

LEGISLATIVE FACT SHEET

DATE: 03/17/21

BT or RC No: BT21-067
 (Administration & City Council Bills)

SPONSOR: Neighborhoods/Environmental Quality, Environmental Protection Board
 (Department/Division/Agency/Council Member)

Contact for all inquiries and presentation: James Richardson

Provide Name: James Richardson, JEPB Administrator

Contact Number: 255-7213

Email Address: jrichard@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation. (Minimum of 350 words - Maximum of 1 page.)

The project will conduct a feasibility assessment and develop a preliminary design for the ecological restoration of Hogans Creek to reduce flooding, improve water quality, create habitat for fish and wildlife, and provide nature-based recreation using concepts in natural channel design to fit its watershed and receiving waters. The creek will be designed to benefit colonial wading bird species, migratory birds, and fish utilizing fresh and estuarine waters during various life stages.

APPROPRIATION: Total Amount Appropriated \$100,000.00 as follows:
 List the source name and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

Name of Federal Funding Source(s)	From: _____	Amount: _____
	To: _____	Amount: _____
Name of State Funding Source(s):	From: _____	Amount: _____
	To: _____	Amount: _____
Name of City of Jacksonville Fundir	From: Environmental Protection Fund - Fund Balance	Amount: \$100,000.00
	To: Environmental Protection Board Trust Fund	Amount: \$100,000.00
Name of In-Kind Contribution(s):	From: _____	Amount: _____
	To: _____	Amount: _____
Name & Number of Bond Account(s):	From: _____	Amount: _____
	To: _____	Amount: _____

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

The funding will come from the Environmental Protection Trust Fund for the feasibility assessment and design of the ecological restoration plan. Groundwork Jacksonville will complete this project with no General Fund contribution.

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:	Yes	No	
Emergency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Justification of Emergency: If yes, explanation must include detailed nature of emergency.
Federal or State Mandate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.
Fiscal Year Carryover?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Note: If yes, note must include explanation of all-year subfund carryover language. Through FY2023
CIP Amendment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.
Contract / Agreement Approval?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted? The Neighborhoods Department will provide oversight.
Related RC/BT?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attachment: If yes, attach appropriate RC/BT form(s).
Waiver of Code?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper. Waive 110.112 to allow for the advance of City funds as the initial payment is before the completion of the project.
Code Exception?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper. Legislation will be specifically for Groundwork Jacksonville to provide services. For this reason, an exception to Section 126.107(g), Ordinance Code (supplies or services to be provided by those specifically prescribed within authorizing legislation that appropriates the same), is required.
Related Enacted Ordinances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper.

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

	Yes	No
Continuation of Grant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?

	Yes	No
Reporting Requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attachment: If yes, attach appropriate form(s).

Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating

Reports are required annually and due on, or before, September 15th through 2023.

Division Chief: Melissa M. Long
(signature)

Date: 3-17-21

Prepared By: _____
(signature)

Date: _____

ADMINISTRATIVE TRANSMITTAL

To: MBRC, c/o Roselyn Chall, Budget Office, St. James Suite 325

Thru: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

(Name, Job Title, Department)

Phone: 255-5015

E-mail: leannk@coj.net

From: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

Initiating Department Representative (Name, Job Title, Department)

Phone: 255-5015

E-mail: leannk@coj.net

Primary Contact: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

(Name, Job Title, Department)

Phone: 255-5015

E-mail: leannk@coj.net

CC: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

Phone: 255-5015

E-mail: leannk@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Peggy Sidman, Office of General Counsel, St. James Suite 480
Phone: 904-630-4647 E-mail: psidman@coj.net

From: _____
Initiating Council Member / Independent Agency / Constitutional Officer
Phone: _____ E-mail: _____

Primary Contact: _____
(Name, Job Title, Department)
Phone: _____ E-mail: _____

CC: Leann Krieg, Director of Intergovernmental Affairs, Office of the Mayor
Phone: 255-5015 E-mail: leannk@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item: **Yes** **No**
Boards Action / Resolution?

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

This project was approved by the Environmental Protection Board members in January 2021.

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED

Fiscal Year 2020
Fund 15301
Center None
Center Description None
Project None
Activity None
Account None

ALM quick look

FY20
Real Revenue collected 171,460.83
To drop into fund balance 194,485.49

Act Rev 0.00 171,460.83
Fund Bal 209,245.43 202,545.43

Rev vs Exp Balances

209,245.43	374,006.26	328,145.43	113,900.00	19,759.94	194,485.49
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Revenue													Expense				
Budget Year	Fund	Fund Description	Department	Division	Center	Center Description	Project	Activity	Account	Initial Bud	Adjustm	Total Budget	Obligations	Expenditures	Available Amou	Available	
										Budget	Total Budget	Adjustment	Total Budget	Adjustment	Total Budget	Available	
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	354070	0.00	0.00	0.00	0.00	171,460.83	171,460.83	0%	
2020	15301	Environmental Prj JK		JOSF	191009	JOSF Citywide Capital Prj	000000	00000526	361101	0.00	0.00	0.00	0.00	0.00	0.00	0%	
2020	15301	Environmental Prj JK		JOSF	191015	JOSF Conservation and Re	000000	00000446	361101	0.00	0.00	0.00	0.00	0.00	0.00	0%	
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	361101	0.00	0.00	0.00	0.00	0.00	0.00	0%	
2020	15301	Environmental Prj JK		JOSF	191015	JOSF Conservation and Re	000000	00000446	369010	0.00	56,700.00	56,700.00	0.00	50,000.00	6,700.00	12%	
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	389010	0.00	151,545.43	151,545.43	0.00	152,545.43	0.00	0%	
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	531090								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000669	531090								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00001282	531090								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	540020								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	547210								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	549006								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000446	549040								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	549040								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	551020								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	552060								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	552160								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	554001								
2020	15301	Environmental Prj NB		NBEQ	173101	NBEQ Environmental Reg	000000	00000448	555001								

Saulo, Marcia

From: Regueiro, Jose
Sent: Wednesday, April 7, 2021 3:29 PM
To: Boston, Philip
Cc: Saulo, Marcia; Curtis, Teresa
Subject: RE: BT21-067

Approved.

Jose "Joe" M. Regueiro, CPA
Manager of Accounting Services – Budgetary Accounting Accounting Division City of Jacksonville
117 W. Duval Street
Jacksonville, FL 32202
(904)255-5241

-----Original Message-----

From: Boston, Philip <PBoston@coj.net>
Sent: Wednesday, April 7, 2021 3:08 PM
To: Regueiro, Jose <JRegueiro@coj.net>
Cc: Saulo, Marcia <MSaulo@coj.net>; Curtis, Teresa <TCurtis@coj.net>
Subject: BT21-067

-----Original Message-----

From: P0000@coj.net <P0000@coj.net>
Sent: Wednesday, April 7, 2021 2:44 PM
To: Boston, Philip <PBoston@coj.net>
Subject: EQD

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: St James 3rd Floor
Device Name: P0070

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

Environmental Protection Fund
Request for Funding Assistance White Paper
GROUNDWORK JACKSONVILLE – HOGANS CREEK ECOLOGICAL RESTORATION

Purpose

The purpose of the bill is to authorize funding from the Environmental Protection Trust Fund, in a not to exceed amount of \$100,000, to Groundwork Jacksonville (GWJ) to assist them in the development of an Ecological Restoration Plan for Hogans Creek. The project will develop a feasibility assessment and preliminary design for the ecological restoration of Hogans Creek to reduce flooding, improve water quality, create habitat for fish and wildlife, and provide nature-based recreation using concepts in natural channel design to fit its watershed and receiving waters. The creek will be designed to benefit colonial wading bird species, migratory birds, and fish utilizing fresh and estuarine waters during various life stages. The funding will help ensure that plans are completed to the 30% design threshold. The plans will be provided to the City to help drive the long-range plans being developed for the Hogans Creek watershed.

Background

The 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 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.

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

Description

The goal of the Hogans Creek Plan is the development of a 30% design for creek, floodplain and habitat restoration along the 2.6-mile Hogans Creek corridor, including locating the various natural treatments and habitats. These plans will be created in a manner supporting logical extensions to future design completion and providing COJ with the information necessary to make a decision regarding the next steps for this project. The restoration is to be planned and implemented in a way that makes Hogans Creek a “shining part” of the proposed Emerald Necklace consistent with the vision and mission of Groundwork Jacksonville and addresses the needs of the City of Jacksonville. It is aimed at improving the waterway’s health and function, habitat for wildlife, flooding, water quality, and aesthetics, while considering where recreational amenities and green and natural stormwater remedies can be incorporated.

Project Goals

Along with McCoys Creek, Hogans Creek is one of two urban creeks that will be part of the Emerald Trail, a 30-mile bicycle/pedestrian trail and linear park system. GWJax is leading the design and construction of the trail system in partnership with COJ. The restoration of Hogans Creek is contemplated in the Emerald Trail Master Plan, adopted by the Jacksonville City Council in March 2019.

Funding

- The EPB has authorized funding, pursuant to Section 111.755 O.C., in the amount of \$100,000 to support the project. The EPB unanimously approved the project at its January 2021 meeting.
- 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.

STAFF REPORT FOR FUNDING REQUEST
HOGANS CREEK ECOLOGICAL RESTORATION
DECEMBER 2020

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

<i>Requesting Organization:</i>	Groundwork Jacksonville
<i>Project Name:</i>	Hogans Creek Ecological Restoration Project
<i>Amount of Request:</i>	\$100,000.00
<i>Staff Recommendation:</i>	Approve with conditions

GENERAL INFORMATION

Hogans Creek is 2.6 miles long and encompasses 180 acres of urban land with mixed ownership between the City of Jacksonville (COJ) and private owners. The Creek's watershed is 3.4 square miles, and the Creek is a Class 3 recreational waterway. Its headwaters are in the Brentwood neighborhood and the creek flows south into Historic Springfield and travels south-eastward through part of Historic Eastside, into downtown and through the Cathedral District neighborhood where it empties into the St. Johns River between the Hart and Main Street Bridge.

Along with McCoys Creek, Hogans Creek is one of two urban creeks that will be part of the Emerald Trail, a 30-mile bicycle/pedestrian trail and linear park system. GWJax is leading the design and construction of the trail system in partnership with COJ. The restoration of Hogans Creek is contemplated in the Emerald Trail Master Plan, adopted by the Jacksonville City Council in March 2019.

The project will develop a preliminary design and feasibility assessment for the ecological restoration of Hogans Creek to reduce flooding, improve water quality, create habitat for fish and wildlife, and provide nature-based recreation using concepts in natural channel design to fit its watershed and receiving waters. The creek will be designed to benefit colonial wading bird species, migratory birds, and fish utilizing fresh and estuarine waters during various life stages.

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 the existing conditions and investigate ecological restorative elements which will improve water quality primarily using natural channel restoration and green infrastructure elements. Information gleaned from this project will help inform decisions of the JEPB and other local, state and federal agencies.

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 \$450,000.

SUPPLEMENTAL INFORMATION

This project complements funding previously provided to the organization to support their efforts to develop and improve conditions of the Emerald Trail. Previous funding provided included:

- A. \$50,000 to support the installation of a Bio-Diversity Corridor along the S-Line portion of the Emerald Trail and the installation of educational kiosks and trash receptacles.
- B. \$84,500 to support the McCoys Creek Habitat Restoration Project which developed a conceptual design for restoring the natural stream and wetland habitat of the creek.

This project also supports the City Council strategic plan adopted in February. Completion of the Emerald Necklace (Trail) is one of their 3-year goals, of which Hogans Creek is an integral portion.

As was the case with McCoys Creek, this project presents an opportunity to significantly leverage public and private funding and provides Public Works with plans and concepts to utilize in a comprehensive approach to structuring future capital projects in the area.

The JEPB funding represents 17% of the project and significantly leverages other funding sources.

RECOMMENDATION

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

1. Following final approval of the appropriation, \$50,000.00 shall be disbursed by EPB from the FUND to GWJ upon review and acceptance of the consultant RFQ and development of the Community Engagement Plan.
2. The balance of the funding shall be disbursed upon review and acceptance of documentation that GWJ has secured at least \$94,000 in private and other donations to ensure that the ecological restoration plans are completed to 30%.

It is also recommended that the JEPB request an exception to Ord Code 126.107(g) as Groundwork Jacksonville will be listed in the authorizing legislation.



Environmental Protection Board Members

Amy Y. Fu, PE - Chairman
David Wood – Vice Chairman
Roi Dagan, MD, Thomas Deck, Charles Garrison
Adam Hoyles, Beth Leaptrott, Caleena Shirley

Air Odor Noise Committee

David Wood – Chair
Charles Garrison
Adam Hoyles
Beth Leaptrott
Caleena Shirley

Education & Public Outreach

Amy Fu – Chair
David Wood
Thomas Deck

Water Committee

Thomas Deck – Chair
Roi Dagan, MD
Adam Hoyles
Beth Leaptrott
Caleena Shirley

Jacksonville Environmental Protection Board
Tuesday, January 19, 2021
BOARD MEETING SUMMARY

MEMBERS PRESENT:

David Wood, Chair
Charles Garrison (via Zoom)
Thomas Deck
Adam Hoyles

Beth Leaptrott
Guillermo Simon
Roi Dagan, M.D.

MEMBERS NOT PRESENT:

Caleena Shirley

STAFF/RESOURCES PRESENT:

James Richardson, JEPB Administrator
Kealey West, OGC
Terry Carr, EQD Water Branch

Mike Williams, EQD Air Branch
Melissa Long, EQD Chief

VISITOR(S) PRESENT:

Amy Y. Fu, P.E.
Claire Huang
Mark Melkelbach

Tim Clay
Eric Stoermer
Kay Ehas, Groundwork Jacksonville



Environmental Protection Board members
David Wood - Chairman
Roi Dagan, MD, Thomas Deck, Charles Garrison
Adam Hoyles, Beth Leaptrott, Guillermo Simon, Caleena Shirley

Education & Public Outreach
David Wood – Chair
Charles Garrison, Caleena Shirley
Thomas Deck

Water Committee
Thomas Deck – Chair
Charles Garrison
Adam Hoyles
Caleena Shirley
Guillermo Simon

Water Committee
Charles Garrison – Chair
Roi Dagan, MD
Adam Hoyles
Beth Leaptrott
Guillermo Simon

CALL TO ORDER

DAVID WOOD

INTRODUCTIONS

Chair Wood called to order the meeting of the Jacksonville Environmental Protection Board (JEPB) at 5:00 pm. A quorum was established.

CHAIRMANS REMARKS

The Chair expressed happiness to see everyone in person for the meeting. He acknowledged Guillermo Simon and welcomed him to the JEPB. He then recognized Amy Fu and thanked her for her membership and leadership of the JEPB. Mr. Richardson read a resolution recognizing Amy which was approved by the members. Mr. Wood presented the resolution and a gift to Amy in recognition of her service. She thanked everyone and encouraged the members to continue the good work and

COMMENTS FROM THE PUBLIC

None.

APPROVAL OF MINUTES

A motion to approve the November 16, 2020 meeting summary was made (Deck), properly seconded (Hoyles) and approved by the body.

CONSENT ORDERS

Air/Noise

- **Keystone Properties, L.L.C. (AP-20-04)** - Exceedance of permitted capacity for Gypsum (EU 001) from August 2019 to July 2020

Respondent's corrective actions: Permit modification requested to increase capacity/limits

Consent Order settlement fee: \$500

August 2019 to July 2020 Minor source/minor potential for harm and moderate extent of deviation at 146.17% exceedance of permitted capacity with no emission violation

Consent Order requirements: None

- **Republic Services of Florida, Limited Partnership d/b/a Southland Waste Systems Jax (NP-20-02)** - Operating or 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 areas

Respondent's corrective actions: Sign posted; driver counseled

Consent Order settlement fee: \$5,000

Work practice violation, first violation at property address

Consent Order requirements: None

A motion to approve the Air consent orders was made (Hoyles), properly seconded (Deck) and approved by the body.

Water

- **KAE Apartments, LLC (WP-20-46)** - Failure to comply with sewerage design standards

Respondent's corrective actions: Hired engineer and engineer's initial findings submitted to EQD with outline of investigative actions to be completed

Consent Order settlement fee: \$3,500

10/29/2020 *Failure to comply with sewerage design standards for a period greater than 1 year
Moderate potential for harm and major extent of deviation*

Consent Order requirements: **Initial Engineer Report: Within 120 days of the effective date**
DEP Permit application (if required): Within 60 days of notification by EQD
Final Engineer Report: Deadline set by EQD after review of report
Monthly Status Report: Beginning 2/15/2021 with maintenance records

- **JJTA1 Real Properties, Inc. (WP-20-40)** - Unlawful discharge of untreated wastewater to the ground and surrounding environment; Failure to maintain wastewater collection/transmission system with lift station to function as intended; Unlawful bypass of system or treatment facility; Failure to notify EQD of discharge and provide required records

Respondent's corrective actions: Hired engineer to complete review

Consent Order settlement fee: \$6,000

10/21/2020 *Unlawful discharge of untreated wastewater to ground and surrounding environment near wetland area for overland flow
Major potential harm and moderate extent of deviation*

Consent Order requirements: **Initial Engineer Report: Within 120 days of the effective date**
DEP Permit application (if required): Within 60 days of notification by EQD
Final Engineer Report: Deadline set by EQD after review of report
Monthly Status Report: Beginning 2/15/2021 with maintenance records

- **Zips Car Wash, LLC (WP-20-36)** - Unlawful discharge of untreated wastewater to the ground, surrounding environment and stormwater draining to MS4; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of system or treatment facility

Respondent's corrective actions: Temp then permanent repair of broken line and lift station records demonstrate compliance

Consent Order settlement fee: \$2,800 (\$3,500 less 20% for good faith efforts to cooperate with quick temp repair to broken line)

10/12/2020 *Unlawful discharge of untreated wastewater, bypass of system, from manhole with broken valve to MS4
Moderate potential harm and major extent of deviation*

Consent Order requirements: None

- **Innovative Management Solutions of Jacksonville, Inc. for Westside Business Center Condominium Owners' Association, Inc. (WP-20-24)** - Unlawful discharge of untreated wastewater to the ground, surrounding environment and municipal separate stormwater sewer system (MS4); Failure to maintain wastewater collection/transmission system with lift station to function as intended; Unlawful bypass of system or treatment facility; Failure to comply with sewerage design standards; Failure to notify EQD of discharge and provide required records

Respondent's corrective actions: Engineer hired to review system, engineer recommended repairs completed

Consent Order settlement fee: \$2,800 (\$3,500 less 20% discount for good faith efforts to cooperate for quick repair to valves and line)

7/8/2020 *Unlawful discharge of untreated wastewater from manhole, bypass of system, to MS4 by overland flow
Moderate potential harm and major extent of deviation*

Consent Order requirements: None

- **Circle K Stores, Inc. (WP-19-108)** - Unlawful discharge of untreated wastewater to the ground and surrounding environment; Failure to maintain system to function as intended; Unlawful bypass of wastewater treatment facility; Failure to comply with sewerage design standards; Failure notify EQD of discharge and provide required records

Respondent's corrective actions: Hired engineer and work completed, final engineer report to be submitted

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

11/27/19 *Unlawful discharge of untreated wastewater to the ground draining to surface water with overland flow
Major potential harm and moderate extent of deviation*

Consent Order requirements: None

- **Maronda Homes, Inc. of Florida (WP-19-103)** - Unlawful discharge of sediment to stormwater (MS4); Failure to comply with erosion and sediment control standards

Respondent's corrective actions: Enhanced BMPs installed and maintained

Consent Order settlement fee: \$6,720 [\$8,400 less 20% for good faith efforts to cooperate]

11/7/2019 *Failure to comply with erosion and sediment control standards with direct discharge of sediment to MS4 with no performance measures at MS4
Major potential harm and major extent of deviation - \$8,000*

2/12/2020 *Some corrective action but not yet sufficient - 5% of assessed penalty for additional violation - \$400*

Consent Order requirements: None

- **Roosevelt Square Limited Liability Limited Partnership (WP-19-98)** - Unlawful discharge of untreated wastewater to ground, surrounding environment and stormwater; Failure to maintain wastewater collection/transmission system to function as intended; Unlawful bypass of wastewater collection/transmission system or treatment facility

Respondent's corrective actions: When DEP permit application filed for new development, it was held until engineer for new development reviewed existing system to remain in place and verified design of both existing and newly permitted systems; grease trap maintenance schedule of tenants increased

Consent Order settlement fee: \$8,000

10/23/2019 *Direct discharge of untreated wastewater to stormwater discharging to surface water
Major potential harm and major extent of deviation*

Consent Order requirements: None

- **Circle K Stores, Inc. (WP-19-97)** - Failure to comply with sewerage design standards; Failure to perform required maintenance and/or keep required records

Respondent's corrective actions: Engineer hired and ensured system was restored to its previously reviewed and approved design

Consent Order settlement fee: \$4,600

10/07/19 *Repeat failure to comply with design standards
Moderate potential harm and moderate extent of deviation - \$2,300*

10/07/19 *Repeat failure to perform required maintenance and keep required, detailed records
Moderate potential harm and moderate extent of deviation - \$2,300*

Consent Order requirements: None

- **DNS Contracting, L.L.C. (WP-19-96)** - Unlawful discharge of sediment to stormwater (MS4); Failure to comply with erosion and sediment control standards

Respondent's corrective actions: BMPs reinstalled, enhanced and maintained

Consent Order settlement fee: \$1,840 [\$2,300 less 20% for good faith efforts to cooperate]

10/25/19 Failure to comply with erosion and sediment control standards with sediment off-site impacts by track out overland path to MS4
Moderate potential harm (some measures) and moderate extent of deviation (overland)

Consent Order requirements: None

- **Family Dollar Stores of Florida, LLC d/b/a Family Dollar (WP-19-60)** - Unlawful discharge of sewage or other untreated wastewater; Failure to maintain the system to function as intended; Bypass of a wastewater treatment facility; Failure to comply with sewerage design standards; Failure to perform required maintenance and keep required records; Failure to notify EQD and provide required records

Respondent's corrective actions: Engineer recommended repairs completed. Maintenance records not provided until September 2020 and were not compliant. Compliance education provided for maintenance requirements and recordkeeping at all stores. Inspections for all stores with lift stations to be conducted in 2021 under separate action.

Consent Order settlement fee: \$10,900

5/6/2019 *Unlawful discharge of untreated wastewater to stormwater draining to surface water*

Major potential harm and moderate extent of deviation - \$6,000

5/6/2019 *Failure to comply with sewerage design standards including but not limited to the System valve box lid was broken and clean out caps were removed, allowing for stormwater intrusion, the System lift station was unsecured, the area surrounding the System lift station was overgrown preventing safe dry access to lift station. Final engineer information received 9/23/2020.*

Moderate potential for harm and moderate extent of deviation - \$2,300

5/6/2019 *Failure to have operator, perform required maintenance, and keep required records. Note: Maintenance Records not provided until October 19, 2019 and did not demonstrate compliance with maintenance and recordkeeping regulations*

Moderate potential for harm and moderate extent of deviation - \$2,300

5/6/2019 *Failure to notify EQD of discharge event and provide required records within 5 days*

Minor potential for harm and Minor extent of deviation - \$300

Consent Order requirements: None for this action.

- **Jax Utilities Management, Inc. (WP-19-06)** - Unlawful discharge to stormwater conveyance and wetlands; Failure to comply with erosion and sediment control standards

Respondent's corrective actions: Enhanced BMPs installed and maintained, wetland remediation directed by St. Johns River Water Management District

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

12/12/18 Failure to comply with erosion and sediment control standards with sediment and sheet flow impacts to wetlands
Major potential for harm and major extent of deviation

Consent Order requirements: None

- **Jax Utilities Management, Inc. (WP-19-02)** - Unlawful discharge to surface waters; Failure to comply with erosion and sediment control standards

Respondent's corrective actions: Ultimately enhanced BMPs installed and maintained

Consent Order settlement fee: \$16,800

12/10/18 *Failure to comply with erosion and sediment control standards with sediment and turbid water impacts to surface water and wet
Major potential harm and major extent of deviation - \$8,000*

1/23/19 *Failure to comply with erosion and sediment control standards with corrective actions in progress - some measures added but not yet sufficient to protect against off-site impacts
5% of assessed penalty for additional violation - \$400*

2/10/18 *Failure to comply with erosion and sediment control standards with sediment and turbid water impacts to surface water and wetlands
Major potential harm and major extent of deviation - \$8,000*

1/23/19 *Failure to comply with erosion and sediment control standards with corrective actions in progress - some measures added but not effectively maintained
5% of assessed penalty for additional violation - \$400*

Consent Order requirements: None

- **TFCC Dunn's Crossing, LLC, HH Dunn's Crossing, LLC, and Petticoat-Schmitt Civil Contractors, Inc. (WP-20-44)** - Unlawful discharge of turbid water to stormwater (MS4) and sediment to wetland buffer; Failure to comply with erosion and sediment control requirements

Respondent's corrective actions: Responded to Citation and BMPs adjusted

Consent Order settlement fee: \$2,300

10/29/2020 Failure to install and/or maintain sufficient BMPs along surface water (Half Creek) at the Project

10/29/2020 Moderate potential for harm and Moderate extent of deviation - \$2,300
Unlawful discharge of turbid water in exceedance of water quality standard to MS4 with some measures but insufficient to prevent off-site impacts

Sample in the MS4 at the point of discharge from the Project – 800 Nephelometric Turbidity Units (NTUs)
Sample upstream of the Project had a background turbidity reading of 4.0 NTUs.
State water quality standards for turbidity is <29 NTUs above natural background Exceedance > 70%
Error on Cover Page of Lab Report indicated data contained qualification codes. Because of the confusion this caused to the parties involved, the penalty for this violation has been waived

Consent Order requirements:

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

- **SS Exline, LLC and Jax Underground Utilities, Inc. (WP-20-47) - Unlawful discharge of turbid water to stormwater (MS4); Failure to comply with erosion and sediment control standards**

Respondent's corrective actions: Responded to Citation and Initial BMP assessment provided

Consent Order settlement fee: **\$3,500**

10/30/2020 Unlawful discharge of turbid water in exceedance of water quality standard to MS4 with some measures but insufficient to prevent off-site impacts
Sample in the MS4 at the point of discharge from the Project – 1,000 Nephelometric Turbidity Units (NTUs)
Sample upstream of the Project had a background turbidity reading of 2.3 NTUs.
State water quality standards for turbidity is <29 NTUs above natural background Exceedance > 70%
Moderate potential for harm and Major extent of deviation

Consent Order requirements:

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

A motion to approve the Water consent orders was made (Deck), properly seconded (Dagan) and approved by the body.

ENFORCEMENT REPORT

MELISSA LONG

There were no questions or concerns.

PRESENTATION(S)

- Wetlands Used to Remove Phosphorus

MARK MELKELBACH
SWIG, LLC

Member Hoyles introduced Mr. Melkelbach and shared insights about the project. Mr. Melkelbach shared information about the pilot project with the SJRWMD and responded to questions.

PUBLIC HEARING(S)

- Funding Request – Groundwork Jacksonville

Ms. Kay Ehas shared information about the proposed project. She detailed how the project was similar to the McCoys Creek project where GWJ would be responsible for the initial design of the project and that the City would complete the design process and oversee the construction.

Mr. Richardson discussed the staff report prepared for the funding request where it was determined that the project met the criteria for appropriate use of the EPTF and that there was adequate funding available for the project.

A motion to approve the request as presented in the staff report which was to 1) fund the project, and 2) seek an exception to Ord Code 126.107(g), was made (Dagan), properly seconded (Hoyles) and approved by the body.

COMMISSION & JEPB COMMITTEE UPDATES

- **Waterways Commission** – Mr. Hoyles mentioned that there was discussion of the opening of several new facilities, several dredging projects being initiated and discussion of public access to waterways.
- **KJB Commission** – No report.
- **JEPB Water Committee** – Mr. Carr shared highlights from the report distributed with the meeting packet.
- **JEPB Air Committee** – Mr. Williams shared highlights from the report distributed with the meeting packet. He and Chief Long shared information and background on the increased number of odor complaints and the process involved with verification and validation. They shared efforts the staff was undertaking to try and more accurately determine the source of repeated complaints in the Murray Hill, Riverside and Fairfax Manor neighborhoods.
- **JEPB Education & Outreach Committee** – Mr. Wood encouraged members to participate in the committee workshops. They will continue discussions around the EPTF. Mr. Richardson pointed out that a future workshop might center around odors and the process.

EPB ADMINISTRATOR REPORT / LEGISLATIVE UPDATE

Mr. Richardson referred members to the report provided in the packet. He shared that the legislative season has technically begun and that he and Chief Long would be monitoring things and keep members up to speed on items of importance or concern.

ENVIRONMENTAL QUALITY DIVISION REPORT

Chief Long shared the following highlights:

- The next few meetings will likely see many consent orders as they try to wrap up everything pre COVID and change the process slightly so that they are processed faster.
- Still on enforcement, on the wastewater side of things, because of the engineer reviews required the process is lengthy. They are changing that process as well to have those consent orders come through faster as well.

OLD BUSINESS

- None

NEW BUSINESS

- Election of Vice-Chair

Chair Wood shared that the election would be deferred to the February meeting.

- JEPB Committee Assignments

Chair Wood shared that the committee assignments were distributed with the meeting packet. There were no questions or concerns.

ITEMS REFERRED TO COMMITTEES

- None

NEXT SCHEDULED BOARD MEETING(S)

JEPB Committees

1. JEPB EPO Committee – Monday, January 25, 2021 at 4:30 pm via ZOOM
2. JEPB Steering Committee – Monday, February 8, 2021 at 4:00 pm

JEPB Monthly Meeting

1. Tuesday, February 16, 2021 at 5 pm

The meeting was adjourned at 7:15 pm.

Respectfully Submitted



James Richardson, EPB Administrator