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## ENGINEERING SCIENCES

**PHASE I ENVIRONMENTAL SITE ASSESSMENT**
**PROPOSED BORROW PIT**
**3029 MCQUEEN ROAD**
**ORANGE COUNTY, FLORIDA**

**UES Project No. 12474-002-01**
**Report No. 350342**
**Date: June 2004**

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## 1.0 SUMMARY

The subject property investigated as part of this Phase I Environmental Site Assessment (ESA) consists of an undeveloped parcel comprising approximately 39.5 acres. The subject property is located at 3029 McQueen Road in Orange County, Florida. Please refer to the Site Location Map presented in Appendix A-1 and the Site Plan presented in Appendix A-2 for additional information.

Based on the findings of this Phase I ESA conducted in accordance with American Society for Testing and Materials (ASTM) format E1527-00, we conclude the following:

1. We found no evidence of petroleum product or hazardous materials storage or use at the subject property.

2. We found no evidence indicating the presence of underground storage tanks (USTs), aboveground storage tanks (ASTs), drums, polychlorinated biphenyls (PCBs), drinking water wells, seeps, illegal dumping, unusual odors, or stressed vegetation on the subject property or on adjoining parcels based on our field observations, interviews, and historical and public records review.

3. No evidence exists indicating the presence of facilities within the ASTM minimum search distance that contain leaking USTs based on our regulatory agency contact and field observations. There are no facilities adjoining the subject property that have registered USTs present.

4. Two Class III solid waste landfills and one medical waste incinerator were identified within the ASTM minimum search distances. The Class II landfills accept only construction wastes and yard wastes. The medical incinerator does not discard medical waste or ash on site. Based on the type of operations performed and the distance from the subject property, the likelihood of impact to the subject property from the landfills is considered low.

5. No evidence exists indicating the presence of facilities within the ASTM minimum search distances that formerly or currently generate(d) hazardous waste or use(d) hazardous materials based on our regulatory agency contact and field observations.

Based on the conclusions of the Phase I ESA conducted at the referenced property, Universal Engineering Sciences, Inc. (UES) finds no evidence of unresolved recognized environmental conditions which would warrant further investigation at this time.

# 2.0 INTRODUCTION

## 2.1 PURPOSE

The primary purpose of this assessment was to conduct an investigation of the subject property and surrounding properties to identify recognized environmental conditions associated with the past or present uses of the subject property and neighboring properties. The term "recognized environmental conditions" means the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing release, past release, or a material threat of a release that could impact the property. This environmental assessment was conducted following the ASTM E1527-00 Standard Practice for Environmental Site Assessments. This assessment was also intended to identify potential off-site contaminant sources within the distances set forth in ASTM E1527-00 guidelines.

Methodology followed good commercial and customary practice with a goal to identify recognized environmental conditions that would be subject to an enforcement action if brought to the attention of appropriate government agencies.

## 2.2 DETAILED SCOPE OF SERVICES

The scope of work does not include an evaluation of asbestos containing building materials, lead based paint, lead in drinking water, regulatory compliance, cultural and historical resources, industrial hygiene, health and safety, ecological resources, indoor air quality, radon, site geotechnics (soils, foundations, site retention, etc.), wetlands, endangered species, or construction materials testing. UES can provide these additional services, if necessary.

The contracted scope of services consists of the preparation of a Phase I ESA of the subject property in accordance with the requirements set forth in ASTM E1527-00. The accuracy, correctness and completeness of this Phase I ESA is provided with knowledge of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) as set forth in 42 United States Code Section 9601 et seq., as amended.

## 2.3 LIMITATIONS AND EXCEPTIONS

The findings of this report represent our professional judgement; no warranty is expressed or implied. These findings are relevant to the dates of our site work and the information cited herein. This report should not be relied upon to represent property conditions on other dates or at locations other than those specifically cited within the report. Universal Engineering Sciences, Inc. can accept no responsibility for interpretations of these data made by other parties. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with the subject property.

## 2.4 SPECIAL TERMS AND CONDITIONS

This report, and the information contained herein, shall be the sole property of UES until payment of any unpaid balance is made in full. The client agrees that until payment is made in full, the client shall not have a proprietary interest in this report or the information contained herein. UES shall have the absolute right to request the return of any and all copies of this report submitted to other parties, public or private, on behalf of the client in the event of nonpayment of outstanding fees by the client pursuant to UES's General Conditions (Appendix B).

## 2.5 USER RELIANCE

This report is intended for the sole use of Buttrey Development IV. Its contents may not be relied upon by other parties without the explicit written consent of UES. This is not a statement of suitability of the property for any use or purpose.

# 3.0 SITE DESCRIPTION

## 3.1 LOCATION AND LEGAL DESCRIPTION

The subject property, a proposed borrow pit, is located at 3029 McQueen Road in Orange County, Florida. The subject property is located within Section 28, Township 21 South, Range 28 East as referenced in the "Apopka, Florida" and "Winter Garden, Florida" United States Geological Survey (USGS) topographic quadrangle maps presented in Appendix A-1 (Site Location Map). Please also refer to the Site Plan and 2002 Aerial Photograph in Appendix A-2 and to the legal description of the property in Appendix C. The legal description was acquired by UES from the Orange County Property Appraiser's website.

## 3.2 PROPERTY AND VICINITY CHARACTERISTICS

At the time of our investigation, the subject property appeared as an undeveloped parcel consisting of approximately 39.5 acres. The property vicinity is characterized by undeveloped property. Please refer to the Site Location Map in Appendix A-1, the Site Plan and 2002 Aerial Photograph in Appendix A-2 for additional details.

## 3.3 CURRENT USE OF THE SUBJECT PROPERTY

At the time of the site reconnaissance, the subject property was undeveloped. None of the current uses of the subject property appear likely to involve the use, treatment, storage, disposal, or generation of hazardous substances or petroleum products.

## 3.4 STRUCTURES, ROADS, AND/OR OTHER IMPROVEMENTS WITHIN THE SUBJECT PROPERTY

At the time of our site investigation, the subject property was undeveloped. No structure(s) or capital improvement(s) to the subject property were observed.

### 3.5 CURRENT USES OF ADJOINING PARCELS

Currently, the parcels adjoining the subject property are used as follows:

**Table 1**
**Description of Adjoining Parcels**

| Direction From Subject Property | Description of Current Use |
|---|---|
| North | Borrow Pit. |
| East | Undeveloped property. |
| South | Undeveloped property. |
| West | McQueen Road with undeveloped property adjoining McQueen Road to the west. |

None of the current uses of the adjoining properties appear likely to indicate the presence of recognized environmental conditions in connection with the adjoining parcels or the subject property.

## 4.0 USER PROVIDED INFORMATION

### 4.1 TITLE RECORDS

A copy of the historical property ownership chain-of-title report was not provided to UES as part of this Phase I ESA.

### 4.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS

No other information was provided to UES with respect to any environmental liens on the subject property. The proposed use of the subject property is development as a sand borrow pit.

### 4.3 SPECIALIZED KNOWLEDGE

The client did not provide information to UES with respect to any specialized knowledge or experience that may pertain to recognized environmental conditions in connection to the subject property.

### 4.4 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

The client did not provide UES with information pertaining to the purchase price in relation to the purchase price of comparable parcels located within the subject area. The Orange County Property Appraiser's information, provided in Appendix C, contains land valuation information.

### 4.5 OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION

The subject property is owned by Buttrey Development IV, LLC. There is no designated site manager or occupants.

### 4.6 REASON FOR PERFORMING PHASE I ESA

UES was contracted to perform this Phase I ESA based on the client's need to understand potential environmental conditions that could materially impact the subject property. The intended use of the subject property is development as a borrow pit.

### 4.7 OTHER

The client did not provide UES with any other information pertaining the subject property, including information from previous environmental assessments.

## 5.0 RECORDS REVIEW

### 5.1 STANDARD ENVIRONMENTAL RECORD SOURCES

As a part of this assessment, we reviewed information sources to obtain existing information pertaining to a release of hazardous substances or petroleum products on or near the subject property. UES obtained an ASTM site search report through FirstSearch Technology Corporation (FirstSearch). A copy of the FirstSearch report is contained in Appendix D. UES also reviewed other available standard environmental record sources at the Florida Department of Environmental Protection (FDEP) Central District and the Orange County Environmental Protection Division (OCEPD), as needed. The following state and federal sources were consulted during this record review:

State and County Database Review (FDEP and OCEPD)

- FDEP, Leaking Underground Storage Tanks (LUST)
- FDEP, Registered Underground Storage Tanks (UST)
- FDEP, Registered Aboveground Storage Tanks (AST)
- FDEP, State Hazardous Waste Sites (SHWS)
- FDEP, Solid Waste Facilities/Landfill Sites (SWF/LS)

Federal Database Review [United States Environmental Protection Agency (EPA)]

- EPA, Comprehensive Environmental Response, Compensation, and Liability Act Index (CERCLIS)
- EPA, Toxic Release Inventory System (TRIS)
- EPA, Facilities Index System List (FINDS)
- EPA, Resource Conservation & Recovery Act Index System List (RCRIS)
- EPA, Emergency Response Notification System List (ERNS)
- EPA, RCRA Administrative Action Tracking System (RAATS)
- EPA, National Priorities List (NPL)

Table 2 lists the minimum search distances used during this assessment as set forth in ASTM E1527-00.

| TABLE 2<br>Minimum Search Distances - ASTM E1527-00 | |
|---|---|
| **SOURCE** | **SEARCH DISTANCE** |
| Federal NPL Site List (National Priorities List) | 1.0 mile |
| Federal CERCLIS List (Comprehensive Environmental Response Compensation and Liability Act of 1980) | 0.5 mile |
| Federal CERCLIS NFRAP Site List | Subject property and adjoining parcels |
| Federal RCRA CORRACTS TSD Facilities (Resource Conservation and Recovery Act) | 1.0 mile |
| Federal RCRA Non-CORRACTS TSD Facilities | 0.5 mile |
| Federal RCRA Generators Lists | Subject property and adjoining parcels |
| Federal ERNS List (Emergency Response Notification System) | Property only |
| States Lists of Hazardous Waste Sites | 1.0 mile |
| State Landfill and/or Solid Waste Disposal Site Lists | 0.5 mile |
| State Leaking UST List (Underground Storage Tanks) | 0.5 mile |
| State Registered UST List | Subject property and adjoining parcels |

### 5.1.1 FLORIDA STATE AND ORANGE COUNTY RECORDS REVIEW

According to information provided by FirstSearch, the subject property is not listed on the state or county databases. Three solid waste landfill sites in the vicinity of the subject property are listed within the minimum search distances as specified by ASTM. Please refer to the FirstSearch report in Appendix D for details. A summary of facilities identified within the minimum search distance is provided in Table 3.

| TABLE 3<br>Facilities Identified Within Minimum Search Distances | | | |
|---|---|---|---|
| **Facility** | **Location** | **Database** | **Evaluation of Recognized Environmental Concerns** |
| Keene Road Landfill (3048P00058) | Keene Road near County Road 435 (2,500 feet north) | SWL | This facility is a Class III landfill. It accepts only construction debris and yard waste. No hazardous materials are accepted or placed in contact with the soil. Based on the distance from the subject property, The likelihood of impact to the subject property from the Keene Road Landfill is considered low. |
| WMI Medical Services of Florida, Inc. (3048P88573) | 245 Keene Road (2,500 feet north) | SWL | This facility is a licensed medical waste incinerator. No waste is placed in contact with the soil. Based on the distance from the subject property, the likelihood of impact to the subject property from the WMI facility is considered low. |

| TABLE 3<br>Facilities Identified Within Minimum Search Distances | | | |
|---|---|---|---|
| **Facility** | **Location** | **Database** | **Evaluation of Recognized Environmental Concerns** |
| Keene Road Disposal (FLSW-0103-87081) | 230 West Keene Road (2,600 feet north) | SWL | This site is licensed as a Class III landfill. The site is not yet open. No waste has been deposited on-site. Based on the distance from the subject property and no prior waste disposal, the likelihood of impact to the subject property from the Keene Road Disposal site is considered low. |

In addition to reviewing the FirstSearch report, UES performed reconnaissance of the property vicinity to identify any sites not mapped by FirstSearch due to inadequate or inaccurate address information and to look for unregistered facilities. No petroleum fueling or storage facilities were observed within a half mile of the subject property during field reconnaissance performed by UES.

### 5.1.2 FEDERAL RECORDS REVIEW

The FirstSearch radius map report indicates no EPA listed sites located in the vicinity of the property within the minimum search distance specified by ASTM. No facilities suspected of generating hazardous wastes were observed by UES during reconnaissance of the property vicinity.

## 5.2 ADDITIONAL ENVIRONMENTAL RECORDS

UES reviewed the Florida Department of Community Affairs 2004 Radon Protection Map for new buildings. Less than 5% of all new buildings in Orange County are expected to have annual average radon levels above the US Environmental Protection Agency action level so no additional radon resistant construction techniques are recommended by the Florida Department of Health to prevent radon problems. A copy of the Orange County Residential Building Radon Protection Map is provided in Appendix E.

UES reviewed ethylene dibromide (EDB) Application Zone Delineation Maps of Florida prepared by the FDEP. Based on review of the EDB maps, no known EDB zones are located within the geographic section in which the subject property is located. EDB was formerly used in citrus grove applications as a fumigant against nematodes. An EDB Application Zone Delineation Map and an EDB Application Zone Aerial Map for the geographic section containing the subject property are provided in Appendix E.

According to the National Wetlands Inventory, the subject property is listed as upland. A Wetlands Viewer Map is provided in Appendix E.

The subject property does not lie within a flood hazard area. A FEMA Flood Hazard Map is provided in Appendix E.

## 5.3 PHYSICAL SETTING SOURCES

The "Apopka, Florida" and "Winter Garden, Florida" USGS topographic quadrangle maps, Orange County Soil Survey, Florida Department of Natural Resources' Environmental Geology Series - Orlando Sheet, and regulatory files available regarding properties of environmental concern in the property vicinity were reviewed as sources for obtaining information regarding the physical setting of the subject property and surrounding vicinity.

Based on our site reconnaissance, review of USGS maps, aerial photographs, location of the subject property, and the present environmental related conditions of adjacent and nearby properties, the potential for migration of petroleum contamination or hazardous waste contamination from offsite sources appears low.

### 5.3.1 TOPOGRAPHY

The USGS topographic quadrangle maps titled "Apopka, Florida" and "Winter Garden, Florida" were referenced as a source for obtaining information regarding the physical setting of the subject property and surrounding vicinity. The subject property is located approximately 85 - 115 feet above sea level. The topography in the vicinity slopes gently to the southeast, toward Lake Cara Lee. A copy of the USGS Quadrangle Map is provided as Appendix A-1 (Site Location Map).

### 5.3.2 SOILS/GEOLOGY

The general geology of Orange County is characterized by 30 to 50 feet of undifferentiated fine to medium grained sands and clayey sands of Holocene age overlying the Miocene age Hawthorn Group. The Hawthorn is approximately 100 feet thick and is comprised of interbedded layers of clay, clayey sand, sandy clay, and phosphatic carbonates. The underlying Tertiary age carbonates gently dip east under an increasing thickness of younger sediments.

According to the Soil Conservation Service, Orange County Soil Survey, surficial soils at the subject property are classified as Candler fine sand, 0 to 12 percent slopes. This soil is nearly level to gently sloping and excessively drained. A seasonal high water table is at a depth of more than 80 inches. The permeability is rapid in the surface and subsurface layers, and it is rapid to moderately rapid in the subsoil.

### 5.3.3 HYDROGEOLOGY

The general hydrogeology of Orange County includes an unconfined surficial aquifer separated from the Floridan aquifer by the Hawthorn Group. The surficial aquifer is recharged by rainfall and can yield small to moderate amounts of water to small diameter wells. The Floridan aquifer may reach 2,000 feet in thickness and is the primary source of the public water supply. The Florida Department of Natural Resources, Areas of Natural Recharge to the Florida Aquifer in Florida map, by J. W. Stewart, Tallahassee, Florida, 1980, indicates the subject property lies in a zone of High recharge to the Floridan aquifer. The direction of shallow groundwater flow is generally toward surface water bodies. The direction of shallow groundwater flow, based solely on the USGS Topographic Map, is most likely to the northwest, toward Lake Mitchell, and to the southeast, toward Lake Cara Lee.

The property does not contain surface water bodies.

## 5.4 HISTORICAL USE INFORMATION ON THE PROPERTY

Based on our review of aerial photographs and interviews, the subject property has not been developed or used for any purpose. None of the past uses of the subject property appear to have presented an environmental concern.

### 5.4.1 AERIAL PHOTOGRAPH REVIEW

To evaluate the previous land uses of the subject property and surrounding area, a series of aerial photographs was reviewed. The aerial photographs provide a progressive overview of parcels pertaining to this assessment.

We reviewed aerial photographs from 1939 to 2003, available at the Orange County Public Works Department. Please refer to Appendix A-2 for a copy of the 2002 Aerial Photograph. Descriptions of UES' observations are outlined in Table 4.

**TABLE 4**
**Summary of Aerial Photograph Observations**

| Photograph Date | Scale | Photograph Quality | Remarks |
|---|---|---|---|
| 1939 | 1" = 660' | fair | The subject property and vicinity are undeveloped. |
| 1947 | 1" = 800' | fair | The subject property and vicinity show no significant change. |
| 1958 | 1" = 440' | poor | The subject property and vicinity show no significant change. |
| 1963 | 1" = 440' | fair | The subject property and vicinity show no significant change. |
| 1965 | 1" = 660' | poor | The subject property and vicinity show no significant change. |
| 1967 | 1" = 660' | fair | The subject property and vicinity show no significant change. |
| 1969 | 1" = 660' | fair | The subject property and vicinity show no significant change. |
| 1971 | 1" = 660' | fair | The subject property and vicinity show no significant change. |
| 1975 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 1978 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 1981 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 1984 | 1" = 300' | good | The subject property and vicinity show no significant change. |

| TABLE 4<br>Summary of Aerial Photograph Observations | | | |
|---|---|---|---|
| **Photograph Date** | **Scale** | **Photograph Quality** | **Remarks** |
| 1987 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 1990 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 1994 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 1997 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 2000 | 1" = 300' | good | The subject property and vicinity show no significant change. |
| 2003 | 1" = 300' | good | Land clearing and excavation is underway adjoining the subject property to the north. The subject property shows no significant change. |

### 5.4.2 PROPERTY OWNERSHIP RECORDS

According to the Orange County Property Appraiser's information, provided in Appendix C, the subject property is owned by Buttrey Development IV, LLC

### 5.4.3 SANBORN FIRE INSURANCE MAP REVIEW

Fire Insurance Maps generated by the Sanborn Map Company were not available for review, likely due to the historically rural nature of the property vicinity.

### 5.4.4 CITY DIRECTORY REVIEW

The City Publishing Company Cross Reference Directories from 1980 to 2003 were reviewed at the Orange County Public Library Central Branch. Addresses reviewed included: 201 - 888 along East Keene Road, 150 - 1617 along West Keene Road and 2508 - 2928 along McQueen Road. The subject property was not listed. The city directory review did not reveal the historical presence of any businesses, not listed in Section 5, above, that may be considered a potential environmental concern to the subject property.

### 5.4.5 LAND USE RECORDS

Building records were not reviewed.

### 5.4.6 OTHER HISTORICAL SOURCES

No other historical sources were reviewed during this assessment.

### 5.5 HISTORICAL USE INFORMATION ON ADJOINING PARCELS

According to a review of the earliest aerial photograph available (1939), the adjoining parcels surrounding the subject property were undeveloped. Circa 2003, the property adjoining the subject property to the north was developed as a borrow pit. None of the past uses of the parcels adjoining the subject property appear likely to indicate recognized environmental conditions in connection with the adjoining parcels or the subject property.

## 6.0 INFORMATION FROM SITE RECONNAISSANCE

### 6.1 METHODOLOGY AND LIMITING CONDITIONS

On May 24, 2004, a walkover inspection of the subject property was completed by Ronald C. Neyer. The purpose of the site visit was to investigate the current conditions of the subject property and to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the property. The inspection included walking the interior of the subject property in a grid-like manner and walking the site perimeter. This visual inspection of the property focused primarily on its surface features. Property use and significant features are indicated on the Site Plan contained in Appendix A-2. Site photographs are included in Appendix F.

There were no constraints which would impede our inspection of the property or obstruct our view, such as perimeter fences or inaccessible structures present.

### 6.2 GENERAL SITE SETTING

The subject property is located within a primarily undeveloped area. The subject property is situated on a low ridge which slopes away to the northwest toward Lake Mitchell and southeast toward Lake Cara Lee.

### 6.3 EXTERIOR OBSERVATIONS

During our site reconnaissance, the periphery of the subject property and structures on the property were viewed. The subject property was undeveloped the day of our site reconnaissance. McQueen Road adjoins the subject property to the west. A borrow pit adjoins the subject property to the north. A dirt track runs north-south through the center of the subject property.

We observed no evidence of petroleum product or hazardous materials storage or use at the subject property. We found no evidence indicating the presence of obvious surface discharges such as stained soil or pavement, indications of solid or liquid waste dumping or disposal, USTs, ASTs, drums, septic systems, PCBs, drinking water wells, seeps, illegal dumping, unusual odors, pits, ponds, lagoons, stressed vegetation, or roads/paths with no outlet likely to have been used for disposal of hazardous wastes or petroleum products on the subject property. No unresolved recognized environmental conditions were noted on the subject property.

### 6.4 INTERIOR OBSERVATIONS

During the site reconnaissance, the subject property was undeveloped. No buildings or capital improvements were present

We observed no evidence of petroleum product or hazardous materials storage or use within the subject property.

## 7.0 INTERVIEWS

### 7.1 INTERVIEW WITH OWNER

UES interviewed UES interviewed Ed Chesney of Buttrey Development IV, LLC, to obtain information regarding his knowledge of environmental concerns with respect to the subject property and vicinity. He stated the company had owned the subject property for approximately one year but had extensively researched it back to the late 1970's when the previous owner acquired it. He also stated that a wetlands survey and endangered species survey had been completed. He also stated that Buttrey had originally owned the Keene Road Landfill and currently owns the Keene Road Disposal site. The Keene Road Disposal site is permitted as a Class III landfill but has not yet been opened. The Keene Road Landfill is now operated by Waste Management and is permitted as a Class III landfill. Class III landfills are permitted to accept only construction waste and yard wastes. He also stated that he was not aware of any pending, threatened or past litigation or administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the subject property. Also, he was not aware of any government notices regarding possible violations of environmental laws or possible liability relating to hazardous substances or petroleum products at the subject property. Interview documentation is included in Appendix G.

### 7.2 INTERVIEW WITH SITE MANAGER

There is no designated site manager. See the interview with Ed Chesney, above.

### 7.3 INTERVIEWS WITH OCCUPANTS

The subject property was undeveloped. There are no occupants.

### 7.4 INTERVIEWS WITH LOCAL GOVERNMENT OFFICIALS

UES interviewed Peggy Madison of Orange County Environmental Protection Division, to obtain information regarding her knowledge of recognized environmental concerns in connection with the subject property and vicinity. She stated there were no petroleum storage sites in the vicinity of the subject property. She was not aware of any government notices regarding violations or liabilities relating to hazardous substances or petroleum products at the subject property. Interview documentation is included in Appendix G.

UES interviewed Saroj Patel of Orange County Environmental Health Department, to obtain information regarding her knowledge of recognized environmental concerns in connection with the subject property and vicinity. She stated she was not aware of any water wells in the vicinity or any groundwater contamination associated with the groves previously in the area.

She was not aware of any government notices regarding violations or liabilities relating to hazardous substances or petroleum products at the subject property. Interview documentation is included in Appendix G.

Orange County Fire Department did not respond to our inquiry for information on emergency responses to the vicinity of the subject property.

### 7.5 INTERVIEWS WITH OTHERS

UES spoke with Janelle Samuel of WMI Medical Services of Florida, Inc., which is present 2,500 feet to the north, in regards to past uses of the subject property. She stated that to the best of her knowledge, the subject property had not been developed or used for any purpose. She also stated the WMI site was a permitted medical incinerator site and no waste was disposed of in contact with the soil. All ash from the incineration operations are disposed of in the Orange County Landfill. Interview documentation is contained in Appendix G.

## 8.0 FINDINGS AND CONCLUSIONS

We have performed this Phase I ESA in accordance with the scope and limitations of ASTM Practice E1527-00 at the proposed borrow pit located at 3029 McQueen Road in Orange County, Florida, and as defined by the legal description attached in Appendix C. Any exceptions to or deletions from this practice are described in Sections 2.2, 2.3 and 2.4 of this report. This assessment has revealed no evidence of unresolved recognized environmental conditions in connection with the property. In conclusion, based on the findings of this investigation, no further investigation is warranted at this time.

## 9.0 DEVIATIONS

UES prepared this Phase I ESA in accordance with ASTM E1527-00.

## 10.0 ADDITIONAL SERVICES

Under the terms of the agreement between Buttrey Development IV, LLC and UES, no additional services were provided in association with the Phase I ESA.

## 11.0 REFERENCES

References reviewed during the Phase I ESA are documented in Appendix H.

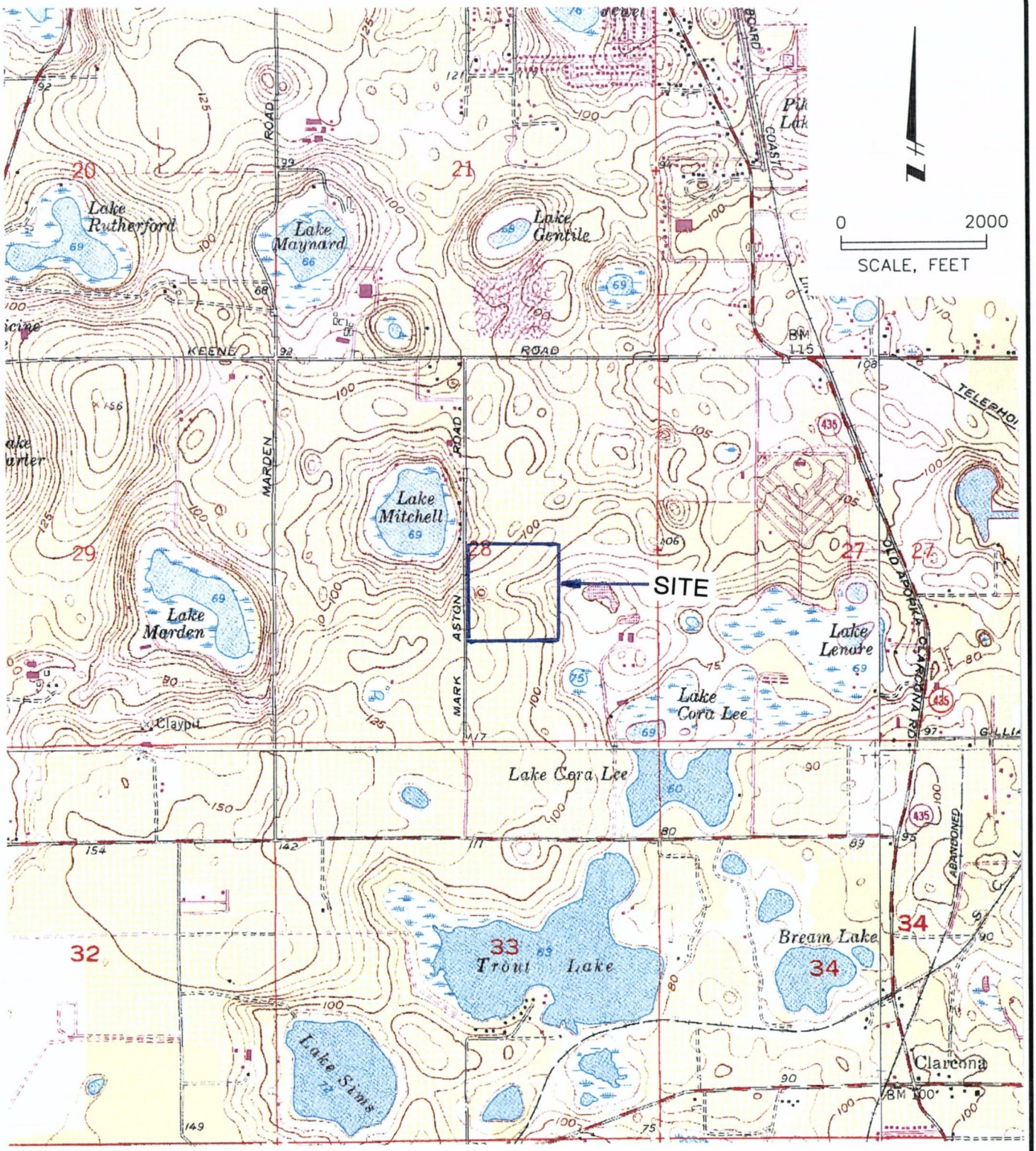
## 12.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

Please refer to the title page for signatures of the environmental professionals who prepared and reviewed this Phase I ESA.

## 13.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

This assessment was completed by Ronald C. Neyer, Staff Engineer, under the guidance of David C. Beerbower, Professional Geologist, both employees of Universal Engineering Sciences, Inc. Qualifications of personnel participating in this assessment are provided in Appendix I.

# APPENDIX A



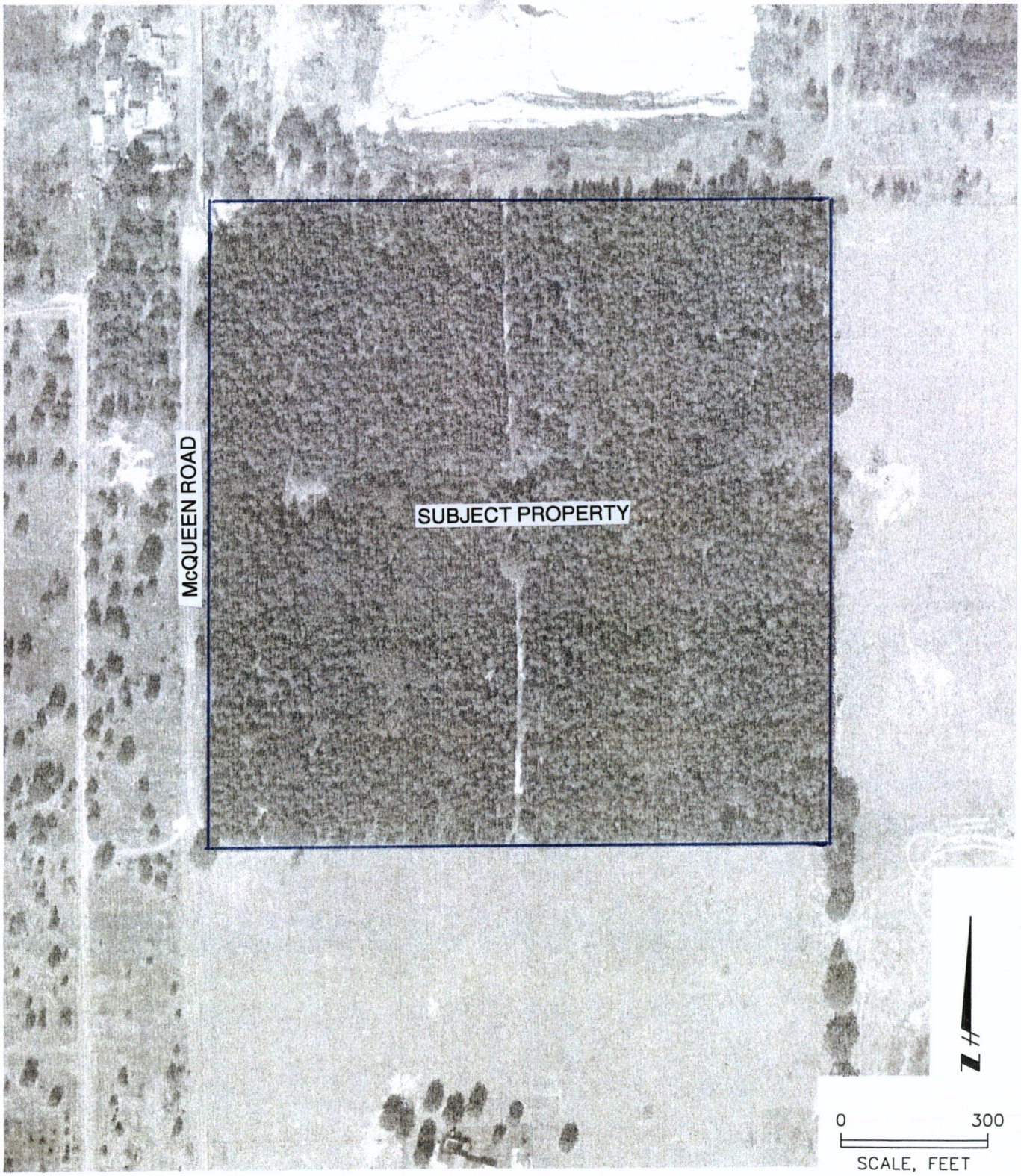

BASE MAPS: "APOPKA, FLA." & "WINTER GARDEN, FLA." U.S.G.S. QUADRANGLE MAPS

UNIVERSAL
ENGINEERING SCIENCES

PHASE I ENVIRONMENTAL SITE ASSESSMENT
PROPOSED BORROW PIT
3029 McQUEEN ROAD
ORANGE COUNTY, FLORIDA

U.S.G.S. SITE LOCATION MAP

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DRAWN BY: | G.B. | DATE: | 6/4/04 | CHECKED BY: | | DATE: | 6/7/04 |
| SCALE: | AS SHOWN | PROJECT NO: | 12474-002-01 | REPORT NO: | 350342 | PAGE NO: | A-1 |




UNIVERSAL
ENGINEERING SCIENCES

PHASE I ENVIRONMENTAL SITE ASSESSMENT
PROPOSED BORROW PIT
3029 McQUEEN ROAD
ORANGE COUNTY, FLORIDA

SITE PLAN / 2002 AERIAL PHOTOGRAPH

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DRAWN BY: | G.B. | DATE: | 6/4/04 | CHECKED BY: | SI | DATE: | 6/7/04 |
| SCALE: | AS SHOWN | PROJECT NO: | 12474-002-01 | REPORT NO: | 350342 | PAGE NO: | A-2 |

# APPENDIX B

# UNIVERSAL ENGINEERING SCIENCES, INC.
## GENERAL CONDITIONS

### SECTION 1: RESPONSIBILITIES

1.1 Universal Engineering Sciences, Inc., heretofore referred to as the "Consultant," has the responsibility for providing the services described under the "Scope of Services" section. The work is to be performed according to accepted standards of care and is to be completed in a timely manner.

1.2 The "Client" or a duly authorized representative, is responsible for providing the Consultant with a clear understanding of the project nature and scope. The Client shall supply the Consultant with sufficient and adequate information, including, but not limited to, maps, site plans, reports, surveys and designs, to allow the Consultant to properly complete the specified services. The Client shall also communicate changes in the nature and scope of the project as soon as possible during performance of the work so that the changes can be incorporated into the work product.

### SECTION 2: STANDARD OF CARE

2.1 Services performed by the Consultant under this Agreement are expected by the Client to be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the Consultant's profession practicing contemporaneously under similar conditions in the locality of the project. No other warranty, expressed or implied, is made.

2.2 The Client recognizes that subsurface conditions may vary from those observed at locations where borings, surveys, or other explorations are made, and that site conditions may change with time. Data, interpretations, and recommendations by the Consultant will be based solely on information available to the Consultant at the time of service. The Consultant is responsible for those data, interpretations, and recommendations, but will not be responsible for other parties' interpretations or use of the information developed.

### SECTION 3: SITE ACCESS AND SITE CONDITIONS

3.1 Client will grant or obtain free access to the site for all equipment and personnel necessary for the Consultant to perform the work set forth in this Agreement. The Client will notify any and all possessors of the project site that Client has granted Consultant free access to the site. The Consultant will take reasonable precautions to minimize damage to the site, but it is understood by Client that, in the normal course of work, some damage may occur, and the correction of such damage is not part of this Agreement unless so specified in the Proposal.

3.2 The Client is responsible for the accuracy of locations for all subterranean structures and utilities. The Consultant will take reasonable precautions to avoid known subterranean structures, and the Client waives any claim against Consultant, and agrees to defend, indemnify, and hold Consultant harmless from any claim or liability for injury or loss, including costs of defense, arising from damage done to subterranean structures and utilities not identified or accurately located. In addition, Client agrees to compensate Consultant for any time spent or expenses incurred by Consultant in defense of any such claim with compensation to be based upon Consultant's prevailing fee schedule and expense reimbursement policy.

### SECTION 4: SAMPLE OWNERSHIP AND DISPOSAL

4.1 Soil or water samples obtained from the project during performance of the work shall remain the property of the Client.

4.2 The Consultant will dispose of or return to Client all remaining soils and rock samples 60 days after submission of report covering those samples. Further storage or transfer of samples can be made at Client's expense upon Client's prior written request.

4.3 Samples which are contaminated by petroleum products or other chemical waste will be returned to Client for treatment or disposal, consistent with all appropriate federal, state, or local regulations.

### SECTION 5: BILLING AND PAYMENT

5.1 Consultant will submit invoices to Client monthly or upon completion of services. Invoices will show charges for different personnel and expense classifications.

5.2 Payment is due 30 days after presentation of invoice and is past due 31 days from invoice date. Client agrees to pay a finance charge of one and one-half percent [1-1/2%] per month, or the maximum rate allowed by law, on past due accounts.

5.3 If the Consultant incurs any expenses to collect overdue billings on invoices, the sums paid by the Consultant for reasonable attorney's fees, court costs, Consultant's time, Consultant's expenses, and interest will be due and owing by the Client.

### SECTION 6: OWNERSHIP OF DOCUMENTS

6.1 All reports, boring logs, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by the Consultant, as instruments of service, shall remain the property of the Consultant.

6.2 Client agrees that all reports and other work furnished to the Client or his agents, which is not paid for, will be returned upon demand and will not be used by the Client for any purpose.

6.3 The Consultant will retain all pertinent records relating to the services performed for a period of five years following submission of the report, during which period the records will be made available to the Client at all reasonable times.

### SECTION 7: DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS

7.1 Client warrants that a reasonable effort has been made to inform Consultant of known or suspected hazardous materials on or near the project site.

7.2 Under this agreement, the term hazardous materials includes hazardous materials (40 CFR 172.01), hazardous wastes (40 CFR 261.2), hazardous substances (40 CFR 300.6), petroleum products, polychlorinated biphenyls, and asbestos.

7.3 Hazardous materials may exist at a site where there is no reason to believe they could or should be present. Consultant and Client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work. Consultant and Client also agree that the discovery of unanticipated hazardous materials may make it necessary for Consultant to take immediate measures to protect health and safety. Client agrees to compensate Consultant for any equipment decontamination or other costs incident to the discovery of unanticipated hazardous waste.

7.4 Consultant agrees to notify Client when unanticipated hazardous materials or suspected hazardous materials are encountered. Client agrees to make any disclosures required by law to the appropriate governing agencies. Client also agrees to hold Consultant harmless for any and all consequences of disclosures made by Consultant which are required by governing law. In the event the project site is not owned by Client, Client recognizes that it is the Client's responsibility to inform the property owner of the discovery of unanticipated hazardous materials or suspected hazardous materials.

7.5 Notwithstanding any other provision of the Agreement, Client waives any claim against Consultant, and to the maximum extent permitted by law, agrees to defend, indemnify, and save Consultant harmless from any claim, liability, and/or defense costs for injury or loss arising from Consultant's discovery of unanticipated hazardous materials or suspected hazardous materials including any costs created by delay of the project and any cost associated with possible reduction of the property's value. Client will be responsible for ultimate disposal of any samples secured by the Consultant which are found to be contaminated.

## SECTION 8: RISK ALLOCATION

8.1 Client agrees that Consultant's liability for any damage on account of any error, omission or other professional negligence will be limited to a sum not to exceed $50,000 or Consultant's fee, whichever is greater. If Client prefers to have higher limits on professional liability, Consultant agrees to increase the limits up to a maximum of $1,000,000 upon Client's written request at the time of accepting our proposal provided that Client agrees to pay an additional consideration of four percent of the total fee, or $400.00, whichever is greater. The additional charge for the higher liability limits is because of the greater risk assumed and is not strictly a charge for additional professional liability insurance.

## SECTION 9: INSURANCE

9.1 The Consultant represents and warrants that it and its agents, staff and Consultants employed by it, is and are protected by worker's compensation insurance and that Consultant has such coverage under public liability and property damage insurance policies which the Consultant deems to be adequate. Certificates for all such policies of insurance shall be provided to Client upon request in writing. Within the limits and conditions of such insurance, Consultant agrees to indemnify and save Client harmless from and against loss, damage, or liability arising from negligent acts by Consultant, its agents, staff, and consultants employed by it. The Consultant shall not be responsible for any loss, damage or liability beyond the amounts, limits, and conditions of such insurance or the limits described in Section 8, whichever is less. The Client agrees to defend indemnify and save consultant harmless for loss, damage or liability arising from acts by client, client's agent, staff, and other consultants employed by Client.

## SECTION 10: DISPUTE RESOLUTION

10.1 All claims, disputes, and other matters in controversy between Consultant and Client arising out of or in any way related to this Agreement will be submitted to "alternative dispute resolution" (ADR) such as mediation and/or arbitration, before and as a condition precedent to other remedies provided by law.

10.2 If a dispute at law arises related to the services provided under this Agreement and that dispute requires litigation instead of ADR as provided above, then:

(a) the claim will be brought and tried in judicial jurisdiction of the court of the county where Consultant's principal place of business is located and Client waives the right to remove the action to any other county or judicial jurisdiction, and

(b) the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorney's fees, and other claim related expenses.

## SECTION 11: TERMINATION

11.1 This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, Consultant shall be paid for services performed to the termination notice date plus reasonable termination expenses.

11.2 In the event of termination, or suspension for more than three (3) months, prior to completion of all reports contemplated by this Agreement, Consultant may complete such analyses and records as are necessary to complete his files and may also complete a report on the services performed to the date of notice of termination or suspension. The expense of termination or suspension shall include all direct costs of Consultant in completing such analyses, records and reports.

## SECTION 12: ASSIGNS

12.1 Neither the Client nor the Consultant may delegate, assign, sublet or transfer his duties or interest in this Agreement without the written consent of the other party.

## SECTION 13: GOVERNING LAW AND SURVIVAL

13.1 The laws of the State of Florida will govern the validity of these Terms, their interpretation and performance.

13.2 If any of the provisions contained in this Agreement are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions will not be impaired. Limitations of liability and indemnities will survive termination of this Agreement for any cause.

# APPENDIX C

Records found for parcel search [**28-21-28-0000-00-014**] Records **1 - 1** of **1**

| Parcel Id | Address | Owner |
|---|---|---|
| 28-21-28-0000-00-014 | 3029 MCQUEEN RD | BUTTREY DEVELOPMENT FOUR LLC |

# BILL DONEGAN, CFA
# Orange County Property Appraiser
# Property Line Inquiry System

**Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes**

Parcel Data for 28-21-28-0000-00-014

| Show Map | View Previous Year | TRIM Notices | View Property Taxes | Find Neighborhood Schools | |
|---|---|---|---|---|---|
| **Parcel Id** | 28-21-28-0000-00-014 | **Address** | 3029 MCQUEEN RD | **Property Use Code** | 9900 |
| **City Code** | APK - Apopka | **Millage Code** | 65 - *Reflects Tax Rates* | **Tax Year** | 2004 |

Value Summary

| | |
|---|---|
| **Value Method** | Market |
| **Number of Bldgs.** | 0 |
| **Depreciated Bldg. Value** | $0 |
| **Depreciated XFOB Value** | $0 |
| **Land Value (Market)** | $663,015 |
| **Land Value AG** | $0 |
| **Just (Market) Value** | $663,015 |
| **Assessed Value (SOH)** | $663,015 |
| **Exempt Value** | $0 |
| **Taxable Value** | $663,015 |
| **Estimate Taxes** (If this property were to sell) | |

Owner Information

| | |
|---|---|
| **Owner(s)** | BUTTREY DEVELOPMENT FOUR LLC |
| **Address** | 6239 EDGEWATER DR STE D1 |
| **City, State, ZipCode** | ORLANDO, FL. 32810 |

Legal Description

NW1/4 OF SE1/4 (LESS W 30 FT FOR RD) OF SEC 28-21-28 2935/313 OR B&P 5638/0550,ON 11-20-97,INST QC

2003 Tax Savings Due to SOH*

| | |
|---|---|
| **2003 Taxes without SOH** | $277 |
| **2003 Taxes with SOH** | $277 |
| **2003 Total Tax Savings** | $0 |

For details see Save Our Homes (SOH).
*Excludes Non-Ad Valorem Assessments.

Sales Information

| OR Book/Page | Sale Date | Sale Amount | Deed Type | Vac/Imp Code | Qualification | Q/U Reason |
|---|---|---|---|---|---|---|
| 6926/2665 | 05/22/2003 | $800,000 | WD | Vacant | Qualified | |
| 5638/0550 | 11/20/1997 | $100 | QC | Vacant | Unqualified | LH- LESS $100 |
| 2935/0313 | 09/01/1978 | $100,000 | WD | Vacant | Qualified | |
| 2323/0724 | 06/01/1972 | $81,000 | WD | Vacant | Unqualified | |

**Display Similar Sales in Subdivision**

Building Information

| Bldg Num | Model Code | Type Code | Beds | Baths | Flrs | Year Built | Gross SF | Heated SF | Int Wall Code | Ext Wall Code | Bldg Value | Est. Cost New |
|---|---|---|---|---|---|---|---|---|---|---|---|---|

**Show Building Sub Areas**

Land Information

| Item | Land Use Code | Zoning* | Frontage | Depth | Land Units | Unit Price | Land Value |
|---|---|---|---|---|---|---|---|
| 1 | 9900 | A-1 | | | 39 ACRE(S) | $17,000.00 | $663,000 |
| 2 | 9600 | A-1 | | | .5 ACRE(S) | $30.00 | $15 |

**Please contact your local Zoning Agency for the latest zoning information.*

Extra Feature Information

| Item | Description | Units | Unit Price | XFOB Value |
|---|---|---|---|---|

This Data Printed on 05/11/2004 13:32:27 and was Last Updated on 05/11/2004 03:00:00

Retry Search | Help on Search | New Search

# APPENDIX D

# *FirstSearch Technology Corporation*

# Environmental FirstSearch™ Report

TARGET PROPERTY:

**3029 MCQUEEN ROAD**

**ORANGE COUNTY FL 32703**

Job Number: 1247400201

**PREPARED FOR:**

Universal Engineering Sciences

3532 Maggie Boulevard

Orlando, Florida 32811

05-11-04

*Tel: (407) 265-8900* *Fax: (407) 265-8904*

Environmental FirstSearch is a registered trademark of FirstSearch Technology Corporation. All rights reserved.

# *Environmental FirstSearch*
# *Search Summary Report*

**Target Site:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

## FirstSearch Summary

| Database | Sel | Updated | Radius | Site | 1/8 | 1/4 | 1/2 | 1/2> | ZIP | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|
| NPL | Y | 04-08-04 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CERCLIS | Y | 02-09-04 | 0.50 | 0 | 0 | 0 | 0 | - | 0 | 0 |
| NFRAP | Y | 02-09-04 | 0.25 | 0 | 0 | 0 | - | - | 0 | 0 |
| RCRA TSD | Y | 02-09-04 | 0.50 | 0 | 0 | 0 | 0 | - | 0 | 0 |
| RCRA COR | Y | 02-09-04 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RCRA GEN | Y | 02-09-04 | 0.25 | 0 | 0 | 0 | - | - | 0 | 0 |
| ERNS | Y | 12-31-03 | 0.25 | 0 | 0 | 0 | - | - | 0 | 0 |
| State Sites | Y | 01-30-04 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spills-1990 | Y | 02-02-04 | 0.25 | 0 | 0 | 0 | - | - | 0 | 0 |
| SWL | Y | 07-03-03 | 0.50 | 0 | 0 | 0 | 3 | - | 0 | 3 |
| Other | Y | 02-02-04 | 0.25 | 0 | 0 | 0 | - | - | 0 | 0 |
| REG UST/AST | Y | 02-02-04 | 0.25 | 0 | 0 | 0 | - | - | 0 | 0 |
| Leaking UST | Y | 02-02-04 | 0.50 | 0 | 0 | 0 | 0 | - | 0 | 0 |
| - TOTALS - | | | | 0 | 0 | 0 | 3 | 0 | 0 | 3 |

## Notice of Disclaimer

Due to the limitations, constraints, inaccuracies and incompleteness of government information and computer mapping data currently available to FirstSearch Technology Corp., certain conventions have been utilized in preparing the locations of all federal, state and local agency sites residing in FirstSearch Technology Corp.'s databases. All EPA NPL and state landfill sites are depicted by a rectangle approximating their location and size. The boundaries of the rectangles represent the eastern and western most longitudes; the northern and southern most latitudes. As such, the mapped areas may exceed the actual areas and do not represent the actual boundaries of these properties. All other sites are depicted by a point representing their approximate address location and make no attempt to represent the actual areas of the associated property. Actual boundaries and locations of individual properties can be found in the files residing at the agency responsible for such information.

## Waiver of Liability

Although FirstSearch Technology Corp. uses its best efforts to research the actual location of each site, FirstSearch Technology Corp. does not and can not warrant the accuracy of these sites with regard to exact location and size. All authorized users of FirstSearch Technology Corp.'s services proceeding are signifying an understanding of FirstSearch Technology Corp.'s searching and mapping conventions, and agree to waive any and all liability claims associated with search and map results showing incomplete and or inaccurate site locations.

# *Environmental FirstSearch*
# *Site Information Report*

| | | | |
|---|---|---|---|
| **Request Date:** | 05-11-04 | **Search Type:** | COORD |
| **Requestor Name:** | Ron Neyer | **Job Number:** | 1247400201 |
| **Standard:** | ASTM | | **Filtered Report** |

**TARGET ADDRESS:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

## *Demographics*

| | | | | | |
|---|---|---|---|---|---|
| **Sites:** | 3 | **Non-Geocoded:** | 0 | **Population:** | NA |
| **Radon:** | NA | | | | |

## *Site Location*

| | Degrees (Decimal) | Degrees (Min/Sec) | | UTMs |
|---|---|---|---|---|
| **Longitude:** | -81.51662 | -81:30:60 | **Easting:** | 449502.676 |
| **Latitude:** | 28.631939 | 28:37:55 | **Northing:** | 3167143.421 |
| | | | **Zone:** | 17 |

## *Comment*

**Comment:** BUTTREY DEVELOPMENT IV

## *Additional Requests/Services*

**Adjacent ZIP Codes:** 1 Mile(s)

| ZIP Code | City Name | ST | Dist/Dir | Sel |
|---|---|---|---|---|
| 32818 | ORLANDO | FL | 0.70 SE | Y |

**Services:**

| | Requested? | Date |
|---|---|---|
| Sanborns | No | |
| Aerial Photographs | No | |
| Topographical Maps | No | |
| City Directories | No | |
| Title Search | No | |
| Municipal Reports | No | |
| Online Topos | No | |

# *Environmental FirstSearch*
# *Sites Summary Report*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

**TOTAL:** 3 **GEOCODED:** 3 **NON GEOCODED:** 0 **SELECTED:** 0

| ID | DB Type | Site Name/ID/Status | Address | Dist/Dir | Map ID |
|---|---|---|---|---|---|
| 2 | SWL | KEENE ROAD LANDFILL - CLASS III<br>3048P00058/ACTIVE | KEENE RD, NEAR CR435<br>APOPKA FL 32703 | 0.47 N- | 2 |
| 3 | SWL | WMI MEDICAL SERVICES OF FLORIDA INC<br>3048P88573/A | 245 W KEENE RD<br>APOPKA FL 32703 | 0.47 N- | 3 |
| 1 | SWL | KEENE ROAD DISPOSAL, BUTTREY DEV. C<br>FLSW-0103-87081/ACTIVE | 230 WEST KEENE RD<br>APOPKA FL 32703 | 0.49 N- | 1 |

# *Environmental FirstSearch*
# *Normalized Sites Summary Report*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

**TOTAL:** 3 **GEOCODED:** 3 **NON GEOCODED:** 0 **SELECTED:** 0

| Site Name | Address | Dist/Dir | Map ID | Total Sites |
|---|---|---|---|---|
| *KEENE ROAD LANDFILL - CLASS III* | *KEENE RD, NEAR CR435 APOPKA FL 32703* | *0.47 N-* | *2* | *1* |
| *WMI MEDICAL SERVICES OF FLORIDA INC* | *245 W KEENE RD APOPKA FL 32703* | *0.47 N-* | *3* | *1* |
| *KEENE ROAD DISPOSAL, BUTTREY DEV. C* | *230 WEST KEENE RD APOPKA FL 32703* | *0.49 N-* | *1* | *1* |

## *Environmental FirstSearch*
## *Normalized Sites Summary Report*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

**TOTAL:** 3 **GEOCODED:** 3 **NON GEOCODED:** 0 **SELECTED:** 0

| Site Name | Address | Dist/Dir | Map ID | Total Sites |
|---|---|---|---|---|

## *Environmental FirstSearch*
## *Normalized Sites Summary Report*
## *Database Legend*

*Database Legend*

**80:** 80's Spills
**AC:** ACEC
**AQ:** Aquifers
**CE:** CERCLIS
**ER:** ERNS
**FL:** Federal Land Use
**FN:** FINDS
**FP:** Floodplains
**FW:** Federal Wells
**HS:** Historic Sites
**HM:** HMIRS
**LF:** Landfills
**LS:** Lust
**NC:** NCDB
**NF:** NFRAP
**NP:** NPL Sites
**NS:** NPDES
**NU:** Nuclear Permits
**OT:** Other Sites
**PA:** PADS
**PE:** Permits
**PW:** Public Water Supply
**RC:** RCRA COR
**RE:** Releases
**RG:** RCRA GEN
**RN:** RCRA NLR
**RP:** Receptors
**RT:** RCRA TSD
**SP:** 90's Spills
**SO:** Soils
**ST:** State Sites
**TO:** Towers
**TR:** TRIS
**US:** Ust
**WE:** Wetlands

# *Environmental FirstSearch*
# *Site Detail Report*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

## SOLID WASTE LANDFILL SITE

**SEARCH ID:** 2 **DIST/DIR:** 0.47 N- **MAP ID:** 2

**NAME:** KEENE ROAD LANDFILL - CLASS III
**ADDRESS:** KEENE RD, NEAR CR435
APOPKA FL

**CONTACT:** BRYAN TINDELL

**REV:** 7/3/03
**ID1:** 3048P00058
**ID2:** 22321
**STATUS:** ACTIVE
**PHONE:** (407) 886-2920

***SITE INFORMATION***

**FACILITY STATUS:** ACTIVE
**LAND OWNER NAME:**

KEENE RD LF INC
255 W KEENE RD
APOPKA FL 32703

() -

**LANDFILL CLASS:** CLASS III LANDFILL

**RESPONSIBLE AUTHORITY**

DAID CIEPLY
255 W KEENE RD
APOPKA FL 32703

(407) 886-2920

**SITE SUPERVISOR**

BRYAN TINDELL
255 W KEENE ROAD
APOPKA FL 32703

(407) 886-2920

**FACILITY STATUS:** ACTIVE
**LAND OWNER NAME:**

KEENE RD LF INC
255 W KEENE RD
APOPKA FL 32703

() -

**LANDFILL CLASS:** COMPOSTING PLANT

**RESPONSIBLE AUTHORITY**

DAID CIEPLY
255 W KEENE RD
APOPKA FL 32703

(407) 886-2920

*- Continued on next page -*

# *Environmental FirstSearch*
# *Site Detail Report*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

## SOLID WASTE LANDFILL SITE

**SEARCH ID:** 2 **DIST/DIR:** 0.47 N- **MAP ID:** 2

| | | | |
|---|---|---|---|
| **NAME:** | KEENE ROAD LANDFILL - CLASS III | **REV:** | 7/3/03 |
| **ADDRESS:** | KEENE RD, NEAR CR435 | **ID1:** | 3048P00058 |
| | APOPKA FL | **ID2:** | 22321 |
| | | **STATUS:** | ACTIVE |
| **CONTACT:** | BRYAN TINDELL | **PHONE:** | (407) 886-2920 |

**SITE SUPERVISOR**

BRYAN TINDELL
255 W KEENE ROAD
APOPKA FL 32703

(407) 886-2920

**2/16/01 ARCHIVE INFORMATION**

**EXPECTED LIFE OF LANDFILL:** 19
**QUANTITY OF WASTE PER DAY:** 2000 CYD
**QUANTITY OF WASTE SITE IS DESIGNED TO HANDLE:** 2000 CYD
**NUMBER OF MON**

# *Environmental FirstSearch*
# *Site Detail Report*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

## SOLID WASTE LANDFILL SITE

**SEARCH ID:** 3 **DIST/DIR:** 0.47 N- **MAP ID:** 3

**NAME:** WMI MEDICAL SERVICES OF FLORIDA INC
**ADDRESS:** 245 W KEENE RD
APOPKA FL 32703
**CONTACT:**

**REV:** 03/05/98
**ID1:** 3048P88573
**ID2:** SB48-188573
**STATUS:** A
**PHONE:**

**ASSIGN TYPE:**
**DATE:**
**LINER:**
**BOH ACRES:**
**DEQE ACRES:**
**CLOSE:**
**TPY CUR:**
**TPY CUR+1:**
**TPY CUR+2:** P/D
**ADDRESS:** P O BOX 710
CLARCONA FL 32710
**TYPE:**
**CONTACT:** WMI MEDICAL SERVICES OF FLA
**PHONE:** 407-889-2800
**OPERATOR:**
**TYPE:**
**CONTACT:**
**PHONE:**

# *Environmental FirstSearch*
# *Site Detail Report*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

## SOLID WASTE LANDFILL SITE

**SEARCH ID:** 1 **DIST/DIR:** 0.49 N- **MAP ID:** 1

| | | | |
|---|---|---|---|
| **NAME:** | KEENE ROAD DISPOSAL, BUTTREY DEV. CLASS III | **REV:** | 7/3/03 |
| **ADDRESS:** | 230 WEST KEENE RD | **ID1:** | FLSW-0103-87081 |
| | APOPKA FL 32703 | **ID2:** | 87081 |
| | ORANGE | **STATUS:** | ACTIVE |
| **CONTACT:** | | **PHONE:** | () - |

***SITE INFORMATION***

**FACILITY STATUS:** ACTIVE
**LAND OWNER NAME:**

() -

**LANDFILL CLASS:** CLASS III LANDFILL

**RESPONSIBLE AUTHORITY**

BUTTREY DEVELOPMENT, LLC
6239 EDGEWATER DR
ORLANDO FL 32810

() -

**SITE SUPERVISOR**

() -

# Environmental FirstSearch
# Federal Databases and Sources

## ASTM Databases:

**CERCLIS:** ***Comprehensive Environmental Response Compensation and Liability Information System***. The EPA's database of current and potential Superfund sites currently or previously under investigation. Source: Environmental Protection Agency.

*Updated quarterly.*

**CERCLIS-NFRAP (Archive):** ***Comprehensive Environmental Response Compensation and Liability Information System Archived Sites***. The Archive designation means that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

*Updated quarterly.*

**ERNS:** ***Emergency Response Notification System***. The EPA's database of emergency response actions. Source: Environmental Protection Agency. Data since January, 2001, has been received from the National Response Center as the EPA no longer maintains this data.

*Updated quarterly.*

**FINDS:** ***The Facility Index System***. The EPA's Index of identification numbers associated with a property or facility which the EPA has investigated or has been made aware of in conjunction with various regulatory programs. Each record indicates the EPA office that may have files on the site or facility. Source: Environmental Protection Agency.

*Updated semi-annually.*

**NPL:** ***National Priority List***. The EPA's list of confirmed or proposed Superfund sites. Source: Environmental Protection Agency.

*Updated quarterly.*

**RCRIS:** ***Resource Conservation and Recovery Information System***. The EPA's database of registered hazardous waste generators and treatment, storage and disposal facilities. Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List). Source: Environmental Protection Agency.

**RCRA TSD:** ***Resource Conservation and Recovery Information System Treatment, Storage, and Disposal Facilities***. The EPA's database of RCRIS sites which treat, store, dispose, or incinerate hazardous waste. This information is also reported in the standard RCRIS detailed data.

## ASTM Databases (continued):

**RCRA COR:** ***Resource Conservation and Recovery Information System Corrective Action Sites***. The EPA's database of RCRIS sites with reported corrective action. This information is also reported in the standard RCRIS detailed data.

**RCRA GEN:** ***Resource Conservation and Recovery Information System Large and Small Quantity Generators.*** The EPA's database of RCRIS sites that create more than 100kg of hazardous waste per month or meet other RCRA requirements. Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List).

**RCRA NLR:** ***Resource Conservation and Recovery Information System sites No Longer Regulated.*** The EPA's database of RCRIS sites that create less than 100kg of hazardous waste per month or do not meet other RCRA requirements.

*All RCRA databases are Updated quarterly*

# Environmental FirstSearch
# Federal Databases and Sources

## Non-ASTM Databases:

**HMIRS:** ***Hazardous Materials Incident Response System.*** This database contains information from the US Department of Transportation regarding materials, packaging, and a description of events for tracked incidents.

*Updated quarterly.*

**NCDB:** ***National Compliance Database.*** The National Compliance Data Base System (NCDB) tracks regional compliance and enforcement activity and manages the Pesticides and Toxic Substances Compliance and Enforcement program at a national level. The system tracks all compliance monitoring and enforcement activities from the time an inspector conducts and inspection until the time the inspector closes or the case settles the enforcement action. NCDB is the national repository of the 10 regional and Headquarters FIFRA/TSCA Tracking System (FTTS). Data collected in the regional FTTS is transferred to NCDB to support the need for monitoring national performance of regional programs.

*Updated quarterly*

**NPDES:** ***National Pollution Discharge Elimination System.*** The EPA's database of all permitted facilities receiving and discharging effluents. Source: Environmental Protection Agency.

*Updated semi-annually.*

**NRDB:** ***National Radon Database.*** The NRDB was created by the EPA to distribute information regarding the EPA/State Residential Radon Surveys and the National Residential Radon Survey. The data is presented by zipcode in Environmental FirstSearch Reports. Source: National Technical Information Service (NTIS)

*Updated Periodically*

**Nuclear:** The Nuclear Regulatory Commission's (NRC) list of permitted nuclear facilities.

*Updated Periodically*

**PADS: PCB Activity Database System**
The EPA's database PCB handlers (generators, transporters, storers and/or disposers) that are required to notify the EPA, the rules being similar to RCRA. This database indicates the type of handler and registration number. Also included is the PCB Transformer Registration Database.

*Updated semi-annually.*

**Receptors:** 1995 TIGER census listing of schools and hospitals that may house individuals deemed sensitive to environmental discharges due to their fragile immune systems.

*Updated Periodically*

## Non-ASTM Databases (continued):

**RELEASES:** ***Air and Surface Water Releases***. A subset of the EPA's ERNS database which have impacted only air or surface water.

*Updated semi-annually.*

**Soils:** This database includes the State Soil Geographic (STATSGO) data for the conterminous United States. It contains information regarding soil characteristics such as water capacity, percent clay, organic material, permeability, thickness of layers, hydrological characteristics, quality of drainage, surface, slope, liquid limit, and the annual frequency of flooding. Source: United States Geographical Survey (USGS).

*Updated quarterly*

**TRIS:** ***Toxic Release Inventory System.*** The EPA's database of all facilities that have had or may be prone to toxic material releases. Source: Environmental Protection Agency.

*Updated semi-annually.*

# Environmental FirstSearch
# Florida Databases and Sources

**Three Florida Department of Environmental Protection databases are included under the Florida Sites list heading.**

**They include...**

1. **Florida Sites List** - identifies facilities and/or locations that the Florida Department of Environmental Regulation has recognized with potential or existing environmental contamination. This database has not been updated since 1989

2. **Superfund Hazardous Waste Sites** - This database correlates to the NPL database and includes active, delisted, and Federal sites. Based on information provided by U.S. Environmental Protection Agency.

3. **State Funded Action Sites** - This database includes sites prioritized by the State of Florida for clean-up by the state or by potentially responsible parties.

The List Status field includes SS, SFAS and SHAS. SS means site is on the Original State Sites. SFAS means site is on the State Funded Action Sites list. SHAS means site is on the State Hazardous Waste Sites list.

## SOLID WASTE FACILITIES (SWF)

The Solid Waste Facilities List is concerned with the handling of solid waste and includes locations identified with solid waste landfilling or associated activities involving the handling of solid waste. The presence of a site on this list does not necessarily indicate existing environmental contamination but rather the potential.

## LEAKING UNDERGROUND STORAGE TANKS (LUST)

The LUST database is concerned with petroleum storage tank systems and includes facilities and/or locations that have reported the possible release of contaminants. Included within this list are sites that are in the Florida Early Detection Incentive (EDI) Program, the Abandoned Tank Restoration Program (ATRP) and the Petroleum Liability Insurance Restoration Program (PLIRP). These programs support remedial action or reimbursement for those sites with environmental problems due to leaking fuel storage tanks. Some sites listed in the report have not yet been accepted in these programs.

The FDEP assigns scores to the sites based on the threat to human health and the environment. The Rank is determined by the site's Score and reflects the state's priority for remedial action on that site. Typically, the lower the Rank value, the greater the priority for remedial action from the state.

**STATIONARY TANK INVENTORY SYSTEM LIST (STI)**

The Florida Administrative Code requires registration of underground and aboveground stationary storage tanks that contain petroleum products or hazardous substances regulated under CERCLA. Inclusion on this list indicates the presence of stationary storage tanks and therefore the potential for environmental problems. It does not necessarily indicate existing problems.

**PUBLIC WATER SUPPLY (PWS)**

The Safe Drinking Water Information System (SDWIS) is a repository of information about Public Water Supplies. This database is a requirement of the Safe Drinking Water Act (SDWA) of 1986 and was previously known as the Federal Reporting Data System (FRDS). The information contained in this database is : Name, Address, Site Identification, Status, and Population Served.

**PERMITS:**

***BROWARD county***

Department of Natural Resources Protection (DNRP) Databases

**EARLY DETECTION INCENTIVE (EDI)**

Includes leaking tank sites that fall under the following categories:

- Early Detection Incentive (EDI)
- Petroleum Liability Insurance Reimbursement (PLIRP)
- Abandoned Tank Restoration (ATRP)

**Environmental assessment And remediation(EA)**

Sites that have been issued licenses (by DNRP) to ensure that proper assessment and remediation are applied.

**REGISTERED UNDERGROUND and ABOVEGROUND STORAGE TANKS (ST)**

DNRP 's inventory of Underground and Aboveground Storage Tanks in Broward County.

# Environmental FirstSearch
## Florida Databases and Sources(continued)

**Hazardous MATERIALS(HM)**
This database includes sites that are involved in some way in the handling of hazardous substances or wastes. Due to the activities relating to the handling of hazardous substances or waste, these sites possess the potential for environmental contamination.

***DADE county***
Department of Environmental Resource Management (DERM) Databases

**ENFORCEMENT CASES(ENF)**
Includes sites that have been notified and/or investigated by Dade County to determine if any cleanup activity is necessary. Leaking Underground Storage tanks make up the bulk of this database, but other types of sites include: unauthorized air emissions, unauthorized storage facilities, and site specific spills.

**UNDERGROUND STORAGE TANKS (UT)**
DERM 's inventory of Underground Storage Tanks in Dade County.

**FUEL SPILL CASES (FSPILL)**
DERM 's listing of spill cases in Dade County. It consists mainly of underground tanks.

**INDUSTRIAL Waste(IW)**
IW2 - Facilities with reclaim systems or holding tanks.
IW3 - Facilities with pretreatment or treatment systems that discharge to sewers less then 25,000 gal. per day.
IW4 - Facilities that operate treatment systems that discharge to open ground. (Permits are no longer issued to facilities that discharge to open ground.)

**INDUSTRIAL Waste(IW5)**
This database consists of Industrial Waste type 5. It is similar to the USEPA 's RCRA database (RCRIS) and includes sites that are involved in some way in the handling of hazardous and/or non-hazardous waste. Due to the activities relating to the handling of hazardous substances or waste, these sites possess the potential for environmental contamination.

**Hazardous Waste(HW)**
Sites with confirmed soil or groundwater contamination.

## *Environmental FirstSearch*
## *Street Name Report for Streets within .25 Mile(s) of Target Property*

**TARGET SITE:** 3029 MCQUEEN ROAD
ORANGE COUNTY FL 32703

**JOB:** 1247400201
BUTTREY DEVELOPMENT IV

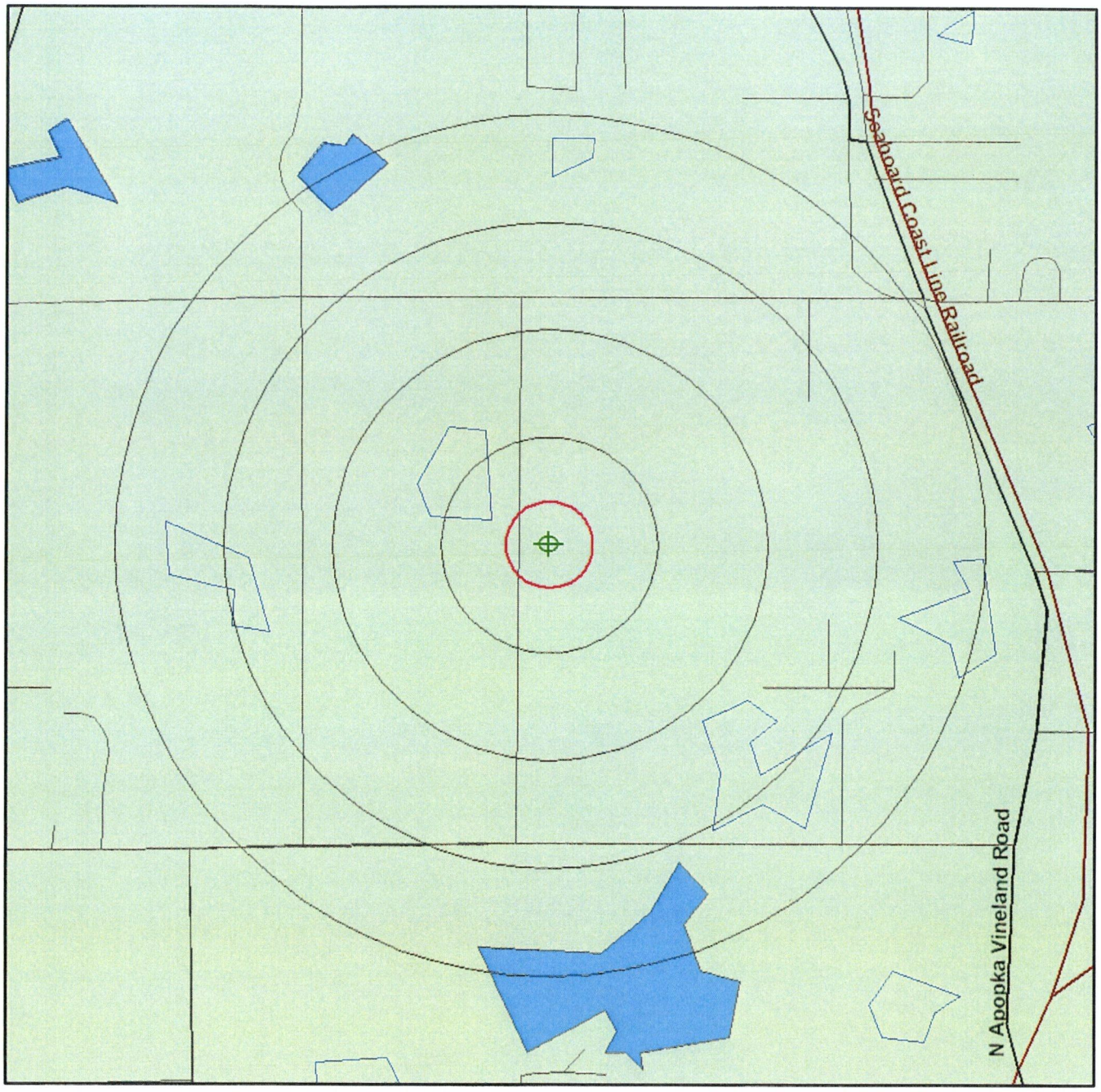
| Street Name | Dist/Dir | Street Name | Dist/Dir |
|---|---|---|---|
| McQueen Rd | 0.07 NW | | |

# Environmental FirstSearch

1 Mile Radius

ASTM Map: NPL, RCRACOR, STATE Sites

## 3029 MCQUEEN ROAD, ORANGE COUNTY FL 32703




*ource: 1999 U.S. Census TIGER Files*

Target Site (Latitude: 28.631939 Longitude: -81.51662) .....

Identified Site, Multiple Sites, Receptor .....

NPL, Solid Waste Landfill (SWL) or Hazardous Waste .....

Railroads .....

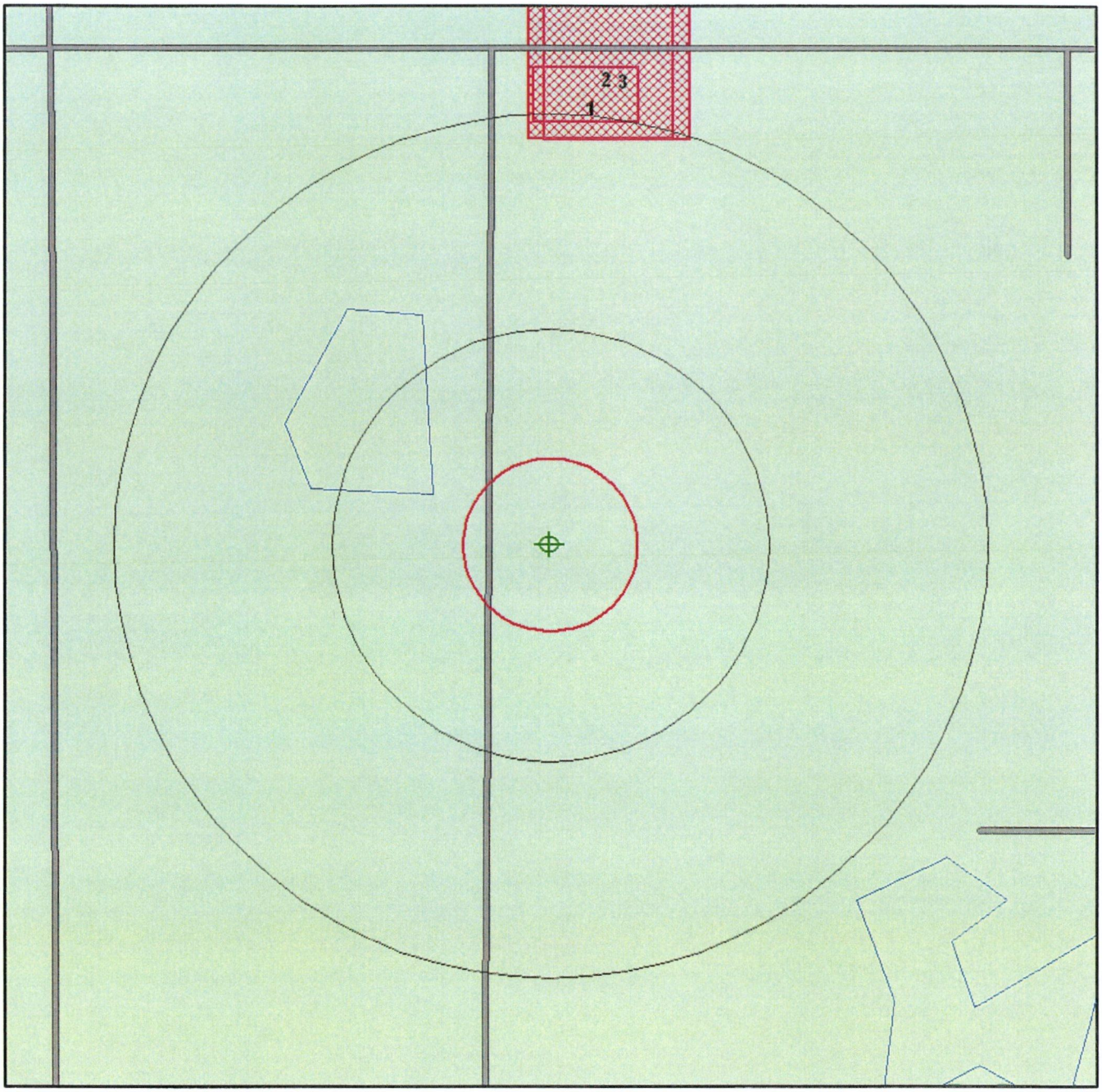
Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

# Environmental FirstSearch

.5 Mile Radius

ASTM Map: CERCLIS, RCRATSD, LUST, SWL

## 3029 MCQUEEN ROAD, ORANGE COUNTY FL 32703




*Source: 1999 U.S. Census TIGER Files*

Target Site (Latitude: 28.631939 Longitude: -81.51662) .....

Identified Site, Multiple Sites, Receptor .....

NPL, Solid Waste Landfill (SWL) or Hazardous Waste .....

Railroads .....

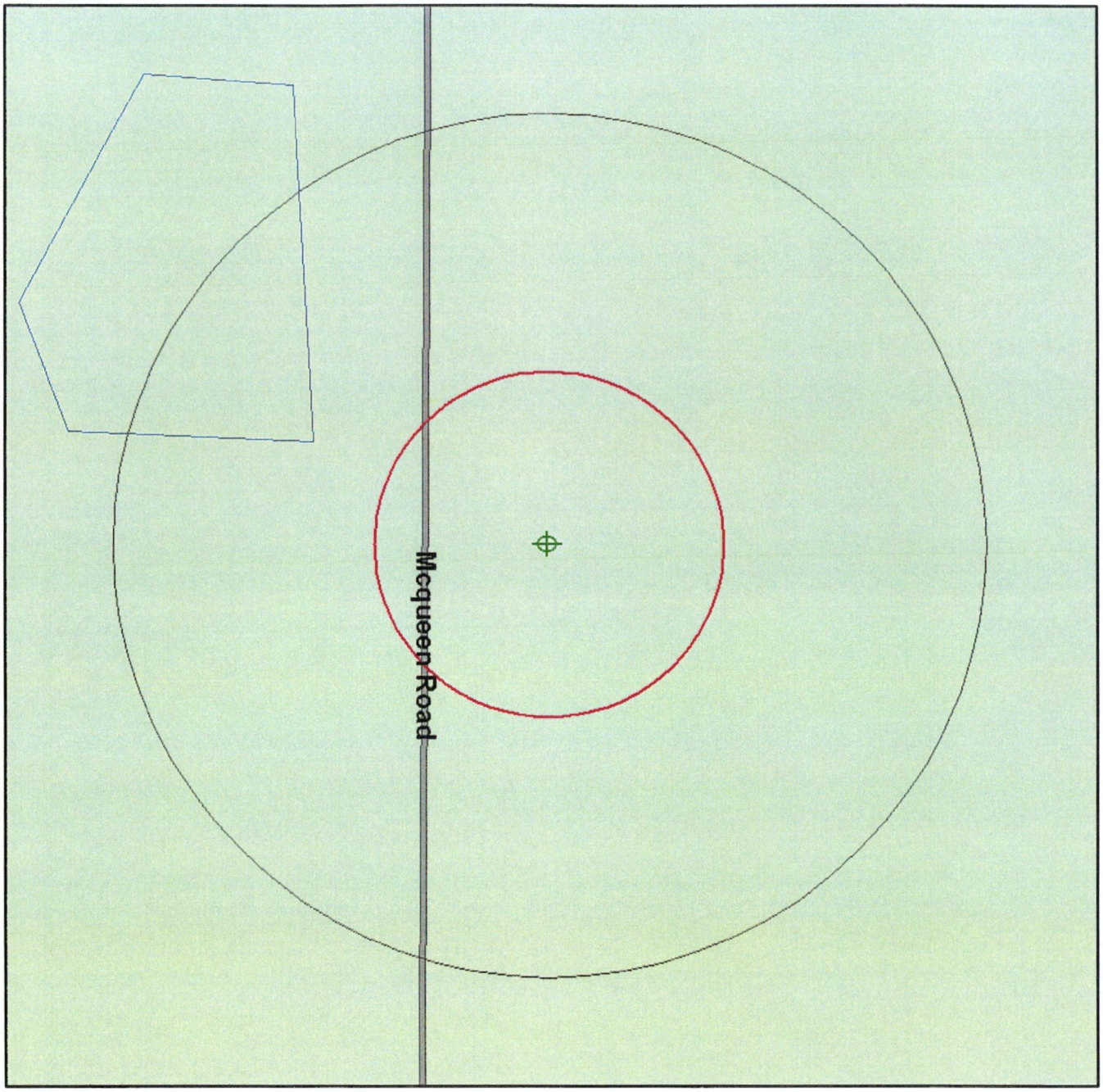
Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

# Environmental FirstSearch

.25 Mile Radius

ASTM Map: RCRAGEN, ERNS, UST

## 3029 MCQUEEN ROAD, ORANGE COUNTY FL 32703




*Source: 1999 U.S. Census TIGER Files*

Target Site (Latitude: 28.631939 Longitude: -81.51662) .....

Identified Site, Multiple Sites, Receptor .....

NPL, Solid Waste Landfill (SWL) or Hazardous Waste .....

Railroads .....

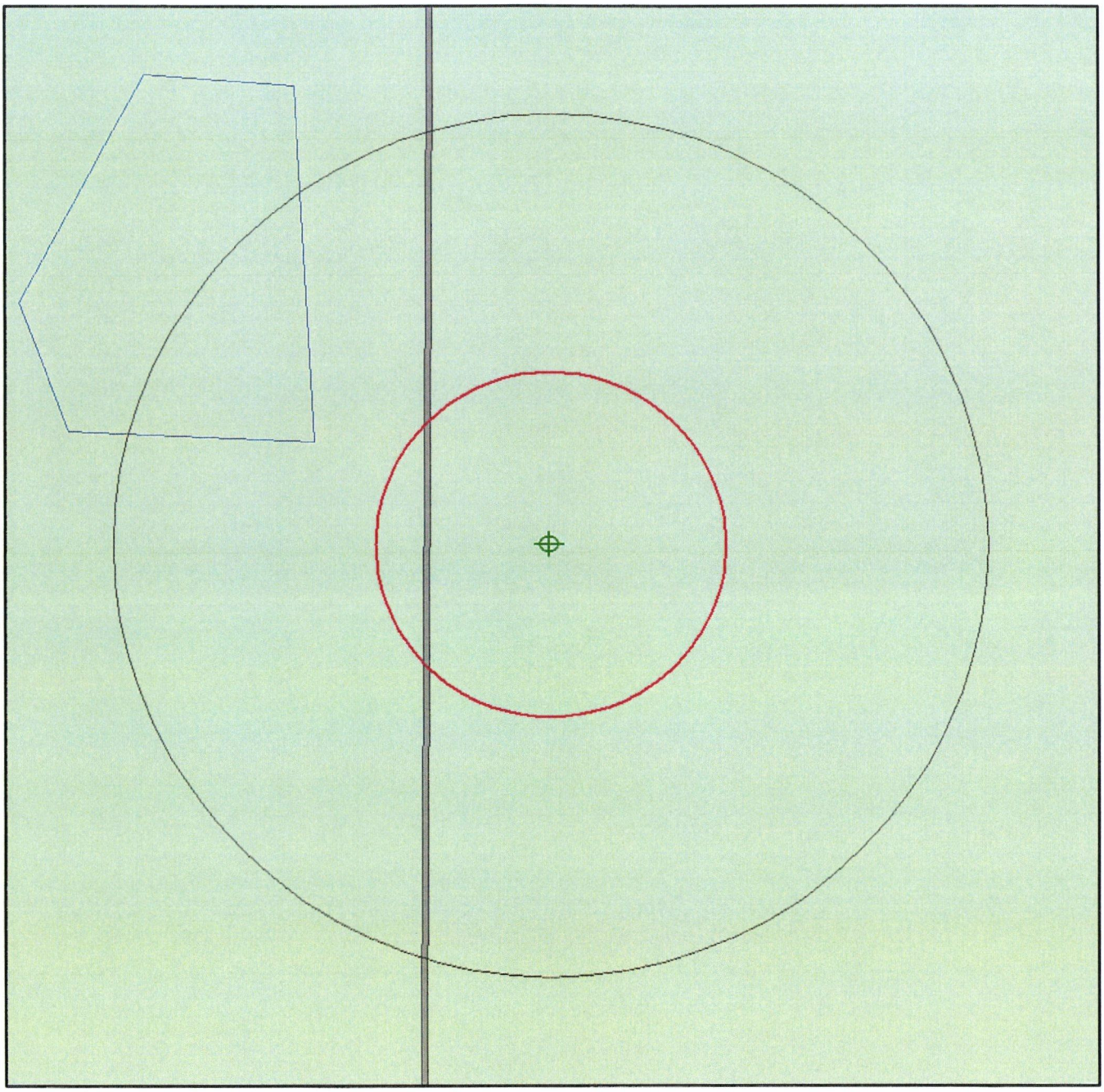
Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

# Environmental FirstSearch

.25 Mile Radius

Non-ASTM Map: No Sites Found

## 3029 MCQUEEN ROAD, ORANGE COUNTY FL 32703



*Source: 1999 U.S. Census TIGER Files*

Target Site (Latitude: 28.631939 Longitude: -81.51662) .....

Identified Site, Multiple Sites, Receptor .....

NPL, Solid Waste Landfill (SWL) or Hazardous Waste .....

National Historic Sites and Landmark Sites .....

Railroads .....

Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius

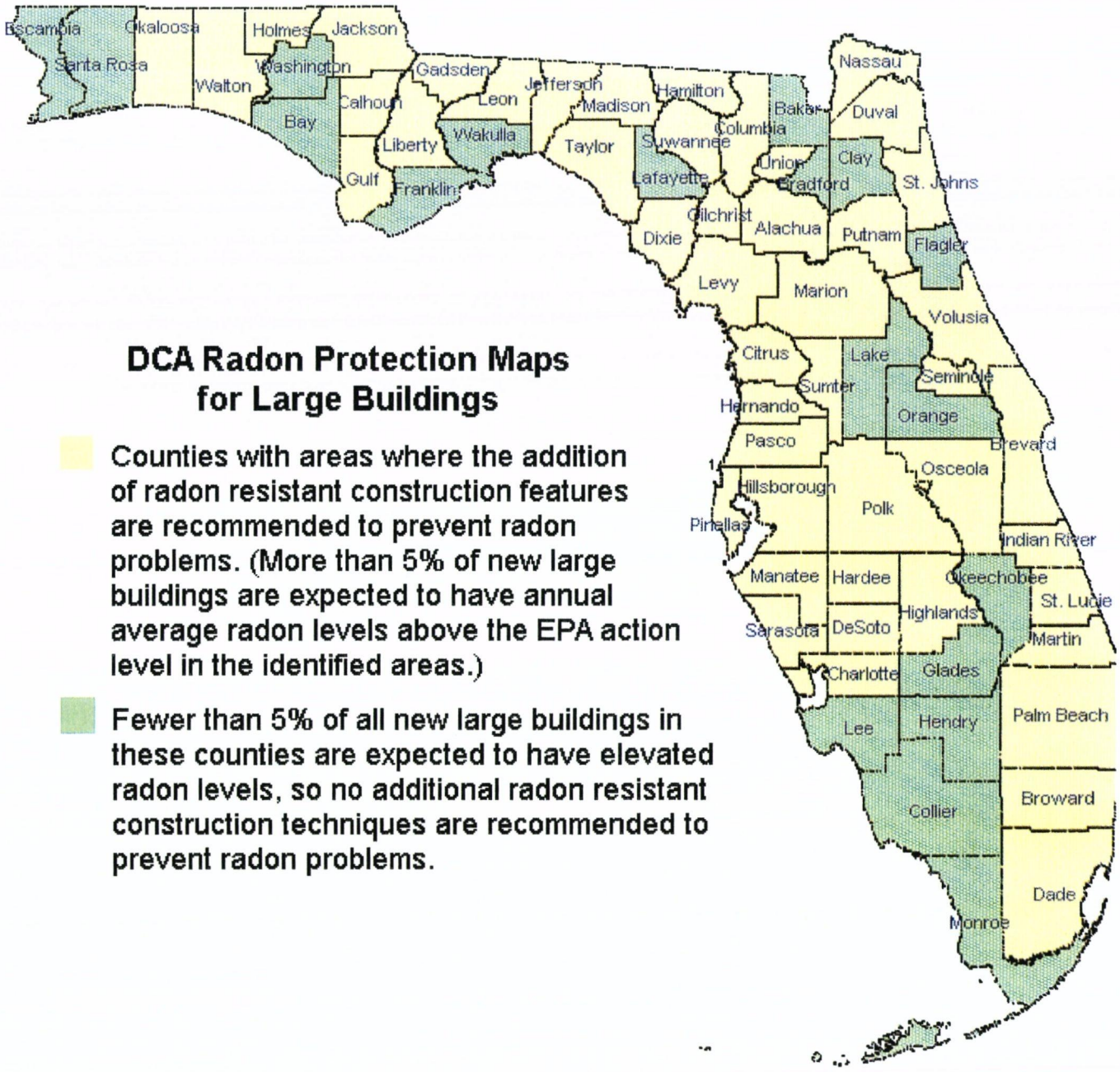
# APPENDIX E

Radon

## DCA Radon Protection Map

### For Large Building Construction

Click on a yellow county to see a detailed map of that county

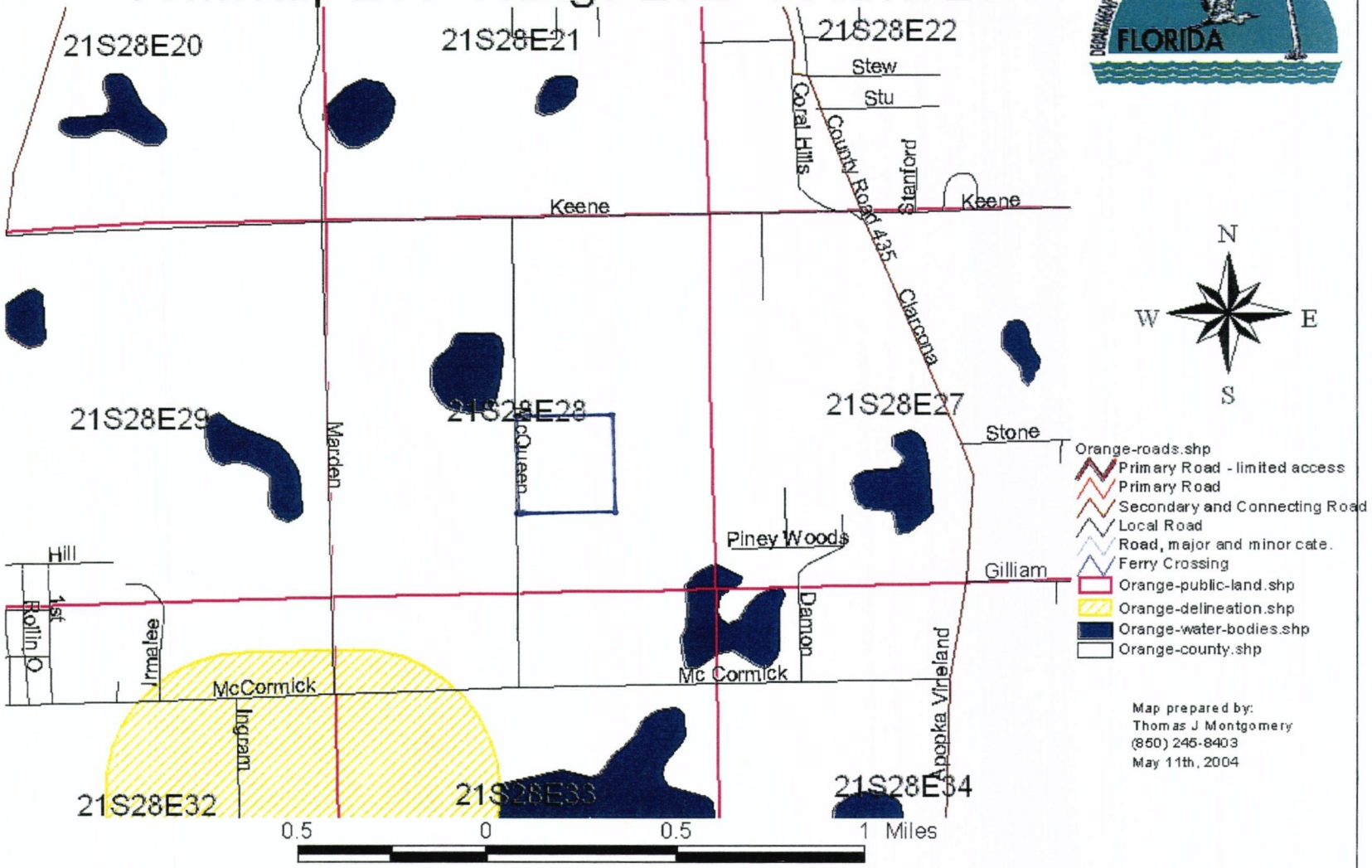



## DCA Radon Protection Maps for Large Buildings

Counties with areas where the addition of radon resistant construction features are recommended to prevent radon problems. (More than 5% of new large buildings are expected to have annual average radon levels above the EPA action level in the identified areas.)

Fewer than 5% of all new large buildings in these counties are expected to have elevated radon levels, so no additional radon resistant construction techniques are recommended to prevent radon problems.

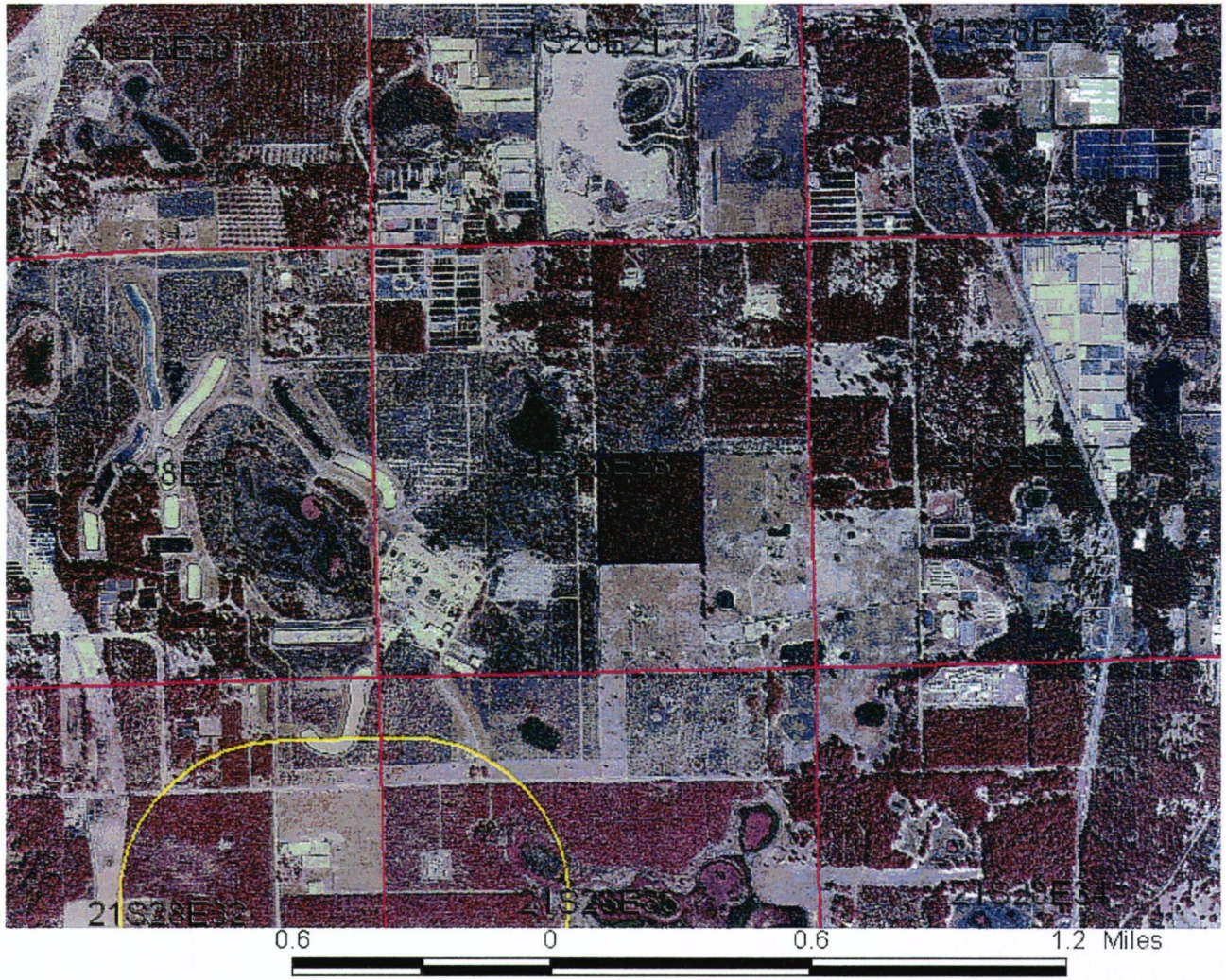
# Orange County Delineation Around Township 21S Range 28E Section 28




The delineated areas on this map represent areas where ground water contamination is known to exist as defined in chapter 62-524, F.A.C.. This does not indicate that the areas which are not delineated are necessarily free from ground water contamination.

For information about this map Contact:
Water Quality Standards and Source Water Protection Section
D.W.F. - F.D.E.P. @ (850) 921-9428

# Aerial View of
# Township 21S Range 28E Section 28




N
W E
S

Orange-public-land.shp

Orange-delineation.shp

Map prepared by:
Thomas J Montgomery
(850) 245-8403
May 11th, 2004

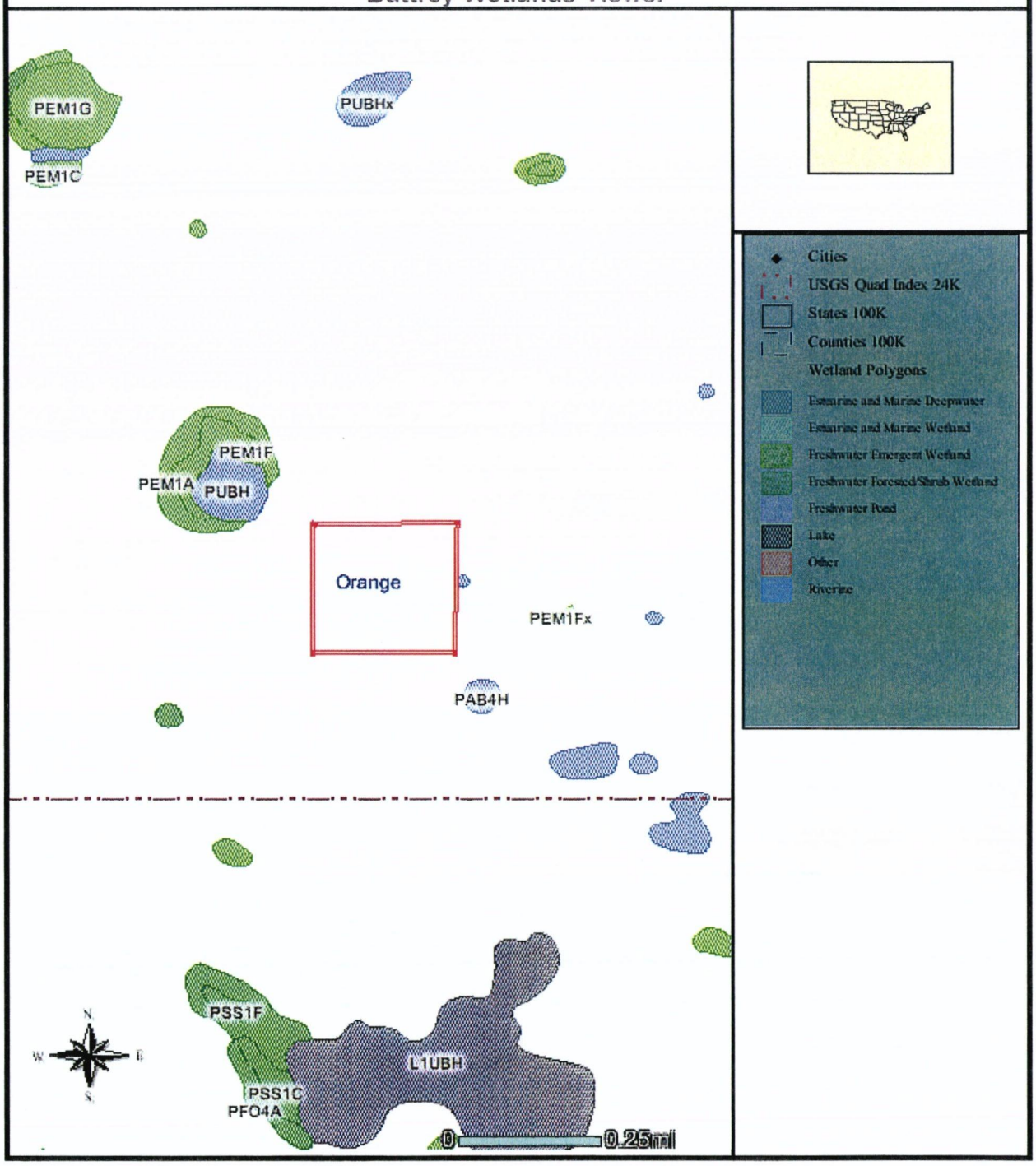
The delineated areas on this map represent areas where ground water contamination is known to exist as defined in chapter 62-524, F.A.C.. This does not indicate that the areas which are not delineated are necessarily free from ground water contamination.

For information about this map Contact:
Water Quality Standards and Source Water Protection Section
D.W.F. - F.D.E.P. @ (850) 921-9428

U.S. Fish & Wildlife Service

# Wetlands Mapper

Buttrey Wetlands Viewer

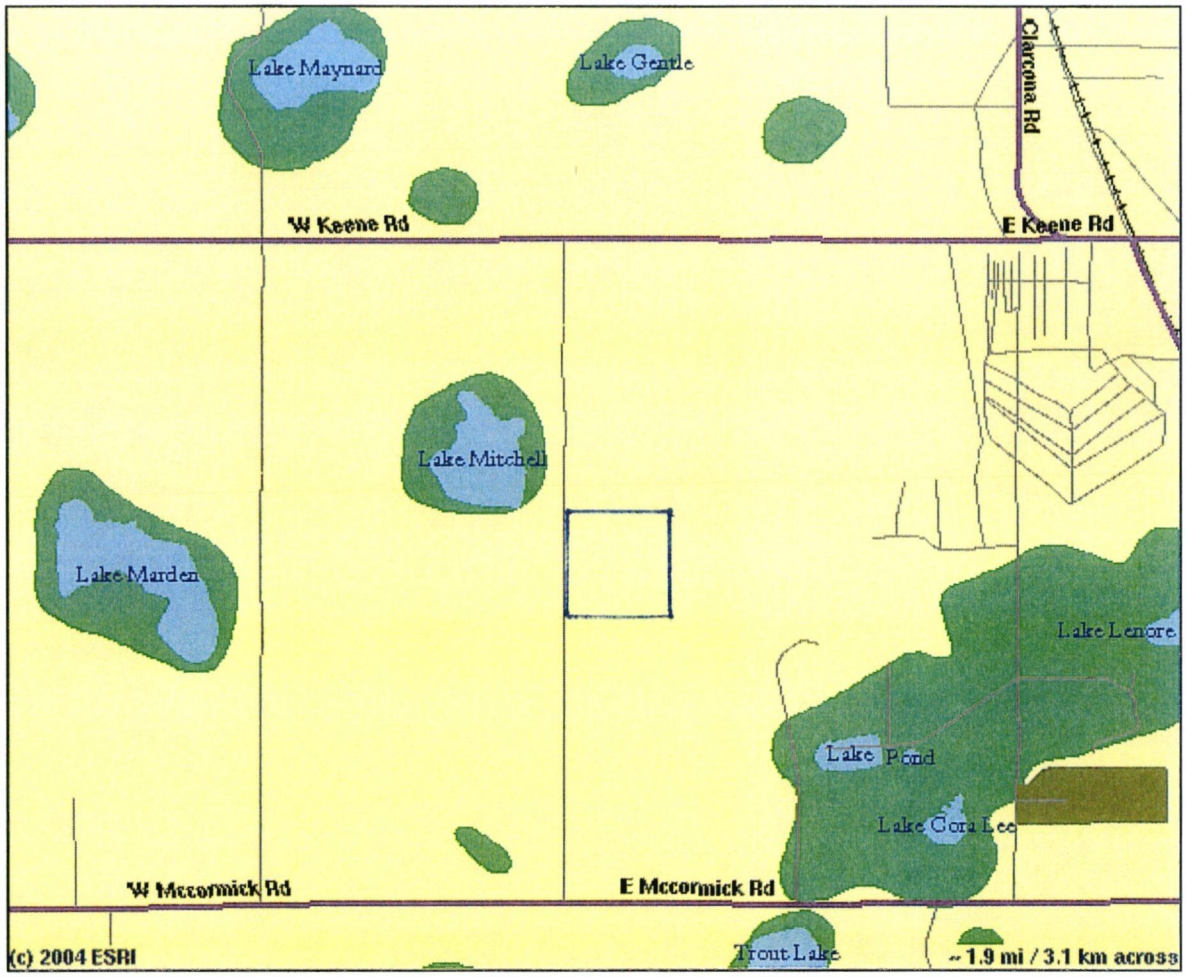


ESRI and FEMA

do you know your RISKS?

Hazard Information and Awareness

# Flood Hazard Map




**Map Centerpoint:** -81.51678, 28.63344
**Map Produced:** Wed May 19 07:56:04 2004

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**ESRI/FEMA Project Impact**
**Hazard Information and Awareness Site**
**http://www.esri.com/hazards**

# APPENDIX F

**Figure 1**: Approximate western boundary of the subject property, taken from the southwest corner

**Figure 2**: Approximate southern boundary of the subject property, taken from the southwest corner

**Figure 3**: Track running north-south through center of the subject property, taken from the south-central boundary

**Figure 4**: Approximate northern boundary of the subject property, taken from the northeast corner

**Figure 5**: Approximate eastern boundary of the subject property, taken from the northeast corner

# APPENDIX G

# INTERVIEW RECORD

**Project:** Borrow Pit
**Client No:** 12774-002-01
**Date:** 5/11/04
**Interviewee:** Ed Chesney
**Relationship to Project:** Buttrey Development

**Comments:**

1. How long have you owned the subject property?

1 yr

2. Are you aware of any UST's, AST's or other storage or use of petroleum products or hazardous materials at the subject property?

no

3. Are you aware of any environmental concerns associated with the subject property or adjoining properties?

no

4. Are you aware of any past, pending or threatened litigation or administrative proceeding relevant to hazardous materials or petroleum products in, on or from the subject property?

no

5. Are You aware of any government notices regarding violations or liabilities relating to hazardous substances or petroleum products at the subject property?

no

6. (Client) Who would you like to be listed in the reliance section of the report?

John Buttrey,

7. (Client) How many copies of the report do you desire? To whom should they be addressed?

4

8. (Client) Can you provide a site plan and/or a legal description?

R D Hyde

Interviewer

9. Are there any locked improvements/structures at the subject property?

no

10. Who provides water to the subject property? Sewer? Electrical power?

no

11. Has there been a previous Environmental Site Assessment? Can you provide a copy?

on adj prop (HES)

12. Can you provide a chain of title?

N/A

13. Who is the current owner of the subject property? How long?

Buttrey Dev II

14. Who is the property manager? Occupants?

Ed Cheney

15. What is the intended use of the subject property?

Borrow Pit & eventually land fill

16. Are there any liens against the subject property?

no

17. Do you have any knowledge of any other environmental concerns not mentioned?

no

18. Is the sale price comparable to similar properties in the area?

yes

Keene Rd Landfill = Cl-III, formerly owned by Buttrey, now Waste Mgmt

Keene Rd Disposal = Cl-III, not yet in use, owned by Buttrey

Class III = construction debris & yard waste no haymat

# INTERVIEW RECORD

**Project:** Borrow Pit

**Client No:** 12474-002-01

**Date:** 5/25/04

**Interviewee:** Peggy Madison

**Relationship to Project:** OIRPD Tanks

**Comments:** No petroleum storage sites w/in ½ mile of SP. Had no knowledge of any environmental concerns or past actions

R B Myer

Interviewer

# INTERVIEW RECORD

**Project:** Barrow Pit

**Client No:** 12474-002-01

**Date:** 5/25/94

**Interviewee:** Sarey Patel

**Relationship to Project:** DC Environmental Health

**Comments:** No drinking water wells or reported GW contamination in vicinity of SP. Had no knowledge of any environmental concerns or past actions

R Bryce

**Interviewer**

# INTERVIEW RECORD

**Project:** Borrow Pit

**Client No:** 12A7A-002-01

**Date:** 5/25/04

**Interviewee:** Janette Samuel

**Relationship to Project:** WMI Mid Lock

**Comments:** This WMI site is an incineration facility. No payment comes in contact with the soil. All ash is removed to the county landfill.

R D Stuyk

Interviewer

# APPENDIX H

## REFERENCES


American Society of Testing and Materials, May 2000, Standard Practice for Environmental Site Assessment Process, Designation E 1527-00, 27 p.

City Publishing Company Cross Reference Directories, Greater Orlando, 1980 to 2003.

Federal Emergency Management Agency, National Flood Hazard Maps, Orange County, Florida.

Florida Department of Community Affairs 2003 Radon Protection Map for New Homes.

Florida Department of Environmental Protection, November 1994, Section Index Map for Chapter 62-524, Florida Administrative Code, Orange County.

Micro Decisions, Microbase Aerials and Tax Maps, 2003, version 3.0.5, Orange County Aerial Photograph.

Orange County Public Works, Drawing Archives, Aerial Photograph Collection, photographs dated 1939,1947, 1958, 1961, 1963, 1965, 1967, 1969, 1971, 1975, 1978, 1981, 1984, 1987, 1994, 1997, 2000, 2003.

Scott, Thomas M., 1978, Environmental Geology Series Orlando Sheet, Florida Department of Natural Resources, Division of Resource Management, Bureau of Geology, Map Series No. 85.

Stewart, J. W., Florida Department of Natural Resources, Tallahassee, Florida, Areas of Natural Recharge to the Floridan Aquifer in Florida, Map Series 98, 1980.

U. S. Fish and Wildlife Service, National Wetlands Inventory Viewer Maps, Orange County, Florida.

United States Department of Agriculture Soil Conservation Service, Issued August 1989, Soil Survey of Orange County, Florida.

United States Department of the Interior Geological Survey, Florida Quadrangle, 7.5 Minute Series.

# APPENDIX I

Biographical Data

# RONALD C. NEYER, E.I.

**Title** Staff Engineer

**Expertise** Phase I Environmental Site Assessments, Hazardous Waste Management

**Certifications/ Registrations**
Engineer Intern, State of Florida
OSHA 29 CFR Part 1910.120, Hazardous Waste Supervisor/Manager

**Academic Background**
B.S. Chemical Engineering, University of Kansas, Lawrence, KS, 1972
Post-Graduate Work, Emporia State University, KS, 1996

**Experience**

Mr. Neyer's responsibilities with Universal as a staff engineer include environmental investigations and project management for projects relating to environmental contamination and hazardous materials. These investigations include all phases of contamination assessment, remedial action (design, implementation, operations and maintenance), water quality assessment, project monitoring, mapping, surveying, well drilling and source removal.

Mr. Neyer served as an Environmental Specialist for Orange County prior to his joining Universal Engineering Sciences. He was responsible for the control of hazardous waste within the jurisdiction, and served as a member of the Domestic Preparedness/Hazardous Environmental Assistance Team.

Mr. Neyer's experience includes teaching on the high school and college levels for over 10 years. Subjects taught include Chemistry, Biology, Physical Science, Advanced Math, Algebra, and Physics. In addition, Mr. Neyer completed over 22 years of service with the United States Navy serving as a training officer in such areas as Fleet Combat where he coordinated multi-threat training of all battle groups in the Pacific Fleet.

**Project Experience**

- **Support Commerce Center, Orange County, Florida.** Mr. Neyer conducted a Phase I environmental assessment on this 12.33 acre developed property. The site consisted of an industrial/commercial development with 4 warehouse-office hybrid buildings.

- **Forsyth Business Center, Orange County, Florida.** Mr. Neyer provided Phase I and Phase II Environmental Assessments on this single warehouse-office hybrid building. The Phase II, based on the findings of the completed Phase I assessment, included installation of temporary monitoring well with associated field monitoring of soil extracted. Well sampling and analysis were conducted, and the results provided in a final report.

- **Suntrust Bank, North Seminole Office, Seminole County, Florida.** Mr. Neyer conducted a Phase I environmental assessment of this .5 acre property in preparation for the development of the site.

- **Seminole Investors, Lake County, Florida.** Mr. Neyers provided environmental assessment services for these two parcels in Lake County. The assessment was a pre-purchase study of the undeveloped lots.

- **Majestic Cleaners, Buena Vista, Florida.** Mr. Neyer provided groundwater sampling and analysis for this dry cleaning tenant. Project consisted of installing and sampling 2 temporary monitoring wells, and included field monitoring of the associated removed soil. Activities were in preparation for refinancing of the property. Based on the findings at the site, Mr. Neyer prepared a pump-out cleanup proposal for remediation of the contamination, and designed and supervised the construction, operation and monitoring of the remediation system.

- **Avalon Park Northwest and South Villages and Villages 4, 5 and 6, Orange County, Florida.** Mr. Neyer served as project manager for this 1400 acre project. He performed five Phase I Environmental Site Assessments and related Updates. The investigations included field observations, review of regulatory databases, public records, historical aerial photograph review, and the performance of physical inspections and interviews to identify historic land use to allow for accurate identification of any recognized environmental concerns.

- **17,000 Acre Tract, FKS River Ranch, Polk County, Florida.** Mr. Neyer conducted a Preliminary Environmental Site Inspection of the subject property consisting of a walk-through investigation to determine if any signs of immediate potential toxic or hazardous chemical exposures exist. Mr. Neyer discovered pre-existing contamination at three sites, performed contamination assessments and wrote the Limited Contamination Assessment Reports (LCARs) required for inclusion of these sites in the Florida Petroleum Cleanup Participation Program (PCPP).

- **Proposed Nextel Tower Site, South Ocoee, Florida.** Mr. Neyer conducted an Environmental Assessment to evaluate the subject site for signs of potential impacts form pesticides, solvents, and petroleum products.

- **Drainage Canal, Christmas, Florida.** Mr. Neyer coordinated, supervised and monitored the source removal and disposal of hydraulic fluid and contaminated soil from a canal.

Biographical Data

# DAVID C. BEERBOWER, M.S., P.G.

Vice President - Environmental Services

**Expertise** Environmental & Geologic Sciences

**Academic Background**
1977, M.S. Geology, Ball State University, Muncie, Indiana
1975, B.A. Natural Systems, Defiance College, Defiance, Ohio

**Certifications/ Registrations**
Professional Geologist, Florida #PG0000828, 1989
AHERA Inspector, Certificate No. R040290-8196, 2004
OSHA 29 CFR Part 1910.120 Hazardous Waste Site Worker and Supervisor, 1987
Florida Certified Radon Measurement Specialist #R1848, 2003
SCUBA - National Association of Underwater Instructors, 1977

**Experience**

Mr. Beerbower is Vice President and Director of Environmental Services for Universal Engineering Sciences. In that capacity, he is responsible for managing Universal's geologists, hydrogeologists, environmental engineers and environmental technicians on projects addressing environmental contamination and hazardous materials. He is responsible for the performance, staffing and administration of these environmental personnel. In addition, he provides peer review of environmental projects and reports.

Mr. Beerbower has over 26 years of experience gained on a wide variety of environmental projects. He is thoroughly familiar with all phases of contamination assessment, remedial design and implementation, monitoring, health and safety, and environmental compliance. He has provided consulting services to municipal, industrial, commercial and financial clients on sites involving impacted soil, sediment, and groundwater by hydrocarbons, solvents, pesticides, metals, and hazardous wastes. He is thoroughly familiar with petroleum storage and cleanup laws as they relate to RCRA and LUST (e.g. FAC 62-761, 62-770, 62-782, and 40 CFR Part 280), and has assisted clients in negotiations with Federal, State, and local regulatory agencies. He has also provided expert opinion and forensic investigations for numerous mediations and law suits. Mr. Beerbower is experienced in the evaluation of real estate for environmental liability/degradation and other feasibility studies.

**Related Projects**

**CITY / COUNTY**

- **Orange County, Florida - Continuing Contract for Environmental Services.** Mr. Beerbower served as the Project Administrator for this continuing 3-year contract. He was responsible for managing Universal's geologists, hydrogeologists, environmental engineers and environmental technicians on various environmental projects including environmental assessments, contamination assessments, and well abandonment projects. Mr. Beerbower provided final review of all project documentation and reports.

- **City of Orlando, Florida - Continuing Contract for Environmental Services.** Mr. Beerbower served as the Project Administrator for this continuing 10-year contract. He was responsible for managing Universal's geologists, hydrogeologists, environmental engineers and environmental technicians on various environmental projects including Phase I and II Environmental Assessments, contamination assessments, lead-based paint, arsenic, and asbestos surveys, and storage tank management services. Mr. Beerbower reviewed all project documentation and reports.

**HAZARDOUS WASTE**

- **Mosquito Control Facility, Jacksonville Beach, FL.** Conducted contamination assessment for pesticides (e.g., 2,4-D), used oil, and gasoline impacted soil and groundwater. Delegated characterization and proper removal/disposal of numerous drums of buried hazardous waste discovered during the assessment.

- **International Trade Center, Orlando, FL.** Performed contamination assessment of diesel fuel, organic solvents (e.g., TCE), and used oil at former bus maintenance facility. Directed asbestos survey of associated 200,000 square-foot building.

- **Hetra Computers, Melbourne, FL.** Performed contamination assessment in area of former percolation ponds for heavy metals and organic solvents (i.e., TCE) at circuit board manufacturer. Integrated soil and groundwater assessment of diesel fuel impact from bulk petroleum plant formerly located at the same building, but involving migration under neighboring property. Coordinated assessment activities at both properties where responsible party owns neither to complete a single remedial action plan for all identified contaminants.

- **Confidential Client, Jacksonville, FL.** Directed sampling / analytical protocol and locations to evaluate pre-1989 and post-1989 environmental impacts to soil and groundwater at an asphalt plant that closed production in 1990. Potential contaminants consisted of diesel fuel, gasoline, trichloroethylene, hydraulic oil, and asphalt products. The data was used to determine the actual value of the property for purposes of a purchase by the lessee.

- **Bee Clean Cleaners, Casselberry, FL.** Managed the assessment, design and remediation of tetrachloroethene contamination in soil and groundwater at a dry cleaning facility. The assessment was initiated under a guaranteed cleanup contract in 1996 and remedial actions were deemed complete by FDEP's issuance of a Site Rehabilitation Completion Order in 2001.

- **Town & Country Cleaners, Orlando, FL.** Represented real property owner in accessing sub-let drycleaning facility in order to conduct contamination assessment activities to gather subsurface data for submittal of an application for eligibility under Florida's Drycleaning Solvent Cleanup Program. Supported legal counsel to finalize an Order on Complaint for Declaratory and Supplemental Relief and Motion for Mandatory Injunction, and at the injunctive hearing.

- **Loxahatchee, Palm Beach County, FL.** Mr. Beerbower testified in a trial in Palm Beach County on behalf of the defendant regarding costs for cleanup of petroleum and hazardous waste. The plaintiff incurred costs in conjunction with its removal of clean debris solid waste and recycled materials, then claimed the expenses were the responsibility of the defendant for removal of petroleum and hazardous waste as specified in the contract of sale.

**PETROLEUM CONTAMINATION**

- **Heller Brothers Grove, Ocoee, FL.** Mr. Beerbower supervised the expedited cleanup of soil and groundwater impacted by long-term historical petroleum product leakage from grove heaters and a diesel fuel tank adjacent to the grove's irrigation well. Over 1,000 tons of contaminated soil was excavated from above and below the shallow water table for thermal treatment. Infiltrating water in the resulting excavation was treated with a biostimulant PX-700 kelp extract to result in complete biological degradation of polynuclear aromatic and volatile aromatic contamination to target cleanup levels in a period of two weeks as initial remedial action. On May 28, 1998, the Orange County Environmental Protection Department determined that no additional action was required at the time.

- **Tenneco (El Paso) Oil Company, Gainesville, FL.** Mr. Beerbower served as the expert witness representing Tenneco in a case where Tenneco, Mobile and Shell Oil Companies were sued by a down-gradient property owner who purchased the properties with knowledge that they were contaminated by petroleum and drycleaning solvent. The plaintiff has attempted to force the oil companies to remediate the approximately 3-block long impacted area despite their collective eligibility for state-funded cleanup under Florida's Early Detection Incentive programs.

- **Tilden Groves, Windermere, FL.** Managed the assessment and expedited bio-remediation of gasoline-contaminated groundwater at a former citrus grove. Bacteria with oxygenated water and enzymes were injected into the shallow aquifer in June and July 2000 to achieve site remediation within three months. Repeated post-remediation monitoring revealed that cleanup target levels had been achieved and maintained. The Florida Department of Environmental Protection issued a Site Rehabilitation Completion Order in March 2001.

- **South Orange Avenue, Orlando, FL.** Mr. Beerbower represented the defendant in preparing an expert report establishing the age of a late-1950s leaded gasoline discharge and the migration pattern of the resultant petroleum contaminant plume. The report demonstrated that contaminants present at a former service station were not attributable to the defendant's upgradient fuel storage facility across Orange Avenue, but rather were a result of an unreported discharge at the former service station.

- **Florida's Turnpike, Indian River County, FL.** Mr. Beerbower represented the defendant in preparing an expert report evaluating the reasonableness of environmental cleanup costs associated with the spillage of diesel fuel during a vehicular accident. The report itemized several overcharges resulting in a charge by the cleanup contractor approximately four times the cost that should have been charged.

**OFFICE BUILDING**

- **Huntington Banks, Florida Operations.** Managed the completion of Phase I environmental assessments and preliminary asbestos and lead-based paint surveys over a 30-day period in 1998, associated with acquisition of +60 former Barnett Bank facilities throughout Florida. All work was conducted utilizing Universal employees.

- **Colonial Bank, Winter Garden, Florida.** Managed the completion of this Phase I environmental site assessment update. Universal evaluated current potential toxic or hazardous chemical exposures associated with the property.

- **SunTrust Bank, Parcel 2, Winter Garden, Florida.** Managed the completion of this Phase I environmental site assessment. Universal identified a petroleum impacted groundwater upgradient at the subject property. Based on our assessment, Universal made the following recommendations: during site development no activities would exacerbate migration of petroleum impacted groundwater onto the subject property be undertaken; due to the presence of contaminated groundwater upgradient of the subject property, any use of groundwater from onsite wells should be discouraged; and that any drinking water or irrigation wells may need well head protection and treatment before use.

**RESIDENTIAL**

- **Roper Parcel, SR 535 & Turnpike, Winter Garden, Florida.** Managed the completion of this Phase I environmental site assessment update of this 34-acre undeveloped parcel planned for single family development. Universal evaluated current potential toxic or hazardous chemical exposures associated with the subject property. Work included: (1) a review of environmental records to assess past uses and the potential for past on-site hazardous waste disposal; (2) a site reconnaissance to evaluate existing site conditions; (3) review of historical aerial photographs and land uses; and (4) a written report that documents work performed, the results of the assessment, and our conclusions and recommendations. Universal also managed abandonment of wells on site and identification, packing and transportation/disposal of various on-site materials.

- **Roper Parcel, SR 535 & Turnpike, Winter Garden, Florida.** Managed the monitoring of the demolition of three residential structures and a two-room office building that contained asbestos containing materials (ACM) and two residential structures that contained lead-based paint. Managed the asbestos verification inspection and site reconnaissance of this 34-acre undeveloped parcel planned for single family development.

**Professional Affiliations** Florida Bar Association, Environmental and Land Use Section (affiliate member)

**Universal Office** Orlando Headquarters

**Years with Universal** 8 (1995)

**Years with Other Firms** 18