

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Phillip, MD, MPH
State Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

November 15, 2017

Anna Lopez Brosche, President
Jacksonville City Council
117 West Duval Street, Suite 425
Jacksonville, FL 32202

**RE: Application for Certificate of Public Convenience and Necessity (CON)
ACET Recycling, LLC
5154 Edward Street, Jacksonville, FL 32254**

Dear Councilwoman Brosche and Members of the City Council:

In accordance with Chapter 380.105, City Ordinance Code, the Florida Department of Health in Duval County, Environmental Health and Safety Division, hereby forwards its comments regarding the above referenced application. According to the above-mentioned CON application for property located at 7405 Phillips Highway, Jacksonville, FL 32256, the facility is connected to city water and has an annually permitted septic system (Permit #16-QJ-01099 expires September 30, 2018).

Based on the above information, the Florida Department of Health in Duval County offers no objection to this Application for Certificate of Public Convenience and Necessity.

If you have any questions concerning this letter, please contact Zhan Bennett at (904) 253-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Turner".

Scott Turner RS, MPA
Environmental Administrator

Cc: Zhan Bennett





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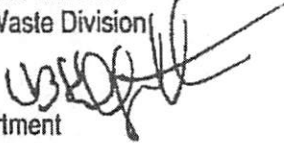
City of Jacksonville, Florida

Lenny Curry, Mayor

Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

MEMORANDUM

TO: Eric B. Fuller, Landfill Environmental Scientist
Public Works Department, Solid Waste Division

FROM: William B. Killingsworth, Director 
Planning and Development Department

RE: Application for Certificate of Public Convenience and Necessity (CON)
ACET Recycling, LLC
5154 Edward Street
Jacksonville, FL 32254

DATE: November 8, 2017

In accordance with the provisions of Section 380.105, Ordinance Code, the Planning and Development Department hereby forward its comments and recommendations regarding the above referenced application:

(1) Compliance with the Zoning Code.

The subject property at 5154 Edward Street is currently zoned Industrial Heavy (IH) and Industrial Light (IL) with the westernmost portion of the site under IH Zoning and intended for the use as proposed; a construction and demolition recycling facility. The site is not located in the Industrial Sanctuary, therefore a Zoning Exception, approved by the Planning Commission, is required to operate such a facility as described. ACET Recycling LLC has applied for the necessary Zoning Exception (E-17-91) to allow for a construction and demolition materials recycling facility; outside scrap processing activity; temporary outside storage of construction and demolition debris; and sales of surplus and salvaged material under certain restrictions. Other uses customarily allowed in IH zoning district include: scrap processing, bulk storage of flammable liquids, concrete batch plants and similar heavy manufacturing uses.

(2) The impact of the proposed facility on surrounding and nearby land uses including those impacts caused by the anticipated traffic patterns associated therewith.

The subject property is located on the west side of Edgewood Avenue at 12th street, adjacent to railroad tracks to the north and within an industrialized corridor of the City. It is the opinion of the Planning and Development Department that the proposed facility is generally consistent with the adjacent uses. According to the Department's Transportation Planning Division, sufficient capacity exists on Edgewood Avenue to accommodate the operation of the proposed debris recycling facility.

(3) The consistency of the proposed facility with any duly adopted Comprehensive Plan and all land use regulations related thereto.

The subject property is located in a Heavy Industrial (HI) land use category. A facility located in this functional land use category is consistent with the Future Land Use Element (FLUE) of the City's 2030 Comprehensive Plan.

Based on the proceeding, it is the recommendation of the Planning and Development Department that of the application for the "Certificate of Public Convenience and Necessity" regarding ACET Recycling, LLC be **APPROVED** contingent upon the approval of E-17-91.

If there are any questions regarding this matter, please contact me at your convenience.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: E-17-91

IN RE: the Zoning Exception Application of
5154 EDWARD STREET, LLC

**ORDER APPROVING APPLICATION FOR ZONING EXCEPTION E-17-91
WITH CONDITIONS**

This matter came to be heard upon the Application for Zoning Exception filed by 5154 Edward Street, LLC, the owner of certain real property located at 5154 Edward Street, RE #048839-0025, seeking to allow for a facility for recycling demolition debris, in the IH and IL Zoning Districts.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on January 4, 2018, including the Report of the Planning and Development Department on Application for Zoning Exception E-17-91 and all attachments thereto ("Staff Report"), a copy of which is attached hereto as Exhibit "A", the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.131 of the Zoning Code;
2. That substantial competent evidence demonstrates that application E-17-91 meets, to the extent applicable, the standards and criteria set forth in Section 656.131(c) of the Zoning Code; and
3. That the land which is subject of this exception application E-17-91 is owned by 5154 Edward Street, LLC. A copy of the legal description of the subject property is attached as part of Exhibit "A" and incorporated herein by reference.

NOW THEREFORE, it is ORDERED by the Planning Commission:

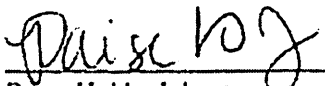
1. Application E-17-91 is hereby **APPROVED** and a zoning exception is hereby granted to 5154 Edward Street, LLC, allowing a facility for recycling demolition debris on the subject property.
2. The exception herein granted is subject to the following conditions:
 - a. Compliance with Environmental Quality Division (EQD) memo dated 11/29/2017.

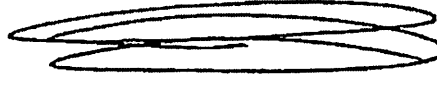
- b. Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either: (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions to the development order.
3. Failure to exercise the exception herein granted by commencement of the use or performance of the action herein approved within one (1) year of the effective date of this Order shall render this exception invalid and all rights arising shall terminate.
4. The Exception granted herein shall not be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Exception is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this Exception does not approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.
5. The approval granted herein shall not interfere with or abrogate or annul any easement, covenant or other agreement between any parties. In the event that the provisions of this Order impose a greater restriction upon the use, structures or development of the property than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Order shall control.

Executed this 4th day of January, 2018.


Daniel Blanchard
Chairman, Planning Commission

FORM APPROVED:


Paige Hobbs Johnston
Assistant General Counsel


Joshua Garrison
Secretary, Planning Commission

Copies to:

5154 Edward Street, LLC
2650-2 Rosselle Street
Jacksonville, FL 32256

Owner

ACET Recycling, LLC
4639 Clyde Morris Boulevard
Port Orange, FL 32127
Agent

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code. Any work commenced during this appeal period is done at the risk of the applicant, and a building permit will only be issued after an Acknowledgement of the appeal period has been obtained from the Zoning Counter and returned to same executed properly by the applicant(s) or their agent(s).

GC-#1180331-v1-Order_on_E-17-91_AC_01_04_18.docx



City of Jacksonville, Florida

Lenny Curry, Mayor

Environmental Quality Division
Ed Ball Building
214 N. Hogan Street, 5th Floor
Jacksonville, Florida 32202

November 29, 2017

MEMORANDUM

TO: Connie Patterson, City Planner I
Planning & Development Department

THROUGH: Melissa M. Long, P.E. *Melissa M. Long*
Chief, Environmental Quality Division

FROM: John K. Flowe, P.E. *JKF*
Environmental Engineering Manager
Environmental Quality Division, Water Branch

SUBJECT: Zoning Exception Application Number E-17-91
ACET Recycling, LLC
5154 Edwards Street (Real Estate Property Parcel Number 048839-0025)

The Environmental Quality Division (EQD) staff has reviewed the zoning exception application for ACET Recycling, LLC, received on November 7, 2017. The proposed project will be a clean concrete materials recycling facility, to be located at 5154 Edwards Street. The application was reviewed in accordance with EQD's standard operating procedures.

EQD has no objection to the approval of a zoning exception for the proposed project.

If the Planning & Development Department decides to recommend approval of the zoning exception application, the applicant must be informed that the proposed site activities shall comply with the following regulations and requirements:

1. The proposed project must comply with the following City of Jacksonville Environmental Protection Board (EPB) Rules:
 - a. EPB Rule 2 Air Pollution Control,
 - b. EPB Rule 3 Water Pollution,
 - c. EPB Rule 4 Noise Pollution Control,
 - d. EPB Rule 7 Hazardous Materials, and
 - e. EPB Rule 8 Groundwater Resource Management.

EPB Rules are available at the following web link:

<http://www.coj.net/Departments/Regulatory+Boards+and+Commissions/Environmental+Protection+Board/EPB+Rules.htm>

2. The proposed project may be required to comply with the consumptive use permit regulations of the St. Johns River Water Management District (SJRWMD). Please contact Mr. Robert Benjamin of the SJRWMD at (904) 730-6270 for more information.
3. The proposed project must comply with permitting requirements of the Florida Department of Environmental Protection (FDEP) regarding construction within or in the vicinity of wetlands. Please contact Mr. Matt Kershner of FDEP Northeast District Office, at (904) 256-1700 for more information.
4. The proposed project must not cause negative impacts on septic tank/drainfield systems located on the property site or on adjacent properties. It must comply with all regulations regarding setback distances from septic tank/drainfield systems. Please contact Mr. Scott Turner of the Florida Department of Health in Duval County (FDHDC) at (904) 253-2422 for more information.
5. The proposed project shall not adversely impact groundwater wells on the project properties or on properties in the site vicinity. If any groundwater wells are discovered on the project property, the applicant should notify the Groundwater Resources Section, in accordance with Section 366.305(d) of the City Ordinance Code and EPB Rule 8 Groundwater Resource Management. Any discovered groundwater wells must be protected during construction activities and shall be properly abandoned under a permit issued by the EQD Groundwater Resources Section, when warranted by site conditions. Well construction permits issued by EQD are required for any newly proposed wells less than six (6) inches in diameter. The contact telephone number for the EQD Groundwater Resources Section is (904) 255-7100.

The EQD Groundwater Resource Section has no files or records that indicate that there are any water wells located on the property parcel associated with this zoning exception application. However, the Groundwater Resource Section well inventory is not complete for Duval County. Any information presented in this comment memorandum must be checked in the field by the applicant for reliability. Water well information for Duval County is also maintained by the FDHDC and the SJRWMD, and the applicant should also check with these agencies for such information.

A query of the City of Jacksonville's Citizen Active Response Effort (C.A.R.E.) System finds that there are no known or current water well issues at the location (property parcel) shown in the zoning exception application. The address and property parcel listed in the application are not located within any known wellhead protection area.

6. The proposed project shall comply with the requirements of the FDHDC regarding required setback distances from all potable water wells in the vicinity. Please contact Mr. Scott Heston of the FDHDC at (904) 253-2452 for more information.

7. During construction activities, the proposed project must comply with the sediment and erosion control requirements of Section 4.12, Erosion and Sediment Control, of the City of Jacksonville Planning and Development Department, Land Development Procedures Manual. Compliance with the sediment and erosion control measures in the July 2008 edition of The Florida Stormwater, Erosion, And Sedimentation Control Inspector's Manual is also strongly recommended.
8. The proposed project shall not adversely impact the City of Jacksonville Stormwater Management System. During all project activities, compliance shall be maintained in accordance with Chapter 754, Stormwater Management Utility Code, Part 2, Violations and Prohibited Activities, City of Jacksonville Ordinance Code. Please contact Ms. Gloria Hunter Barnes of EQD at (904) 255-7148, for more information.
9. The proposed project shall implement reasonable precautions to prevent unconfined emissions of particulate matter in accordance with Rule 62-296.320(4)(c), FAC and EPB Rule 2.
10. The proposed project shall limit emissions of objectionable odors in accordance with Chapter 376 of the City of Jacksonville Ordinance Code.
11. The proposed project will be required to have a Jacksonville Emergency Management Plan (JEMP) and provide and document initial and annual training of employees on implementation and usage of the JEMP components in accordance with Chapter 365.109 of the City of Jacksonville Ordinance Code.
12. All releases of hazardous regulated substances associated with the proposed project shall be reported to EQD as required by Chapter 365.300 of the City of Jacksonville Ordinance Code and EPB Rule 7.
13. Based upon the information provided by the applicant for the above referenced site, the applicant needs to comply with the following City of Jacksonville and Environmental Protection Board rules and regulations regarding pond maintenance and fertilizer application best management practices:
 - a. The City of Jacksonville Ordinance Code 366, Section 366.606, requires that no person shall apply fertilizer within ten feet, or three feet if a deflector shield or drop spreader is used, of ponds, streams, water courses, lakes, canals, wetlands, or seawalls. Newly planted turf and/or landscape plants may be fertilized in this zone only for the first 60-day establishment period after planting.
 - b. The City of Jacksonville Ordinance Code 366, Section 366.607, requires the establishment of a low maintenance zone around ponds, streams, water courses, lakes, wetlands, and seawalls. This low maintenance zone is a minimum of six (6) feet from such waterways. The applicant shall follow the restrictions as stated in Section 366.607.

Connie Patterson, City Planner I
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- c. In accordance with the City of Jacksonville Environmental Protection Board Rule 3.603, the responsible party for maintaining the proposed excavation shall ensure that it is periodically inspected and maintained in accordance with the permitted and approved design.
- d. A copy of the City of Jacksonville Ordinance Code Chapter 366, Part 6. Fertilizer Application, is included with this memorandum.

If the Planning & Development Department decides to approve the proposed zoning exception application, EQD requests that a copy of the authorization document(s) be sent to this agency.

If you need additional information, please contact Charles Hubsch, at (904) 255-7217.



City of Jacksonville, Florida

Lenny Curry, Mayor

Environmental Quality Division
Ed Ball Building
214 N. Hogan Street, 5th Floor
Jacksonville, FL 32202

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September 28, 2018

MEMORANDUM

TO: William Joyce, P.E., Operations Director
Department of Public Works

FROM: Melissa M. Long, P.E., Chief *Melissa M. Long*
Environmental Quality Division

SUBJECT: Application for Renewal of Certificate of Public Convenience and Necessity
ACET Recycling, LLC Clean Concrete Recycling Facility
5154 Edwards Street (Real Estate Property Parcel Number 048839-0025)

The Environmental Quality Division (EQD) has reviewed all additional information received for the subject application for a certificate of public convenience and necessity, for the ACET Recycling, LLC Clean Concrete Recycling Facility. This additional information was submitted in response to comments and questions in the EQD memorandum dated July 16, 2018. The EQD review was conducted in accordance with the requirements of 380.105(a) and (b), City of Jacksonville Ordinance Code.

EQD has determined that the application is now complete and provides reasonable assurance that the proposed project will comply with the state and local environmental regulations that are under its jurisdiction.

EQD requests that Solid Waste Division send a copy of any draft certificate conditions for its staff to review and provide comments.

If you need additional information, please contact Charles Hubsch of EQD, at telephone number (904) 255-7217.




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City of Jacksonville, Florida

Lenny Curry, Mayor

Department of Public Works
Solid Waste Division
1031 Superior Street
Jacksonville, FL 32254
(904) 255-7500
www.coj.net

TO: John Pappas, P.E., Director of Public Works
Department of Public Works

FROM: Will Williams, Chief of Solid Waste Division 

DATE: July 27, 2018

SUBJECT: Certificate of Public Convenience and Necessity Initial Application
ACET Recycling, LLC
5154 Edward Street
Jacksonville, Florida 32254

The ACET Recycling, LLC facility is located east of Interstate 295 and on the west side of Edgewood Avenue at 12th Street in the west portion of the City. The facility lies within a Heavy Industrial land use category and is currently zoned Industrial Heavy and Industrial Light with the required Zoning Exception in effect. ACET Recycling, LLC is proposing to accept and process at the facility clean debris only.

In accordance with Chapter 380.105(b), City of Jacksonville Ordinance Code, the Solid Waste Division hereby forwards its comments and recommendations regarding the above referenced application:

(1) Whether the proposed method of operation will comply with the requirements of this Part and with the Florida Statutes and Florida Administrative Code.

The ACET Recycling, LLC facility operation as described in the initial application for a Certificate of Public Convenience and Necessity, as submitted by ACET Recycling, LLC, will comply with current local, state and federal rules and regulations in regards to solid waste handling, storing, processing and disposal.

(2) Whether any hazard or menace to the public health would be created by the proposed use of the land involved or by the proposed method of operation.

The ACET Recycling, LLC facility operation, when operated according to the approved operations plan submitted as part of the renewal application, will not create any hazard or menace to the public health.

(3) Whether the wastes to be disposed or managed are generated within Duval County.

Based upon the type of waste received by the facility and the location of the facility operations, the majority of the waste delivered to this facility is expected to be generated in Duval County.

(4) The rate at which the wastes to be disposed or managed are being generated in Duval County and the projected generation rate over the next five years.

The average rate of waste generated in Duval County for the Construction and Demolition Debris waste stream over the past 5 years has been estimated at 820,000 tons. It is estimated that 1,371,828 tons of this waste stream is currently generated annually in Duval County.

The projected generation rates of this waste stream over the next five years is anticipated to remain steady but may change depending on economic conditions or natural disasters in the area over this time period.

(5) The reasonably available means to reduce or eliminate the wastes requiring disposal or management.

The ACET Recycling, LLC facility proposes to accept clean debris for processing and subsequent recycling. Clean debris is typically generated by construction and demolition projects. There currently exist no reasonable available means to reduce or eliminate this waste stream apart from recycling it as proposed by the facility operation.

Based upon the preceding, it is the recommendation of the Solid Waste Division that the Initial application for Certificate of Public Convenience and Necessity regarding the ACET Recycling, LLC, facility be approved.