



123 West Indiana Avenue • Room 202 • DeLand, FL. 32720
Phone (386) 736-5927 • (386) 254-4612 • (386) 423-3303
Fax (386) 740-5193
www.volusia.org

July 11, 2024

Leo Anglero
Engineering Specialist, Permitting and Waste Cleanup Program
Florida Department of Environmental Protection

Re: Ormond Beach Fuel Terminal, Site ID:444556

Dear Mr. Anglero,

Please accept this letter as comments from Volusia County Environmental Management on the Environmental Resource Permit submittal on the above property (DEP application no. 444556-001-EI)

As you know, Volusia County is extremely protective of our wetlands and natural resources and has adopted Minimum Standards for Environmental Protection. We offer these comments on the ERP to help ensure that the information being provided by the applicant to both of our agencies is consistent and that proposed impacts to wetlands are reviewed closely.

1. Belvedere Terminals Co., LLC submitted a Conceptual Site Plan to Volusia County on February 13, 2024. The County provided comments to Belvedere Terminals Co., LLC for the Conceptual Site Plan, which are attached to this letter. The site plan attached to this Conceptual Site Plan application has an "Issued for Review" date of 2/12/24. These plans differ from those submitted with the ERP permit (Issued for Review date of 1/26/24), most notably in the amount of proposed wetland impacts. The plans submitted to Volusia County show an additional pond labeled "Proposed Pond 5" in the northwest corner of the property in a wetland area. These additional wetland impacts are not shown on the ERP permit application.
2. The applicant submitted an Environmental Assessment produced by Atlantic Ecological Services dated June 2023 to Volusia County. This Environmental Assessment differs from the one provided in the ERP package (dated January 2024). Specifically, the June report states that there are approximately 22.09 acres of wetlands while the January report states that there are approximately 20.82 acres of wetlands. The June report identifies 3.78 acres of direct impacts to wetlands and 4.02 acres of secondary impacts with approximately 2.495 functional loss units. The January report submitted with the ERP identifies 6.46 acres of direct wetland impacts, 3.34 acres of secondary impacts, and 3.846 units of functional loss. While site plan changes can explain the difference between the proposed impacts, the total wetland acreage would be expected to remain the same

(except for discussed below). The proportional functional loss change is also unclear. It should be noted that neither of the Environmental Assessments includes the additional wetland impacts discussed in #1, above.

3. Sheet BT-ORB-4015 shows a rail spur from north to south that directly impacts wetland 1. The Environmental Assessment incorrectly shows these as secondary impacts.
4. Volusia County staff conducted a preliminary site visit and we do not believe that all wetland and surface waters have been accurately depicted on the survey and construction plans. Specifically, there is a significant surface water feature (the A-14 Mosquito Control Canal) at the curve of Harmony Avenue and continuing on the project site toward the north. The proposed entrance road would impact this surface water, and those impacts are not included in the ERP application package. It appears that the applicant and DEP were arranging a wetland site review meeting (email from Jonathon Oravetz to yourself dated March 11, 2024), but there is no additional information on Oculus about whether the meeting occurred and whether the Department has approved the delineation.
5. Volusia County staff have concerns about the UMAM calculations provided in the ERP application package. There is not sufficient information provided to accurately determine the functional loss in the proposed development areas.
6. The document titled "Section I: Supplemental Information for State 404 Program Permits" appears to be incomplete. Number 2 on that form requires the applicant to list other federal, state, or local agencies that will approve or deny work affecting wetlands or surface waters. Volusia County will require a local wetland alteration permit for impacts to wetlands or surface waters, and a stormwater management permit according to Volusia County Code Chapter 50. Minimum Standards for Environmental Protection and Chapter 72, Land Planning.
7. The Department's First Request for Additional Information (RAI) states that the applicant must respond to the RAI by May 20, 2024, or provide a written request for additional time. The last correspondence in Oculus is from March 11, 2024, but it does not appear that a formal response has been provided. I understand from our conversation that an extension has been granted.

Thank you for your consideration of these comments. We would like to work cooperatively on the review of this project and appreciate your time and attention to our concerns.

Respectfully,



Ginger Adair
Environmental Management Director

Cc: Paolo Soria, Senior Assistant County Attorney
Clay Ervin, Growth and Resource Management Director
Suzanne Konchan, Deputy County Manager