



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 8, 2021

VIA ELECTRONIC MAIL: jgrebow@ridgewoodrep.com

Concert Fountains Properties, LLC
c/o Greenberg Traurig, LLP
1717 Arch Street, Suite 400
Philadelphia, Pennsylvania 19103
Attn: Jonathan Grebow

Re: **No Further Action for Pod C**
Updated Soil Certification Report for Pod C dated February 15, 2021 by
WGI, Inc. of the former North Course of the Fountains Country Club,
Lake Worth, Florida (the "Report")
Facility Name: Fountains Country Club Pods B, C & D
Facility ID: ERIC_10936; formerly COM_378206
OGC Number: 20-1670

Dear Mr. Grebow:

The Florida Department of Environmental Protection (Department) is in receipt of the above-referenced Soil Certification Report (Report) submitted pursuant to that certain Soil Management Plan dated June 26, 2019, as amended and updated on January 30, 2020 and approved by the Department on April 14, 2020 (collectively, the "SMP"). The Report evidences the completion of remedial investigations and remediation of soil in Pod C (as defined in the SMP) of the former North Course of the Fountains Country Club in Lake Worth, Florida to a clean and unrestricted residential use level. By its terms, the SMP pertains to the remediation of Pod B, Pod C and Pod D at the former North Course of the Fountains Country Club (collectively, the "Site"), all as more fully described therein.

The Department approves the Report and the sampling data and analysis contained therein, please refer to the Department's District Business Support Program's Review Memorandum, provided as Exhibit A. Together with the Department's prior approval of groundwater delineation in the Site Assessment Report dated June 26, 2019, the Department finds that no further remedial action or investigation is required for Pod C of the Site. This approval pertains only to Pod C and does not relieve Concert Fountains Properties, LLC ("Concert Fountains") of responsibility for any other areas of the Site that may be contaminated. Concert Fountains must also record on Pod C a Declaration of Restrictive Covenants ("DRC") in the land records of Palm Beach County, Florida. The Department concurs that, upon recordation of the DRC, there are no further requirements under Chapter 62-780, Florida Administrative Code (F.A.C.) for Pod C.

Concert Fountains Properties, LLC
Jonathan Grebow
Fountains Country Club Pods B, C & D
4476 Fountains Drive, Lake Worth, Palm Beach County, Florida
Site ID: ERIC_10936 (Formerly COM_378206) and OGC Number: 20-1670

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The Department acknowledges that Pod B and Pod D of the Site are still undergoing remediation independent of Pod C. The Department is able to issue a Site Rehabilitation Completion Order (“SRCO”) for a contaminated site only after the contamination has been delineated and cleaned up or managed with institutional controls and, if applicable, with engineering controls on the entire Site. The DRC for Pod C will include an institutional control relating to groundwater use, dewatering and stormwater features, but no engineering controls and no other institutional controls will be required for Pod C. Once the remedial actions required at Pod B and Pod D of the Site have been completed to the satisfaction of the Department, then the Department will issue a SRCO and No Further Action for the entire Site, including Pod C.

The Department understands that Concert Fountains intends to proceed with the redevelopment and sale of Pod C in advance of the completion of cleanup of Pod B and Pod D. The Department has no objection to this approach and hereby confirms that the future purchase or redevelopment of Pod C by others (each, a “Redeveloper Party”) will not impose or create any liability for the Redeveloper Party for the clean-up of Pod B and Pod D of the Site not owned by such Redeveloper Party, whether or not a SRCO has been issued for the Site.

All conclusions regarding the status of the Site described in this letter rely upon the Department’s legal interpretation of Chapter 62-780 F.A.C. and upon information provided to the Department by Concert Fountains.

If you have any questions regarding this, please contact Chris Burroughs at (561) 681-6651 or by email at chris.burroughs@floridadep.gov.

Sincerely,



Christopher Weller
Environmental Manager
Permitting & Waste Cleanup Program

Enclosures:
Exhibit A – DBSP Review Memorandum

Cc:
John Abbott, WGI, john.abbott@wginc.com
Tom Mueller, WGI, tom.mueller@wginc.com
Brett Owings, Ridgewood Real Estate Partners, bowings@ridgewoodrep.com
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Chris Burroughs, FDEP, chris.burroughs@floridadep.gov

Exhibit A
DBSP Review Memorandum



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

Memorandum


TO: Chris Burroughs, Professional Geologist
Southeast District


THROUGH: Brian Dougherty, Program Manager
District & Business Support Program, DWM

FROM: Leah J. Smith, Environmental Consultant
District & Business Support Program, DWM

SUBJECT: Fountains – Parcels B, C and D
4476 Fountains Drive, Lake Worth, Palm Beach County
Fountains Parcel C Soil Certification Report, February 15, 2021
Site ID: ERIC_10936, formerly COM_378206

DATE: March 5, 2021


Digitally signed by Brian
Dougherty
Date: 2021.03.05
17:10:15 -05'00'


Digitally signed by Leah J.
Smith
Date: 2021.03.05
09:49:09 -05'00'

The *Fountains Parcel C Soil Certification Report* dated February 15, 2021 for the above referenced site has been evaluated by the Florida Department of Environmental Protection (FDEP) District and Business Support Program (DBSP). The report was submitted to FDEP to document the implementation of the Soil Management Plan (SMP) (June 2019), SMP amendment (January 2020) and subsequent response to comments to support a Declaration of Restrictive Covenant (DRC) for Parcel C. This submittal is a revised certification report for Parcel C (Pod C), updated from the original December 30, 2020 submittal. DBSP has the following observations and comments:

- Site assessment and supplemental site assessment activities were conducted on Pod C to determine the extent of potentially impacted soil. Arsenic was identified as a contaminant of concern with elevated arsenic concentrations observed in site soils. The SMP documents were submitted to FDEP to address potentially impacted soil during redevelopment activities. Briefly, these activities included:
 - Hot spot removal, defined by step-out confirmatory soil samples;
 - Following excavation, characterization of stockpiled soil for offsite disposal, or use as golf course or residential fill; and,
 - Verification sampling to confirm that re-use soil criteria has met the cleanup target levels within the respective areas that blended or stockpiled soil is placed.
- Implementation of the SMP, as documented in this submittal, included:

- One hot spot area at a depth of 2-4 feet below land surface (bls) was identified in Pod C, defined by previous borings H-4C, H-5C, H-6C, and H-8C. The area defined by these soil samples was 80 ft long by 20 ft wide x 2 ft in thickness.
 - Soils generated from the 0-0.5 feet interval were transported to Pod B. The overburden above the hot spot at the 0.5-4 feet interval was excavated, stockpiled, and sampled. One composite sample comprised of at least 10 aliquots obtained from three different heights of the stockpile with at least three of the samples collected from the interior of the stockpile was collected per 50 cubic yards (cy). This resulted in three composite samples with arsenic concentrations ranging from 1.2 mg/kg to 3.0 mg/kg. Based on the composite soil sample results this soil was considered re-usable on site.
 - The water table was observed at 4 feet bls.
- Soil throughout Pod C was excavated to the water table and stockpiled by depth for reuse: 0 -0.5 feet, 0.5-2 feet, and 2-4 feet bls.
 - Composite sampling of the stockpiles comprised of at least 10 aliquots obtained from three different heights of the stockpile with at least three of the samples collected from interior of the stockpile.
 - Five samples per 1,000 cy with an additional composite sample per each 1,000 cy were collected at each stockpile for arsenic analysis.
 - Based on Table 1: Soil Analytical Summary, stockpiles with composite sample results below 2.1 mg/kg were either left in place or reused on site. Reused stockpile soil was blended with stockpiles with composite results above 2.1 mg/kg using backhoes, and tilling using a disk harrow. This was followed by verification sampling until the concentration of soil was 2.1 mg/kg or less.
 - Soil stockpiles generated from the 0-0.5 feet interval at Pod C were transported to Pod B due to some composite samples with elevated arsenic concentrations indicating they were not suitable for soil blending. However, the arsenic results were below the approved alternative soil cleanup target level (ASCTL) of 11 mg/kg for the golf course use area, Pod B. Stockpiled soil was stabilized with grass.
 - No imported fill or off-site disposal for Pod C was necessary.
- Two soil borings from 0-2 feet bls collected from each of the townhome lots were collected for verification sampling. Where select samples exceeded the residential soil cleanup target level (RSCTL) soil from these lots was excavated, blended and then re-tested until it met the RSCTL of 2.1 mg/kg.
 - One verification soil sample, C0159, collected from Building 6 Lot 23 contained a concentration of arsenic of 13.4 mg/kg. It is noted that this soil was removed, retested, and replaced with remediated soil. Concentrations of arsenic in the subsequent two verification samples at Building 6 Lot 23 were below 2.1 mg/kg.
- These remedial activities are consistent with the SMP submittals. Based on the verification sample results available on Table 2: Soil Analytical Summary – Final Verification Samples, and depicted on Figure 1, the confirmation soil samples collected within the townhome units are at or below the RSCTL for arsenic of 2.1 mg/kg.
- The remaining portions of Pod C appear to be designated as paved surfaces for roadways or parking areas, or water management tracts. Verification samples were not collected within the proposed roadways or parking areas or to the water table (approximately 4 feet bls).

- The submittal documents that soils were excavated to the water table, stockpiled, mixed in accordance with the SMP, tested and re-used on Pod C. Given that the 140 verification samples collected from 0-2 feet bls on the townhome lots are of blended soils, these sample results would also be representative of soil within Pod C across the entire vadose zone.
- While stockpile sample results may be useful in characterizing the placement and/or blending of soil, because they may under or overestimate the actual concentration of arsenic within the soil, they are not included in the consideration for a no further action decision. However, DBSP concurs that based on the fact that the soil was excavated and blended to the water table throughout the entire Pod C, and based on the extensive verification samples of blended soil at 0-2 feet bls spatially sampled across the majority of Pod C, the verification samples can be considered representative of the entire vadose zone.

DBSP concurs that the verification sampling results indicate that the implementation of the SMP appears to have resulted in soil within the vadose zone of Pod C meeting the residential SCTL of 2.1. mg/kg for arsenic. Therefore, DBSP concurs with no further action for soil within Pod C.

If you have any questions, please contact me at 850-245-8717 or at Leah.J.Smith@FloridaDEP.gov