

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.
Brownfields, Transactions, Due Diligence, Permitting, Development, Cleanups & Compliance

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MEMORANDUM

TO: Palm Beach County Zoning Division
Cypress Creek Property Owners' Association

FROM: The Goldstein Environmental Law Firm, P.A.

DATE: October 31, 2025

SUBJECT: Fifth Quarterly Remediation Status Report for Former Cypress Creek Golf Course, 9400 S. Military Trail, Palm Beach County, FL 33436, Parcel Numbers 00-42-45-24-12-001-0010, 00-42-45-24-03-000-5851, and 00-42-45-24-03-000-5852 (the "Subject Property")

On July 17, 2024, the Palm Beach Board of County Commissioners ("BCC") approved Resolution R-2024-0863, which, among other things, requires that Toll Brothers, Inc. ("Toll"), provide quarterly updates on the status of soil remediation to the County Zoning Division and the Cypress Creek Property Owners' Association ("POA"). This memorandum constitutes the fifth such quarterly status report.¹

1. On August 11, 2025, the Florida Department of Environmental Protection ("FDEP") issued an Order dismissing with leave to amend the administrative petition filed by the POA (the "Petition") on June 27, 2025,² to compel FDEP to rescind or modify the Brownfield Site Rehabilitation Agreement ("BSRA") that Toll had entered into with FDEP on May 5, 2025, finding that the Petition was "deficient in that it does not state any material facts"; "the description of disputed facts is not relevant to the issues presented"; "the resolution of issues would not trigger any statutory requirement to reverse the agency decision to enter into the [BSRA]"; "none of the statutes or rules, within the context of the disputes described in the Petition, would require reversal or modification of agency action"; and "the Petitioner has not explained how its substantial interests are affected by the agency action." On August 28, 2025, FDEP issued a subsequent Order stating that because the Petitioner did not file an amended

¹ The Fourth Quarterly Remediation Status Report was circulated on July 14, 2025.

² We first wrote about the POA's petition, and basis for Toll's opposition to it, in the Fourth Quarterly Remediation Status Report. See paragraph No. 5.

petition by the time stated in the 11 August 2025 Order, it waived its right to an administrative hearing. The 28 August 2025 Order closed FDEP's file on the Petition and dismissed it with prejudice.

2. As explained in the Fourth Quarterly Remediation Status Report, Langan Engineering and Environmental Services, LLC (“Langan”), Toll’s environmental consultant, is completing its investigation of soil and groundwater impacts from the former golf course. On September 11 and 12, 2025, Langan installed six (6) groundwater monitoring wells in the Lake Worth Drainage District (“LWDD”) rights-of-way (“ROW”) as shown below.³



3. On September 17, 2025, Langan collected groundwater samples from five (5) of the six (6) monitoring wells and on September 22, 2025, collected a groundwater sample from the last monitoring well. All six (6) samples were sent to Eurofins lab for analysis of arsenic. There were no exceedances of arsenic above the Groundwater Cleanup Target Level of 10 parts per billion.
4. We believe that the analytical results from the LWDD ROW constitute delineation of the northern and eastern extent of possible groundwater impacts. Toll's environmental team believes it has also established groundwater delineation to the west of the golf course.⁴ We continue to work on offsite access to delineate groundwater to the south.
5. Toll's environmental team also continues to seek access to two (2) additional properties within the Cypress Creek neighborhood to complete offsite soil delineation. To date, these parties have been non-responsive. On October 8, 2025, FDEP issued correspondence to these property owners to encourage the granting of access to Toll.

³ LMM-71 was installed just east of S. Military Road and south of the C. Stanley Weaver Canal (the “CSW Canal”). LMW-60, LMW-61, LMW-62, and LMW-63 were installed east of S. Military Road, west of Lawrence Road, and south of the CSW Canal. LMW-64 was installed due west of Lawrence Road, approximately midway between the CSW Canal to the north and Old Boynton Road to the south.

⁴ Note that FDEP will ultimately determine whether delineation has been achieved in any particular direction and, if not, the scope of additional testing required to complete the groundwater investigation.

6. Once offsite soil and groundwater delineation has been achieved, all onsite and offsite data will be incorporated into a Site Assessment Report Addendum (the “SARA”) and filed with FDEP. The SARA will include, among other things, Toll’s proposed remediation plan. We are hopeful that this document can be filed with FDEP in the next one hundred and twenty (120) days; however, the actual timeframe will be dictated by Toll’s ability to complete the offsite testing.
7. Once the combined SARA/proposed remediation plan is filed with FDEP, Toll will convene its second Advisory Committee as required under the Brownfield Site Rehabilitation Agreement⁵ and discuss the results of all onsite and offsite contamination assessment activities as well as the proposed strategy for remediation.
8. As discussed herein, site rehabilitation activities pursuant to the BSRA, including completion of onsite and offsite assessment activities pursuant to Chapter 62-780.600, Florida Administrative Code (“F.A.C.”), are ongoing. Toll remains in full compliance with its obligations under the BSRA and Chapter 62-780, F.A.C. More details regarding the specifics of Toll’s submittals to FDEP and FDEP’s responses thereto, along with communications between FDEP, Toll, and other stakeholders, can be found by visiting FDEP’s online file the Subject Property under Facility ID Number ERIC_10930 here

https://prodenv.dep.state.fl.us/DepNexus/public/electronic-documents/ERIC_10930/facility!search
9. Questions, comments, or concerns regarding the matters discussed or otherwise referenced herein may be directed to Michael R. Goldstein, Esq., at (305) 777-1682, which is an office phone line, (305) 962-7669, which is a cell phone line, or mgoldstein@goldsteinenvlaw.com. Thank you.

/mrg

cc: Toll Brothers, Inc.
Langan Engineering and Environmental Services, LLC



⁵ The first meeting of the Advisory Committee was held on June 10, 2025, and the minutes of that meeting were included as an attachment in the Fourth Quarterly Remediation Status Report. See paragraph 4 of the Fourth Quarterly Remediation Status Report and its Exhibit A.