

BEFORE THE ENVIRONMENTAL
PROTECTION BOARD OF THE CITY OF
JACKSONVILLE

IN RE: Application for Noise Variance of

JEA-CITY OF JACKSONVILLE

ORDER APPROVING, WITH CONDITIONS,
APPLICATION FOR NOISE VARIANCE,

This matter came to be heard upon the Application for Noise Variance filed by JEA-City of Jacksonville (“Applicant”), the owner of certain real property located at 936 Lasalle Street (Re#080493-0000) 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 17, 2025, 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 the **JEA-City of Jacksonville**.

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 JEA-City of Jacksonville 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 75 dBA for nighttime construction operations and 80 dBA for daytime construction operations, as measured from any residential receptor 10 feet from the side of the building facing the noise source.
3. All equipment will be fitted with proper exhaust systems and silencers as required by Rule 4.209D.
4. Construction noise mitigation measures shall include:
 - a. All equipment utilized in the project shall be maintained and operated such that it will at all times comply with manufacturer specifications. No modifications to equipment will be made in the field that would allow increased noise transmission.
 - b. Noise reduction devices such as mufflers, engine compartment enclosures with latching doors, and noise insulation material shall be used wherever possible.
 - c. Portable compressors, generators, pumps and other such devices shall be covered with noise-insulating fabric to the maximum extent possible that does not interfere with the manufacturer's guidelines for engine operation or exhaust, and shall further reduce noise by operating the device at lower engine speeds during the work to the maximum extent possible.
 - d. Vehicles and equipment shall not be left idling unless necessary for the work being performed.
 - e. The quietest available backup alarms (subject to OSHA compliance) shall be used. Wherever possible, machines will be deployed in a way that minimizes the need to operate in reverse.
 - f. Where necessary (e.g. complaints, particularly noisy equipment, etc.) and practicable, noise attenuation barriers shall be erected to reduce transmission of sound.

- g. In all cases, the smallest and quietest tool capable of completing the work shall be selected. For tools such as jackhammers and concrete cutting, noise tents will be employed at night or if necessary, during the day.
 - h. When using dump trucks, noise mitigation strategies will be employed to reduce slamming when dumping material as well as noise associated with loading materials (especially the first shovel of material loaded). For example, rubber pads or plywood will be used to reduce metal to metal and debris to metal contact. Trucks will be positioned to minimize backups and to direct sound away from sensitive receptors.
- 5. The Environmental Quality Division is granted the ability to require additional noise mitigation if conditions warrant.
- 6. 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 work area. The notification will be provided at least 48 hours in advance of each anticipated nighttime construction.
 - 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.
- 7. Petitioner shall provide a monthly status report of the construction project to the Air & Odor Committee via email to epb@coj.net. The report shall include:
 - a. Report should be for the previous month and received on or before the 10th day (e.g., June 10th for the month of May, July 10th 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.
- 8. This variance shall expire on March 31, 2026.

Executed on this 19th day of March 2025.



Thomas Deck
Chairman,
Environmental Protection Board

FORM APPROVED:

Cherry S. Pollock

Cherry S. Pollock
Assistant General Counsel

Copies to:

Applicant/Owner:

JEA-City of Jacksonville
117 West Duval Street
Jacksonville, FL 32202

Agent:

The Haskell Company
111 Riverside Avenue
Jacksonville, FL 32202