

Jacksonville Environmental Protection Board  
Tuesday, January 17, 2023  
MONTHLY MEETING SUMMARY

MEMBERS PRESENT:

David Wood, Chair  
Sunil Joshi  
Clint Noble

Guillermo Simon  
Charles Garrison  
Beth Leaptrott

MEMBERS NOT PRESENT:

Thomas Deck, Vice-Chair

Adam Hoyles

STAFF/RESOURCES PRESENT:

James Richardson, JEPB Administrator  
Melissa Long, Chief - EQD  
Cherry Pollock, OGC

Mike Williams, EQD  
Terry Carr, EQD

VISITOR(S) PRESENT:

John Nooney

## CALL TO ORDER

DAVID WOOD

## INTRODUCTIONS

Chair Wood called to order the monthly meeting of the Jacksonville Environmental Protection Board (JEPB) at 5:03 pm. A quorum was not established. Member Leaptrott joined at 5:10 which established the quorum.

## CHAIRMANS REMARKS

Chair Wood introduced Dr. Sunil Joshi and welcomed him to his first meeting. He also introduced Chiquita Moore and welcomed her as the new Director of the Neighborhoods Department. Both shared background on themselves and expressed looking forward to working with the JEPB.

## COMMENTS FROM THE PUBLIC

John Nooney shared various thoughts concerning minutes from past meetings, artificial reefs, the status of Pottsburg Creek and corruption on our waterways.

## APPROVAL OF MINUTES

A motion to approve meeting summaries for the December 12<sup>th</sup> JEPB meeting was made (Garrison), properly seconded (Simon) and approved by the body.

## CONSENT ORDERS

### Air/Noise

- None

### Water

- **SI Homes RCL LLC, Southern Impression Development LLC, and K T Carter Contracting, Inc.** - [WP-22-46 at 0 120<sup>th</sup> Street] Discharge of non-stormwater to MS4; Failure to comply with erosion and sediment control requirements.

#### Respondent's corrective actions:

None

#### Consent Order settlement fee: \$2,800

Penalty Calculation: Allowed = 44 NTUs Discharge at P.O.D. to MS4 = 260 NTUs

Moderate Potential for Harm: Discharge of non-stormwater or turbid discharge to MS4 with some BMPs but not sufficient or noncompliant installation/maintenance  
Major Extent of Deviation: Sampling results of greater than 170% over standard

#### Consent Order requirements:

- Immediately upon the effective date: Monitor, sample, notify EQD and report to EQD until Final Stabilization
- Within 14 days of the effective date: Perform/Revise BMP Assessment
- Within 21 days of the effective date: Submit BMP Assessment to EQD
- Within 28 days of the effective date: Implement BMP Assessment

- **Scannell Properties #458, LLC, Project owner, and Cooper Construction LLC, contractor [WP-22-18 at 2700 Powers Ave.]** Discharge of non-stormwater to MS4; Failure to comply with erosion and sediment control requirements.

Respondent's corrective actions:

Discharge had stopped as of 4/6/2022 reinspection, BMPs still not in accordance with DEP Manual

Consent Order settlement fee: **\$4,900**

Moderate Potential for Harm: Discharge of non-stormwater to MS4 with some BMPs but not sufficient or noncompliant installation/maintenance

Minor Extent of Deviation: Discharge of non-stormwater to MS4

Consent Order requirements:

- Immediately upon the effective date: Monitor, sample, notify EQD and report to EQD until Final Stabilization
- Within 14 days of the effective date: Perform/Revise BMP Assessment
- Within 21 days of the effective date: Submit BMP Assessment to EQD
- Within 28 days of the effective date: Implement BMP Assessment

A motion was made to approve the consent orders as presented (Simon), properly seconded (Garrison) and approved by the body.

## ENFORCEMENT REPORT

MELISSA LONG

No questions or concerns.

## PRESENTATION(S)

None

## PUBLIC HEARING(S)

None

## OLD BUSINESS

- Possible Retreat
- Education and Public Outreach

Mr. Richardson shared the results of the questionnaire sent to members seeking input for the retreat. Members expressed a desire to have some discussion of JEPB roles/responsibilities and meetings along with considerable time given to discuss the Environmental Protection Fund and how to manage it. After some discussion, the consensus of the members was to hold a 3–4 hour retreat on a committee meeting date. It was determined that the retreat would be scheduled for 4:30 – 7:30 pm on Monday, February 27<sup>th</sup>. A confirmed calendar appointment would be sent.

## NEW BUSINESS

- 2023 Legislative Positions

Mr. Richardson shared some background on how legislative positions have been used by the JEPB in the past. He shared the results from the recent questionnaire to members and the last positions approved by the JEPB. He suggested taking the priority positions determined with the questionnaire and update the position statements last approved and bring back to the JEPB to be voted on at the February meeting.

- Funding Request – 2023 State of the River Report

Mr. Richardson shared his review of the funding request from JU for the 16<sup>th</sup> annual State of the River Report. He shared that at the board's request, staff met with the administration last year to try and secure a line item in the COJ budget for the report but were unsuccessful. With that, the proposal would be for the next report and that another attempt would be made to secure dedicated COJ funding at some point in the future. The request meets the requirements of the ordinance code and provides an update to the well established and much anticipated report. He recommended approval with the following conditions:

1. Seek approval of an appropriation of \$107,693 to Jacksonville University to provide funding for the Sixteenth State of the River Report to be disbursed per terms outlined in a research agreement.
2. Seek approval of the research agreement
3. Seek waivers of Sec. 111.755 and Sec 360.602 to allow for continued funding of the report.

4. Seek exception to Sec. 126.107(g), Ord Code as Jacksonville University will be listed in the authorizing legislation.
5. Seek waiver of Sec. 110.112, Ord Code to allow for the advance of City funds.

A motion was made to approve the funding request as recommended (Simon), properly seconded (Garrison) and approved by the body.

### COMMISSION & JEPB COMMITTEE UPDATES

- **Waterways Commission** – No report.
- **KJB Commission** – There was no update from the last meeting.
- **JEPB Water Committee** – Mr. Carr discussed information from the Water Branch report and responded to member questions. He discussed abnormal levels detected in a few tributaries that happen to be adjacent to COJ parks and shared that staff believes them to be caused by improper disposal of pet waste. He suggested some increased education and outreach efforts around pet waste. Several things were discussed, and Mr. Richardson shared that he would work on something and bring a plan to the next meeting.
- **JEPB Air Committee** – Mr. Williams discussed information from the Air Branch report and responded to member questions.

### EPB ADMINISTRATOR REPORT

Mr. Richardson shared that the 2023 Florida Legislative session will commence in March and that he and Chief Long will monitor legislation to keep the members informed. He asked for any specific areas of interest to be provided to him.

### ENVIRONMENTAL QUALITY DIVISION REPORT

Chief Long had no updates from the Division.

### ITEMS REFERRED TO COMMITTEES

None

### NEXT SCHEDULED BOARD MEETING(S)

- JEPB Committees
  - Air Committee – TBD
  - Water Committee – TBD
- JEPB Steering Committee – February 13, 2023, at 4:00 pm
- JEPB Monthly Meeting – Tuesday, February 21, 2023, at 5:00 pm
- JEPB Retreat – Monday, February 27, 2023, at 4:30 pm

The meeting was adjourned at 6:08 pm.

**STAFF REPORT FOR FUNDING REQUEST**  
**PROPOSED FUNDING FOR STATE OF THE RIVER REPORT**  
**JANUARY 2023**

The JEPB Program Administrator forwards to the Jacksonville Environmental Protection Board its comments and recommendation regarding the above referenced funding request.

**Requesting Organization:** Jacksonville University

**Project Name:** Sixteenth State of the River Report for the Lower St. Johns River Basin

**Amount of Request:** \$107,693.00

**Staff Recommendation:** Approve with conditions

**GENERAL INFORMATION**

The objectives of this project are to write and publish the *Sixteenth State of the Lower St. Johns River Basin Report (LSJRB)* and a single-page Brochure that explains the current health of the LSJRB. The Report is a scientific review of the basin's health that is understandable and interesting to the public. The Report will be written by a team of academic researchers from Jacksonville University (JU), the University of North Florida (UNF), Florida Southern College, and West Chester University (WCU). It will undergo an extensive review process including local stakeholders and an expert panel with the expertise and experience in various disciplines to address the multi-faceted nature of the data and will be published in the late summer of 2023.

**Key Features of the Proposal:**

This proposal includes several ongoing and new items:

- The tributaries section will be updated with the most recent annual data and advisories so that the public can better assess current conditions and data gaps.
- New information from studies on microbial source tracking will be included.
- An education and outreach section to include K-12 aspects of the project addressing the use of hands-on water quality testing kits for K-12 students, lesson plans, and documentation of outreach, educational, and media activities. Teachers and teachers-in-training will be trained on the use and usefulness of these kits in meeting required curriculum standards, facilitating K-12 students sampling water from LSJRB tributaries in their neighborhoods or in the region.
- This proposal requests support for the 2023 Report to include: the Report, single-page color Brochure, Appendix of supplementary data, public website, and K-12 components.

**CRITERIA FOR REVIEW**

Pursuant to Jacksonville Ordinance Code Section 360.601, the Jacksonville Environmental Protection Board shall evaluate and consider the following criteria of a request for use of the Environmental Protection Fund (FUND):

1. ***Is this an appropriate use of the FUND pursuant to Sec. 360.602 Ord. Code?***  
Yes. Section 360.602(f), Ord Code, provides for the use of the fund to conduct studies, surveys, tests and investigation which are unique and of a onetime nature. The proposed project meets this criterion as it will survey existing conditions and assess the health of the lower St. Johns River basin.

2. ***Will granting of this request reduce the balance of the FUND below \$100,000 as required pursuant to Sec 360.602(f) Ord Code?***  
No.
3. ***Is there a sufficient fund balance available to support the request?***  
Yes. The estimated balance of the fund available for projects currently is \$500,000.

#### SUPPLEMENTAL INFORMATION

The Report has been published annually since 2008 and has been primarily funded through the City of Jacksonville's Environmental Protection Board (EPB) as one component of the River Accord. It was supported in 2010 by the River Branch Foundation as well.

The topical coverage of the report includes an introduction, and then sections on water quality, including salinity; fisheries; aquatic life; and contaminants, including aquatic toxicology. In 2011, a special section on unusual events in 2010 was published. The Report itself is approximately 346 pages with the complete suite of deliverables including the Report, a color Brochure, an Appendix, and a public website hosting PDF version of all three.

The Report has been disseminated by several methods and its impact can be evaluated by many measures. Every year the Report's release is publicized through JU, UNF and other efforts with print and broadcast media. Each year, the Report has been featured in various media platforms including the Florida Times-Union, Jacksonville Business Journal, Florida Specifier, Mandarin News Line, WJCT (online events and ADAPT series), including First Coast Connect, WOKV, and First Coast News. Findings are released each year at the Environmental Symposium. In addition, presentations are available on request, and venues include area CPACs, MOSH, Jacksonville Science Festival, Earth Day, Beaches Watch, etc.

The Report was also adapted and expanded into a book chapter on the St. Johns River Basin in the 2012 release of the United Nations World Water Development Report 4 (WWDR4), the UN's main publication on global water resources. The St. Johns River case study was the first United States river in the series.

The JEPB funding currently represents 100% of the project costs. At the request of previous City Council's, discussions will be taking place with the Administration to consider including annual funding for subsequent reports in the City budget.

#### RECOMMENDATION

Based on the foregoing, it is the recommendation of the JEPB staff that the funding request be approved with the following conditions:

1. Seek approval of an appropriation of \$107,693 to Jacksonville University to provide funding for the Sixteenth State of the River Report to be disbursed per terms outlined in a research agreement.
2. Seek approval of the research agreement
3. Seek waivers of Sec. 111.755 and Sec 360.602 to allow for continued funding of the report
4. Seek exception to Sec. 126.107(g), Ord Code as Jacksonville University will be listed in the authorizing legislation.
5. Seek waiver of Sec. 110.112, Ord Code to allow for the advance of City funds

# **BACKGROUND WHITEPAPER**

## **Environmental Protection Fund Request for Funding Assistance**

### **STATE OF THE RIVER REPORT FOR THE LOWER ST JOHNS RIVER BASIN Sixteenth Report**

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#### **Purpose**

This bill provides for the following:

- Appropriation of \$107,693 from the Environmental Protection Fund (EPF) which is administered by the Environmental Protection Board (EPB).
- Authorization of contract with JU to produce the report through September 30, 2023.
- Payment of \$107,693 for the Sixteenth River Report as outlined in the Scope of Work
- A waiver of Sections 111.755 and 360.602 Ordinance Code to continue funding of the State of the River Report.
- A waiver of Section 110.112 Ordinance Code to allow for the advance of City funds.
- An exemption from Section 126.107(g) of the Procurement Code to allow a contract with an entity (JU) specifically prescribed in the legislation.

#### **Background**

- The River Report is an annual scientific review and analysis of the condition of the LSJRB and its tributaries.
- The River Report analyzes the impact of projects completed through the River Accord, which is focused on restoring the health of the St. Johns River through Nutrient reduction efforts carried out by the City and its Partners (DEP, SJRWMD, and JEA), and provides valuable historical and trend information to guide decision makers into the future.
- The River Report and brochure provides residents, visitors, and government officials a quick and easy way to view the aquatic health of the LSJRB.
- Ordinance 2008-1059-E appropriated EPF monies and authorized the original contract for the First and Second River Report. Ordinance 2010-441 appropriated additional EPF monies and authorized an amended contract for the Third, Fourth and Fifth River Report. Ordinance 2013-138 appropriated additional EPF monies and authorized an amended contract for the Sixth, Seventh and Eighth River Report. Ordinance 2015-773 appropriated additional EPF monies and authorized an amended contract for the Ninth, Tenth and Eleventh River Reports. Ordinance 2019-252 appropriated additional EPF monies and authorized an amended contract for the Twelfth, Thirteenth and Fourteenth River Reports. Ordinance 2022-219 appropriated additional EPF monies and authorized an agreement for the Fifteenth River Report.
- The Research team and JEPB staff are considering options for future funding while continuing to seek funding from other stakeholders.

#### **Description**

The Scope of Work will be to write and publish the *Fifteenth* River Report along with a single-page brochure in the summer of 2023.

- The River Report is written by a team of academic researchers from JU, UNF, West Chester University and Florida Southern College. An extensive peer review process for the River Report is used including local stakeholders and an expert panel with the expertise and experience in various disciplines to address the multi-faceted nature of the data.



- The team will continue utilization of a web-based platform to enhance the usability of the report
- To make the Report more user-friendly, the tributaries section will be reworked to include recent annual data and advisories so that the public can better assess current conditions and data gaps.
- Geospatial information will be utilized to include a community engagement story map for the Lower St Johns River Basin.

## Funding

The Environmental Protection Trust Fund, which was created in 1984, was established under the Board's purview to be used by the Board for the purposes described in Section 360.602 O.C. The primary established purposes for use of the Fund include:

- Restoration of polluted areas subject to Board actions.
- Restoration where costs exceeded amount recovered from responsible party in judicial or administrative proceedings.
- To recover the costs and expenses of the Board in administering the Fund.
- To pay for the removal (emergency) or remedial actions (cleanup).
- To fund education and outreach activities, studies, surveys, tests and investigations pertaining to the duties of the Board.

The Environmental Protection Fund consists of non-General Revenue monies collected by the City pursuant to O.C. Chapter 362, Chapter 368 or Chapter 376. Sources of Fund revenue include:

- Fines collected by the City
- Moneys received as a result of an administrative or judicial proceeding
- Moneys recovered as punitive damages
- Moneys recovered as civil penalties

The EPB has authorized funding, pursuant to Section 111.755 O.C., in the amount of \$107,693 to support the project. The EPB unanimously approved the project at its January 2023 meeting.