

BEFORE THE ENVIRONMENTAL  
PROTECTION BOARD OF THE CITY OF  
JACKSONVILLE

IN RE: Application for Noise Variance of

**BAE Systems Jacksonville Ship Repair, LLC**

**ORDER APPROVING, WITH CONDITIONS,**  
**APPLICATION FOR NOISE VARIANCE**

This matter came to be heard upon the Application for Noise Variance filed by BAE Systems Jacksonville Ship Repair, LLC (“Applicant”), the owner of certain real property located at 8500 Heckscher Drive, Jacksonville, FL 32256, seeking a variance from 1) Jacksonville Environmental Protection Board (JEPB) Rule 4.208 to allow operations with impulsive sounds that may exceed the sound levels stipulated (55dBA for Class A and B land use), 2) JEPB Rule 4.209A. to allow the operation of construction equipment during nighttime hours, 3) JEPB Rule 4.209C. to allow the operation of construction equipment during daytime hours in exceedance of sound levels established by rule.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on March 18, 2024, including the Applicant’s presentation, and the Report of the Environmental Quality Division and the attachments thereto (“Staff Report”), a copy of which is attached as **Exhibit A**, the Environmental Protection Board of the City of Jacksonville hereby:

**FINDS AND DETERMINES:**

1. That the Applicant has complied with all application requirements set forth in Section 360.111 of the Jacksonville Ordinance Code.
2. That the need for the variance applied for arises out of a necessity to relieve or prevent a hardship and is based on sound technical, economic, or environmental data.
3. That the record contains sufficient substantial competent evidence to demonstrate that the Application meets, to the extent applicable and as modified by any conditions contained herein, the standards and criteria set forth in Section 360.111 of the Jacksonville Ordinance Code and that just cause exists to grant the variance.
4. That the findings and recommendations in the Staff Report for the Application, to the extent consistent with this **Order**, are hereby adopted and incorporated herein.
5. That the land to which this variance is granted is owned by BAE Systems Jacksonville Ship Repair, LLC.

**NOW THEREFORE**, it is **ORDERED** by the Environmental Protection Board:

The Application for Noise Variance is hereby **APPROVED, with conditions**, and a variance is hereby **GRANTED, with conditions**, to the BAE Systems Jacksonville, Ship Repair, LLC, allowing for a variance to 1) JEPB Rule 4.208 to operate with impulsive sounds that may exceed the sound levels stipulated 2) JEPB Rule 4.209A. to operate construction equipment during nighttime hours and 3) JEPB Rule 4.209C. to operate construction equipment during daytime hours in exceedance of sound levels established by rule, **subject to the following restrictions and conditions**:

1. The variance application and presentation, and the commitments therein, shall be adopted and incorporated as part of the conditions of this Variance.
2. The variance establishes a maximum noise level of 65 dBA for nighttime construction operations and 75 dBA for daytime construction operations, as measured from any residential receptor, and 88 dBA for impulsive sound (daytime) as measured from any residential receptor.
3. All pile driving will be accomplished with a vibratory pile drive to the extent that it is practical.
4. All equipment will be fitted with proper exhaust systems and silencers as required by Rule 4.209D.
5. Nighttime construction activities will consist of only those related to concrete pours. Conditions 6 through 10 below are in effect for the operation of construction equipment during nighttime hours within 250 meters of a residential property. There are no restrictions for the operation of construction equipment during nighttime hours at distances greater than 250 meters from a residential property.
6. Construction equipment operated before 7 a.m., including concrete pump trucks, concrete mixer trucks, forklifts, and loaders, etc., must have the traditional single frequency backup alarm either disabled (and use of a flagman, as allowed by OSHA), or replaced with a broadband (white noise) backup alarm.
7. The most effective use of the existing sound barrier wall shall be considered when setting locations for concrete pump trucks, staging areas, and washout areas.
8. Concrete mixer trucks must not air off on or near the construction site before 7 a.m.
9. Concrete mixer trucks used for concrete pours before 7 a.m. must be staged as far from residential properties as practical.
10. The contractor will attempt to route concrete trucks used for concrete pours before 7 a.m. to minimize disturbance of residences to the extent practical and shall instruct the drivers (by voice or sign) to minimize acceleration while near the site.

11. The Environmental Quality Division is granted the ability to require additional noise mitigation if conditions warrant.
12. Communications to residents of sensitive receptors to include:
  - a. Provide notification, by written or electronic means, to each residential property within 200 meters of the closest anticipated location to residences that a concrete pump truck will be situated. The notification will be provided at least 48 hours in advance of each anticipated nighttime concrete pour.
  - b. Signage announcing upcoming nighttime construction activity will be displayed on site in locations visible to area residents and businesses, advising the dates and times of potential nighttime pours.
  - c. Contact information for 24-hour hotline.
13. Petitioner shall provide a monthly status report of the construction project to the Air & Odor Committee via email to [epb@coj.net](mailto:epb@coj.net). The report shall include:
  - a. Report should be for the previous month and received on or before the 10<sup>th</sup> day (e.g., June 10<sup>th</sup> for the month of May, July 10<sup>th</sup> for the month of June, etc.).
  - b. Number of complaints and any plan for remediation or corrective action in response to complaints.
  - c. Project progress, including substantial changes.
14. This variance shall expire on March 18, 2026.

Executed on this 27<sup>th</sup> day of March 2024.



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Thomas Deck  
Chair  
Environmental Protection Board

FORM APPROVED:



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Cherry S. Pollock  
Assistant General Counsel

Copies to:

**Applicant/Owner:**

Bae Systems Jacksonville Ship Repair, LLC  
8500 Heckscher Drive  
Jacksonville, FL 32256

**Agent:**

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