

Re: COURTESY NOTICE

Martin & Sylvia Boyd <mjbsyb@gmail.com>

Fri 19-Apr-24 2:38 PM

To:HearingOffice <hearingoffice@brevardfl.gov>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To: Brevard County Commissioners,

In response to the notice of Air Liquide public hearing I am submitting a written response to the application of vested rights determination.

As a local resident who lives approximately 1,600 feet from the facility I can attest that Air Liquid no longer has a vested rights to the area. Over the past few years the facility has had significant modifications in order to provide services for the increased demand of the space center. The modifications include the addition of storage tanks and a new evaporation system. This equipment now produces excessive noise when venting gas and the operation of the evaporator system. This noise is well beyond the original capability of the facility exceeding 70 db(A) levels for extended periods of time. These noise levels are at nuisance levels well beyond the code and are conducted for continuous hours/days.

As the commissioners are well aware the code for residential areas is 60 db(A) from 7 am to 10 pm and 55 db(A) from 10 pm to 7 am. In reviewing the correspondence, many recorded violations have been taken from these areas exceeding these values. Documentation also reveals that Air Liquide is also in violation to the local (on property) industrial levels from 10 pm to 7 am at 65 db(A).

To my knowledge Air Liquide was notified of the violations and has done nothing to bring the facility into compliance, reference case number 18CE-02322 on August 22, 2019. Latest recorded violations were Oct 28, 2022 exceeding 73 db(A). This is 18 db(A) over the limit with an exposure time of 24 to 48 hours.

In addition I would also like to question the validity of the facility being classified as industrial. Air Liquide provides a commercial service to the space center. If it is classified as a commercial facility the noise restriction aligns more closely to the residential properties that surround the facility.

As a resident I request that the brevard county board of commissioners enforce the county regulations. As the launch rate increases and larger rockets are brought to the area for processing the violations will be more frequent for extended periods of time. Our neighborhood will be exposed to noise levels greater than 70 db(A) for multiple days/weeks depending on flight vehicle processing requirements. Air Liquide should make all efforts to contain the nose during all government and commercial support activities.

Sincerely,
Martin Boyd

On Mon, Apr 15, 2024 at 4:02 PM HearingOffice <hearingoffice@brevardfl.gov> wrote:

COURTESY NOTICE
PUBLIC HEARING RE: VESTED RIGHTS PETITION OF AIR LIQUIDE LARGE INDUSTRIES US, LP.

Dear Property Owner:

Please be advised the Board of County Commissioners of Brevard County, Florida, will be conducting a Public Hearing to consider the application for a vested rights determination filed by Air Liquide Large Industries US, LP. The Public Hearing will take place on May 21, 2024 at 9:00 a.m. at the Brevard County Government Complex, 2725 Judge Fran Jameson Way, Melbourne, FL, Building C, Commission Chambers (first floor).

Air Liquide Large Industries US, LP asserts that that the business operation(s) currently being conducted at 7007 N. Courtenay Parkway, Merritt Island, FL 32953 is vested from the application of County regulations governing noise standards.

You are being notified of this hearing because our records reflect you may have previously participated in this proceeding or a related matter. Pursuant to Section 62-507, Brevard County Code of Ordinances, "any party, staff, or person wishing to submit written argument in support of or against the proposed order must submit written argument at least 14 days prior to the date upon which the proposed order will be considered." As such, should you like to submit written arguments to be considered in this proceeding, please submit the comments no later than 5 p.m. on May 7, 2024. Arguments can be submitted by email to HearingOffice@BrevardFL.gov or by mailing to:

Hearing Office
Planning & Development Department
2725 Judge Fran Jamieson Way #A114
Viera, Florida 32940

If you are submitting arguments via mail, please be aware that we will be unable to accept it if received after May 7, 2024, so consider handling time by the postal carrier.

Please note that while the hearing on this application is open to the public, the Board of County Commissioners are not permitted to accept oral comments during the proceeding, except from the parties to the case. As such, the procedure for the submission for **written comment is the only remaining avenue for the Board to consider an argument made by a non-party citizen.**

For your convenience, a copy of Section 62-507, Brevard County Code of Ordinances is attached/enclosed.

*Brevard County Enforcement Hearing Office
Planning and Development Department
2725 Judge Fran Jamieson Way, Bldg A114
Viera, FL 32940
(321) 409-9453
HearingOffice@brevardfl.gov*

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."