Jacksonville Environmental Protection Board

Jacksonville Environmental Protection Board Members
Adam Hoyles - Chairman
Guillermo Simon – Vice Chairman
Megan Ferer, Josh Gellers, Ph.D., Desiree C. Jones, LMHC,
Sunil Joshi, MD, Clint Noble, P.G., Steve Swann, P.E.,
Margarete Vest, P.E.

Air Odor Noise Committee
Clint Noble, P.G. – Chair
Josh Gellers, Ph.D.
Megan Ferer
Sunil Joshi, MD
Steve Swann, P.E.

Water Committee
Guillermo Simon – Chair
Megan Ferer
Desiree Jones, LMHC
Steve Swann, P.E.
Margarete Vest, P.E.

JEPB Monthly Meeting Agenda
Monday, October 19, 2026
Physical Location:
5:00 p.m. - Ed Ball Building - 214 N. Hogan Street
1st Floor Hearing Room – Room 1002

BOARD MEETING AGENDA

CALL TO ORDER **ADAM HOYLES**

I. CHAIRMAN'S REMARKS

II. COMMENTS FROM THE PUBLIC

III. APPROVAL OF MINUTES
   a. September 28, 2026 Monthly Meeting
   b. September 28, 2026 Retreat/Workshop

IV. CONSENT ORDERS

Air

- **The Rector, Wardens, and Vestry of St. Johns Parish,** *[NP-26-16] at 0 N Market St and 330 N Market St,* Operation of leaf or trash blowers and lawn maintenance equipment between the hours of (9:00pm and 7:00am)

  Corrective Actions:
  Implemented through notification to the contractor on proper startup times and service time restriction.

  Consent Order settlement fee:
  $300

  Consent Order requirements:
  Penalty payment only

- **Diego Francisco Rodrigues Mora and Linder Lopez Mendoza; A&K Rising Construction and Remodelation,** *[ASB-26-04]* at *5349 Lenox Ave,* JEPB Rule 2.201 [which adopts the National Emission Standards for Hazardous Air Pollutants (NESHAP), including 40 Code of Federal Regulations (CFR) 61.145(b), by reference, through Florida Administrative Code (FAC) Rule 62-204].

  Corrective Actions:
  Compliance education and assurance that they will comply with asbestos NESHAP requirements at future projects.

  Consent Order settlement fee:
  $2,250

  Consent Order requirements:
  Penalty payment only

PENDING or POTENTIAL

- **Keystone Properties, LLC; Lhoist North America Inc,** *[AP-26-15] at 1915 Wigmore Street,* Failure to notify EQD prior to constructing an emission source without an air permit - Pending

  Corrective Actions:
  Removed crusher from location

  Consent Order settlement fee:
  $1,875 [$1,500 + 25% for history of non-compliance $375]

  Consent Order requirements:
  Penalty payment only

- **Keystone Properties, LLC; Lhoist North America Inc,** *[ASB-26-06] at 1915 Wigmore Street,* Failure to comply with asbestos NESHAP requirements for demolition or renovation. - Pending

  Corrective Actions:
  Compliance education and assurance that they will comply with asbestos NESHAP requirements at future projects.

  Consent Order settlement fee:
  $2,000

  Consent Order requirements:
  Penalty payment only

- **MCK Terminals, LLC,** *[ASB-26-05] at 2102 Zoo Pkwy,* Failure to perform compliance test on Vapor Combustion Unit (VCU) prior to permit renewal.- *Potential*

  Corrective Actions:
  Completed the Vapor Combustion Unit (VCU) testing for current permit

  Consent Order settlement fee:
  $3,500

  Consent Order requirements:
  Penalty payment only

Water

- **Genesis Missionary Baptist Church, Inc. of Jax, Keith Shanks Painting LLC,** *[WP-26-23] at 241 South McDuff Ave,* Allowing air pollution into the atmosphere which can adversely affect human welfare or cause harm or damage to property; and allowing a discharge of nonstormwater to the MS4

  Corrective Actions:
  Site Cleanup

  Consent Order settlement fee:
  $300

  Consent Order requirements:
  Penalty payment only

- **Red Raider 45 LLC,** *[WP-26-18] at 4800 Atlantic Blvd,* Discharge of untreated wastewater to the ground, surrounding environment; Allowing untreated wastewater into the storm sewer system; Failure to comply with Wastewater Collection/Transmission System design standards; Failure to perform required maintenance; Failure to notify EQD of Discharge from the System; and Failure to provide required records for 5-day report.

  Corrective Actions:
  Metro-Rooter cleaned up the discharge and serviced pump station.

  ND response to alleged violation(s):
  Cease and Desist Citation WP-26-18 issued

  Consent Order settlement fee:
  $3,500

  Consent Order requirements:
  - *EDUCATION CAMPAIGN: Within 30 days*
  - *INITIAL ENGINEER REPORT: Within 60 calendar days*
  - *FINAL ENGINEER REPORT: Within 120 calendar days*
  - *MONTHLY STATUS REPORT upon the effective date*
  - *MONTHLY MAINTENANCE RECORDS upon the effective date*

- **SP TT Apartments LLC,** *[WP-26-02] at 12250 Atlantic Blvd,* Discharge of untreated wastewater to the ground, surrounding environment; and Failure to notify EQD of Discharge from the System and Failure to provide required records.

  Corrective Actions:
  Best management practices by jetting the lines to control buildup of waste.

  Consent Order settlement fee:
  $2,300

  Consent Order requirements:
  Penalty payment only

- **New Kings Truck Yard LLC; Maer Homes, LLC (DBA MAER Construction),** [ESC-26-03] at 10042 New Kings Road and 0 New Kings Road, Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4"); Failure to comply with erosion and sediment control requirements.

  Corrective Actions:
  Best management practices to control erosion and sediment.

  Consent Order settlement fee:
  $3,500

  Consent Order requirements:
  Penalty payment only

- **City of Jacksonville *c/o* City Real Estate Division; Duval County School Board; V.J. Usina Contracting, Inc., STG Contracting Group, Inc.,** *[ESC-26-05] at 2250 & 2260 Spring Park Road,* Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4"); Failure to comply with erosion and sediment control requirements.

  Corrective Actions:
  Updated the entrance with padding and gravel, sediment bags to help with turbidity control on site.

  Consent Order settlement fee:
  $24,000

  Consent Order requirements:
  Penalty payment only

V. ENFORCEMENT REPORT **MELISSA LONG**

VI. PUBLIC HEARINGS
- **All rulemaking will be deferred until November or later**
  - JEPB Rule 3 – Water Pollution
  - JEPB Rule 6 – Mobile Sources
  - JEPB Rule 7 – Hazardous Materials
  - JEPB Rule 8 – Groundwater Resources
  - Updates to JEPB Rules 1, 2, and 4

VII. NEW BUSINESS
- a. Action Item – Noise Variance – Coastal Construction **JAMES RICHARDSON**
- **b.** Action Item – Increase of JEPB Penalty Authority **JAMES RICHARDSON**

VIII. OLD BUSINESS
- None

IX. PRESENTATIONS
- Jacksonville Zoo Living Shoreline Project **JANET HERRICK**

X. COMMISSION & JEPB COMMITTEE UPDATES & EQD BRANCH REPORTS

- Waterways Commission — ADAM HOYLES
- KJB Commission — MELISSA LONG
- EQD Water Branch Report — TERRY CARR
- EQD Air Branch Report — MIKE WILLIAMS

XI. JEPB ADMINISTRATOR REPORT **JAMES RICHARDSON**

XII. ENVIRONMENTAL QUALITY DIVISION REPORT **MELISSA LONG**

XIII. ITEMS REFERRED TO COMMITTEE(s)

XIV. NEXT SCHEDULED BOARD MEETING(s)

- JEPB Steering Committee – Monday, November 9, 2026, at 4:00 pm
- JEPB Monthly Meeting – Monday, November 16, 2026, at 5:00 pm
- JEPB Committee Meetings
  - JEPB Water Committee – October 26, 2026, at 4:30 pm
  - JEPB Air Committee – TBD

XV. ADJOURNMENT

A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

Office of Administrative Services
Environmental Quality Division
214 N. Hogan Street, 5th Floor
Jacksonville, Florida 32202
(904) 255-7100
www.jacksonville.gov

MEMORANDUM

October 15, 2026

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: **Patricia Gee-Jones, Program Supervisor, Environmental Enforcement Division**

PROPOSED PRESENTATION TO JEPB – October 19, 2026
APPROVAL OF CONSENT ORDER SETTLEMENTS - EQD recommends approval of these Consent Orders

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WATER

Genesis Missionary Baptist Church, Inc. of Jax, Keith Shanks Painting LLC, *[WP-26-23] at 241 South McDuff Ave,* Allowing air pollution into the atmosphere which can adversely affect human welfare or cause harm or damage to property; and allowing a discharge of nonstormwater to the MS4

Red Raider 45 LLC, *[WP-26-18] at 4800 Atlantic Blvd,* Discharge of untreated wastewater to the ground, surrounding environment; Allowing untreated wastewater into the storm sewer system; Failure to comply with Wastewater Collection/Transmission System design standards; Failure to perform required maintenance; Failure to notify EQD of Discharge from the System; and Failure to provide required records for 5-day report.

SP TT Apartments LLC, *[WP-26-02] at 12250 Atlantic Blvd,* Discharge of untreated wastewater to the ground, surrounding environment; and Failure to notify EQD of Discharge from the System and Failure to provide required records.

New Kings Truck Yard LLC; Maer Homes, LLC (DBA MAER Construction), [ESC-26-03] at 10042 New Kings Road and 0 New Kings Road, Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4"); Failure to comply with erosion and sediment control requirements.

City of Jacksonville *c/o* City Real Estate Division; Duval County School Board; V.J. Usina Contracting, Inc., STG Contracting Group, Inc., *[ESC-26-05] at 2250 & 2260 Spring Park Road,* Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4"); Failure to comply with erosion and sediment control requirements.

AIR

The Rector, Wardens, and Vestry of St. Johns Parish, *[NP-26-16] at 0 N Market St and 330 N Market St,* Operation of leaf or trash blowers and lawn maintenance equipment between the hours of (9:00pm and 7:00am)

Diego Francisco Rodrigues Mora and Linder Lopez Mendoza; A&K Rising Construction and Remodelation, *[ASB-26-04]* at *5349 Lenox Ave,* JEPB Rule 2.201 [which adopts the National Emission Standards for Hazardous Air Pollutants (NESHAP), including 40 Code of Federal Regulations (CFR) 61.145(b), by reference, through Florida Administrative Code (FAC) Rule 62-204].

PENDING OR POTENTIAL

Keystone Properties, LLC; Lhoist North America Inc, *[AP-26-15] at 1915 Wigmore Street,* Failure to notify EQD prior to constructing an emission source without an air permit - Pending

Keystone Properties, LLC; Lhoist North America Inc, *[ASB-26-06] at 1915 Wigmore Street,* Failure to comply with asbestos NESHAP requirements for demolition or renovation. - Pending

MCK Terminals, LLC, *[ASB-26-05] at 2102 Zoo Pkwy,* Failure to perform compliance test on Vapor Combustion Unit (VCU) prior to permit renewal.- *Potential*

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

Genesis Missionary Baptist Church, Inc. of Jax, Keith Shanks Painting LLC
Respondent

Alleged violation(s)**:**
Discharge of dried paint scraped off the Church was allowed to leave the property and enter the MS4; Allowing air pollution into the atmosphere adversely affects human welfare or cause harm or damage to property

Source of alleged violations:
Genesis Missionary Baptist Church, Inc. of Jax, located at Real Estate ID Number (RE) 056457-0000, addressed at 241 South McDuff Ave, Jacksonville, Florida (the “Property”)

Dates of alleged violation(s):
On or before July 14, 2026

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
JEPB Rules 2.1303 and 3.707

Corrective Actions:
Site Cleanup

ND response to alleged violation(s):
Cease and Desist Citation WP-26-23 issued

Consent Order settlement fee:
$300

Consent Order requirements:
Penalty payment only

Previous Enforcement:
None

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

Red Raider 45 LLC
Respondent

Alleged violation(s)**:**
Discharge of untreated wastewater to the ground, surrounding environment; Allowing untreated wastewater into the storm sewer system; Failure to comply with Wastewater Collection/Transmission System design standards; Failure to perform required maintenance; Failure to notify EQD of Discharge from the System; and Failure to provide required records for 5-day report.

Source of alleged violations:
Wastewater Collection/Transmission System with Pump Station located at Real Estate ID Number (RE) 129496-0000, addressed at 4800 Atlantic Blvd, Jacksonville, Florida (the "System" at the "Property")

Dates of alleged violation(s):
On or before June 15, 2026

Method of determining alleged violation(s):
Call from a private citizen and site investigations

Rules allegedly violated:
JEPB Rules #3.103.B, 3.103.F, 3.103.G, 3.403, 3.404.B.7.a-b, and #3.405.A.8.a

Corrective Actions:
Metro-Rooter cleaned up the discharge and serviced pump station.

ND response to alleged violation(s):
Cease and Desist Citation WP-26-18 issued

Consent Order settlement fee:
$3500

Consent Order requirements:
EDUCATION CAMPAIGN: Within 30 days
INITIAL ENGINEER REPORT: Within 60 calendar days
FINAL ENGINEER REPORT: Within 120 calendar days
MONTHLY STATUS REPORT upon the effective date
MONTHLY MAINTENANCE RECORDS upon the effective date

Previous Enforcement:
None

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

SP TT Apartments LLC
Respondent

Alleged violation(s)**:**
Discharge of untreated wastewater to the ground, surrounding environment; and Failure to notify EQD of Discharge from the System and Failure to provide required records.

Source of alleged violations:
Gravity Wastewater Collection/Transmission System located at Real Estate ID Number (RE) 165266-9000, addressed at 12250 Atlantic Blvd., Jacksonville, Florida (the "System" at the "Property")

Dates of alleged violation(s):
On or before December 30, 2025

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
JEPB Rules 3.103.B. and e.103.G.

Corrective Actions:
Best management practices by jetting the lines to control buildup of waste.

ND response to alleged violation(s):
NTC issued on 12/30/2025. Cease and Desist Citation ESC-25-07 issued

Consent Order settlement fee:
$2300

Consent Order requirements:
Penalty payment only

Previous Enforcement:
WP-21-35 – no civil fine applied due to the complex discharged to ground not in public access area. System was jetted.

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

New Kings Truck Yard LLC; Maer Homes, LLC (DBA MAER Construction)
Respondent

Alleged violation(s)**:**
SR-15 New Kings Rd Storage Yard construction project located at Real Estate I.D. Number (RE) 002697-0000, addressed at 10042 New Kings Road Jacksonville, Florida (the "Project")

Source of alleged violations:
Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4"); Failure to comply with erosion and sediment control requirements.

Dates of alleged violation(s):
On or before June 16, 2026

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
JEPB Rules 3.103.B; 3.604.A

Corrective Actions:
Best management practices to control erosion and sediment.

ND response to alleged violation(s):
NTC issued on 6/22/2026. Cease and Desist Citation ESC-25-07 issued

Consent Order settlement fee:
$3500

Consent Order requirements:
Penalty payment only

Previous Enforcement:
None

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

City of Jacksonville *c/o* City Real Estate Division; Duval County School Board; V.J. Usina Contracting, Inc., STG Contracting Group, Inc.
Respondent

Alleged violation(s)**:**
Spring Park Elementary School construction project located at Real Estate I.D. Number (RE) 125240-0000 & 125239-0000, addressed at 2250 & 2260 Spring Park Road Jacksonville, Florida (the "Project")

Source of alleged violations:
Discharge of non-stormwater or turbid water to City municipal separate storm sewer system ("MS4"); Failure to comply with erosion and sediment control requirements.

Dates of alleged violation(s):
On or before July 21, 2026

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
JEPB Rules 3.103.B; 3.604.A

Corrective Actions:
Updated the entrance with padding and gravel, sediment bags to help with turbidity control on site.

ND response to alleged violation(s):
NTC issued on 7/23/2026. Cease and Desist Citation ESC-25-07 issued

Consent Order settlement fee:
$24,000

Consent Order requirements:
Penalty payment only

Previous Enforcement: **Citations**
V.J. Usina Contracting, Inc – 3922 Jones Road (RE# 003367-0000) and 9260 Lockwood Road (RE# 003367-0030); ESC-25-08 – Closed; Paid $3,500.

Previous Enforcement: **NTCs**
V.J. Usina Contracting, Inc- 9/27/2022- 0 Powers Ave. (RE 152593-0000); 3/22/2024- Cedar Creek Estate at 1368 Lake Shore Boulevard (RE# 067218-0000), 1374 Lake Shore Boulevard (RE# 067219-0000), AND 0 Lake Shore Boulevard (RE#'s 067219-0150, 067219-0200, and 067220-0600)-Closed

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

The Rector, Wardens, and Vestry of St. Johns Parish
Respondent

Alleged violation(s)**:**
Operation of leaf or trash blowers and lawn maintenance equipment between the hours of (9:00pm and 7:00am)

Source of alleged violations:
The Rector, Wardens, and Vestry of St. Johns Parish located at Real Estate Parcel ID Number 073562-0000 and 073554-0000, 0 N Market St and 330 N Market St, Jacksonville, Florida (the “Property”)

Dates of alleged violation(s):
On or before June 11, 2026

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
JEPB Rules 4.215

Corrective Actions:
Implemented through notification to the contractor on proper startup times and service time restriction.

ND response to alleged violation(s):
NTC mailed on June 11, 2026; Cease and Desist Citation NP-26-16 issued

Consent Order settlement fee:
$300

Consent Order requirements:
Penalty payment only

Previous Enforcement:
None

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

Diego Francisco Rodrigues Mora and Linder Lopez Mendoza; A&K Rising Construction and Remodelation
Respondent

Alleged violation(s)**:**
JEPB Rule 2.201 [which adopts the National Emission Standards for Hazardous Air Pollutants (NESHAP), including 40 Code of Federal Regulations (CFR) 61.145(b), by reference, through Florida Administrative Code (FAC) Rule 62-204].

Source of alleged violations:
Ramona Gardens Demo project located at Real Estate ID Number (RE) 060042-0000, addressed at 5349 Lenox Avenue, Jacksonville, Florida (the “System” at the “Property”)

Dates of alleged violation(s):
On or before March 28, 2025

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
JEPB Rules 2.201

Corrective Actions:
Compliance education and assurance that they will comply with asbestos NESHAP requirements at future projects.

ND response to alleged violation(s):
Cease and Desist Citation ASB-26-04 issued

Consent Order settlement fee:
$2250

Consent Order requirements:
Penalty payment only

Previous Enforcement:
None

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

Keystone Properties, LLC; Lhoist North America Inc
Respondent

Alleged violation(s)**:**
Failure to notify EQD prior to constructing an emission source without an air permit

Source of alleged violations:
Keystone Properties, LLC facility located at 1915 Wigmore Street, Jacksonville, Florida, DEP Airs ID 0310569 [the "Permittee"] DEP Airs ID 0310569-AO

Dates of alleged violation(s):
On or before September 3, 2026

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
F.A.C. 62-210.300 (1) and 62-212.300 (1)(a); and JEPB Rules 2.1401

Corrective Actions:
Removed crusher from location

ND response to alleged violation(s):
Cease and Desist Citation AP-26-15 issued

Consent Order settlement fee:
$1875 [$1500 + 25% for history of non-compliance $375]

Consent Order requirements:
Penalty payment only

Previous Enforcement:
None

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

Keystone Properties, LLC; Lhoist North America Inc
Respondent

Alleged violation(s)**:**
Failure to provide the asbestos survey to EQD prior to demolition of docking materials

Source of alleged violations:
Keystone Properties, LLC facility located at 1915 Wigmore Street, Jacksonville, Florida, DEP Airs ID 0310569 [the "Permittee"] DEP Airs ID 0310569-AO

Dates of alleged violation(s):
On or before August 4, 2026

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
JEPB Rules 2.201

Corrective Actions:
Compliance education and assurance that they will comply with asbestos NESHAP requirements at future projects.

ND response to alleged violation(s):
Cease and Desist Citation ASB-26-06 issued

Consent Order settlement fee:
$2000

Consent Order requirements:
Penalty payment only

Previous Enforcement:
None

THE ENVIRONMENTAL PROTECTION BOARD
CITY OF JACKSONVILLE, FLORIDA
October 19, 2026

Consideration of a negotiated Consent Order settlement of:

CITY OF JACKSONVILLE
Office of Administrative Services
Petitioner
vs.

MCK Terminals, LLC
Respondent

Alleged violation(s)**:**
Failure to perform compliance test on Vapor Combustion Unit (VCU) prior to permit renewal.

Source of alleged violations:
MCK Terminals, LLC Title V Air Operation facility located at 2101 Zoo Parkway, Jacksonville, Florida (the"Permittee") DEP Airs ID 031079-AV and 031079-046-AV

Dates of alleged violation(s):
On or before March 13, 2026

Method of determining alleged violation(s):
File review and site investigations

Rules allegedly violated:
F.A.C. 62-4.070 (3); and JEPB Rules 2.1401

Corrective Actions:
Completed the Vapor Combustion Unit (VCU) testing for current permit

ND response to alleged violation(s):
Cease and Desist Citation AP-26-12 issued

Consent Order settlement fee:
$3500

Consent Order requirements:
Penalty payment only

Previous Enforcement:
None

Jacksonville Environmental Protection Board

Jacksonville Environmental Protection Board Members
Adam Hoyles - Chairman
Guillermo Simon – Vice Chairman
Megan Ferer, Josh Gellers, Ph.D., Desiree C. Jones, LMHC,
Sunil Joshi, MD, Clint Noble, P.G., Steve Swann, P.E.,
Margarete Vest, P.E.

Air Odor Noise Committee
Clint Noble, P.G. – Chair
Josh Gellers, Ph.D.
Megan Ferer
Sunil Joshi, MD
Steve Swann, P.E.

Water Committee
Guillermo Simon – Chair
Megan Ferer
Desiree Jones, LMHC
Steve Swann, P.E.
Margarete Vest, P.E.

DISCUSSION ITEM
JEPB NOISE VARIANCE PROCESS

Chapter 89-439, Laws of Florida gave the Council the authority to enact local ordinance(s) assessing civil penalties against individuals or entities causing air or water pollution.

Chapter 362.110, local ordinance, provides authority to assess civil penalties up to $10,000 per day, per violation for making air or water pollution of failing to comply with JEPB rules. Chapter 368.302(a) provides for up to $10,000 for each noise violation in excess of JEPB rules or standards.

Section 403.141, Florida Statutes, provides FDEP authority to assess penalties up to $15,000 per day, per violation.

The JEPB has discussed an update to local ordinances to match the penalty authority of FDEP. This would correct decades of inflationary erosion, ensure a meaningful economic deterrent and would promote regulatory harmony and close enforcement loopholes. The core rationale and justification for this are:

1. **Correcting Decades of Inflationary Erosion -** Fines that are not indexed for inflation lose their real-world economic impact over time. A static fine ceiling means that a $10,000 penalty has a significantly lighter impact today than it did when the ordinances were enacted. Increasing the cap to match FDEP's current $15,000-per-day standard accounts for cumulative inflation and restores the original punitive and corrective intent of the ordinances.

2. **Ensuring a Meaningful Economic Deterrent -** For modern industrial facilities, major commercial operations, or chronic violators, a lower cap can become reduced to an operational cost ("the cost of doing business") rather than a true deterrent. Parity with the state ensures that the board possesses the financial muscle to penalize severe non-compliance appropriately, forcing corporate operators to prioritize compliance over the financial shortcut of absorbing a minor local fine.

- **Promoting Regulatory Harmony and Closing Enforcement Loopholes - T**he JEPB holds delegated state authority to regulate environmental standards locally. A severe mismatch between local ordinance authority and state law creates an artificial imbalance:
    - **The "Regulatory Forum Shopping" Risk:** Violators in Jacksonville face weaker financial consequences locally than they would if FDEP handled the enforcement action elsewhere in the state.
    - **State Parity:** Eliminating this gap guarantees regulatory consistency, demonstrating that Jacksonville holds local polluters to the exact same degree of financial accountability as the rest of the State of Florida.

Staff recommendation

I suggest that the Board approve action seeking Council approval to update Chapter 362.110 and Chapter 368.302(a), local ordinances, to increase the JEPB penalty authority to $15,000 per day, per violation to match the penalty authority of FDEP.