

The Nassau County Board of County Commissioners brokered a "memorandum of understanding" with Century Communities after local residents complained that a land-clearing operation for a new development was negatively affecting their health and livelihood.

At the commissioners' meeting Monday, a large crowd gathered at the James S. Page Governmental Complex in Yulee to discuss the ethical and legal ramifications regarding the use of an air curtain incinerator to clear land on Amelia Concourse.

For weeks, residents of the Harbor Concourse subdivision have lobbied commissioners to create a new, local ordinance and establish stronger regulations for open burning. The subdivision has been vocal about the health and safety hazards of the air curtain incinerator – which is supposed to burn more efficiently and prevent extensive smoke – currently in use by Century Communities' contractors, J.B. Coxwell.

Prior to the Monday meeting, Century agreed to halt all open burning operations on Amelia Concourse until commissioners decided which course of action to take: Establish additional regulations with a new environmental board or keep the same ordinances enforced by the Florida Forestry Service.

"We had the moratorium on the burn, and that should've been a good thing, but the week after, I ended up in the emergency room," said Kathy Reed, resident of Harbor Concourse. "According to my CAT scan, my lungs are inflamed. I don't have pneumonia. I've never been a smoker. But I've smelled smoke and breathed smoke every single day."

County Attorney Mike Mullin stated that his office has been in constant communication with the Florida Department of Environmental Protection and Florida Forest Service to research current laws and provisions for open burning, as well as figure out the extent of Nassau County commissioners' authoritative power.

As it stands, the Florida Forest Service has total control over issuing or rejecting air curtain incinerator permits, while the Department of Environmental Protection monitors air quality for pollution. Nassau County has no local ordinances in place that could supersede state rules. Any area-specific regulations would have to be approved by the Florida Forest Service if commissioners were to take over burn permitting or enforce a new regulation, which has only been accomplished by eight Florida counties.

After consulting with Century's legal representative, attorney Jon Lasserre of Rogers Towers, Mullin presented what he called a "memorandum of understanding" that will act as an unofficial agreement of sorts between Century and the county. According to Mullin, the memorandum is only applicable to the Amelia Concourse burn site and has the potential to go beyond standard state regulations.

The full Memorandum of Understanding states:

- This is a site-specific case based on the specific findings and under the authority of the police power necessary to address the health and welfare of citizens in this specific case;
- This is not under the general authority of the Board of County Commissioners;
- The smell of smoke, or smoke itself, is not the issue, and again, the testimony was clear and the developer has assisted in the resolution of the matter.

Mullin adds that Century's agreement to participate in the memorandum is a first for Northeast Florida.

The memorandum announcement was met with mixed reactions from the crowd of Nassau County residents in attendance. Harbor Concourse residents urged the commissioners to do more, while residents from West Nassau County lambasted the commissioners for considering new regulations.

"I feel for anybody that has problems with somebody being irresponsible with bad machines, but one size does not fit all. I'm not for anything other than what Florida Forestry Service already has," said Roscoe Lynn of Bryceville. "I'm not for no more government."

The reluctance to approve more regulations was echoed by Commissioner Klynt Farmer, who established early on he wouldn't vote in favor of any new regulations.

"My feelings on this are that if you give government an inch, they take a mile," Farmer said. "I think we've already got enough rules at play."

Commission Chairman Thomas Ford, District 4, agreed with Farmer saying, "I think the forestry service does a fine job, and the numbers don't lie. They've issued 50 permits, and there's only been one complaint, so I don't want to put any more regulations on people in Nassau County or who do business in Nassau County."

District 2 Commissioner Aaron Bell was quick to point out to Farmer that the pre-existing regulations from the Florida Forest Service did nothing to help the residents of Harbor Concourse.

"What helped them was our meeting here," Bell said.

With a 3-2 vote, the Memorandum of Understanding regarding open burning on Amelia Concourse was passed. Commissioner Ford and District 3 Commissioner Jeff Gray voted against its approval.

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