



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 Retreat Monday, September 28, 2026

5:00 PM

Physical Location:

Ed Ball Building - 214 N. Hogan Street – Conference Room 1002

AGENDA

CALL TO ORDER

ADAM HOYLES

I. COMMENTS FROM THE PUBLIC

II. SUNSHINE LAW & ETHICS

CHERRY POLLOCK

III. JEPB HISTORY & PURPOSE

JAMES RICHARDSON

IV. PENALTY MATRIX

MELISSA LONG

V. NOISE VARIANCE PROCESS

JAMES RICHARDSON

IV. OTHER ITEMS

V. ADJOURN



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DISCUSSION ITEM JEPB NOISE VARIANCE PROCESS

JEPB Rule 1 was first adopted in 1984. Since that time, the variance process has been included. JEPB Rule 1.602(E) currently states:

“After a chance for review of a complete request for variance, and any additional information requested by the EQD, Board staff shall transmit the request for variance to the Steering Committee. The Steering Committee shall then send the request for variance to the appropriate standing committee and the request for variance may be placed on the agenda.”

For the past 8 years, I have tracked variance processing on a spreadsheet outlining each step in the process. Looking at how many have come in and followed the outlined process, I have found:

FY19	3	all to committee
FY20	3	1 to committee
FY21	9	2 to committee
FY22	3	0 to committee
FY23	4	0 to committee
FY24	7	1 to committee
FY25	6	0 to committee
FY26	5	0 to committee

As you can see, for the past 6 years, almost all of them have had the above section of the rule waived and went straight to the full board for disposition. This has essentially become standard practice.

From the beginning, anticipated noise levels had historically been done via paper calculations by staff. These calculations were reviewed during the committee review and many variance conditions were discussed and determined during those meetings. Since 2016, or so, staff has taken time to do computer noise modeling as a part of the review and based recommended conditions on them which often were unchanged by the committee or board. This, to some degree, reduced the need to take the variances to committee. Around 2019, after construction along Riverside Avenue, staff began to recommend a number of standard conditions for each variance which remain in place today. Around 2021, with Board encouragement, staff conducted outreach and began working to enhance knowledge of the variance requirement within the building community. Since that point, variance applications often come in after construction has

started, or very close to it, which creates the need for it to be expedited to the greatest extent possible. Around that same time, the Board actually also had some discussion about the committees and changed things so that the committees meet on an as needed basis. The primary rationale for this was they wanted to have more discussion of staff reports and other things at the Board level where all could participate as opposed to just committee members. Because of all these variables, almost all variances considered in recent years have resulted in the Board waiving the rule and having them come straight to the Board for action.

This fiscal year, given staffing resources and coupled with changes in when a variance was needed, we instituted the requirement that variance applications needed to be accompanied with a noise modeling study. One of the by-products of this action was, to some degree, less time needed for the technical review. The noticing requirements remain in place which are that the variance must be noticed at least 10 days before Board action.

Given these considerations, the Board should discuss if it remains necessary for the variance to go to committee first before coming to the full Board for action.

Staff recommendation

I suggest that the Board revise JEPB Rule 1 to allow noise variances come straight to the full Board for consideration. Proposed language will be presented later for consideration.