

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: July 14, 2025

SUBJECT: Fourth 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 fourth such quarterly status report.¹

1. On March 19, 2025, Langan Engineering and Environmental Services, LLC ("Langan") mobilized to the Cypress Creek neighborhood to collect soil and groundwater samples at locations approved by the Florida Department of Environmental Protection ("FDEP") and where property owners had granted Toll access for such purposes. The President of the POA engaged with Langan as the first well was being installed and demanded that Langan not continue with its well installation and groundwater sampling activities.² Without concurring with the legal position taken by the POA Board, Langan and the driller engaged by Langan demobilized. The one well that had been installed was not sampled.³
2. During the 19 March 2025 field sampling event, Langan was able to successfully collect and sample one soil boring from within the Cypress Creek neighborhood. The boring was collected from the front yard of property located at 9413 Calliandra Drive, Boynton Beach, Florida 33436, with permission

¹ The Third Quarterly Remediation Status Report was circulated on April 15, 2025.

² The lawyer for the POA followed up with correspondence incorrectly stating that the Association "owns the roads" but reaffirming the POA's demand that all "drilling through roads" immediately stop. The correspondence also stated that "[i]f lot owners want to let Toll Bros drill thru [sic] their yards that is a different matter."

³ On June 25, 2025, with notice to and no objection from the POA Board, the well was abandoned.

from the property owner. Analysis of that sample was conducted by a certified laboratory and did not reveal any exceedances of contamination above the most restrictive standard for residential use.⁴ Toll's environmental team is currently working on access to several additional properties within the Cypress Creek neighborhood to complete offsite soil delineation.

3. On April 14, 2025, the FDEP issued correspondence approving the 19 March 2025 Revised Soil Management Plan filed by Toll's environmental consultant, Langan on April 7, 2025.
4. On June 10, 2025, Toll convened its first Advisory Committee as required under the Brownfield Site Rehabilitation Agreement. The Advisory Committee has been expanded to consist of seven members by adding three property owners whose homes abut the former golf course. A copy of the minutes is attached to this memorandum as Exhibit A.
5. On June 16, 2025, the POA Board filed an administrative petition under § 120.57, Florida Statutes, to compel FDEP to rescind or modify the BSRA. Toll believes the petition lacks merit and is responding accordingly.
6. 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
7. 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
Encl.

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



⁴ The lab analytical data will be included in a forthcoming Site Assessment Report Addendum that Langan will file with FDEP when all necessary offsite sampling has been completed.

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MEMORANDUM

TO: Cypress Creek Brownfields Advisory Committee Members
FROM: The Goldstein Environmental Law Firm, P.A.
DATE: June 18, 2025
SUBJECT: Meeting of the Brownfield Advisory Committee for the Former Cypress Creek Golf Course Green Reuse Site (the “Green Reuse Site”)

On behalf of Toll Bros., Inc. (“Toll”), The Goldstein Environmental Law Firm, P.A. (“GELF”), convened a meeting of the Cypress Creek Green Reuse Site Brownfields Advisory Committee (the “Advisory Committee”) for the purpose of improving public participation and to receive public comments on rehabilitation and redevelopment. Toll held the meeting via Microsoft Teams on June 10, 2025, which convened at 1:15 p.m. and adjourned at 2:20 p.m. The following Advisory Committee members attended the meeting:

- Benjamin M. Bailey III – Cypress Creek resident
- Fritz Breland – Cypress Creek resident
- William Cross, AICP – Palm Beach County staff
- Robert Smar – Cypress Creek resident
- Chris Sova – Cypress Creek resident
- Nancy Wille – Cypress Creek resident
- Sylvia Winkles – Cypress Creek resident

Toll’s representatives attending the meeting consisted of the following:

- Steven Sherman, P.E., Langan Engineering and Environmental Services, LLC (“Langan”)
- Michael R. Goldstein, Esq, GELF
- Brett C. Brumund, Esq., GELF

The following agenda was provided prior to the start of the meeting:

1. Introductions
2. Purpose
3. Presentation of technical findings in Site Assessment Report

4. Plan for completing delineation and preparation and submittal of Site Assessment Report
5. Discussion of Site Rehabilitation Plan
6. Improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice.

The proceedings opened with an overview of the purpose, composition, and function of the Advisory Committee generally, including how such purpose was being served by the 10 June 2025 meeting itself. A technical presentation then ensued, with a discussion of findings, conclusions and recommendations in the Site Assessment Report (“SAR”) for the Green Ruse Site filed with the Florida Department of Environmental Protection (“FDEP”), summarized as follows:

- The Green Reuse Site was historically used for agricultural and pastureland, and more recently as a golf course.
- Soil and groundwater assessment activities conducted to date have consisted of (i) collecting approximately 300 soil samples across the Green Reuse Site in the former golf course fairways, tees, and greens, and along the perimeter and (ii) installing and sampling 55 groundwater monitoring wells.
- Lab analysis of the soil samples identified arsenic, dieldrin, and toxaphene, which is commonly associated with historical application of pesticides at agricultural and golf courses.
- Lab Analysis of the groundwater samples documented the presence of arsenic and dieldrin.
- The assessment findings included in the SAR and submitted to FDEP on October 31, 2025.
- The SAR included a recommendation for additional soil and groundwater testing on-site and off-site. FDEP approved this recommendation, which Langan is currently implementing.
- The results of the supplemental testing findings will be submitted to FDEP in a SAR Addendum. The SAR Addendum will also present a plan for rehabilitating impacted soil and groundwater as required under Chapter 62-780, Florida Administrative Code (“F.A.C.”), utilizing one or more of the options available under Chapter 62-780, F.A.C.

Toll’s representatives then engaged in dialogue with the Advisory Committee regarding the scope and status of supplemental site assessment activities, the status of access to the Cypress Creek neighborhood, discussions with Board members from the Cypress Creek Property Owners’ Association (“POA”) relating to soil and groundwater testing within the Cypress Creek neighborhood, possible strategies for addressing any soil and groundwater contamination that has

migrated beyond the Green Reuse Site, and steps that Toll and the Advisory Committee can take to ensure that the community is properly advised of ongoing site rehabilitation activities as well as redevelopment. The Advisory Committee proposed several options for improving public participation, including (i) utilizing social media platforms; (ii) requesting that the POA post information on their official Facebook page; (iii) seeking to have updates posted on Palm Beach County's Zoning Division website; (iv) asking FDEP to post the information to their regulatory database for this site; (v) mailing Cypress Creek residents directly; and (vi) holding an in-person meeting with all Cypress Creek residents invited.

As the final item of business, the Advisory Committee was informed that the next meeting will be held when off-site sampling is completed and a rehabilitation plan is developed.

/Firm