

**DAVID R. ROY, P.A.**  
**Attorneys At Law**

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September 26, 2019

City Attorney's Office  
Attn: Pete Sweeney, City Attorney  
100 N. US Highway 1  
Fort Pierce, FL 34950

Re: Hammondville Road Landfill, Sun Citrus Blvd.  
Parcel ID No. 1430-231-0001-000-1  
Our File No. 19-DR-184

Dear Mr. Sweeney:

Please be advised that my office represents Mr. Frank DiMaria, individually and as Trustee under the Revocable Living Trust Agreement of Frank DiMaria pursuant to that certain Trust Agreement dated July 2, 2007 (hereafter the "Trust") with regard to the above referenced property. My client is under contract to sell this property and during the buyer's due diligence and title inspection period, objected to the language contained in the attached Special Warranty Deed executed by the City of Fort Pierce, Florida to Frank DiMaria. A copy of the Special Warranty Deed is attached hereto for your review and consideration. The specific objection is the reverter language contained on Exhibit "A" attached to the deed which provides as follows:

**If the Grantee, his successors, grantees, assigns, personal representatives or heirs shall fail to comply with this requirement or any other requirement and the City of Fort Pierce is thereafter required to comply with DER requirements, this land shall revert to the City of Fort Pierce or by any future agreement with St. Lucie County, Florida to the Board of County Commissioners, St. Lucie County, Florida and the City of Fort Pierce shall retain all monies received upon acquisition of the property by Grantee.**

Since the acquisition of this property, my client has complied with the requirements of the Florida Department of Environmental Protection as evidenced by that January 18, 2005 letter from the Department of Environmental Protection, a copy of which is attached hereto. I am also attaching the first 13 pages of the Phase II Environmental Report that was performed for the Treasure Coast Regional Planning Council back in September 2018 for your consideration. I can provide you with the entire Phase II report but it is 175 pages and most email servers do not support that size. Please advise if you would like me to forward this to you.

In order to overcome the objection of the buyer, I am requesting that the City of Fort Pierce release its right of reverter by executing a Quitclaim Deed to Mr. DiMaria, individually and to the Trust. I am not requesting that any of the other covenants and restrictions that run with the land be released and will leave that to the buyer to deal with.

The buyers due diligence is over but for this title objection and the closing is scheduled to close before the end of the year. If there is anything else that you may require or should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,



David R. Roy

DRR/tj

Enclosure

**1991 SPECIAL WARRANTY DEED  
FROM THE CITY OF FORT PIERCE TO DIMARIA**

1092165

Rec Fee \$ 15.00 DOUGLAS DIXON  
Add Fee \$ St. Lucie County  
Doc Tax \$ 880.00 Clerk of Circuit Court  
Int Tax \$ By J.S. Deputy Clerk  
Total \$ 895.00

Parcel ID Number:  
Census #1 TR# 105 34 6143

[Space Above This Line For Recording Data]

### Special Warranty Deed

This Indenture, Made this 29th day of January, 1991 A.D. Between  
CITY OF FORT PIERCE, FLORIDA, a municipal corporation,, a corporation  
existing under the laws of the state of Florida

of the County of St. Lucie, State of Florida, grantor, and  
FRANK DIMARIA,

whose address is: 3428 E. Atlantic Blvd., Pompano Beach, Florida 33062

of the County of Broward, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of  
----- TEN & NO/100 (\$10.00) ----- DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has  
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate,  
lying and being in the county of St. Lucie State of Florida to wit:

See attached Exhibit A for legal description which is attached  
hereto and incorporated herein by reference.

Subject to temporary easement in favor of the St. Lucie County Port and Airport  
Authority for monitoring wells.

Together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has  
good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will  
defend the same against the lawful claims of all persons claiming by, through or under grantor.

In Witness Whereof, the grantor has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

*Robert Holman*  
*Frank Gabriel*  
*Robert Holman*  
*Frank Gabriel*

CITY OF FORT PIERCE, FLORIDA, a  
municipal corporation,  
By: *William R. Dannahower*  
William R. Dannahower  
Mayor-Commissioner  
By: *Cassandra Steele*  
Cassandra Steele, City Clerk

APPROVED AS TO FORM AND CONTENTS (Seal)  
BY *Robert Holman* (Seal)  
City Attorney (Corporate Seal)

STATE OF Florida  
COUNTY OF St. Lucie

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements,  
personally appeared William R. Dannahower and Cassandra Steele

well known to me to be the Mayor-Commissioner and City Clerk

respectively of the corporation named as grantor in the foregoing

instrument, and that they severally acknowledged executing the same, in the presence of two subscribing witnesses, freely and voluntarily under  
authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State aforesaid this 29th day of January, 1991.

This Document Prepared By:

JOHN T. BRENNAN, ESQUIRE

BRENNAN/HAYS/KAR, JEFFERSON & GORMAN, P.A.  
515-519 S. Indian River Drive, P.O. Box 3779

Fort Pierce, FL 34954-3779

RECORD AND RETURN TO  
ROBERT J. GORMAN, ESQ.  
COURTHOUSE BOX 9



NOTARY PUBLIC, STATE OF Florida

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA

COMMISSION EXPIRES JULY 30, 1991

MADE THRU GENERAL 183, UNB.

EXHIBIT "A"

The South 1/2 of the Northwest 1/4 of Section 30, Township 34 South, Range 40 East, LESS AND EXCEPTING the North 100 feet thereof, and LESS the West 40 feet for Fort Pierce Farms Drainage District Canal #2, and LESS the South 45 feet for Fort Pierce Farms Drainage District Canal #25, St. Lucie County, Florida.

The above described parcel previously has been utilized as a landfill location, but has not been actively used as such for a number of years. The parcel being a currently unused landfill may be subject to "Long Term Care" provisions presently and/or in the future as specified by the Department of Environmental Regulation of the State of Florida and/or any other applicable governmental entity, agency or body. The Grantee, by acceptance hereof, and his successors, assigns, heirs, personal representatives and grantees will be required to undertake all necessary steps to comply with DER provisions for "Long Term Care" including, but not limited to, application for closing, if not complete, monitoring, setting test wells, sampling, testing, cleanup, remedial work and as otherwise may be directed or required, as and if necessary. This covenant shall run with the land.

Grantee shall expend no less than \$100,000.00 for clean-up and remedial measures.

If the Grantee, his successors, grantees, assigns, personal representatives or heirs shall fail to comply with this requirement or any other requirement and the City of Fort Pierce is thereafter required to comply with DER requirements, this land shall revert to the City of Fort Pierce or by any future agreement with St. Lucie County, Florida to the Board of County Commissioners, St. Lucie County, Florida and the City of Fort Pierce shall retain all monies received upon acquisition of the property by Grantee.

The hereinabove described property shall not at any time be used for the storage, processing, disposing or recycling of any hazardous waste, toxic materials or substances deemed to be the same or otherwise subject to restrictions of any governmental body for storage, use, disposition or recycling.

This transaction shall further be subject to an agreement or understanding with the St. Lucie County Port and Airport Authority relative to the construction of structures, buildings or improvements of any type or nature within certain areas of the subject property and/or above certain elevations which agreement, though not of Public Record at this time, shall be binding upon Grantee upon its execution and recordation in the Public Records of St. Lucie County, Florida. Grantee further agrees that upon request of the St. Lucie County Port and Airport Authority, that he shall join in and execute such agreement. Said restrictions shall include, but not be limited to the following, and which restrictions the Grantee, by acceptance hereof, undertakes:

(1) Grantee shall neither construct nor permit the construction of any structures which would obstruct the visibility of any part of the air traffic patterns, approaches, runways, taxiways or operational portion of aprons or areas necessary for control of ground or air traffic on or at the St. Lucie County Airport from the air traffic control tower.

(2) The St. Lucie County Port and Airport Authority may remove or trim as required any trees or other plants which obstruct visibility from the control tower to any runways, taxiways, or operational portions of aprons and areas necessary for control of ground traffic now existing or as hereafter set out, established or utilized.

(3) At the request of the Federal Aviation Administration the Grantee will remove, adjust, or shield as required any light (i.e. beacon, street, security, etc.) owned and operated by the parties which causes air traffic controller visibility problems from the air traffic control tower.

(4) Grantee shall neither construct nor permit the construction of any structures within nine hundred fifty (950) feet of the centerline of Runway 9-27 and any westerly extension of such runway.

(5) These restrictions, covenants and agreements shall be deemed to be a covenant running with the land and shall be binding on the heirs, successors and assigns of the Grantee.

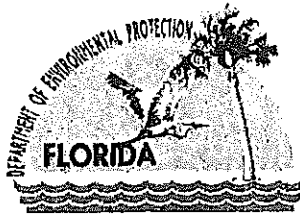
Grantee hereby accepts and agrees to be bound by all of the terms, conditions, restrictions and covenants herein stated.

By: *Frank DiMaria*  
FRANK DIMARIA

91 JUN 31 P3:39  
1092165  
FILED AND RECORDED  
DOUGLAS DIXON C.F.

O. R. BOOK 725 PAGE 284

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
LETTER FOR JANUARY 18, 2005**



Jeb Bush  
Governor

# Department of Environmental Protection

Southeast District  
400 N. Congress Ave. Suite 200  
West Palm Beach, Florida 33401

# COPY

Colleen M. Castille  
Secretary

JAN 18 2005

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Frank DiMaria  
3428 E. Atlantic Boulevard  
Pompano Beach, FL 33062

Subject: Site Rehabilitation Completion Order  
Hammond Road Landfill  
North Hammond Road  
Fort Pierce, St. Lucie County  
FDEP Facility ID# OGC Case No. 91-1531

Dear Mr. DiMaria:

The Florida Department of Environmental Protection (Department) is in receipt of the following technical documents, prepared and submitted by Atlantis Environmental Engineering, SRC Environmental Solutions, Inc., Shaw Environmental Consultants, Inc., and Robert R. Maschue, for this site:

- Consent Order, executed on October 19, 1991
- Contamination Assessment Plan (CAP), prepared by H2O Environmental, Inc., dated January 15, 1992.
- Partial Response to Request for Additional Information, prepared by Atlantis Environmental Engineering (AEE), dated September 21, 1992.
- CAP Addendum, prepared by AEE, dated November 17, 1992.
- CAP Addendum, prepared by SRC Environmental Solutions, Inc. (SRC), dated April 18, 1994.
- CAP Addendum, prepared by SRC, dated July 25, 1994.
- CAP Addendum, prepared by SRC, dated January 2, 1995.
- CAP Modification Investigation, prepared by Shaw Environmental Consultants, Inc. (Shaw), dated September 21, 1995.
- Letter Report: Preliminary Contamination Assessment Activities, prepared by Shaw, dated October 11, 1995.
- Contamination Assessment Report (CAR), prepared by Shaw, dated November 30, 1995.
- Response to Request for Additional Information, prepared by Shaw, dated February 29, 1996.
- CAP Addendum, prepared by Shaw, dated June 13, 1996.
- Monitoring Only Plan (MOP), prepared by Shaw, dated September 17, 1997.
- MOP Addendum, prepared by Shaw, dated December 19, 1997.

*"More Protection, Less Process"*

*Printed on recycled paper.*

- Consent Order Amendment, executed on June 3, 1998
- Monitoring Report, prepared by Robert Maschue, P.G., dated April 10, 2003.

The Southeast District's Waste Cleanup Section has reviewed the Site Rehabilitation Completion Report and Request for No Further Action Proposal (SRCR) dated October 25, 2004 (received October 28, 2004), prepared and submitted by Robert Maschue, P.G., for this site. Documentation submitted with the SRCR confirms that criteria set forth in the executed Consent Order Amendment (OGC Case No. 91-1531) have been met. The SRCR is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for contamination associated with the former landfill listed above, except as set forth below. Failure to abide by the following requirements will result in the revocation of this Order.

- (1) Disturbing the cover on the landfill site has the potential to impact groundwater quality. The Department shall be notified prior to any construction activities, including land clearing, taking place on the property. The owner shall demonstrate that construction activities and the ultimate use of the property will not impact groundwater quality. The Department issued a document titled, "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida" dated May 3, 2001 that provides guidance on what is required to demonstrate that water quality will not be impacted. Alternatively, the owner may reopen case through the state Brownfields or similar cleanup program.
- (2) If concentrations of Benzene, Chlorobenzene and/or other contaminants of concern increase above the levels approved in this Order, or if a subsequent discharge of occurs at the site, the Department may require site rehabilitation to reduce concentrations of contaminants of concern to the levels approved in the SRCR or otherwise allowed by Rule.
- (3) This order applies to the assessment and remediation related to this case. This case is limited to the areas and parameters that were assessed in the documents listed above. A completion request for any other areas or parameters that are not covered in this order will need to be submitted to the Department and will require a separate assessment and remediation, if necessary.
- (4) Additionally, you are required to properly abandon all monitoring wells within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative proceeding (hearing) is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the SRCR you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.
- (B) If you choose to challenge the decision, you may do the following:
  - (1) File a request for an extension of time to file a petition for hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or
  - (2) File a petition for administrative hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Administrative Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from Frank DiMaria, shall mail a copy of the request to Frank DiMaria at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if

different from Frank DiMaria, shall mail a copy of the petition to Frank DiMaria at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsections 120.54(5)(b)4. and 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the FDEP facility number, and the name and address of the facility;
- (b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

#### Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the clerk of the Department (see below).

Mr. Frank DiMaria  
FDEP Facility ID# OGC Case No. 91-1531  
Page five

Questions

Any questions regarding the Department's review of your NFAP should be directed to Lee Hoefert at (561) 681-6676. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

The FDEP Facility Number for this site is OGC Case No. 91-1531. Please use this identification on all future correspondence with the Department.

Kevin R. Neal 11/4/05  
Kevin R. Neal Date  
District Director  
Southeast District

*HR Port KCR*  
KRN/JPP/PAW/lch

cc: Robert Maschue, P. G., Solutech, Inc.  
Alex Padva  
City Attorney, City of Fort Pierce  
Michael Cushman  
DEP/OGC  
DEP/Port St. Lucie Office  
St. Lucie County Health Department  
File

FILING AND ACKNOWLEDGMENT  
FILED, on this date, pursuant to  
§120.52 Florida Statutes, with the  
designated Department Clerk, receipt  
of which is hereby acknowledged.

Rachel Osborne 4/18/05  
Clerk Date

**PHASE II ENVIRONMENTAL REPORT  
PERFORMED SEPTEMBER 2018**

19 September 2018

Ms. Stephanie Heidt  
Intergovernmental/Brownfields Coordinator  
Treasure Coast Regional Planning Council  
421 Southwest Camden Avenue  
Stuart, FL 34994

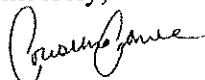
**Subject: Phase II Environmental Site Assessment Report**  
**Subject Site: Approximately 71 acres of the Former Hammond Road Landfill,  
Fort Pierce, St. Lucie County, Florida,  
Parcel ID # 1430-231-0001-000-1**

Dear Ms. Heidt:

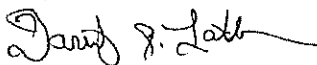
Pursuant to your authorization of Geosyntec Consultant's (Geosyntec's) proposal dated 23 March 2018 (authorization was provided in July 2018), Geosyntec has prepared the enclosed Phase II Environmental Site Assessment (ESA) report for the Treasure Coast Regional Planning Council ("TCRPC" or "Client") for the approximately 71-acres known as the Former Hammond Road Landfill located in Fort Pierce, St. Lucie County, Florida - Parcel ID # 1430-231-0001-000-1 ("Site"). Enclosed is an electronic copy of the report.

Should you have questions regarding this submittal or need additional information, please do not hesitate to contact us. We appreciate the opportunity to be of service to you.

Sincerely,



Cristina Graver, P.E.(FL)  
Engineer



David J. Latham, P.G.(FL)  
Senior Geologist

Copy: Barbara Alfano, USEPA  
J. Chris Herin, P.G.(FL) – Geosyntec  
Peter Jones – St. Lucie County  
Terry Lewis, Esq. – Lewis, Longman & Walker  
David Roy, Esq.

Geosyntec<sup>▷</sup>  
consultants

*Prepared for:*



**Treasure Coast Regional Planning Council**  
421 Southwest Camden Avenue  
Stuart, Florida 34994

## **PHASE II ENVIRONMENTAL SITE ASSESSMENT**

**Subject Site: Approximately 71 acres of the  
Former Hammond Road Landfill,  
Fort Pierce, St. Lucie County, Florida,  
Parcel ID # 1430-231-0001-000-1**

*Prepared by:*

Geosyntec<sup>▷</sup>  
consultants

900 Broken Sound Parkway NW, Suite 200  
Boca Raton, Florida 33487

Project Number: FE2954  
September 2018

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## 1 INTRODUCTION AND BACKGROUND

### 1.1 Introduction

Geosyntec Consultants, Inc. (Geosyntec) was retained by the Treasure Coast Regional Planning Council (TCRPC) (“Client”) to perform a Phase II Environmental Site Assessment (ESA) of an approximately 71-acre parcel known as the Former Hammond Road Landfill located in Fort Pierce, St. Lucie County, Florida - Parcel ID # 1430-231-0001-000-1 (referred to herein as the “Subject Site”, or “Site”, as shown in **Figure 1**). This work was completed pursuant to TCRPC’s authorization of Geosyntec’s 23 March 2018 proposal (authorization was provided in July 2018). Geosyntec understands that St. Lucie County submitted an application that was accepted by TCRPC for the completion of a Phase II ESA for this Site under the terms of TCRPC’s 2015 Brownfields Assessment Grant; this grant was awarded to TCRPC by the U.S. Environmental Protection Agency (USEPA). Consequently, Geosyntec was authorized by TCRPC to conduct a Phase II ESA of the Site, for the benefit of St. Lucie County.

At TCRPC’s request, between December 2016 and August 2018, Geosyntec conducted a Phase I ESA of this Site for TCRPC in general accordance with the scope and limitations of the American Society for Testing and Materials (ASTM) Practice E 1527-13, titled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” (ASTM E 1527-13). Geosyntec’s August 2018 Phase I ESA to TCRPC concluded that Geosyntec found two recognized environmental conditions (RECs) and one historical recognized environmental condition (HREC) associated with this Site. With input from TCRPC, St. Lucie County, and USEPA, Geosyntec developed a Phase II ESA scope of work<sup>1</sup> that included the environmental assessment of soil and groundwater to evaluate the presence of certain types of subsurface impacts at the Subject Site in multiple locations. Through conduct of this Phase II ESA, Geosyntec attempted to further investigate Geosyntec’s 2018 Phase I ESA-identified RECs and HREC at the Site. A listing of the RECs that were investigated at the Subject Site is presented in **Table 1**. It should be noted that Geosyntec’s Phase II ESA focused on historical land use (as a municipal solid waste landfill) at the Site and past-identified soil and groundwater contamination at the Site based on historical testing by others.

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<sup>1</sup> Please note that the sampling scoped herein was a coarse screening effort for soil and groundwater and did not consider other issues such as geotechnical concerns or other media such as landfill gas and canal surface water/sediment. This coarse sampling approach was not intended to be compliant with more conservative contamination assessment environmental agency guidance (for example, in terms of horizontal and vertical density of samples). Furthermore, the analytical suites may not have been comprehensive in terms of the types of contaminants which may be present. As such, the enclosed sampling could have missed contamination that may exist.

## 1.2 Site Location

The Site is an approximate 71-acre parcel located adjacent to Sun Citrus Boulevard, Fort Pierce, Florida. The Site is located in a residential, industrial and agricultural area and was found to be bounded by: the Treasure Coast International Airport (and Business Park) to the north, Hammond Road followed by Treasure Coast International Airport to the east; Fort Pierce Farms Water Control District (FPFWCD) Canal Number 25 followed by residential homes and the Sun Citrus Plant to the south; and, FPFWCD Canal Number 2 followed by orange groves to the west. The Site vicinity and topographic map are illustrated on **Figure 1**, and a Site layout is illustrated on **Figure 2**.

## 1.3 Site Description

Based on information provided by Mr. Frank DiMaria<sup>2</sup>, who is the current owner of the Site, as well as observations made during Geosyntec's 5 December 2016 Site reconnaissance and follow-up Site reconnaissance on 20 June 2018, the Site was observed to be vacant with heavy vegetation covering a large portion of the Site. An approximate 6-foot chain link fence surrounded the perimeter of the Site. Two canals were identified near the Site along each of the western and southern Site boundaries. Several areas were observed by Geosyntec where buried waste was extending outside of the landfill's final cover. The observed waste items included used automobile tires, general household trash, an apparent electrical box and barbed wire. A detailed Site plan showing some general Site features is illustrated on **Figure 2**.

A listing of the RECs that were noted in Geosyntec's 2018 Phase I ESA of the Subject Site is summarized in **Table 1**. Based on observations made during Geosyntec's Phase I ESA file review, the Site was reportedly utilized as a municipal solid waste landfill from 1966 through the 1980s. According to a Florida Department of Environmental Protection (FDEP) September 1986 inspection, the landfill at the Site collected the following types of wastes: (i) residential; (ii) commercial; (iii) industrial; (iv) septic tank pumping; (v) dead animals; (vi) hazardous; (vii) medical; and, (viii) waste water treatment sludge.

**Figure 1** illustrates the approximate Subject Site location and regional topography. According to Geosyntec's 2018 Phase I ESA, the Subject Site has an elevation of approximately 19 feet above mean sea level and is relatively flat. Based on previously-reported groundwater flow data in close

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<sup>2</sup> Mr. DiMaria was provided with a copy of the Geosyntec's 2018 Phase I ESA, and Geosyntec's Phase II ESA scope of work. He had given permission to St. Lucie County for completion of the Phase I ESA work and subsequently gave permission to complete the Phase II ESA at the Site.

proximity to the Site, Geosyntec noted that interpretations by others showed the surficial groundwater flow direction in proximity to the Site was radial and, was also shown to be primarily towards the south. Reports indicate that the groundwater flow at and in the vicinity of the Site is likely influenced by the canals to the south and west. Local groundwater flow direction may vary depending on area groundwater pumping, surface water bodies, land use and development, localized topography, and other macro and micro features.

## 2 INVESTIGATION APPROACH

Geosyntec's 2018 Phase II ESA investigation approach was designed to target shallow subsurface soils and groundwater to address the two RECs and the HREC. For each of these, a selected number of soil and/or groundwater samples were planned for collection:

Work Item (Finding)	Number of Soil Borings	Maximum Boring Depth	Number of Temporary Monitoring Wells	Number of Samples	
				Soil	Groundwater
A (Historical Onsite Land Use) [REC]	10	10 feet below land surface (ft BLS)	10	1 per boring	1 per monitoring well
B (Known Contamination at the Site) [HREC]	Soil borings and sampling for Finding B are covered under the proposed soil sampling activities for Finding A.	10 ft BLS	1 – Additional monitoring well plus sampling for Finding B also covered under the proposed groundwater sampling activities for Finding A.	1 per boring	1 per monitoring well
C (Known Radionuclide Contamination at and in the vicinity of the Site) [REC]	Not Applicable (N/A)	N/A	1 – Additional monitoring well plus sampling for Finding C also covered under proposed sampling activities for Finding A and Finding B (3 wells under those prior work items also sampled for these parameters).	N/A	1 per monitoring well
<b>Total</b>	<b>10</b>	<b>---</b>	<b>12</b>	<b>10</b>	<b>12</b>

For each sampling location, the Phase II ESA incorporated a suite of chemical analyses designed to focus on certain potential impacts to soil and groundwater at that location based on observations made during Geosyntec's 2018 Phase I ESA. These generally included volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), organochlorine pesticides (OCPs), and the 8 Resource Conservation and Recovery Act (RCRA) metals as well as polychlorinated biphenyls (PCBs) in soil and total dissolved solids (TDS) in groundwater. Sample locations that were targeted for potential radionuclide contamination were analyzed for Radium 226, Radium 228, and Gross Alpha in groundwater based on review of historical data collected in December 1995 and reported in the December 1995 Contamination Assessment Report prepared by Shaw Environmental Consultants, Inc.; this report indicated the exceedance of regulatory criteria. Additionally, Geosyntec's interviewing efforts (including Paul Wierzbicki with the

Florida Dept. of Environmental Protection [FDEP]) indicated that the environmental assessment for radionuclides has not been conducted at the Site. Sampling locations were selected based on the environmental conditions identified during Geosyntec's 2018 Phase I ESA, and the approach was designed in an effort to assess soil and groundwater quality in the vicinity of areas where contamination had previously been detected and/or to provide additional sampling coverage for the Site (additional, in comparison to historical sampling reported in Geosyntec's 2018 Phase I ESA).

Geosyntec performed the Phase II ESA sampling activities at the Subject Site from 30 July 2018 to 3 August 2018. The Phase II ESA included targeted vegetative clearing (to allow better access to sampling locations) followed by hand auger (HA) and direct-push technology (DPT) drilling activities for the purposes of collecting soil samples, and installation of temporary, shallow monitoring well points into the water table for the purpose of collecting groundwater samples to address each of the concerns identified in **Table 1**. The general scoped sampling approach included the number of boreholes, depths, and samples as outlined in the above-provided summary, with the understanding that field modifications through the addition and/or removal of sampling locations could be necessary due to field-encountered Site-specific conditions (these deviations are discussed in Section 3.5). In all, this investigation addressed the following issues:

- Historical Onsite Land Use (REC #1);
- Known Contamination at the Site (HREC #1); and
- Known Radionuclide Contamination at and in the vicinity of the Site (REC #2).

**Table 1** summarizes some rationale for including each of these as an environmental concern and presents the actual number of soil and groundwater samples collected for each of these RECs. These locations are illustrated on **Figure 3**.

### 3 INVESTIGATION METHODOLOGY

Geosyntec personnel mobilized to the Subject Site from 30 July 2018 to 3 August 2018. Prior to proceeding with intrusive Phase II ESA activities, Geosyntec provided notification to the Sunshine State One Call of Florida (SSOCOF) to locate public utilities in the area of the proposed drilling. Soil and groundwater samples were collected in general accordance with FDEP standard operating procedures.

#### 3.1 Land Clearing

Geosyntec retained a contractor, South Florida Land Clearing (SFLC), to perform land clearing activities at the Site. On 30 and 31 July 2018, a track hoe with a “thumb” attachment was used to clear vegetation, consisting primarily of Peruvian pepper trees, from portions of the perimeter of the Site, as illustrated on **Figure 2**. Clearing activities were limited to portions of the Site that were targeted for Geosyntec’s Phase II ESA sampling effort. On 1 August 2018, SFLC returned to the Site with a bulldozer to further level cleared areas and compact loose soil to allow for improved navigation of the cleared areas with a DPT drill rig. Several areas of unearthened buried waste, including materials such as glass, wood debris, household waste (such as soda cans), plastics (which included a medical syringe), used tires and textiles, were observed in cleared areas at the Site.

#### 3.2 Borehole Drilling

Geosyntec contracted a driller to perform the drilling activities at the Subject Site. Prior to commencing DPT drilling activities, boreholes were advanced using a hand auger for borings with depths less than or equal to four feet below land surface (ft BLS). Downhole drilling equipment was decontaminated before each borehole was advanced.

For depths below four ft BLS, the soil cores were retrieved from a truck-mounted DPT drilling rig driving a 2-inch stainless steel macrocore sampler at regular depth intervals. Soil samples were collected using new, disposable 1¾-inch interior diameter butyrate liners, which were dedicated one per sampling interval. The soil cores were visually inspected at 2-ft intervals for the presence of unnatural staining, sheens, or liquids, field-screened with an organic vapor analyzer (OVA) equipped with a 10.6 electron volt (eV) photo-ionization detector (PID), and examined for the purpose of documenting the soil’s lithology. Field observations and lithologic descriptions associated with each soil borehole are summarized in **Table 2**, and borehole locations are illustrated on **Figure 3**.

The calibration of the PID was checked prior to use in the field. The procedure involved verifying the instrument response against a 100 parts per million (ppm) isobutylene gas standard.

### 3.3 Soil Sampling

As noted above, field observations and lithologic descriptions associated with each soil borehole are summarized in **Table 2**, and borehole locations are illustrated on **Figure 3**. In accordance with the sampling strategy outlined in Geosyntec's 23 March 2018 proposal and based on visual observations and/or field screening results (e.g., positive OVA readings, evidence of staining, etc.), one sample from each borehole was selected for laboratory analyses. The requested analyses for each sample sent to the laboratory are summarized in **Table 3** and included the following:

- VOCs by USEPA Method 8260C;
- PAHs by USEPA Method 8100;
- PCBs by USEPA Method 8082;
- OCPs by USEPA Method 8081A; and
- 8 RCRA Metals by USEPA 6000/7000 Series Methods.

Following soil sampling activities, the retrieved soil samples were stored in coolers with ice and released under chain of custody protocol to a laboratory, which is accredited by the National Environmental Laboratory Accreditation Program (NELAP). Analytical methods used by the laboratory are referenced in the analytical reports presented in **Appendix A**. Soil boring logs are included in **Appendix B**.

In accordance with Geosyntec's 23 March 2018 proposal, one duplicate soil sample was collected and submitted for analysis.

Following sampling, the boreholes were used as pilot holes for installation of temporary monitoring wells (See **Section 3.4**).

### 3.4 Groundwater Sampling

As presented in the sampling strategy in Geosyntec's 23 March 2018 proposal, Geosyntec collected twelve groundwater samples using temporary monitoring wells installed at each of the ten soil boring locations as well as two additional temporary monitoring well locations (only). Temporary, shallow monitoring wells equipped with 0.75 inch diameter pre-packed screens were installed into the water table using a DPT rig. Prior to sample collection, physical water quality parameters (pH, temperature, specific conductivity, dissolved oxygen, oxygen reduction potential, and turbidity) were recorded on groundwater sampling logs which are included as **Appendix B**. Prior to collecting the groundwater samples, Geosyntec purged the temporary monitoring wells for up to 45 minutes or until the color of the water turned clear.

The requested analyses for each sample sent to the laboratory are summarized in **Table 4** and

included the following, with the understanding that the list of requested analyses varied from location to location within the Site:

- VOCs by USEPA Method 8260C;
- PAHs by USEPA Method 8100;
- OCPs by USEPA Method 8081A;
- TDS by USEPA Method 160.1;
- 8 RCRA Metals by USEPA 6000/7000 Series Methods and USEPA Method 245.1;
- Gross Alpha by USEPA Method 00-02;
- Radium 226 by USEPA Method 903.0; and/or
- Radium 228 by USEPA Method Ra-05.

Samples were collected into clean bottles which were supplied by the laboratory and placed in coolers with ice immediately after collection.

Following groundwater sampling activities, the retrieved groundwater samples were stored in coolers with ice and released under chain of custody protocol to the laboratory. Analytical methods used by the laboratory are referenced in the analytical reports presented in **Appendix A**.

In accordance with Geosyntec's 23 March 2017 proposal, one duplicate soil sample was collected and submitted for analysis.

Geosyntec personnel returned to the Site on 31 August 2018 with a licensed driller to perform temporary monitoring well abandonment activities. The temporary groundwater monitoring wells were removed from the ground and each well borehole was filled to land surface with a Portland cement grout mixture.

## 4 SAMPLING RESULTS

### 4.1 Soil

Based on Geosyntec's Site observations, the lithology encountered at the Site generally consisted of sand and organic materials (with this descriptor, organic materials refer to dark lithologies and/or vegetative materials) to depths of up to 10 ft BLS. Soil vapor concentrations measured with the OVA in the soil samples recovered from the boreholes are summarized in **Table 2**; the highest observed OVA reading was 5.0 ppm. Based on visual observations of the soil cores, buried waste was observed in five of the ten borings and limited orange staining was observed in one of the ten borings. Aside from these observations, other unusual stains or other unnatural features were not noted.

The analytical results for soil samples at the Subject Site are summarized in **Table 5**, and laboratory analytical reports are presented in **Appendix A**. Concentrations of constituents in soil were compared against the FDEP's default residential, industrial, and leachability-to-groundwater Soil Cleanup Target Levels (SCTLs) included in Chapter 62-777, Florida Administrative Code (FAC). From this comparison, the more notable findings associated with the soil analytical results are as follows:

- *OCPs*: At least one of five OCPs (gamma-Chlordane, alpha-Chlordane, 4,4-DDE, dieldrin, and total chlordane) were detected in three of the ten soil samples at relatively low concentrations. The reported concentrations did not exceed the associated FDEP SCTLs.
- *8 RCRA Metals*: Relatively low concentrations of barium, chromium, and lead were detected in each of the ten soil samples. The highest reported concentrations of barium, chromium and lead were 12.1 mg/kg, 6.7 mg/kg, and 7.68 mg/kg, respectively. Additionally, arsenic was detected in five of the eleven soil samples and cadmium was detected in four of the eleven soil samples. The highest reported arsenic and cadmium concentrations were 0.472 mg/kg and 0.334 mg/kg, respectively. The reported concentrations of metals did not exceed the associated FDEP SCTLs.
- *VOCs*: No detections of VOCs above laboratory method detection limits were reported for the soil samples analyzed.
- *PAHs*: No detections of PAHs above laboratory method detection limits were reported for the soil samples analyzed.

- *PCBs*: No detections of PCBs above laboratory method detection limits were reported for the soil samples analyzed.

#### 4.2 Groundwater

Twelve groundwater samples were collected from 1 August 2018 to 3 August 2018. In these twelve temporary monitoring wells, the observed depth to groundwater ranged from 3 to 9.5 ft BLS. No free product or sheen was observed.

The analytical results for groundwater samples at the Subject Site are summarized in **Table 6**, and laboratory analytical reports are presented in **Appendix A**. Concentrations of constituents in groundwater were compared against FDEP's default Groundwater Cleanup Target Levels (GCTLs) included in Chapter 62-777, FAC. From this comparison, the more notable findings associated with the groundwater analytical results are as follows:

- *TDS*: TDS was detected above the laboratory method detection limit in each of the groundwater samples analyzed for TDS. Exceedances of the GCTL for TDS (500 milligrams per liter [mg/L]), were observed in TW-6 and TW-11
- *VOCs*: At least one of two VOCs (Chlorobenzene and 1,3-Dichlorobenzene) were detected in four of the groundwater samples analyzed for VOCs at relatively low concentrations. The reported concentrations did not exceed the associated FDEP GCTLs.
- *PAHs*: No detections of PAHs above laboratory method detection limits were reported for the groundwater samples analyzed.
- *OCPs*: No detections of OCP above laboratory method detection limits were reported for the groundwater samples analyzed.
- *8 RCRA Metals*: Relatively low concentrations of barium, chromium, and lead were detected in each of the ten groundwater samples analyzed for metals. The highest reported concentrations of barium, chromium and lead were 0.149 mg/kg, 0.021 mg/kg, and 0.015 mg/L, respectively. Additionally, mercury was detected in one of the groundwater samples analyzed for metals at a concentration of 0.0002 mg/L. The reported concentrations of metals did not exceed the associated FDEP GCTLs.
- *Radionuclides*: At least two of the three radionuclides (Gross Alpha, Radium 226, and Radium 228) were detected in each of the four groundwater samples analyzed for radionuclides. The reported radionuclide concentrations did not exceed the associated FDEP GCTLs.

## 5 CONCLUSIONS

A Phase II ESA was performed by Geosyntec personnel wherein field work was conducted in July and August 2018 at the Site located in Fort Pierce, St. Lucie County, Florida to help support environmental due diligence activities. During Geosyntec's 2018 Phase II ESA, 10 soil samples and 12 groundwater samples were collected from a total of twelve borehole locations.

The lithology encountered at the Site generally consisted of sand and organic materials to depths of up to 10 ft BLS. Through this Phase II ESA effort (and through Geosyntec's 2018 Phase I ESA), buried waste has been found to exist at the Site. Geosyntec's observed depth to groundwater was approximately 3 to 9.5 ft BLS. No chemical free product or sheen was detected.

Analytical results from the soil and groundwaters sampling were compared to the FDEP's SCTLs (for soil) and GCTLs (for groundwater), as described in **Section 4**. From this comparison, a summary of what Geosyntec considered to be some of the most notable findings are as follows:

- No detections in soil samples showed an exceedance of the listed SCTLs.
- No detections in groundwater samples showed an exceedance of the listed GCTLs except that TDS was observed in two of the groundwater samples (TW-6 and TW-11) above the GCTL. Other detections were found in one or more groundwater samples but did not exceed a GCTL; these include VOCs, metals, radionuclides, and OCPs.

Due to the nature of the buried waste that was observed during this Phase II ESA field work, the areal extent and thickness of the overlying cover soils as well as geotechnical considerations in dealing with the subsurface waste to support redevelopment/construction at the Site would be key points of emphasis in future assessment work at the Site (for consideration under a different work scope).

## 6 QUALIFICATIONS OF STAFF

*Cristina Graver, P.E. (FL), Engineer*

Ms. Graver is a Professional Engineer with Geosyntec Consultants in Boca Raton with over five years of experience in the environmental field. Her professional experience as an environmental consultant includes projects involving air quality permitting, air quality compliance, process safety management, environmental regulatory compliance and due diligence, remediation of contaminated soil and groundwater, groundwater plume delineation, wastewater treatment design and storm water management. Cristina is a registered Professional Engineer in Florida and holds a Bachelor's degree in Civil and Environmental Engineering from Florida State University.

*David Latham, P.G. (FL), Project Manager*

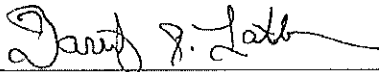
Mr. Latham is a licensed professional geologist (P.G.) in the State of Florida and has over 25 years of experience as a hydrogeologist dealing with assessment and remediation of impacted soil and groundwater at a wide range of commercial, industrial, and governmental facilities. His experiences include the following areas: property transaction environmental due diligence; environmental support for brownfields redevelopment; regulatory compliance; contamination assessments/site assessments; geophysical investigations for assessment of hydrogeological conditions; project and program management including compliance with quality assurance and environmental health and safety issues; and preparation and implementation of remedial action plans. Mr. Latham holds both a Master's Degree and Bachelor's Degree in Geology.

*J. Chris Herin, P.G. (FL, KY, TX, PA), Project Director*

Mr. Herin is a licensed P.G. in Florida, Kentucky, Texas, and Pennsylvania. He represents that at the time of preparation of this Phase II ESA report, he has over the last 28+ years worked as a hydrogeologist on a variety of projects. Included in his experience are the following types of work: property transaction environmental due diligence (e.g., Phase I and II ESAs; estimation of remediation costs; etc.); evaluation of compliance with environmental regulations; performance of remedial investigation/feasibility studies for contaminated properties; assessment of groundwater flow systems and the fate and transport of chemical contaminants in the environment; performance of geophysical investigations for assessment of hydrogeological conditions, buried materials and contamination; evaluation of the applicability of remedial measures for contaminated soil, groundwater and surface water systems. Over at least the last decade, Mr. Herin has served as the primary author or senior reviewer of over 500 environmental due diligence reports (Phase I and/or II ESAs) located throughout the U.S. Mr. Herin holds a Master's degree in Geology (with a concentration in hydrogeology) and a Bachelor's degree in Earth Science.

**7 SIGNATURE BY ENVIRONMENTAL PROFESSIONAL**

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR §312. I have the specific qualifications based on education, training, and experience to conduct a Phase II Environmental Site Assessment at a property of the nature, history, and setting of the Site.



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Signed by David J. Latham, P.G. – Geosyntec Consultants