



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Received

JUN 11 2012

BSHW

April 24, 2012

Sent Via E-mail
tdepaola@aercrecycling.com

Ms. Tracy DePaola, Facility Manager
AERC.com, Inc.
4317-J Fortune Place
West Melbourne, Florida 32904

SUBJECT: AERC.com
EPA ID Number: FLD 984 262 782
Operating Permit Number: 0072959-HO-004
Brevard County

JUN 11 2012

Dear Ms. DePaola:

The purpose of this letter is provide Notice of Intent to Issue a Permit Renewal for your facility located at 4317-J Fortune Place, in West Melbourne, Brevard County, Florida, specifically for the operation of a mercury containing lamps and device storage and mercury recovery facility permit. Please review the attached documents and ensure publication and broadcast within the time allotted.

If you have any questions or would like to discuss this matter, please contact Bheem Kothur at (850)245-8781 or Bheem.kothur@dep.state.fl.us

Sincerely,

Tim J. Bahr, Administrator
Hazardous Waste Regulation

TJB/bk
Enclosures

Ms. Tracy DePaola, Facility Manager

Page 2

April 24, 2012

cc (with enclosures):

Karen Knight, EPA/Region 4, knight.karen@epamail.epa.gov
Janine Kraemer, DEP/Orlando, Janine.kraemer@dep.state.fl.us
John White, DEP/Orlando, john.white@dep.state.fl.us
Mayor, City of West Melbourne, cityhall@melbourneflorida.org
Georgiana Holmes, OGC/Tallahassee, Georgiana.holmes@dep.state.fl.us
Randy Miller, OGC/Tallahassee, randy.miller@dep.state.fl.us
Heath Rauschenberger, U.S. Fish & Wildlife Service,
heath_rauschenberger@fws.gov
Florida Fish and Wildlife Conservation Commission Planning Services,
FWCCConservationPlanningServices@myfwc.com
Chairman, Brevard County Board of County Commissioners,
Jackie.colon@brevardcounty.us

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for a Renewal Operating Permit by:

*AERC.com, Inc.
4317-J Fortune Place
West Melbourne, Florida 32904*

*DEP File No.: 0072959/HO/004
Brevard County*

INTENT TO ISSUE

The Florida Department of Environmental Protection ("the Department") gives notice of its intent to issue an Operating Permit (copy enclosed) for the proposed project as detailed in the renewal permit application specified above, for the reasons stated below.

On August 1, 2011, the applicant, AERC.com, Inc. of West Melbourne applied to the Department, for a Renewal Permit to operate a mercury containing lamp and device storage and recovery facility.

The Department has permitting jurisdiction under Section 403.722, Florida Statutes (F.S.) and Chapters 62-4, 62-730 and 62-737, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an Operating Permit is required for the proposed work. The Department intends to issue the Operating Permit with the conditions included in the enclosed draft.

Pursuant to Sections 403.722 and 403.815, F.S. and Rule 62-730.220, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice, and to broadcast over a local radio station the enclosed Radio Announcement. The notice shall be published one time only within 30 days of receipt of this letter in the legal ad section of a daily, major newspaper of general circulation in the area affected. The newspaper must contain at least 25 percent of its words in the English language, be for sale to the public generally, be available to the public generally for the publication of official or other notices and customarily contain information of a public character or of interest or of value to the public. The newspaper must have been in existence for one year, unless no such newspaper exists in the affected area (See Sections 50.011 and 50.031, F.S.). Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Office of General Counsel of the Department at (850) 245-2242. The applicant shall provide proof of publication to the Department of

Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within 14 days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the Permit.

The Radio Announcement shall be broadcast one time only within 30 days on a licensed commercial radio station of sufficient power to be clearly received in the area that may be affected by the permit. **Broadcast of the notice shall occur between 8:00 a.m. and 10:00 p.m.** The applicant shall provide proof of broadcast to the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within 14 days of the broadcast. Failure to broadcast the announcement and provide proof of the broadcast within the allotted time may result in the denial of the Permit.

The Department will issue the Permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or all parties reach a written agreement on mediation as an alternative remedy under Section 120.573, F.S. before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth in the enclosed Newspaper Notice. The administrative rights explained in the enclosed Newspaper Notice apply to you, as applicant and Permittee. Your 45-day period for requesting an administrative hearing begins on the date you receive this Intent.

If you should have any questions please call Bheem R. Kothur. at (850) 245-8781.

Executed in Tallahassee, Florida.

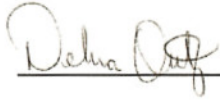
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



John A. Coates, P.E. Chief
Bureau of Solid & Hazardous Waste
2600 Blair Stone Road, M.S. 4550
Tallahassee, Florida 32399-2400

FILING AND ACKNOWLEDGMENT

FILED on this date, pursuant to Section 120.52(11), Florida Statutes, with the designated Deputy Clerk, receipt of which is hereby acknowledged.



Clerk

April 24, 2012
Date

Mailed to:

AERC.COM, INC.
4317-J FORTUNE PLACE
WEST MELBOURNE, FL 32904

A daily publication by:



STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared **KATHY CICALA**, who on oath says that she is **LEGAL ADVERTISING SPECIALIST** of the **FLORIDA TODAY**, a newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

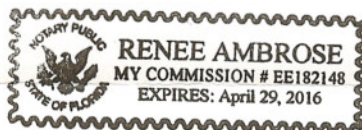
Ad # (274173)	\$	450.00	the matter of:
Acct. # (6AR320)			
				AERC.COM, INC
the	Court			NOTICE OF INTENT TO ISSUE
				PERMIT 0072959/HO/004

as published in the **FLORIDA TODAY** in the issue(s) of:

May 15, 2012

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Sworn to and subscribed before this:



Kathy Cicala
(Signature of Affiant)

15th day of May, 2012

Renee Ambrose
(Signature of Notary Public)

Renee Ambrose

(Name of Notary Typed, Printed or Stamped)

Personally Known ☒ or Produced Identification _____
Type Identification Produced: _____

AD#274173,05/15/2012

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION NOTICE
OF INTENT TO ISSUE

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT UNDER SECTION 403.722, FLORIDA STATUTES (F.S.) AND CHAPTERS 62-4, 62-730, AND 62-737, OF THE FLORIDA ADMINISTRATIVE CODE (F.A.C.) TO AERC.COM, INC. of West Melbourne with respect to the facility at 4317-J, West Melbourne, Florida, having assigned facility I.D. number FLD 984 262 782.

The draft RCRA Permit contains the conditions for Operating Permit 0072959/HO/004. The Permit is intended to be issued to operate a mercury containing lamp and device storage and recovery facility at AERC.COM, INC. of West Melbourne, Florida.

Copies of the application and the draft Permit are available for public inspection during normal business hours 8:00a.m. to 5:00p.m., Monday through Friday, except legal holidays, at FDEP, Central District Office, 3319 Maguire Blvd, Suite 232, Orlando, Florida 32803-3767, 407-897-4100 and at Division of Waste Management, Bureau of Solid & Hazardous Waste, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850) 245-8781. Electronic copies of the application and draft permit can be accessed in the Department's OCULUS data system located at <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>

A person whose substantial interests are or will be affected by the Intent to Issue may petition for an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in FDEP's Office of General Counsel, Agency Clerk, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any parties entitled to written notice under Section 120.60(3), F.S. must be filed within 45 days of receipt of the Intent. Petitions filed by any other persons must be filed within 45 days of publication of this notice or receipt of the Intent, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request a hearing under Sections 120.569 and 120.57, F.S. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which FDEP's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the FDEP Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of FDEP's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by FDEP's proposed action; (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts; (e) A statement of facts which petitioner contends warrant reversal or modification of FDEP's proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of FDEP's proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the proposed action.

A petition that does not dispute the material facts on which FDEP's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that FDEP's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the FDEP have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may request a public meeting regarding the proposed permitting decision pursuant to Section 403.722(10), F.S. A request for a public meeting is not equivalent to a request for a formal or informal administrative hearing. Public meetings are not evidentiary in nature, and information submitted at a public meeting is for non-binding consideration only. A public meeting is not subject to court or appellate review. A request for a public meeting must be filed (received) in the Office of General Counsel Agency Clerk, within 45 days of publication of this notice. Failure to file a request for a public meeting within this time period shall constitute a waiver of any right such a person may have to request a meeting under Section 403.722(10), F.S.

Mediation is not available in this proceeding.

Newspaper Notice:

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE**

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Melbourne Market
WFKS-FM, WLRQ-FM, WMMB-AM, WMMV-AM
Remit To: Clear Channel Broadcasting Inc.
PO Box 406022
Atlanta, GA 30384-6022
Phone: Ph:321-821-7100

AERC

4317 Fortune PI Ste J
Melbourne, FL 32904-1509

Advertiser No.: 2203 AERC
Spot Name: ISSUE PERMIT / AERC/30


Order: 37214 Billing Cycle: 05/2012
Spot Length: 30 Sec Spot ID: 199376

State of Florida

County of Brevard

The foregoing instrument was acknowledged before me by Cathy Noland
on this 1st day of June, 2012.

Witness my hand and official seal.

 Signature and seal of Notary.

Cynthia D Hayes

My commission expires 09/24/2012



Script

Radio Announcement:

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT**

The Florida Department of Environmental Protection gives notice that it has determined to issue an Operating Permit to AERC.com of West Melbourne. The Permit authorizes AERC.com to operate a mercury containing lamp device storage and recovery facility at 43174 Fortune Place, West Melbourne, Florida.

Any person who opposes the Department's action may file a petition for an administrative hearing or request a public meeting. Any request must be received by the Department within 45 days of this announcement.

For more information concerning requirements of the petitioning process and the necessary time frames for filing a petition, or requesting a public meeting, or obtaining a copy of the permit, please contact the Office of General Counsel in Tallahassee at (850) 245-2242, or 3900 Commonwealth Blvd, MS 35, Tallahassee, FL 32399. Mediation is not available in this proceeding.

\$85.00 each for 1 announcements, for a total of \$85.00

Total: \$85.00

**STATION DOCUMENTATION STATEMENT APPROVED BY THE CO-OPERATIVE ADVERTISING
COMMITTEE OF THE ASSOCIATION OF NATIONAL ADVERTISERS.**

This announcement was broadcast 1 times, as entered into the station's program log.

The times this announcement was broadcast were billed to this station's client on our invoice number(s): **089-59674**
dated 05/31/2012 at the stated earned rate above.

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