

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: January 17, 2025

SUBJECT: Second Quarterly 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 second such quarterly status report.

1. Toll's environmental consultant, Langan Engineering and Environmental Services, LLC ("Langan"), submitted a Site Assessment Report ("SAR") to the Florida Department of Environmental Protection ("FDEP") via FDEP's Southeast District Office on October 31, 2024.
2. A copy of the SAR was made available to the public at the same time as it is filed with FDEP,¹ including but not limited to the Cypress Creek POA and other members of the Cypress Creek community who have requested copies.
3. FDEP issued its SAR comment letter on December 2, 2024. FDEP concurred with Langan's recommendations for, among other things, additional soil and ground assessment activities, preparation and filing of a Soil Management Plan, and certain source removal activities.

¹ All documents submitted to or issued by FDEP related to site rehabilitation associated with the Subject Property are publicly available through FDEP's online information management under Facility ID Number ERIC_10930 and can be accessed here: https://prodenv.dep.state.fl.us/DepNexus/public/electronic-documents/ERIC_10930/facility!search

4. A copy of the 2 December 2024 FDEP SAR comment letter was made available to the public, including but not limited to the Cypress Creek POA and other members of the Cypress Creek community who have requested copies.
5. Toll anticipates filing the SMP with FDEP by no later than January 31, 2025. A copy of the SMP will be transmitted to Palm Beach County and the public, including but not limited to the Cypress Creek POA and other members of the Cypress Creek community who have requested copies, at the same time it is submitted to FDEP.
6. In its 2 December 2024 SAR comment letter, FDEP concurred with Langan's proposed additional soil boring and groundwater monitoring well locations. Toll's professional team, including Langan and The Goldstein Environmental Law Firm, P.A., will begin seeking access to all such locations no later than the end of January 2025. It is currently anticipated that all such additional testing will be concluded by the end of March 2025; however, this schedule could be extended if access is denied by one or more of the parties that own the properties where soil borings are proposed to be collected and monitoring wells are proposed to be installed.
7. On January 14, 2025, the first of two public hearings on Toll's request to designate the subject property a Green Reuse Area under Florida's Brownfield Redevelopment Act took place before the Palm Beach Board of County Commissioners ("BCC"). The second (and final) hearing is currently scheduled for February 11, 2025. If the request for designation is approved by the BCC, Toll will seek to enter into a Brownfield Site Rehabilitation Agreement with FDEP.

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

