

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Phillip R. Holste, Program Manager, 954-797-1041
PREPARED BY: Phillip R. Holste, Program Manager
SUBJECT: Old Business

AFFECTED DISTRICT: 2

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: Batten's Farm - Due Diligence

REPORT IN BRIEF: On June 20, 2007, the Town Council approved the Batten's Farm purchase contract. In the ensuing months, the Town conducted multiple environmental site assessments that identified soil arsenic levels exceeding the residential soil cleanup level (SCTL) standard of 2.1 mg/kg. Upon completion of the Expanded Phase II ESA, the property owner was offered the choice of the Town remediating the site through an environmental escrow posted at closing or completing their own site remediation until receipt of a No Further Action status from Broward County. The property owner opted to remediate the site.

Earlier this year, the State issued an alternative soil cleanup goal for open space/park sites (Exhibit A). The open space/park SCTL goal for arsenic is 5.5 mg/kg. The open space/park SCTL goal is an option applicable at the Town's discretion. Since the Batten's Farm arsenic soil levels are below the open space/park SCTL goal, the Town can require cleanup to the residential or open space/park goals. If the Town chooses the open space/park cleanup goal, no further remediation would be required. The Town, however, would have to place a declaration of restrictive covenant on the site limiting its use to open space/parks. The site would remain on the County's list of contaminated sites. If the residential SCTL is applied, the property owner would need to remediate arsenic levels between 2.1 and 5.5 mg/kg. No other restrictions would be necessary.

Please note that this property has Broward County Land Preservation Bond funds allocated towards its closing. As detailed in Exhibit B, the Town Council's decision will not preclude the Town from receiving County bond funds.

This agenda item requests the Town Council's direction as to which soil cleanup goal will be applied for the Batten's Farm property.

PREVIOUS ACTIONS: Batten's Farm Purchase Contract (R2007-171); Broward County Interlocal Agreement for LPAB funding (R2007-279); Batten's Farm 5-Year Capital Improvement (R2007-286)

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Discussion of Batten's Farm Due Diligence

Attachment(s): Exhibit A: Email from Broward County Pollution Prevention, Remediation, and Air Quality (PPRAQ Division); Exhibit B: Email from Broward County Natural Resources and Growth Management Division

Exhibit A: Email from Broward County Pollution Prevention, Remediation, and Air Quality (PPRAQ Division)



"Arrazola, Norman "
<NARRAZOLA@broward.org

>
05/27/2008 11:10 AM

To "Phillip_Holste@davie-fl.gov" <Phillip_Holste@davie-fl.gov>

cc

bcc

Subject RE: State Alternative Cleanup Level for Parks/Open Space

History:

This message has been forwarded.

Phillip:

As per your request below, below find a copy of an electronic mail by Ms. Ligia Mora-Applegate of the Florida Department of Environmental Protection (FDEP):

“Per our discussion yesterday this is the alternative SCTL for arsenic (5.5 mg/Kg) for direct contact we have used in state parks and rails to trails in Florida provided that SPLP results show no leachability above 10 ug/L. Since it is an alternative SCTL we must place institutional controls on that property that specify that the land use will be a park. This value has been used as a not-to-exceed value therefore avoiding the issues of additivity/apportionment and exposure unit size required when using 95 % UCL.”

Once it is demonstrated that the above alternative SCTL (soil cleanup target level) is met, a Site Rehabilitation Completion Report (SRCR), which details all of the activities that were conducted, confirmatory sampling, etc. must be submitted. The SRCR shall include justification (No Further Action with Conditions Proposal) for the conditional closure under the above alternative SCTL.

We will then approve the SRCR, including the conditional closure. Subsequently, the Declaration of Restrictive Covenants (DRC) would need to be drafted (including exhibits); the DRC is then approved by the County Attorney and is recorded (by you). We will issue a provisional NFAC approval and require proper monitoring well abandonment as well as proof that the constructive noticing requirements in Chapter 62-780.680(8) have been complied with. After this is complied with, you will receive a No Further Action with Conditions Approval from us.

The site will remain in the list of contaminated sites.

Please let me know if I can be of any more help.

Norman Arrazola, P.E.

Engineer III

Pollution Prevention, Remediation and Air Quality (PPRAQ) Division

Mailing Address

115 South Andrews Avenue, Rm A-240

Ft. Lauderdale, FL 33301

Telephone: 954-519-1237

Fax:: 954-765-4804

Exhibit B: Email from Broward County Natural Resources and Growth Management Division



"Burgess, Donald "
<DBURGESS@broward.org>

06/03/2008 08:54 AM

To ""Phillip_Holste@davie-fl.gov"" <Phillip_Holste@davie-fl.gov>

cc "Krashefski, Paul" <pkrashefski@broward.org>

bcc

Subject BATTENS FARM REMEDIATION

Prior to the joint closing on the acquisition of the Battens Farm site, the Town of Davie must ensure that remediation of the site is completed in accordance with State of Florida soil cleanup guidelines (either residential or recreational with restrictions), to include issuance of a No Further Action Approval Letter by Broward County's Pollution Prevention, Remediation and Air Quality Division. As long as these requirements are met, the arsenic contamination issue will not preclude the availability of bond program funds at closing.

Donald Burgess

Natural Resources Planning and Management Division
Environmental Protection and
Growth Management Department

**New Schedule Effective 5/19/08
Monday to Friday 7 AM to 3:30 PM**

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