

**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**

**Jacksonville Environmental Protection Board**

Monday, September 10, 2018

**BOARD MEETING SUMMARY****MEMBERS PRESENT:**

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

David Wood  
Bobby Baker, P.E.  
Roi Dagan, M.D.

**MEMBERS NOT PRESENT:**

none

**STAFF/RESOURCES PRESENT:**

James Richardson, JEPB Administrator  
Melissa Long, EQD Chief

Jeff Close, OGC  
Tree Kilbourn, EQD Enforcement

**VISITOR(s) PRESENT:**

Fred Maddox  
John Nooney  
Lindsay Starnier, JEA

Andrew Sears, JEA  
Hilton Meadows

**CALL TO ORDER****DR. SONNENBERG**

Chair Sonnenberg called the meeting of the Jacksonville Environmental Protection Board (JEPB) at 4:15 pm.

**CHAIRMAN'S REMARKS**

None

**COMMENTS FROM THE PUBLIC**

Hilton Meadows addressed the body with his concern that the Division was improperly referring work on consent orders to engineers only. He indicated that the work could actually be referred to most, if not all, licensed professionals. Fred Maddox addressed the body concerning several items including the incorrect link to the enforcement reports distributed with the meeting information, the late distribution of the meeting materials and the desire to have the information distributed to a larger group of water stakeholders. John Nooney addressed the body concerning his desire to have an artificial reef in the St Johns River and requested that the EPB vote to request that Ord 2018-569 be sent to the Waterways Commission. Stanley Scott addressed the body concerning several issues including environmental concerns in North Jacksonville.

## APPROVAL OF MINUTES

A motion made (DuPree) to approve the August 13<sup>th</sup> JEPB retreat summary was properly seconded (Fu) and approved by the body.

## CONSENT ORDERS

(Air/Odor/Noise)

- **FRZ, LLC dba Pressing Agenda (AP-18-03)** - Operating an air pollution source without a permit; Failure to register for the use of Air General Permit – proposed settlement **\$720** [*\$900 less 20% for good faith efforts to cooperate*]

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

(Water/Haz Mat)

- **J.B. Coxwell Contracting, Inc. (WP-18-20)** - Unlawful discharge to stormwater, wetlands and surface waters; Exceedance of water quality standards for surface waters; Failure to comply with erosion and sediment control standards – proposed settlement: **\$7,040** [*\$8,800 less 20% good faith efforts to cooperate*]

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

- **6721 Stuart Avenue, L.L.C. (WP-16-20)** - Unlawful discharge of untreated wastewater to stormwater; Illicit wastewater connection to a storm sewer ditch; Unlawful bypass of wastewater collection system or treatment facility – proposed settlement: **\$6,400** [*\$8,000 less 20% good faith efforts to cooperate*]

During public comment on the issue, Mr. Fred Maddox shared some information as the operator of the system. He described what happened and the reason(s) why, the parties involved and suggested that they were deserving of more than a 20% good faith effort discount. There were questions and discussion, during which Ms. Kilbourn shared that the consent order was approved by attorneys of the LLC and that Mr. Maddox was not authorized to speak on their behalf.

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

## ENFORCEMENT REPORT

### TREE KILBOURN

- **JEA Compliance Plan** - Compliance Plan to resolve violations at 3 project locations and provide time to submit SEP proposal – Proposed settlement: **\$14,000** Proposed consent requirements: **Propose SEP for possible modification of Consent Order or pay penalty no later than 9/30/19 & Quarterly reports on SEP development beginning 10/10/18**

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

- **Jax Avalon, LLC (Re: litigation involving 7557 Arlington Expressway)** - Voluntary compliance with new property owner to hire engineer to review system and complete all recommended repairs and modifications – proposed settlement: **None for Consent Order. Court order for \$20,000 in penalties to trust fund and attorneys' fees and costs** Proposed Consent Order Requirements: **Engineer Report or WWCTS construction permit application due by 12/31/18; Work and final approvals to be completed no later than 6/30/19; Status reports due by 15th of each month beginning 10/15/18**

Mr. Baker declared a conflict and completed the required form (attached). A motion to approve the consent order was made (DuPree), properly seconded (Fu) and approved by the body.

## **PRESENTATION(s)**

None

## **PUBLIC HEARING(s)**

None

## **COMMISSION & JEPB COMMITTEE UPDATES**

- Waterways Commission – it was shared that the Algal Bloom Task Force was finalizing the report and may have it for the October meeting.
- KJB Commission – no report
- JEPB Water Committee (no August meeting)
- JEPB Air Committee (no August meeting)
- JEPB Education & Outreach Committee (no August meeting)

## **EPB ADMINISTRATOR REPORT**

Mr. Richardson shared that everything was on track for a successful symposium. As this is the largest educational effort of the JEPB, he would be giving consideration to ask that, in the future, the September meeting of the JEPB be moved or cancelled. He also provided information on the status of the open member vacancies and efforts to replace them.

## **ENVIRONMENTAL QUALITY DIVISION REPORT**

Chief Long shared that the Council would be voting on the budget the next evening. It contains 1 ESC position for the division and she anticipated that the budget would pass. She then shared that John Flowe would be retiring on September 28<sup>th</sup> with 37 years of service to the City. He will, after a few weeks, return on a part-time basis through January.

## **NEW BUSINESS**

- Ratification of JEPB funding for the Microbe Project  
Mr. Richardson shared that the Board had approved funding for the Microbe Lift study in April 2017 in a not to exceed amount of \$136,432.00. The remaining costs of the project would be funded by other entities that Chief Long was pursuing. She has now locked in a source of funding and the board is being asked to ratify the decision made since much time has elapsed. Chief long then shared the minor revisions made to the scope of the project and that FDOT was willing to cover the remaining costs. After a few questions, a motion to ratify the funding in a not to exceed amount of \$136,432 was made (Baker), properly seconded (DuPree), and approved by the body.

- JEPB Retreat – Follow-up Discussion
  - Priorities
  - Board Committees
  - Board Meeting Date(s)

Dr. Sonnenberg provided a brief recap of the August retreat. She went over the list of priorities gleaned during the meeting and asked members to think of what could be done to take action on some of those. With that in mind, she shared some background as to what she had been doing around SSOs and other activity that has taken place. Wants to bring this forward at the board level and to expect future agenda items around the topic. She then turned to the committees and asked the members to reach out with any requests to serve on particular committees or any desire to be Chair. Committee chairs will be announced in October. Discussion then took place around the committee meeting date and times and presented several options. Members were asked to think about these and

they would be asked to vote on this in October. Finally, she mentioned the Education & Public Outreach Committee. A decision needs to be made about it and wondered if it should be a top down decision – the full board determines, or bottom up – the committee discusses and decides and then makes a recommendation to the full board. Further discussion will take place at the October meeting.

Mr. Baker suggested that more information should be distributed to water stakeholders providing information about Rule 3 so that the board is not viewed as a board that fines people only.

There was determination that the board committees would meet in September.

The meeting adjourned at 6:47 pm

Respectfully Submitted

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James Richardson, EPB Administrator

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|  |                           |  |
|--|---------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>Baker Bobby</b>       |                           | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>EPB</b>  |
| MAILING ADDRESS<br><b>219 M. Newman St 2<sup>nd</sup> Fl</b> |                           | THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY<br><b>Jacksonville</b>                                  | COUNTY<br><b>FC Duval</b> | NAME OF POLITICAL SUBDIVISION:   |
| DATE ON WHICH VOTE OCCURRED<br><b>9/10/19</b>                |                           | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE   |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

### ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Bobby Baker, hereby disclose that on Sept 10, 2018:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☒ inured to the special gain of potential client, by whom I am retained. <sup>maybe</sup>

(b) The measure before my agency and the nature of my interest in the measure is as follows:

I am not certain if other members of my firm have been in discussions or been retained by Jan Duden, LLC

9/10/18

Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.