

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

JEPB Monthly Meeting Notice and Agenda

Monday, April 15, 2019

5:00 p.m. - Ed Ball Building

214 N. Hogan Street – Conference Room 5016

To participate via phone, please contact staff **prior to 3 pm**

Phone Number to Participate via Phone:

Dial 630-2501 -- or -- (toll free) 1-800-299-9355 ext. 2501 - Enter the Password: 98765#

BOARD MEETING AGENDA

**CALL TO ORDER
INTRODUCTIONS**

DR. SONNENBERG

I. CHAIRMAN'S REMARKS

II. COMMENTS FROM THE PUBLIC

The public is invited to address the board at this time on general topics you might have. Please note that there will be a separate opportunity to speak before each action item. All those who wish to address the Board should complete a request to speak card and give it to the EPB staff. When making comments, please identify yourself, stating your full name and address. Comments should be addressed to the Board as a body and not to any member directly and will be limited to 3 minutes each.

III. APPROVAL OF MINUTES

- Minutes of February 19, 2019 Monthly Meeting
- Minutes of February 19, 2019 EQD Marine Vessel Funding Hearing
- Minutes of March 11, 2019 Monthly Meeting

IV. CONSENT ORDERS

(Air/Odor/Noise)

TREE KILBOURN

- **Duval Asphalt Products, Inc. (AP-19-03)** - Exceedance of PM emission limit – **proposed settlement fee: \$4,800** [\$6,000 less 20% for good faith efforts to cooperate]
- **Edward D. Dunkle, doing business as Wayne Dunkle's Tree & Lawn Service (AP-19-02)** - Open burning without a permit and/or in violation of state or Board rules – **proposed settlement fee: \$300**

- **Advanced Disposal Services Jacksonville, LLC d/b/a Advance Disposal and d/b/a Advanced Disposal Services (NP-19-01)** - Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B area [intersection of San Jose Boulevard and Old Acosta Road] – **proposed settlement fee: \$5,000**

(Water/Haz Mat)

- **Alliance Residential Builders South Florida, LLC (WP-18-64)** - Unlawful discharge of turbid water to stormwaters and surface waters; Exceedance of water quality standards; Failure to comply with erosion and sediment control standards – **proposed settlement fee: \$17,600**

V. ENFORCEMENT REPORT

TREE KILBOURN

VI. PRESENTATION(s)

- None

VII. PUBLIC HEARING(s)

- none

VIII. COMMISSION & JEPB COMMITTEE UPDATES & REPORTS

- Waterways Commission
- KJB Commission
- JEPB Water Committee
- JEPB Air Committee
- JEPB Education & Outreach Committee

**BOBBY BAKER
JAMES RICHARDSON
MELISSA LONG
MELISSA LONG
DAVID WOOD**

IX. EPB ADMINISTRATOR REPORT

JAMES RICHARDSON

X. ENVIRONMENTAL QUALITY DIVISION REPORT

MELISSA LONG

XI. LEGISLATIVE UPDATE

RICHARDSON/LONG

XII. OLD BUSINESS

- Legislative Priorities

XIII. NEW BUSINESS

- none

XIV. ITEMS REFERRED TO COMMITTEES

XV. NEXT SCHEDULED BOARD MEETING(s)

- EPB Committees
 - I. Education & Public Outreach – April 29, 2019 at 4:30 pm
 - II. SSO Prevention – April 29, 2019 at 5:15 pm
- EPB Steering Committee – Monday, May 13, 2019 at 4:00 pm
- EPB monthly meeting – Monday, May 20, 2019 at 5:00 pm

XVI. ADJOURNMENT



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

April 4, 2019

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: **PROPOSED PRESENTATION TO JEPB – April 15, 2019**
APPROVAL OF CONSENT ORDER SETTLEMENTS

Air/Noise/Odor

Duval Asphalt Products, Inc. (AP-19-03)
Exceedance of PM emission limit

Edward D. Dunkle, doing business as Wayne Dunkle's Tree & Lawn Service (AP-19-02)
Open burning without a permit and/or in violation of state or Board rules

Advanced Disposal Services Jacksonville, LLC d/b/a Advance Disposal and d/b/a Advanced Disposal Services (NP-19-01)
Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B area [intersection of San Jose Boulevard and Old Acosta Road]

Water

Alliance Residential Builders South Florida, LLC (WP-18-64)
Unlawful discharge of turbid water to stormwaters and surface waters; Exceedance of water quality standards; Failure to comply with erosion and sediment control standards

**THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
April 15, 2019**

Consideration of a negotiated Consent Order settlement of:

**CITY OF JACKSONVILLE
NEIGHBORHOODS DEPARTMENT,**

-vs-

Duval Asphalt Products, Inc.,

Petitioner,

Respondent.

Type of alleged violation(s): Exceedance of PM emission limit

Source of alleged violation(s): Drum mix asphalt and nonmetallic mineral processing plant located at Real Estate Parcel ID 147992-0000, 7544 Philips Highway, Jacksonville, Florida, (DEP Permit No. 0310043-012-AO, EU 002)

Date of alleged violation(s): 12/11/18

Method of determining alleged violation(s): File reviews and test observance

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. 0310043-012-AO, Emissions Unit Specific Condition No. 11, Page 9 of 21

ND response to alleged violation(s): Cease and Desist Citation AP-19-03 issued 2/25/19 to Duval Asphalt Products, Inc.

Respondent's corrective actions: Retest 12/18/18 confirmed return to compliance for PM emission limit

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

Consent Order requirements: None

Enforcement actions:

Citation AP-14-05 issued 7/11/14 to Duval Asphalt Products, Inc. for exceedance of process rate. \$1,600 penalty paid. Closed.

Citation AP-97-03 issued 4/22/97 to Duval Asphalt Products, Inc. for violation of PM limits. \$1,156 civil penalty paid. Closed.

Citation AP-96-07 issued 4/30/96 to Duval Asphalt for PM exceedance. \$192 civil penalty paid. Closed.

Citation AP-90-17 issued 4/25/90 to Duval Asphalt Products, Inc. for VE exceedance. \$7,700 civil penalty paid. Closed.

Citation AP-88-17 issued 6/28/98 to Duval Asphalt Products, Inc. for VE exceedance. \$3,200 civil penalty paid. Closed.

NTC issued 3/20/02 to Duval Asphalt Products for no secondary containment. Closed.

NTC issued 10/14/99 to Duval Asphalt for no RDRL and no insurance records. Closed.

NTC 8280 issued 10/24/96 to Duval Asphalt Products, Inc. for failure to conduct testing. Closed.

NTC 8090 issued 11/28/95 to Duval Asphalt Products, Inc. for unconfined emissions. Closed.

NTC 6603 issued 3/29/95 to Duval Asphalt Products, Inc. for unconfined emissions. Closed.

NTC 6373 issued 5/25/94 to Duval Asphalt Products, Inc. for exceedance of maximum heat input. Closed.

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-vs-

**Edward D. Dunkle, doing business as Wayne
Dunkle's Tree & Lawn Service,**

Petitioner,

Respondent.

Type of alleged violation(s): Open burning without a permit and/or in violation of state or Board rules

Source of alleged violation(s): Open burning conducted at Real Estate ID 015210-0010, 6116 Shindler Drive,
Jacksonville, Florida

Date of alleged violation(s): On or before 6/13/18 and 12/13/18

Method of determining alleged violation(s): File review and field investigation

Rules allegedly violated: FS 403.161(1)(b); JOC Section 360.803(b), JOC Section 360.802(a) and JEPB Rule
2.801 C.1, 2 and 3

ND response to alleged violation(s): Cease and Desist Citation AP-19-02 issued 2/20/19 to Cathy Hiers and
Edward D. Dunkle Edward D. Dunkle, doing business as Wayne Dunkle's
Tree & Lawn Service

Respondent's corrective actions: Open burning ceased

Consent Order settlement fee: \$300

Consent Order requirements: None

Enforcement actions: None

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NEIGHBORHOODS DEPARTMENT,**

-vs-

**Advanced Disposal Services Jacksonville, LLC,
d/b/a Advance Disposal and d/b/a Advanced
Disposal Services,**

Petitioner,

Respondent.

Type of alleged violation(s): Permitting the operation of a trash or refuse service using a mechanical device between the hours of 10:00 p.m. and 7:00 a.m. within 200 meters of property that is in a Class A or Class B area [intersection of San Jose Boulevard and Old Acosta Road]

Source of alleged violation(s): Refuse service at 11839 San Jose Boulevard, Jacksonville, Florida

Date of alleged violation(s): 2/7/19 at 4:39 a.m.

Method of determining alleged violation(s): File review and field investigation

Rules allegedly violated: JEPB Rule 4.211A

ND response to alleged violation(s): Cease and Desist Citation NP-19-01 issued 2/11/19 to Advanced Disposal Services Jacksonville, LLC d/b/a Advance Disposal and d/b/a Advanced Disposal Services

Respondent's corrective actions: Early pickup ceased

Consent Order settlement fee: \$5,000

Consent Order requirements: None

Enforcement actions:

Communications for operation of a trash or refuse service between 10pm and 7am at or near 11839 San Jose Blvd.:
1/2/19 EQD Warning letter to all waste haulers regarding complaints received for dumpster service between 10 p.m. and 7 a.m. near the 11700 and 11900 Block of San Jose Boulevard. Received by Waste Management on 1/7/19.
8/22/18 EQD Notice letter to all waste haulers regarding change in notice procedures.
7/2/15 EQD Notice letter to all waste haulers regarding change in penalty guidelines and procedures.

Previous enforcement cases for business at this intersection for operation of a trash or refuse service between 10pm and 7am:

Citation NP-17-03 issued 7/20/17 to Patmos AD, LLC d/b/a North Florida Waste Management and North Florida Waste Management, LLC (11839 and 11837 San Jose Blvd. and 11701 and 11705 San Jose Blvd.). \$5,000 penalty paid. Case Closed.

Previous Enforcement with Advanced Disposal for operation of a trash or refuse service between 10pm and 7am:
NP-17-01 issued 1/31/17 to Advanced Disposal Services of Jacksonville, LLC (1850 Emerson St.). \$5,000 penalty paid. Case closed.

NP-16-04 issued 4/8/16 to Advanced Disposal Services of Jacksonville, LLC (5197 Big Island Dr.). \$5,000 penalty paid. Case closed.

NP-16-03 issued 4/8/16 to Advanced Disposal Services of Jacksonville, LLC (3726 St. Augustine Rd., 3600 St. Augustine Rd., 3521 St. Augustine Rd. and 4171 Hendricks Ave.). Resolved with NP-16-04. Case closed.

NP-16-01 (Amended) issued 4/8/16 to Advanced Disposal Services of Jacksonville, LLC (2008 Riverside Ave., 1045 Riverside Ave. and 819 Park St.). Resolved with NP-16-04. Case closed.

NP-10-01 issued 6/30/10 to Advanced Disposal Services, Inc., Managing Member of Advanced Disposal Services of Jacksonville, LLC, Montreux at Deerwood Lake, LLC, and Montreux of Deerwood Lake Condominium Association, Inc. (8550 Touchton). \$3,000 penalty paid. Case closed.

Consent Order NP-19-01

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NP-09-06 issued 9/23/09 to Advanced Disposal and Ibex Food Mart, Inc. (5407 San Juan Ave.). \$1,500 penalty paid. Case closed.

NP-09-05 issued 8/20/09 to Advanced Disposal, Starlite Café, and 1044 Park Street, LLC (1044 Park Street). \$3,000 penalty paid. Case closed.

NP-09-03 issued 3/6/09 to Advanced Disposal (5021 Quan St.). \$1,500 penalty paid. Case closed.

NP-08-03 issued 6/13/08 to Advanced Disposal and Cedar Hills Shopping Center (3606 Blanding Blvd.). \$1,200 penalty paid. Case closed.

NP-07-06 issued 10/25/07 to Advanced Disposal and Colonial Properties (5613 San Jose Blvd.). \$1,200 penalty paid. Case closed.

NP-04-05 issued 2/20/04 to Advanced Disposal and Argyle Ventures, Inc. (8540 Argyle Forest Blvd.). \$1,200 penalty paid. Case closed.

NTCs for Advanced Disposal:

3/4/16 for 3726 St. Augustine Rd. Referred to Enforcement.

3/2/16 for 2008 Riverside Ave. Referred to Enforcement.

9/4/09 for 3631 New Berlin Rd. Closed.

8/12/09 for 3925 Athore Dr. Closed.

7/22/09 for 8550 Touchton Road. Referred to Enforcement.

7/16/09 for 1044 Park St. Referred to Enforcement.

6/23/10 for 8550 Touchton Road. Referred to Enforcement.

5/4/09 for 3726 St. Augustine Rd. Closed.

3/16/09 for 1044 Park St. Referred to Enforcement.

3/2/09 to 2519 Bayview Rd. Closed.

2/26/09 for 5407 San Juan Ave. Referred to Enforcement.

1/8/09 for 5021 Quan Dr. Referred to Enforcement.

12/15/08 for 2006 Park St. Closed.

12/15/08 for 2007/2005 Park St. Closed.

11/3/08 for 7445 103rd Street. First under new property owner. Closed.

7/23/08 for 7445 103rd St. Closed.

5/28/08 for 3606/3752 Blanding Blvd. Referred to Enforcement.

11/20/07 for 5021 Quan Ave. Referred to Enforcement.

8/16/07 for 3901 University Boulevard South. Closed.

8/12/07 for 3606/3752 Blanding Blvd. Referred to Enforcement.

6/5/07 for 8823 San Jose Blvd. Referred to Enforcement.

5/29/07 for 5613 San Jose Blvd. Referred to Enforcement.

5/25/07 for 620 Chaffee Road South. Closed.

5/4/05 for 5613 San Jose Blvd. Closed.

5/4/05 for 5612 San Jose Blvd. Closed.

1/14/04 for 8540 Argyle Forest Blvd. Referred to Enforcement.

10/17/03 for 8540 Argyle Forest Blvd. Closed.

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-vs-

Alliance Residential Builders South Florida, LLC,

Petitioner,

Respondent.

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

Source of alleged violation(s): Broadstone River House Project located at Real Estate Parcel ID Numbers 080078-0110 and 080075-0010, 0 Riverplace Boulevard and 1655 Prudential Drive, Jacksonville, Florida

Date of alleged violation(s): Discharges with exceedances 10/1/18 and 10/29/18, ESC violations 12/14/18 and 1/18/19

Method of determining alleged violation(s): File review and field investigation

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

ND response to alleged violation(s): Cease and Desist Citation WP-18-64 issued 12/12/18 to Broadstone River House, LLC and Alliance Residential Builders South Florida, LLC

Respondent's corrective actions: Discharges ceased and improved BMPs established

Consent Order settlement fee: **\$17,600**

Consent Order requirements: None

Enforcement actions:

NTCs issued 3/27/18 to Broadstone River House, LLC and Alliance Residential Company for failure to comply with erosion and sediment control standards. Referred to Enforcement.

NTCs issued 1/5/18 to Broadstone River House, LLC and Alliance Residential Company for failure to comply with erosion and sediment control standards. Closed.

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-vs-

,

Petitioner,

Respondent.

Type of alleged violation(s):

Source of alleged violation(s):

Date of alleged violation(s):

Method of determining alleged violation(s): File review and field investigation

Rules allegedly violated:

ND response to alleged violation(s): Cease and Desist Citation ___to

Respondent's corrective actions:

Consent Order settlement fee:

Consent Order requirements:

Enforcement actions:

Air Odor Noise Committee

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EPB ADMINISTRATOR REPORT – April 2019

- ✓ **We will be partnering with the NE District Office of FDEP to co host a statewide discussion on nonpoint source pollution education. Details are being formulated now.**
- ✓ **Plans for the symposium continue to be made. I can share that we will have, for the first time, two keynote speakers – one for the morning session and one as usual for the lunch. Both promise to be very exciting. Mark your calendars now and plan to attend – September 13, 2019. (Save the Date announcement is included in the meeting packet.)**
- ✓ **Legislation for four JEPB appropriations have been introduced to Council for approval: Ord 2019-249 – EPB Education Expenses, Ord 2019-250 – EQD Marine Vessel, Ord 2019-251 – LSRTAC and Ord 2019-252 – State of the River Report. All are hopefully to be approved May 14th.**

Legislative Update – April 2019

- ✓ **The packet included updates from several sources that we use to track legislation of interest**
- ✓ **A couple of highlights:**
 - **It is the halfway point of the session. Most bills that are going to be approved are headed that way, others are likely to be in limbo. Nothing major is expected to be added at this point. The focus is now primarily on the budget. There appears to be a \$400 million difference between the House and Senate. Some bills that are in limbo may be used as bargaining chips during budget conference.**
 - **Bills to strengthen regulation of Biosolids continue to progress favorably**

- **Fracking - HB 7029 passed its second of three committees this week. While the bill prohibits fracking, there is controversy over the definition of fracking. SB 7064 is in its third of four committees and is similarly controversial. Several other versions of fracking ban legislation are filed which would require a more comprehensive ban on fracking, but none appear to be gaining traction.**
- **Trees - SB 1400 by Senator Albritton will be heard in the Senate Community Affairs Committee on Tuesday. This bill prohibits local governments from requiring a permit for tree trimming and removal under certain circumstances and would encourage residents to trim and remove trees before, during and after a storm, creating dangerous debris and possibly putting people in harm's way. The bill would make it impossible for local governments to protect their tree canopies and preserve heritage trees, which could have significant consequences. Trees are a key resilience strategy, they help with floodplain management, fight urban heat island effect, and provide critical habitat for resident and migrating birds.**

JEPB Legislative Positions – Survey Results *(5 of 8 responded)*

Q1. Please choose the five policy positions that are most important to you.

Water Pollution, Sanitary Sewer & St. Johns River Restoration
100.00% 5

Science Based Policy Formation
80.00% 4

Florida Forever, Conservation Management and Greenway & Trails Funds
80.00% 4

Sustainable Development
60.00% 3

Florida Water Policy
40.00% 2

Home Rule / Local Authority
40.00% 2

Brownfield Restoration
40.00% 2

Ambient Air Quality
20.00% 1

Budget
20.00% 1

Sea Level Rise
20.00% 1

The following items were not selected by anyone:

Wetlands Protection and Mitigation Banking
Environmental Education
Florida Energy Policy: Conservation, Renewable Energy Least-Polluting
Technology for Electricity Generation
Growth Management
Gas and Oil Exploration
Performance-Based Permitting
Other (something of importance but not listed)

Q2. Of the items chosen, please place them in the order of importance to you

Issue / Policy Topic	Importance to Member					Total	Score
	1	2	3	4	5		
Water Pollution, Sanitary Sewer & St. Johns River Restoration	40.00%	40.00%	20.00%	0.00%	0.00%		
	2	2	1	0	0	5	16.2
Science Based Policy Formation	25.00%	0.00%	50.00%	0.00%	25.00%		
	1	0	2	0	1	4	15
Florida Forever, Conservation Management and Greenway	0.00%	0.00%	0.00%	75.00%	25.00%		
	0	0	0	3	1	4	13.75
Sustainable Development	33.33%	0.00%	66.67%	0.00%	0.00%		
	1	0	2	0	0	3	15.67
Florida Water Policy	50.00%	50.00%	0.00%	0.00%	0.00%		
	1	1	0	0	0	2	16.5
Home Rule / Local Authority	0.00%	100.00%	0.00%	0.00%	0.00%		
	0	2	0	0	0	2	16
Brownfield Restoration	0.00%	0.00%	0.00%	50.00%	50.00%		
	0	0	0	1	1	2	13.5
Ambient Air Quality	0.00%	0.00%	0.00%	100.00%	0.00%		
	0	0	0	1	0	1	14
Budget	0.00%	0.00%	0.00%	0.00%	100.00%		
	0	0	0	0	1	1	13
Sea Level Rise	0.00%	0.00%	0.00%	0.00%	100.00%		
	0	0	0	0	1	1	13

Possible Discussion Points for Consideration:

- There are 10 issues that present themselves as some degree of importance by responders. They could be identified as top priorities. A statement or narrative could be prepared for each one that would share rationale as to why the issue is of importance.
- Based on the chart above, the top 5 topics, by weighted average score, are highlighted. They could be identified as the top priorities and a narrative prepared for each. The remaining five could be identified as topics of concern or some other designation, without the narrative. All ten would be presented.

Air Odor Noise Committee

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EPB Top Five 2015 Legislative Issues

As currently approved

It is anticipated that water will be a prominent topic of discussion during this upcoming session, in both houses. The St. Johns River is one of our area's treasured natural assets. The EPB **supports** any efforts to strengthen measures which improve the Upper, Middle and Lower St. Johns River Basins including legislative appropriations to fund restoration projects.

In the area of Water Policy and Water Supply, the EPB **supports** the use of local sources of water first, the public ownership of groundwater, and the regional water management district framework rather than the creation of a statewide entity. We also **support** legislation that prioritizes local water conservation efforts and use of Reclaimed Water.

The EPB **supports** legislation to fund septic tank remediation, improve sanitary sewer and Stormwater systems, and increased reclaimed water usage.

The EPB **supports** sufficient funding to maintain ongoing local environmental programs and to return fees paid by local pollution sources to the local environmental programs.

The EPB **supports** home rule authority. Where there are long-established local government environmental programs, such as Jacksonville's, which has been in existence since 1965, we strongly encourage you to maintain home rule authority for local governments, including for example, the regulation of fertilizer application. It is extremely important that local governments have the ability to control pollution entering their waterways, especially those under federal and state imposed water quality limits.

EPB Top Legislative Priorities / Issues Narratives

As proposed by Dr. Sonnenberg

The EPB **supports home rule authority**. Home rule authority is required to implement policies that address our community-specific needs for a healthy environment. These include **water pollution control** in our many water bodies (**nutrients and sewage**, in particular), **wetlands protection** for flood control, **acquisition of land** to protect vulnerable areas, and overall **restoration of the St. Johns River**.

The EPB **supports sustainable development**. Sustainable development is required to protect our unique and fragile environment for the future. It requires **growth management**, consideration of **sea level rise**, and access to **renewable and clean energy**

The EPB **supports environmental education and science based policies**. These are the necessary tools necessary to achieve most environmental goals that protect and preserve natural resources and the health and welfare of Florida residents.