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**Legal Department**

September 1, 2023

**Via E-mail (justin.g.wolfe@dep.state.fl.us)**

Justin Wolfe, Esq.  
General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd M.S. 35  
Tallahassee, FL 32399

RE: Volusia County

Mr. Wolfe:

On August 23, 2023, the Volusia County Council held a meeting so that residents may voice their concerns with their local government regarding the proposed Bulk Petroleum Terminal and Station on 874 Hull Rd, Ormond Beach. This letter forwards the concerns expressed by the residents of Volusia County regarding notice for this permit issued by the Florida Department of Environmental Protection (the Department) Division of Air Resource Management.

First, I want to thank you for taking the time to be available to speak with me. I hope you and your family fared well in the hurricane.

For this minor air construction permit, Rules 62-110.106(5) and 62-210.350(1)(a), F.A.C., require that the applicant "publish a notice of intent to issue the permit in the legal advertisements section of a newspaper of general circulation (i.e., one that meets the requirements of Section 50.011 and 50.031, F.S.) in the county or counties in which the activity will take place or the effects of the Department's proposed action will occur, and shall provide proof of the publication to the Department within seven days of the publication."

We are aware of the Department's Final Determination for Air Permit No. 1270233-001-AC which states that proof of publication of the Air Permit in the July 7, 2023 edition of the Hometown News Media Group – Ormond Beach was received on July 13, 2023 and met the publication requirements of Sections 50.011 and 50.031, F.S. We are additionally aware that the website for Hometown News Volusia media group (Hometownnewsvolusia.com) has a third-party biennial audit from the Circulation

Letter to Justin Wolfe, Esq.  
Re: Volusia County  
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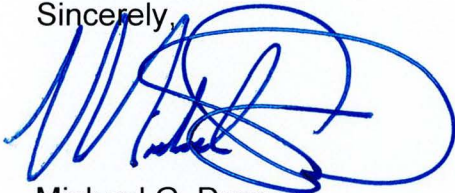
Verification Council (the "CVC audit") as required by Section 50.011, which expires September 30, 2023.

The County has received reports that some Volusia County and City of Ormond Beach residents do not receive the weekly copies of The Hometown News – Ormond Beach, or they have inconsistently received such copies. Such alleged inconsistencies would not further the goal of notice. The CVC audit appears to indicate that the Hometown News - Ormond Beach publication circulation meets the 10% for households in all of Volusia County threshold from its combination of print distribution and unique monthly website visits, as required by section 50.011, F.S., however this newspaper appears to have limited circulation throughout the entire County.

We ask that the Department takes these considerations into account when accepting proof of publication permits in Volusia County. This letter is not intended as a petition or appeal of this matter under the Administrative Procedures Act.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael G. Dyer", with a large, stylized circular flourish at the end.

Michael G. Dyer  
County Attorney

cc: Volusia County Council (via e-mail)  
George Recktenwald, County Manager (via e-mail)  
Clay Ervin, County Growth and Resource Management Director (via e-mail)