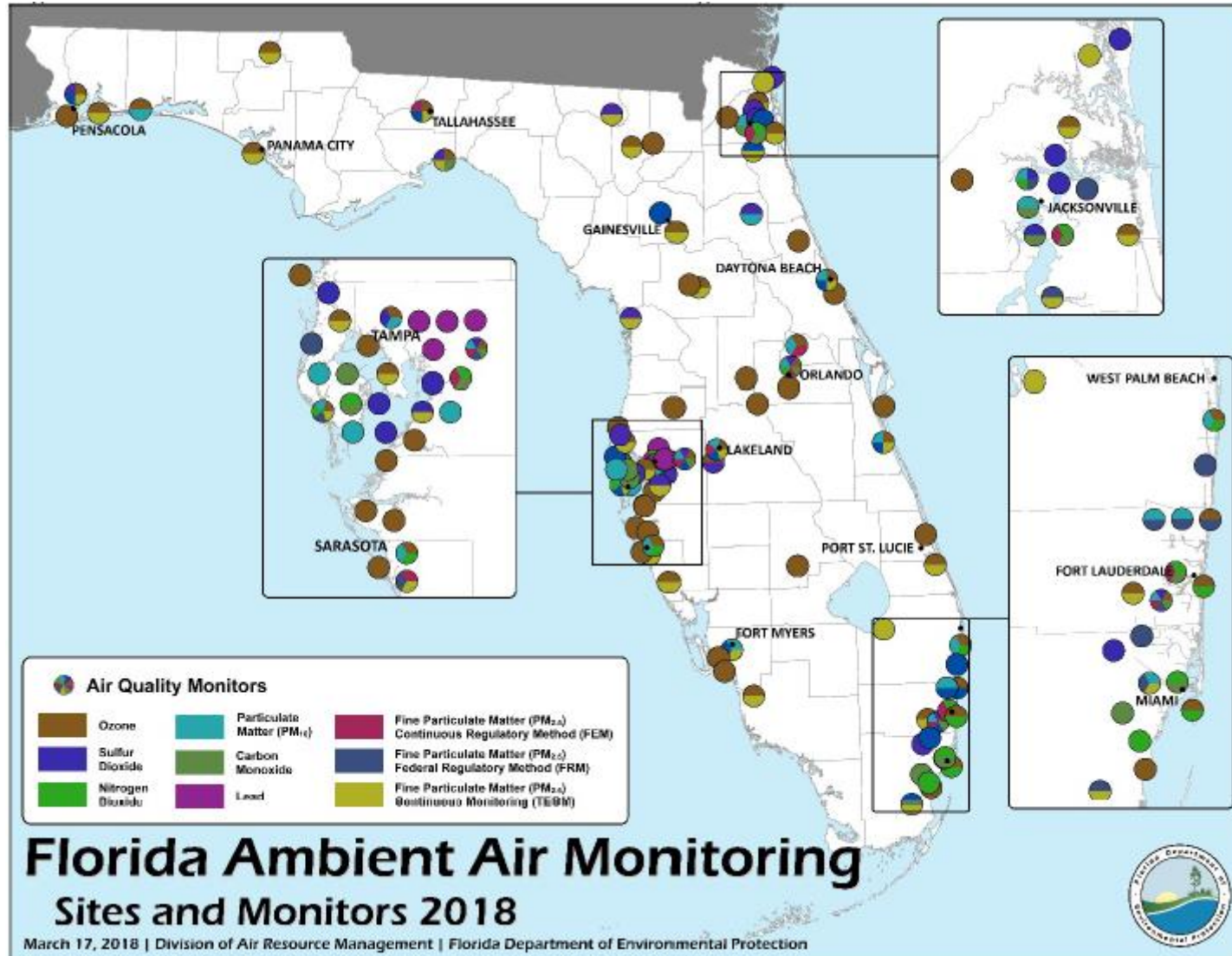
ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Lenny Curry, Mayor

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

Florida's Ambient Air Monitoring Network



Jacksonville MSA:
Baker, Clay, Duval, Nassau, and St Johns Counties

Data uses:

- Determine an area's compliance with the National Ambient Air Quality Standards (NAAQS);
- Produce a daily Air Quality Index (AQI) report;
- Compile daily air quality forecast reports;
- Support short and long-term health risk assessments;
- Identify localized health concerns; and
- Track long-term trends in air quality that could potentially affect the quality of life of Florida's residents and visitors.

Scales of Representativeness

Monitoring Objective	Appropriate Siting Scale
Highest concentration	Micro, middle, neighborhood
Source impact	Micro, middle, neighborhood
Population	Neighborhood, urban
General/ background	Neighborhood, regional, global

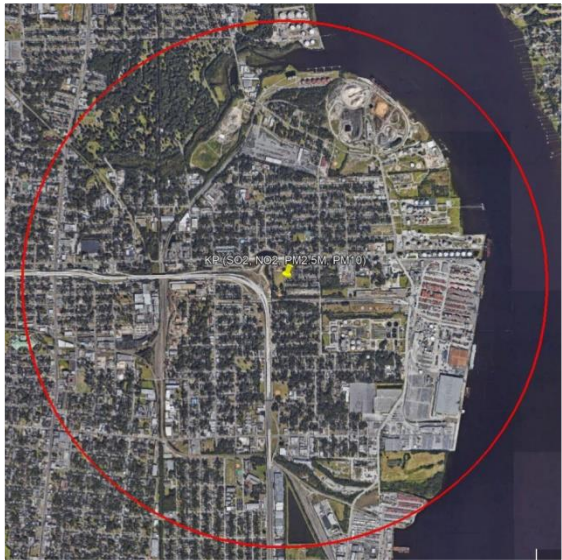
Micro: up to 100m



Middle: 100 m to 0.5 km



Neighborhood: 0.5 km to 4 km



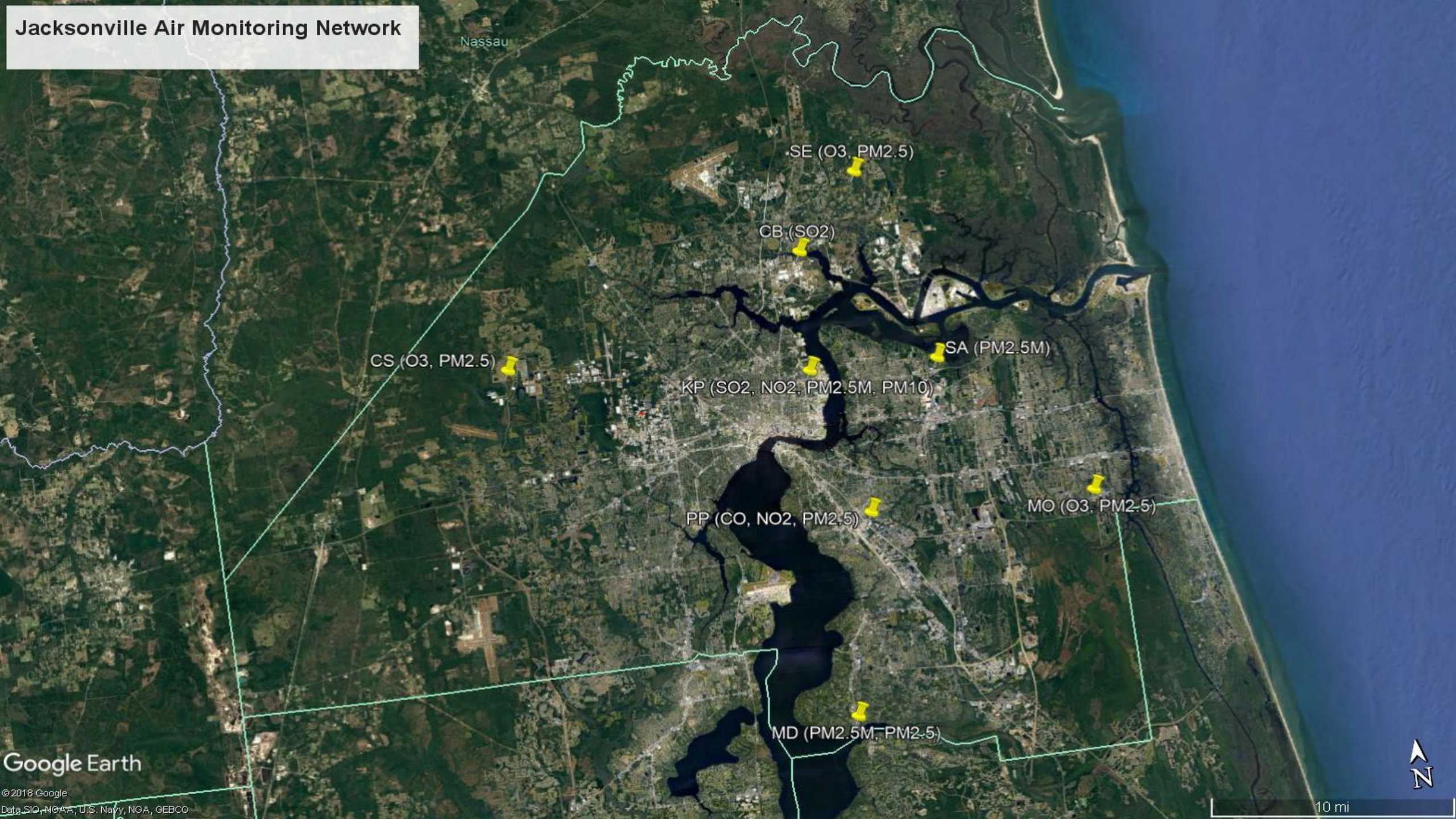
Urban: 4 km to 50 km



Monitoring Siting for Specific Pollutants (40 CFR 58 Appendix D)

- 40 CFR 58 Appendix D stipulates number of monitors and spatial scale for each pollutant.
- Number of monitors for most pollutants are based on MSA population and design value as related to the NAAQS (air quality standards).
- Special Purpose Monitors (SPM) can be sited without following to 40 CFR 58 Appendix D criteria.

Jacksonville Air Monitoring Network



How do we establish a new site?

- Establish a purpose decide on pollutants (short term study?).
- Get it approved by DEP and get it in the network plan by around March (requires public notice and EPA approval).
- Obtain funding (EPA 105 grant, Tag Fee, etc).

Air Odor Noise Committee

Roi Dagan, M.D. – Chair
Michelle Tappouni
David Wood
Gabriel DuPree

**Water Committee**

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

Education & Public Outreach

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

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

EPB ADMINISTRATOR REPORT – November 2018

- ✓ Legislation appointing Tom Deck to the JEPB (2018-690) to replace Leo Hearn will be approved during the Council meeting currently underway. Legislation for the reappointment of Dr. Dagan (2018-705) is in public hearing this evening and will be in committee next week. I recently met with the Mayor's Chief of Staff, Boards and Commission Staff and Dr. Edmund Clark. The meeting was positive and I am awaiting word if they plan to move forward with the appointment. Finally, legislation to appoint Caleena Shirley (2018-798) in the Discreet Citizen position to replace Michelle Tappouni is being introduced at today's Council meeting. Should come out of Council at the end of January.
- ✓ Jacksonville, in many ways, has one of the older and larger local environmental regulatory programs. However, in many ways we have relinquished our position, or status, in the larger and more visible statewide environmental associations. This is slowly changing. Melissa is a board member for the Florida Stormwater Association and Cassidy Reichert and myself serve on two of their committees. Earlier this month, I was asked to serve, and have accepted, a position on the Board of Directors for the Florida Environmental Resources Agencies (FLERA). This helps to ensure that Jacksonville has a seat at the table of organizations that have substantial influence in the shaping of statewide environmental policy in the State of Florida.
- ✓ The board has had discussion around your priority issues with education and outreach being one. The staff, at the direction of the Chief, is going through a process to identify the top issues they would like to have some focus on in educating the public. This will be combined with those of the board to develop main areas of concern to build specific campaigns and initiatives around. We will keep you abreast of this progress through the EPO Committee.

Air Odor Noise Committee

Amy Fu, P.E. – Chair
Caleena Shirley
David Wood
Thomas Deck
Edmund Clark, M.D.

Education & Public Outreach

David Wood – Chair
Lucinda Sonnenberg, Ph.D.
Bobby Baker, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair
Thomas Deck
Roi Dagan, M.D.
Edmund Clark, M.D.
Caleena Shirley

Lucinda Sonnenberg, Ph.D. – Chairman
Amy Fu, P.E. – Vice Chairman
Bobby L. Baker, P.E., Edmund Clark, M.D., Roi Dagan, M.D.,
Thomas Deck, Caleena Shirley, David Wood

Public Hearing Meeting Summary
Noise Variance Request – Brasfield & Gorrie
Monday, November 13, 2018

CALL TO ORDER**LUCINDA SONNENBERG**

The hearing was called to order at 5:58 pm and the Chair read a statement indicating that staff is continuing its review of the application and has no recommendation at this time.

CERTIFICATION OF PUBLIC NOTICE**JAMES RICHARDSON**

Mr. Richardson certified that the required public notice appeared in the Jacksonville Daily Record.

COMMENTS FROM PUBLIC**SONNENBERG**

There were no public comments

BOARD VOTE**SONNENBERG**

A motion to continue the public hearing until December 10, 2018 was made (Tappouni) properly seconded (DuPree) and approved by the body.

PROCEDURAL SUMMARY**JEFF CLOSE**

Mr. Close confirmed that the hearing would be continued until the date provided.

ADJOURNMENT

The hearing was adjourned at 6:00 pm.