



CITY OF DELAND
MEETING OF THE BERESFORD RESERVE BROWNFIELD COMMITTEE
JUNE 12, 2025 AT 5:30 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1.

Approval of the February 20, 2025 and April 10, 2025 minutes

OLD BUSINESS None

NEW BUSINESS

1. *Discussion of February Presentation of DR Horton Report*

2. *Review and Discussion of Site Assessment Report Addendum and FDEP Memo Dated May 13, 2025*

3. *Community Outreach and Education*

4. *Update Report to City Commission*

PUBLIC COMMENT

NEXT MEETING

1. *Select Next Meeting Date*

ADJOURNMENT

MINUTES OF THE
BERESFORD RESERVE BROWNFIELD COMMITTEE
Thursday, February 20, 2025

City Hall
120 S. Florida Ave
DeLand, FL 32720

A. CALL TO ORDER:

The meeting was called to order at 5:31p.m. Present from staff: Rick Werbiskis, Community Development Director; Debi Glick, Development Services Manager; Belinda Williams-Collins, Senior Planner; Chris Carson, Senior Planner.

B. ROLL CALL:

Joseph DeGaetano	Present
Denise DeGarmo	Present
Brian Diaz	Absent
Catherine Samuels	Present
Lance Harding	Present

C. OLD BUSINESS

D. NEW BUSINESS

1. MEMBER INTRODUCTIONS

Rick Werbiskis opened the meeting, reviewed the meeting format and went around the room for introductions.

2. ELECTIONS:

Dr. Denise DeGarmo was elected as Chairperson. Motion by Joseph DeGaetano, seconded by Catherine Samuels.

3. REVIEW RESPONSIBILITIES:

Reviewed current status of project length.
Discussion regarding process from beginning to end.

4. ESTABLISH MEETING DAY AND TIME OF WEEK:

Meeting day and time was established. Meetings will be held on the 2nd Thursday @ 5:30pm every other month.

5. ESTABLISH FREQUENCY OF MEETINGS:

Unless a need arises, meetings will be held on an every other month basis, with the next meeting set for April 10th @ 5:30p.m.

E. ADJOURNMENT: The meeting adjourned at 6:21p.m.



MINUTES OF THE
BERESFORD RESERVE BROWNFIELD COMMITTEE
Thursday, April 10, 2025

City Hall
120 S. Florida Ave
DeLand, FL 32720

A. CALL TO ORDER:

The meeting was called to order at 5:32p.m. Present from staff: Rick Werbiskis, Community Development Director; Debi Glick, Development Services Manager; Chris Carson, Senior Planner; Kristian Logan, Development Services Coordinator; Darren Elkind, City Attorney.

Members of the public present: Michael Sznajstajler, Cobb Cole; David Giddens, Tetra Tech; Brook Longest, Tetra Tech; Matt Stolz, DR Horton; Sydney Kendrick, DR Horton; Rachel Klinger, Geosyntec Consultants; Paul Cruce, citizen; Suze Peace, citizen.

B. ROLL CALL:

Joseph DeGaetano	Absent
Denise DeGarmo	Present
Brian Diaz	Present
Catherine Samuels	Present
Lance Harding	Present

C. OLD BUSINESS

D. NEW BUSINESS

1. OVERVIEW OF THE ZONING FOR THE BERESFORD RESERVE PROJECT, THE FLORIDA BROWNFIELDS PROGRAM, THE CITY'S PLATTING AND CONSTRUCTION APPROVAL PROCESS; AND THE BROWNFIELD COMMITTEE'S AREAS OF RESPONSIBILITY PURSUANT TO FLORIDA STATUTE AND THE CITY'S ADOPTING RESOLUTION.

Introductions around the room as there were representatives from Cobb Cole, D.R. Horton and Tetra Tech. Darren Elkind open the discussion by explaining the purpose and responsibilities of the Beresford Reserve Brownfield Committee, including State Statutes and Sunshine Laws. Mr. Elkind also gave a brief history of the property.

2. HANDOUT THUMB DRIVES WITH INFORMATION FOR REVIEW BY COMMITTEE MEMBERS.

Dr. DeGarmo passed out thumb drives with information she has compiled pertaining to the property and project.

3. PRESENTATION BY APPLICANT REGARDING CURRENT STATUS OF PROJECT AND PLANS.

Michael Sznajstajler, an environmental attorney from Cobb Cole, delivered a presentation. The presentation started off explaining an overview of brownfields, the brownfields program, brownfield areas, redevelopment agreements and process. Mr.

Sznajstajler advised that this project is in the beginning phase of redevelopment, Site Assessment. Presentation also covered the next three phases of the redevelopment. David Giddens, a licensed professional geologist from Tetra Tech, continued the presentation. Mr. Giddens discussed Tetra Tech's involvement in the project, testing and findings on the property.

4. DISCUSSION OF COMMITTEE PROCESS FOR REVIEW OF PROJECT AND MAKING RECOMMENDATIONS.

The representatives discussed the expected turnaround timeframe to hear back from DEP.

5. SOLICITATION OF PUBLIC INPUT AND DISCUSSION OF IDEAS FOR DISSEMINATION OF INFORMATION TO COMMUNITY

Dr. Denise DeGarmo, Chairperson, suggested coordinating a workshop for the public to understand this process and get involved. Discussion of utilizing social media to ease access of material to the public.

Suze Peace, public attendee, expressed interest in learning more about the test results and the interpretation of results.

6. SCHEDULE NEXT MEETING DATE.

The next meeting was set for Thursday, June 12, 2025.

E. ADJOURNMENT: The meeting adjourned at 7:07 p.m.



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

May 13, 2025

Elevation Sandhill, LLC
Attn: Mr. Owais Khanani
189 South Orange Avenue, Suite 1550
Orlando, Florida 32801
Owais@ElevationDev.com

D.R. Horton, Inc.
Attn: Mr. John Valantasis
10192 Dowden Road
Orlando, Florida 32832
JGValantasis@drhorton.com

Volusia County – Waste Cleanup
Beresford Springs Redevelopment Brownfield Site
800 East Euclid Avenue
Deland, Florida 32724
WCU Site ID: ERIC_15328
BF Site ID: BF642001001
OGC Tracking No.: 20-1538
Review of Site Assessment Report Addendum (Volumes I through V)

Dear Mr. Khanani and Mr. Valantasis:

The Department has reviewed the *Site Assessment Report Addendum* (SARA), Volumes I through V, dated and received on February 3, 2025. The SARA was submitted on your behalf by Tetra Tech, Inc. for the Beresford Springs Redevelopment Brownfield Site referenced above.

The Department finds the SARA generally acceptable to proceed with the development of remediation strategies for the site and submission of a Remedial Action Plan (RAP), noting that additional assessment of soil and groundwater may be necessary depending on the findings collected during the remedial actions. Please see the April 19, 2025 memorandum from the Department's District Support Program (DSP), which includes their concurrence and can be found in OCULUS, the Department's document repository at:

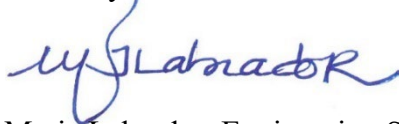
[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=5.552693.1\]&\[profile=Cleanup_Remediation\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=5.552693.1]&[profile=Cleanup_Remediation]). In addition, the following comments need to be considered:

1. During our review process, we noted some transcription errors between the analytical results tables in Volume I and the laboratory analytical reports in Appendix E (in Volume IV) and Appendix F (in Volume V) of the SARA. Please contact us no later than **May 20, 2025** to set up a meeting to discuss the necessary revisions so updated versions of these tables can be submitted and included, as necessary, as part of future reports.
2. Figures 16a through 26a, 28a through 30c, and 32a through 35c of the SARA, include internal contour intervals with areas highlighted in yellow, orange, red and/or grey. As discussed and clarified with Tetra Tech, the Department's understanding is that these inferred internal contour intervals are not to be interpreted to represent pre-determined boundaries of contaminant concentrations; that is, the purpose of these internal contour intervals is to help highlight areas of contamination to help guide the selection of remediation alternatives in those areas.
3. During the meeting held on April 15, 2025 between Tetra Tech, FDEP-Central District, and FDEP-DSP, Tetra Tech indicated that the proposed property development plan/layout is under revision. Therefore, they informed us that the remediation approaches preliminarily proposed in Section 4.0, *Conclusions and Recommendations*, in Volume I of the SARA, would need to be modified. The Department's understanding is that these changes will be detailed in the RAP, including the management of buried debris, excavated impacted soil, soil blending procedures, and proposed engineering controls.

We expect to receive the RAP no later than **July 14, 2025**. A Soil Management Plan and Groundwater Monitoring Plan need to be included as part of the RAP.

If you have any questions regarding this correspondence, please contact me at (407) 897-4327 or at Maria.Labrador@FloridaDEP.gov.

Sincerely,



Maria Labrador, Engineering Specialist
Permitting and Waste Cleanup Program

ML/lb/ml

cc: J. Brook Longest, Tetra Tech, Inc.: Brook.Longest@tetrattech.com
David R. Giddens, Tetra Tech, Inc.: Dave.Giddens@tetrattech.com
Manuela Pastrano, Tetra Tech, Inc.: Manuela.Pastrano@tetrattech.com
Keith Bell, Tetra Tech, Inc.: Keith.Bell@tetrattech.com
John Auld, D.R. Horton, Inc.: jfauld@drhorton.com
Matt Stolz, D.R. Horton, Inc.: MWStolz@drhorton.com
Jonathan M. Byrom, D.R. Horton, Inc.: jbyrom@drhorton.com
Andrew S. Jordan, D.R. Horton, Inc.: ASJordan@drhorton.com

Mr. Owais Khanani, Elevation Sandhill, LLC
Mr. John Valantasis, D.R. Horton, Inc.
May 13, 2025

Beresford Springs Redevelopment Brownfield Site
ERIC_15328
Page 3 of 3

Tim Zoch, D.R. Horton, Inc.: tfzoch@drhorton.com
Chris Tyree, Forestar: ChrisTyree@forestar.com
Alex Madison, Forestar: AlexMadison@forestar.com
Rick Werbiskis, City of Deland: werbiskisr@deland.org
Gregory A. Self, TERRA-COM: gself@terra-comenv.com
Michael Sznepstajler, Cobb Cole: Michael.Sznepstajler@Cobbcole.com
Nika Hosseini, Cobb Cole: Nika.Hosseini@Cobbcole.com
DEP Staff: Maria Labrador, Lu Burson, Reggie Phillips



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

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

Memorandum

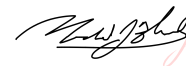
TO: Maria Labrador, Engineering Specialist III
Permitting and Waste Cleanup Program
FDEP Central District

THROUGH: Michael J. Bland, Professional Geologist II
District Support Program, DWM

FROM: Jeff Wagner, Professional Geologist II
District Support Program, DWM

SUBJECT: Beresford Springs Site
800 East Beresford Avenue, Deland, Volusia County
Site Assessment Report Addendum, dated February 3, 2025
FDEP Site ID#: ERIC_15328

DATE: April 19, 2025

 Digitally signed by
Michael J. Bland
Date: 2025.04.29
15:17:47 -04'00'

Jeffry Wagner
 Digitally signed by Jeffry
Wagner
Date: 2025.04.29
14:12:40 -05'00'

The Florida Department of Environmental Protection’s (Department or FDEP) District Support Program (DSP) has reviewed the Site Assessment Report Addendum, dated February 3, 2025, and prepared/submitted by Tetra Tech, Inc. Supplemental and additional information submitted for the site assessment were also reviewed. The following review comments are provided to assist the Central District staff with their review. DSP’s review comments should not be inferred to be an approval of the subject document.

- DSP has reviewed the Site Assessment Report (SAR) (December 27, 2021), the Supplemental Site Assessment Report (January 15, 2025), and the Site Assessment Report Addendum (February 3, 2025).

In Summary –

- The soil and groundwater assessment appears to be complete, and DSP finds that the characterization and delineation of the impacts are adequate to proceed to developing strategies for remedial action. Note: Additional assessment may be needed depending on the findings collected during the remedial actions.
- A Team’s meeting was held on April 15, 2025 between Tetra Tech, FDEP Central District (Maria Labrador), and DSP. At that time, Tetra Tech indicated that development plans have changed that will affect the remedial action strategies. These changes will be documented in the Remedial Action Plan (RAP) given that the changes do not materially affect the site assessment.

- Outstanding issues including handling the buried debris and managing the excavated impacted soils will be detailed in the RAP.
- Note: The Soil Management Plan should be a section within the RAP and not a standalone document.
- Groundwater monitoring will be required following the completion of the remedial actions. The RAP should include a Groundwater Monitoring Plan including monitoring wells to be sampled and constituents to be analyzed.
- It is understood that engineering controls will be used with the development for managing impacted soil. It is also understood that some impacted soil will be excavated and moved to a monolith or monocell structure in the northeast portion of the site. Details regarding the proposed engineering controls and the monocell structure should be included in the RAP.

If you have any questions, please contact me at Jeffry.Wagner@FloridaDEP.gov or (850) 245-8967.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: **D.R. Horton, Inc.**
Beresford Springs Redevelopment Brownfield Site
800 East Euclid Avenue, DeLand, Florida 32724
Former Sandhill Golf Course Brownfield Area
Brownfield Area Identification Number: BF642001000
Brownfield Site Identification Number: BF642001001
FDEP Identification Number(s): ERIC_15328, 8622843
OGC Tracking Number: 20-1538

SECOND AMENDMENT TO BROWNFIELD SITE REHABILITATION AGREEMENT

WHEREAS, the State of Florida Department of Environmental Protection (the "Department") and Elevation Sandhill, LLC, hereinafter the Person(s) Responsible For Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties") entered into the Brownfield Site Rehabilitation Agreement (the "BSRA") on or around December 29, 2020, attached hereto as **Exhibit A**;

WHEREAS, the Department, Elevation Sandhill, LLC and D.R. Horton, Inc. entered into the First Amendment to Brownfield Site Rehabilitation Agreement to add D.R. Horton, Inc. as a PRFBSR on or around December 26, 2024, attached hereto as **Exhibit B**;

WHEREAS, pursuant to Paragraph 22 of the BSRA, as amended, the BSRA may be amended if the amendment is reduced to writing, duly signed by the Department and PRFBSR, and attached to the original BSRA;

WHEREAS, the Department and PRFBSR seek to amend the BSRA to remove a PRFBSR as set forth below; and

NOW, THEREFORE, the Department and PRFBSR agree as follows:

1. The BSRA is hereby amended to:
 - a. Remove Elevation Sandhill, LLC as a PRFBSR to the BSRA. All references to the PRFBSR in the original BSRA shall now refer to D.R. Horton, Inc. as PRFBSR under the Second Amendment to BSRA;
2. In all other respects, the BSRA is hereby ratified and confirmed by the parties to be in full force and effect, as amended hereby, and has not otherwise been modified or amended except as set forth herein. All references in the BSRA shall be hereafter deemed to refer to the BSRA as amended hereby.

D.R. Horton, Inc.
Second Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

3. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This Second Amendment to BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, Florida Statutes ("F.S."), within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this (1st, 2nd, etc.) Second Amendment to BSRA will not be effective until further order of the Department. The procedures for petitioning a hearing are set forth below.

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

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

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

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this Second Amendment to BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57. The petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this Amendment to BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

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

1. The name, address, any email address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name(s) and address(es); the Department's Brownfield Area and Brownfield Site Identification Numbers; the name and address

of the Brownfield Site; and the name and address of each agency affected;

D.R. Horton, Inc.
Second Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this Second Amendment to BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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D.R. Horton, Inc.
Second Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

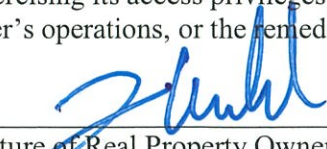
IN WITNESS WHEREOF, each of the parties has made and executed this Second Amendment to Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below and each indicate that she or he is duly authorized to execute same.

<p>PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION</p> <p>Elevation Sandhill LLC DocuSigned by: <i>Owais Khanani</i> BY: <u>4269B1FF9FCB443...</u></p> <p>Owais Khanani 189 S. Orange Ave, Suite 1550 Orlando, FL 32801</p> <p>Date: <u>5/15/2025</u></p> <p>D.R. Horton, Inc. Signed by: <i>Michael J Murray</i> BY: <u>C9911D31F2B84B8...</u></p> <p>Name: Michael J Murray Title: Executive VP and COO 1341 Horton Circle Arlington, Texas 76011</p> <p>Date: <u>5/14/2025</u></p>	<p>STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION</p> <p>Aaron Watkins Digitally signed by Aaron Watkins Date: 2025.05.22 12:03:53 -04'00'</p> <p>BY: _____ Aaron Watkins Director, Central District 3319 Maguire Boulevard Orlando, FL 32803</p> <p>Date: <u>5/22/25</u></p> <p>FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.</p> <p>Kaitlynn Wilson Digitally signed by Kaitlynn Wilson Date: 2025.05.23 07:59:04 -04'00'</p> <p>_____ Clerk (or Deputy Clerk)</p> <p>Date: <u>May 23, 2025</u></p>
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- CC: Scott Sweeney, FDEP Brownfields Program Manager
Lu Burson, FDEP Central District, Brownfields Coordinator
Justin Cross, GAIL, FDEP Brownfields & CERCLA Administration
Megan Johnson, EC, FDEP Brownfields & CERCLA Administration

**SITE ACCESS AGREEMENT
PERMISSION TO ENTER PROPERTY
BROWNFIELDS REDEVELOPMENT PROGRAM**

1. D.R. Horton, Inc. the real property owner (“undersigned” or “owner”), hereby grants permission to the State of Florida, Department of Environmental Protection (“Department”) and its agents and subcontractors to enter the undersigned’s property (“the property”) located at 800 East Euclid Avenue, DeLand, Florida 32724, Parcel ID Nos. 7009-02-23-0010, 7009-02-21-0010, 7009-02-25-0010, 7009-02-50-0010, 7015-25-00-0010, 7015-25-00-0490, 7015-25-00-0120 as described in **Attachment A** attached to the Brownfield Site Rehabilitation Agreement (“BSRA”) for the brownfield site assigned the Brownfield Site Identification Number **BF642001001**, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by the Department or the successful completion of the BSRA, whichever occurs first.
2. This permission is contemplated to be used for the following activities that may be performed by the Department, its agents, representatives or subcontractors:
 - a. Having access to areas where contamination may exist.
 - b. Investigation of soil and groundwater including, but not limited to, the installation of groundwater monitoring wells, the use of geophysical equipment, the use of an auger for collection of soil and sediment samples, the logging of existing wells, videotaping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, and other materials deemed appropriate by the Department and the like.
 - c. Removal, treatment and/or disposal of contaminated soil and water, which may include the installation of recovery wells or other treatment systems.
3. Upon completion of the investigation, the Department will restore the property as near as practicable to its condition immediately prior to the commencement of such activities.
4. The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or the undersigned’s successors and assigns for any contamination discovered on the property.
5. The Department, its agents, representatives or subcontractors may enter the property during normal business hours and may also make special arrangements to enter the property at other times after agreement from the undersigned.
6. The Department acknowledges and accepts any responsibility it may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the property.
7. In exercising its access privileges, the Department will take reasonable steps not to interfere with the Owner’s operations, or the remediation and redevelopment activities pursuant to the BSRA.



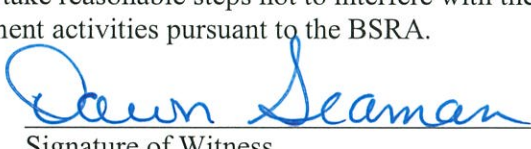
Signature of Real Property Owner

Print Name: John Auld

Title, if applicable Vice President

5.20.25

Date



Signature of Witness

Print Name: Dawn Seaman

5.20.25

Date

Site Access Agreement
Brownfield Site ID #: BF642001001
May 15, 2025
Page 2 of 2

Accepted by the Department by the following authorized agent:

Aaron
Watkins
Digitally signed by Aaron Watkins
Date: 2025.05.22 13:46:51 -04'00'

Signature of Department representative

Print Name: Aaron Watkins

Director

Title of Department representative

5/22/25
Date

Lu Burson
Digitally signed by Lu Burson
Date: 2025.05.22 14:15:47 -04'00'

Signature of Witness

Print Name: Lu Burson

5/22/2025
Date

D.R. Horton, Inc.
Second Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

EXHIBIT A

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: **Elevation Sandhill, LLC, D.R. Horton, Inc.
Beresford Springs Redevelopment Brownfield Site
800 East Euclid Avenue, DeLand, Florida 32724
Former Sandhill Golf Course Brownfield Area
Brownfield Area Identification Number: BF642001000
Brownfield Site Identification Number: BF642001001
FDEP Identification Number(s): ERIC_15328, 8622843
OGC Tracking Number: 20-1538**

FIRST AMENDMENT TO BROWNFIELD SITE REHABILITATION AGREEMENT

WHEREAS, the State of Florida Department of Environmental Protection (the "Department") and Elevation Sandhill, LLC, hereinafter the Person(s) Responsible For Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties") entered into the Brownfield Site Rehabilitation Agreement (the "BSRA") on or around December 29, 2020, attached hereto as **Exhibit A**;

WHEREAS, pursuant to Paragraph 22 of the BSRA, the BSRA may be amended if the amendment is reduced to writing, duly signed by the Department and PRFBSR, and attached to the original BSRA;

WHEREAS, the Department and PRFBSR seek to amend the BSRA to add an additional PRFBSR as set forth below; and

NOW, THEREFORE, the Department and PRFBSR agree as follows:

1. The BSRA is hereby amended to:

a. Add D.R. Horton, Inc. as a PRFBSR to the BSRA. All references to the PRFBSR in the original BSRA shall now refer to both Elevation Sandhill, LLC and D.R. Horton, Inc. as PRFBSRs under the First Amendment to BSRA;

2. In all other respects, the BSRA is hereby ratified and confirmed by the parties to be in full force and effect, as amended hereby, and has not otherwise been modified or amended except as set forth herein. All references in the BSRA shall be hereafter deemed to refer to the BSRA as amended hereby.

3. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This First Amendment to BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569

Elevation Sandhill, LLC, D.R. Horton, Inc.
Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

and 120.57, Florida Statutes ("F.S."), within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this (1st, 2nd, etc.) Amendment to BSRA will not be effective until further order of the Department. The liability protection for any additional PRFBSR being added by the Amendment to the BSRA pursuant to §376.82(2), F.S., becomes effective upon execution of the Amendment to the BSRA. The procedures for petitioning a hearing are set forth below.

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

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

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

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this Amendment to BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this Amendment to BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

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

1. The name, address, any email address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name(s) and address(es); the Department's Brownfield Area and Brownfield Site Identification Numbers; the name and address of the Brownfield Site; and the name and address of each agency affected;

Elevation Sandhill, LLC, D.R. Horton, Inc.
Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this Amendment to BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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Elevation Sandhill, LLC, D.R. Horton, Inc.
Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

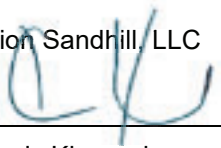
IN WITNESS WHEREOF, each of the parties has made and executed this First Amendment to Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below and each indicate that she or he is duly authorized to execute same.

<p>PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION</p> <p>Elevation Sandhill, LLC</p> <p>BY: <u>see below</u></p> <p>Owais Khanani 189 S. Orange Ave, Suite 1550 Orlando, FL 32801</p> <p>Date: _____</p> <p>D.R. Horton, INC.</p> <p>Signed by: BY: <u>Michael J Murray</u></p> <p><small>C9911D31F2B84B8...</small> Name: Michael J Murray Title: Executive VP and COO 1341 Horton Circle Arlington, Texas 76011</p> <p>Date: 12/21/2024</p>	<p>STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION</p> <p>Aaron Watkins BY: <u>Aaron Watkins</u> Aaron Watkins Director, Central District 3319 Maguire Boulevard Orlando, FL 32803</p> <p><small>Digitally signed by Aaron Watkins Date: 2024.12.26 13:47:00 -05'00'</small></p> <p>Date: <u>12/26/24</u></p> <p>FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.</p> <p>Katherine Viaud BY: <u>Katherine Viaud</u> Clerk (or Deputy Clerk)</p> <p><small>Digitally signed by Katherine Viaud Date: 2024.12.26 14:12:11 -05'00'</small></p> <p>Date: <u>12/26/2024</u></p>
--	---

CC: Scott Sweeney, FDEP Brownfields Program Manager
Lu Burson, FDEP Central District, Brownfields Coordinator
Justin Cross, GAIL, FDEP Brownfields & CERCLA Administration
Megan Johnson, EC, FDEP Brownfields & CERCLA Administration

Elevation Sandhill, LLC, D.R. Horton, Inc.
 Amendment to Brownfield Site Rehabilitation Agreement
 Brownfield Site ID # BF642001001

IN WITNESS WHEREOF, each of the parties has made and executed this First Amendment to Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below and each indicate that she or he is duly authorized to execute same.

<p>PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION</p> <p>Elevation Sandhill, LLC</p> <p>BY:  _____</p> <p>Owais Khanani 189 S. Orange Ave, Suite 1550 Orlando, FL 32801</p> <p>Date: <u>12.19.2024</u></p> <p>D.R. Horton, INC.</p> <p>BY: _____</p> <p>Name: Title: 1341 Horton Circle Arlington, Texas 76011</p> <p>Date: _____</p>	<p>STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION</p> <p>BY: <u>see previous page</u> _____</p> <p>Aaron Watkins Director, Central District 3319 Maguire Boulevard Orlando, FL 32803</p> <p>Date: _____</p> <p>FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.</p> <p>_____ Clerk (or Deputy Clerk)</p> <p>Date: _____</p>
---	--

CC: Scott Sweeney, FDEP Brownfields Program Manager
 Lu Burson, FDEP Central District, Brownfields Coordinator
 Justin Cross, GAIL, FDEP Brownfields & CERCLA Administration
 Megan Johnson, EC, FDEP Brownfields & CERCLA Administration

D.R. Horton, Inc.
Second Amendment to Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

EXHIBIT B

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: **Elevation Sandhill, LLC**
Beresford Springs Redevelopment Brownfield Site
800 East Euclid Avenue, DeLand, Florida 32724
Former Sandhill Golf Course Brownfield Area
Brownfield Area Identification Number: BF642001000
Brownfield Site Identification Number: BF642001001
FDEP Identification Number(s): ERIC_15328, 8622843
OGC Tracking Number: 20-1538

BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),
Florida Statutes (F.S.)

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, the Department of Environmental Protection (“Department”) is the administrative agency of the State of Florida having the power and duty to protect Florida’s environment and to administer and enforce the provisions of Chapters 403 and 376, F.S., and the rules promulgated thereunder, Chapters 62-777 and 62-780, Florida Administrative Code (F.A.C.), as amended; and

WHEREAS, the Department has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement (“BSRA”); and

WHEREAS, the Department has the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed complete;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This BSRA is entered into between the Department and Elevation Sandhill, LLC, hereinafter the Person Responsible For Brownfield Site Rehabilitation (“PRFBSR”) (collectively referred to as the “parties”), for the rehabilitation of a brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. The Department and the PRFBSR agree to the following:

1. DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department is the agency of the State of Florida with authority and power to enforce the provisions of Chapters 376 and 403, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

Elevation Sandhill, LLC is the PRFBSR as defined in §376.79(15), F.S., for the real property described in the map and legal description in **Attachment A** (the "Brownfield Site"), incorporated herein, that has been designated by the City of DeLand in Resolution Number 2020-94 on November 2, 2020 as a brownfield area as defined in §376.79(5), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description of the Brownfield Site, as **Exhibit A-1**; (b) a map of the Brownfield Site, as **Exhibit A-2**; and (c) the City resolution with all attachments including the map of the designated brownfield area, as **Exhibit A-3**. The brownfield site consists of 167.65 +/- acres. The legal boundaries of the brownfield site and the brownfield area are the same.

3. PRFBSR'S DUTIES

The PRFBSR agrees:

- (a) to conduct "site rehabilitation" of any "contaminated site(s)" as defined in §376.79, F.S., whose source originates on the real property described in **Attachment A as the Brownfield site**. If such contaminated site(s) extend(s) beyond the boundary of the Brownfield site, then PRFBSR agrees to conduct site rehabilitation to address the entire contaminated site;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule agreed upon by the parties, **Attachment B** incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists, as applicable, who are registered in accordance with the requirements of Chapters 471 or 492, F.S., respectively. Submittals provided by the PRFBSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., as applicable, certifying that the submittal and associated work comply with the laws and rules of the Department and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., as applicable, must certify that the corrective action

was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the Department;

- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
- (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-780, F.A.C., Contaminated Site Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels;
- (f) to allow access by the Department during the entire site rehabilitation process, as evidenced by the attached documentation, **Attachment C**, incorporated herein, establishing that such site access has been secured by agreement with the **real property owner**. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall notify the Department within 15 days from the date that such an interest is effective. With notice the PRFBSR shall provide a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the **real property owner** of the Brownfield Site or with any party with a real property interest in the Brownfield Site after the effective date of this agreement, granting such access to the Department; and
- (g) to consider appropriate pollution prevention measures and to implement those that the PRFBSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in **Attachment A**. Local pollution prevention programs as well as state pollution prevention programs are available to assist in determining pollution reduction measures. The Department recommends that the PRFBSR contact the Department's Waste Reduction and Registration Program or Hazardous Waste Program and Permitting at the following websites: <https://floridadep.gov/waste/waste-reduction> and <https://floridadep.gov/waste/permitting-compliance-assistance/content/hazardous-waste-management-main-page> for recommendations on waste minimization and waste management and for assistance with pollution prevention measures. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include the goals for the reduction of releases of toxic materials.

4. CERTIFICATION

The PRFBSR, in accordance with the provisions of § 376.80(5), F.S., certifies that it has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Documentation that supports this certification is provided as **Attachment D**, incorporated herein.

5. SITE CONTRACTOR

The PRFBSR must ensure that the contractor who is performing the majority of the site rehabilitation program tasks pursuant to this BSRA or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of § 489.113(9), F.S., has provided certification to the Department that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form (CCF) shall be submitted as **Attachment E** to this BSRA, and incorporated herein. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF is submitted to the District Brownfield Coordinator and approved by the Department before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the Department documentation as **Attachment F**, incorporated herein, which shows a National Environmental Laboratory Accreditation Program (“NELAP”)-recognized authority has accredited the laboratory(s) that will perform the analyses required by this agreement.

Any contractor that performs site rehabilitation tasks at a contaminated site originating on the real property as described in **Attachment A** shall provide documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, if applicable, showing that any contractor that performs site rehabilitation tasks:

- (a) meets all certification and license requirements imposed by law; and
- (b) performs, or has laboratory analyses performed, pursuant to NELAP certification requirements and performs, or has field sampling work performed, in accordance with the Standard Operating Procedures provided in Chapter 62-160, F.A.C., as amended, if applicable to performance of site rehabilitation tasks.

6. CONTINUOUS COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 5** of this BSRA pursuant to the requirements of §376.80(6), F.S.

7. VOLUNTARY CLEANUP TAX CREDIT PROGRAM

Not all activities that are approved or performed in association with a BSRA are eligible for the state's Voluntary Cleanup Tax Credit (VCTC). In accordance with § 376.30781, F.S., only the costs of voluntary cleanup activity incurred and paid by the applicant that are integral to site rehabilitation or for solid waste removal are eligible for the VCTC. "Site rehabilitation" as defined in §376.79(19), F.S., means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. "Solid waste removal" as defined in §376.30781(3), F.S., means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield site.

Contamination assessment or remediation paid for by the State of Florida for a discharge that is eligible for a state-funded cleanup under the Drycleaning Solvent Cleanup Program (DSCP) or one of the Petroleum Restoration Program's (PRP) eligibility programs, may not be used to calculate a tax credit. Likewise, expenses incurred that are statutorily-required to participate in the DSCP (i.e., deductibles) or one of the PRP eligibility programs (i.e., deductibles, review fees, limited contamination assessment reports, and co-payments), are not eligible for the state's VCTC. Nothing contained herein is intended to limit the VCTC otherwise available to the PRFBSR under applicable law.

General information about the VCTC Program is available at <https://floridadep.gov/waste/waste-cleanup/content/voluntary-cleanup-tax-credit>. For specific questions regarding the VCTC Program, please contact the Department's Waste Cleanup Program at (850) 245-8958.

8. ADVISORY COMMITTEE

The PRFBSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. The advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. However, if an appropriate local advisory committee already

exists, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRFBSR shall provide the advisory committee a copy of the final proposed draft BSRA, including attachments, and a copy of the executed BSRA. When the PRFBSR submits a site assessment report or the technical document containing the proposed course of action following site assessment to the Department or the local pollution control program for review, the PRFBSR shall hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

The names, addresses, contact information and applicable affiliation for each advisory committee member is included as **Attachment G**, incorporated herein.

9. INDEMNIFICATION

The PRFBSR shall save and hold harmless and indemnify the Department against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this BSRA and from the negligent acts or omissions of the PRFBSR or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

10. LIABILITY PROTECTION

The liability protection provided under §376.82, F.S., shall become effective upon execution of this BSRA and shall remain effective, provided the PRFBSR complies with the terms of this BSRA.

11. TERMINATION

Pursuant to §376.80(8), F.S., if the PRFBSR fails to comply with this BSRA, the Department shall notify the PRFBSR and allow 90 days for the PRFBSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with the Department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, the Department may terminate this BSRA.

The PRFBSR may terminate this BSRA at any time upon written notice to the Department.

Termination of this BSRA by either party will revoke the immunity provision of §376.82, F.S.

12. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of the Department to undertake any action in response to, or to recover the costs of responding to, conditions at or from the real property described in **Attachment A** that require the Department to take action to abate an imminent hazard to the public health, welfare or the environment.

13. RELEASE OF LIABILITY

Upon successful completion of this BSRA as evidenced by the issuance of a Site Rehabilitation Completion Order (SRCO) for each contaminated site originating from the real property described in **Attachment A**, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for site rehabilitation as described in paragraph 3.a. of this BSRA to the Department and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site(s).

This release of liability is subject to the reopener provisions of §376.82(3), F.S.

14. GOVERNING LAW

This BSRA has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in Volusia County, Florida.

15. SUBMITTALS

The PRFBSR shall submit one hard (paper) copy or one electronic (digital) copy of any certifications or documentation required in **Paragraph 5** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

Lu Burson
Central District Brownfield Coordinator
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803
Phone: 407-897-2912
E-Mail: DEP_CD@dep.state.fl.us

The Department encourages the submittal of documents for review in an electronic format rather than the submittal of paper copies. All electronic copies of documents shall be in the format listed in **Attachment H**, incorporated herein. Time frames for the Department's review of technical reports and plans and submittal of documents by the PRFBSR shall be governed by the schedule in **Attachment B**. After final Department approval of each report or plan, an electronic copy shall be submitted to the Department within 30 days. The electronic copy of the report shall be submitted in the format listed in **Attachment H**.

16. DOCUMENT REVIEW

During the site rehabilitation process, if the Department fails to complete the review of a technical document within the time frame specified in this BSRA, with the exceptions of "no further action proposals," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation, the PRFBSR may proceed to the next site rehabilitation task. However, the PRFBSR does so at its own risk and may be required by the Department to complete additional work on a previous task.

17. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the Department and the local government with jurisdiction over the real property described in **Attachment A**. However, the Department shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §376.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this BSRA; and (c) the assignment of PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

18. WAIVER

By entering into this BSRA, the PRFBSR waives its right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRFBSR a right to challenge the Department's actions taken pursuant to this BSRA. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

19. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this BSRA will not be effective until further order of the Department. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon execution of the BSRA. The procedures for petitioning a hearing are set forth below.

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

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

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

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

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

1. The name, address, any e-mail address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; and the name

and address of the Brownfield Site; the name and address of each agency affected;

2. A statement of when and how each petitioner received notice of the Department's action or proposed action;
3. An explanation of how each petitioner's substantial interests will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

20. JUDICIAL REVIEW

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

21. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the Department's review of the BSRA, or technical questions should be directed to the Department's District Brownfields Coordinator referenced in **Paragraph 15** of this BSRA or to the PRFBSR's representative at:

Elevation Sandhill, LLC
Attn: Shaman Foradi
(321)-695-2226
121 South Orange Ave., Suite 1250
Orlando, Florida 32801
foradi@elevationdev.com

AND

Elevation Sandhill, LLC
Attn: Michael Sznajstajler
Cobb Cole
149 South Ridgewood Avenue, Ste 700
Daytona Beach, Florida 32114
(386) 255-8171
Michael.Sznajstajler@CobbCole.com

Questions regarding legal issues should be referred to the Department's Brownfields Program Attorney in the Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

22. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Elevation Sandhill, LLC
Brownfield Site Rehabilitation Agreement
Brownfield Site ID # BF642001001

IN WITNESS WHEREOF, each of the parties has made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Aaron Watkins, Director Central District, State of Florida Department of Environmental Protection, and Elevation Sandhill, LLC, the Person Responsible for Brownfield Site Rehabilitation, signing by and through Shaman Foradi, duly authorized to execute same.

PERSON RESPONSIBLE FOR
BROWNFIELD SITE REHABILITATION

By: 
Shaman Foradi, Manager

Date: 12/24/2020

121 South Orange Avenue
Suite 1250
Orlando, FL 32801

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: Aaron Watkins Digitally signed by Aaron Watkins
Date: 2020.12.29 10:38:42 -05'00'
Aaron Watkins, Director, Central District

Date: 12/29/2020

Approved as to form and legality:
Ronda Moore Digitally signed by Ronda
Moore
Date: 2020.12.28 18:16:43
-05'00'
Ronni Moore, FDEP Brownfields Program Attorney

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

Djemil G Daniel Digitally signed by Djemil G
Daniel
Date: 2020.12.29 11:03:11
-05'00'
Clerk (or Deputy Clerk)
Date: 12/29/20

cc: Kelly Crain, FDEP Brownfields Program Manager
Justin Cross, FDEP Government Analyst II, Brownfields Program
Megan Johnson, FDEP Environmental Consultant, Brownfields Program
Ronni Moore, FDEP Brownfields Program Attorney
Lu Burson, Brownfields Central District Coordinator, FDEP

**ATTACHMENT A
LOCAL GOVERNMENT RESOLUTION FOR THE BROWNFIELD AREA AND MAP AND
LEGAL DESCRIPTION OF THE BROWNFIELD SITE**

Exhibit A-1: Legal Description of Brownfield Site

Exhibit A-2: Map of Brownfield Site

Exhibit A-3 Local Government Resolution Designating the Brownfield Area

Exhibit A-1: Legal Description of Brownfield Site

PARCEL A:

Lots 12 through 17, inclusive, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map or plat thereof recorded in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

PARCEL B:

Lots 8, 9, 18, 19, 21, 23 and 24, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map of plat thereof in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

PARCEL C:

Lot 49, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map or plat thereof recorded in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

PARCEL G:

All Blocks 215 and 216, City of DeLand, according to the map or plat thereof recorded in Plat Book 2, Page 45, of the Public Records of Volusia County, Florida.

PARCEL H:

Blocks 177, 187, 194 all of Blocks 175, 176, 188, 189, 192 and 217, except the North 226 feet of the South 256 feet of the West 208 feet of the East 265 feet of aforesaid Block 217; Blocks 174, 190, 191 and 218; all being in Map of the Corporation of the City of DeLand, according to the map in Map Book 2, Page 45, of the Public Records of Volusia County, Florida.

PARCEL I:

Lots 1 through 7, Lots 10 and 11, Lot 20, Lot 22, Lots 24 through 43, Lots 45 through 48, Lots 50 through 60, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map or plat thereof recorded in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

EXCEPTING THEREFROM THE FOLLOWING PARCELS:

(Exception 1)

The Southerly 125 feet of the Easterly 125 feet of Block 218, in Map of the Corporation of the City of DeLand, according to the map in Map Book 2, Page 45, of the Public Records of Volusia County, Florida (City of DeLand)

(Exception 2)

That portion of Block 174, Map of the Corporation of the City of DeLand, according to the map in Map Book 2, Page 45, of the Public Records of Volusia County, Florida, conveyed by Warranty Deed recorded in O.R. Book 5397, Page 1068, Public Records of Volusia County, Florida.

(Exception 3)

That portion of Blocks 190 and 174, Map of the Corporation of the City of DeLand, according to the map in Map Book 2, Page 45, Public Records of Volusia County, Florida, conveyed by Quit Claim Deed recorded in O.R. Book 4273, Page 2038, of the Public Records of Volusia County, Florida.

(Exception 4)

All of Southridge Condominium Apartments C, described in O.R. Book 1604, Page 206 and as shown in Map Book 32, Page 109, of the Public Records of Volusia County, Florida.

(Exception 5)

All of Southridge Condominium Apartments B, described in O.R. Book 1319, Page 268 and as shown in Map Book 31, Page 46, of the Public Records of Volusia County, Florida.

(Exception 6)

All of Southridge Condominium Apartments A, described in O.R. Book 1251, Page 417 and as shown in Map Book 29, Page 135 and Map Book 31, Page 67, of the Public Records of Volusia County, Florida.

(Exception 7)

That portion of Block 174, Map of the Corporation of the City of DeLand, according to the map in Map Book 2, Page 45, of the Public Records of Volusia County, Florida, conveyed by Warranty Deed recorded in O.R. Book 3353, Page 622, of the Public Records of Volusia County, Florida.

(Exception 8)

That portion conveyed to the County of Volusia by Quit Claim Deed recorded in O.R. Book 3346, Page 879, of the Public Records of Volusia County, Florida.

TOGETHER WITH:

PARCEL ID NO. 7009-02-23-0010:

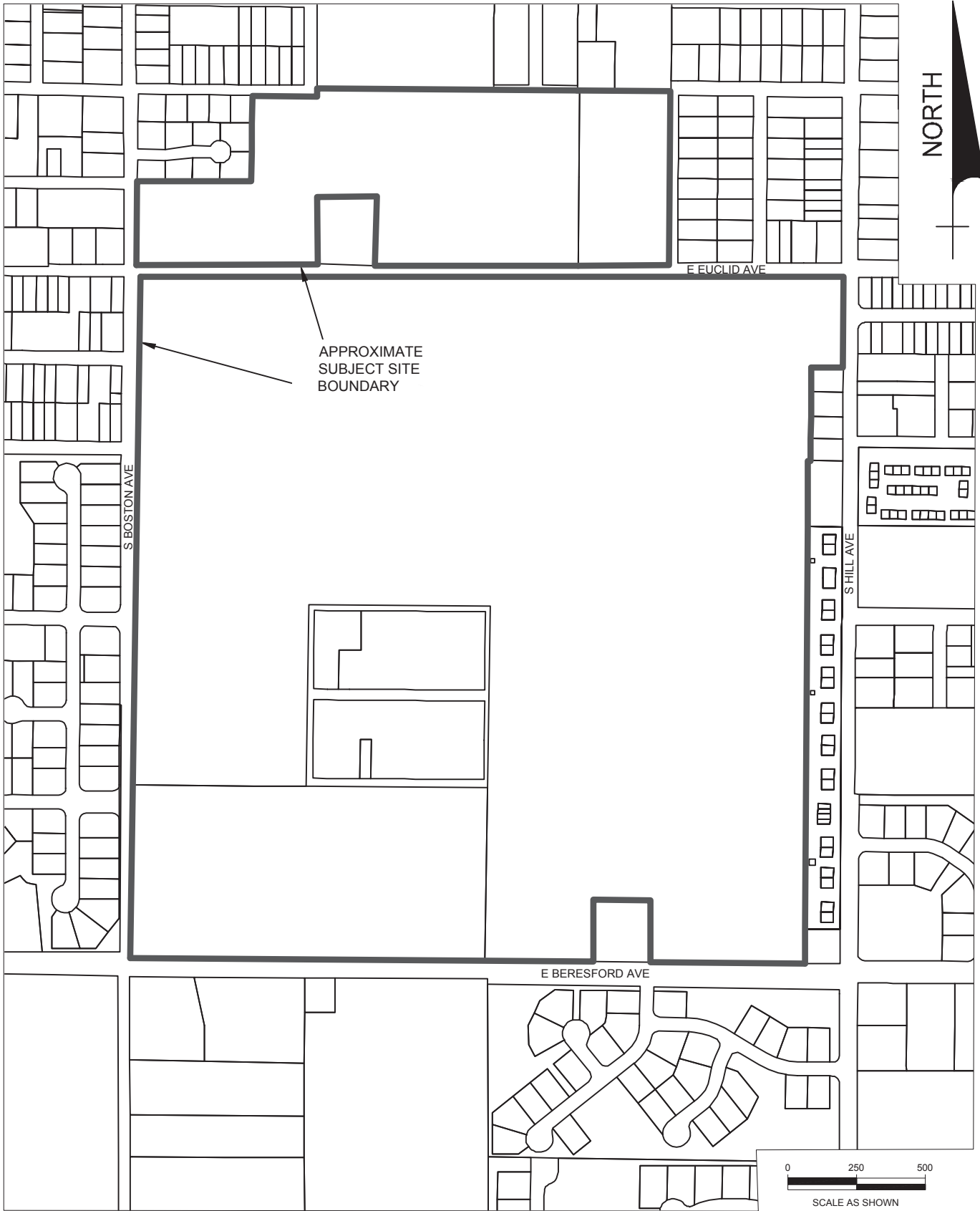
The West ½ of Block 172, CORPORATION MAP OF CITY OF DELAND, according to map in Map Book 2, Page 45, Public Records of Volusia County, Florida; LESS AND EXCEPT the South 25 feet thereof.

PARCEL ID NO. 7009-02-21-0010:

All of Block 170 except the Westerly 440 feet of the North one-half and except the Westerly 40 feet of the South one-half and except the Southerly 30 feet; and all of Block 171, except the Westerly 200 feet of the Southerly 250 feet and except the Southerly 30 feet, Map of the Corporation of the City of DeLand according to Map in Map Book2, Page 45, Public Records of Volusia County, Florida.

Exhibit A-2: Map of Brownfield Site

Drawing name: K:\JAX_Environmental\045601002 - Beresford Springs\CAD\Beresford Springs CAD Site Boundary.dwg Figure 5 Oct 02, 2020 10:33am by Logan.Bridges



AS NOTED
DESIGNED BY D.S.G.
DRAWN BY L.C.B.
CHECKED BY D.S.G.

Kimley»Horn
 © 2020 KIMLEY-HORN AND ASSOCIATES, INC.
 12740 GRAN BAY PKWY, SUITE #2350
 JACKSONVILLE, FLORIDA 32258
 PHONE: 904-828-3900
 WWW.KIMLEY-HORN.COM CA 00000696

OCT. 2020
PROJECT NO.

SITE BOUNDARY MAP
 BERESFORD SPRINGS
 EAST BERESFORD AVENUE
 DELAND, VOLUSIA COUNTY, FLORIDA

DAVID S. GOLDMAN, P.G.
FLORIDA P.G. LICENSE NUMBER: FL 1573
DATE:

5

Exhibit A-3 Local Government Resolution Designating the Brownfield Area

RESOLUTION NO. 2020 - 94

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA DESIGNATING CERTAIN REAL PROPERTY WITHIN THE CITY OF DELAND AS A BROWNFIELD AREA; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE DESIGNATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Brownfields Redevelopment Act, codified in sections 376.77 through 376.85 Florida Statutes authorizes local governments to designate by resolution certain properties as brownfield areas to help provide for environmental remediation, rehabilitation and economic development; and

WHEREAS, Section 376.79 of the Act provides the following definition:

Brownfield area means a contiguous site of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment sites, enterprise zones, empowerment zones, other such designated economically deprived communities and sites, and Environmental Protection Agency-designated brownfield pilot projects.

WHEREAS, Sandhill Enterprises, LLC, as the property owner, and Elevation Development, LLC, acting as developer, have asked that the property located at the former Sandhill Golf Course be designated as a brownfield area; and

WHEREAS, the City Commission of the City of DeLand has considered the following requirements set forth in Section 376.80(2)(a)1-4, Florida Statutes, including whether the brownfield area warrants economic development and has a reasonable potential for such activities; whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage; whether the area has potential to interest the private sector in participating in rehabilitation; and whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes; and

WHEREAS, the City Commission of the City of DeLand wishes to notify the Florida Department of Environmental Protection of its decision to designate a brownfield area for remediation, rehabilitation and economic development for the purpose set forth in the Act; and

WHEREAS, the City Commission of the City of DeLand has reviewed the requirements for designation of a brownfield area set forth in Section 376.80(2)(a) Florida Statutes, and determined that the proposed area qualifies for designation as a brownfield area because the requirements have been satisfied; and

WHEREAS, the City Commission of the City of DeLand has determined that the property should be designated as a brownfield area under the Brownfield Redevelopment Act, and has determined that the designation is consistent with the city's comprehensive plan; and

WHEREAS, the procedures set forth in Section 376.80(1) of the Act, including the notice and public hearing requirements set forth in Sections 166.041 and 166.041(3)(c) 2, Florida Statutes, have been complied with; and

WHEREAS, the Act provides authority to local government agencies to designate certain lands as brownfield areas; and to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas and sites to help eliminate public health and environmental hazards and to promote the creation of jobs and economic development; and

WHEREAS, Section 376.80(1) of the Act requires a municipality to adopt a resolution designating a brownfield area in accordance with the procedures outlined in Section 166.041 Florida Statutes, and that notice for the public hearings must be in the form established in 166.041(3)(c) 2, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission of the City of DeLand hereby declares and designates those lands that are generally depicted in the map and legally described in Exhibit A attached hereto to be a brownfield area in accordance with the Act and authorizes the use of the full range of economic and tax incentives available to facilitate and promote the rehabilitation of the brownfield area.

Section 2. In accordance with Section 376.80(1) Florida Statutes, the city shall notify the Florida Department of Environmental Protection of its decision to designate this brownfield area for the purposes of remediation, rehabilitation and economic development.

Section 3. The above recitals and findings are hereby ratified, confirmed and adopted and incorporated as fully set forth in this section.

Section 4. All previous resolutions or parts thereof, which conflict with the provisions of this resolution, to the extent of such conflict, are superseded and repealed.



Section 5. This Resolution shall become effective immediately upon its adoption by the City Commission of the City of DeLand.

PASSED AND DULY ADOPTED this 2nd day of November, 2020.



Robert F. Appgar,
Mayor-Commissioner

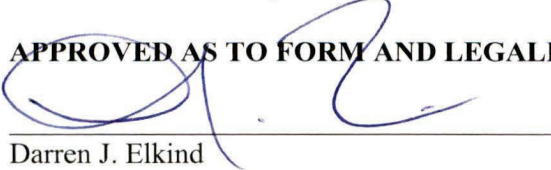
ATTEST:

Julie A. Hennessy
City Clerk - Auditor

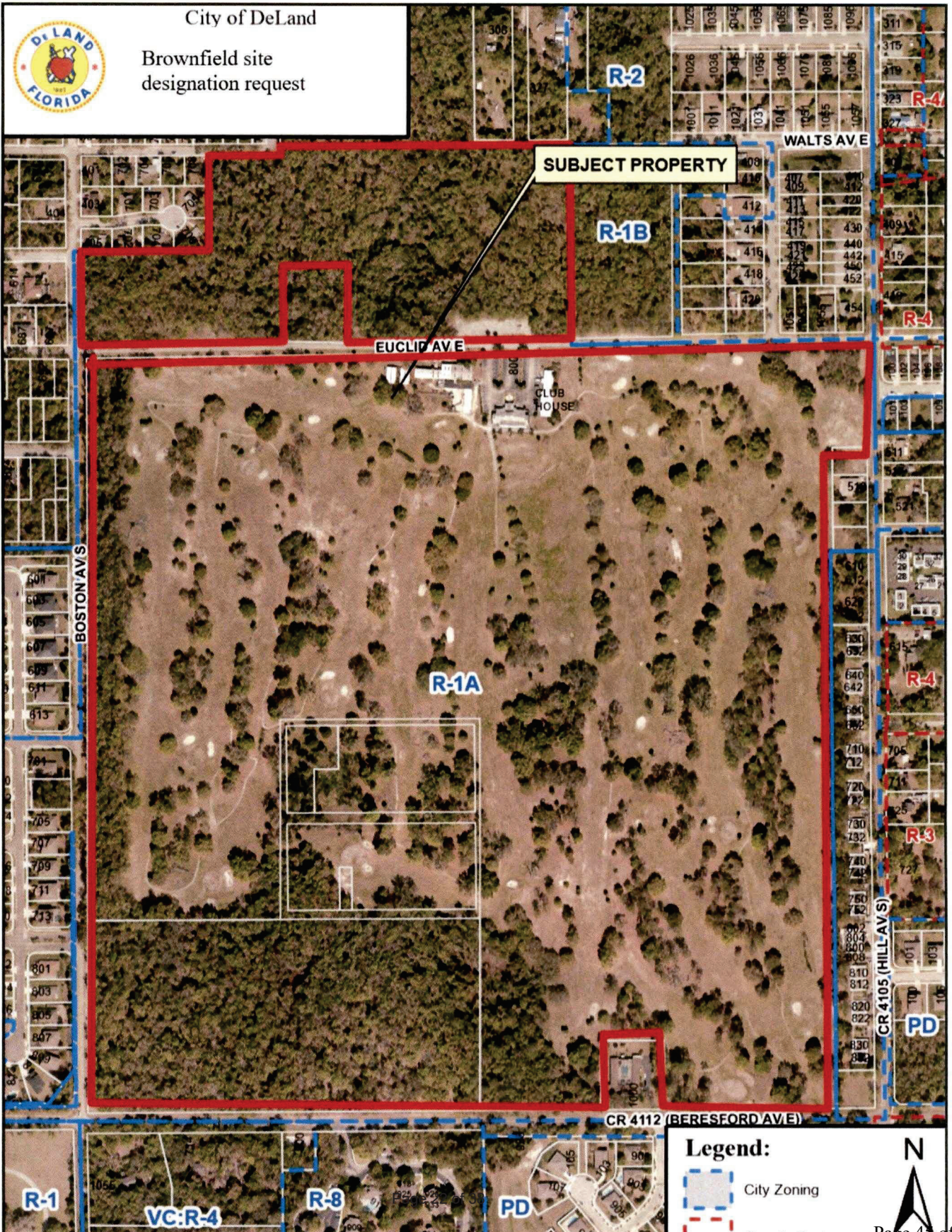
First Public Hearing: October 19, 2020
Second Public Hearing: November 02, 2020

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

EXHIBIT "A"



“EXHIBIT A”

LEGAL DESCRIPTIONS

DESCRIPTION FOR SOUTHRIDGE GOLF COURSE:

PARCEL A:

Lots 12 through 17, inclusive, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map or plat thereof recorded in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

PARCEL B:

Lots 8, 9, 18, 19, 21, 23 and 24, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map of plat thereof in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

PARCEL C:

Lot 49, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map or plat thereof recorded in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

PARCEL G:

All Blocks 215 and 216, City of DeLand, according to the map or plat thereof recorded in Plat Book 2, Page 45, of the Public Records of Volusia County, Florida.

PARCEL H:

Blocks 177, 187, 194 all of Blocks 175, 176, 188, 189, 192 and 217, except the North 226 feet of the South 256 feet of the West 208 feet of the East 265 feet of aforesaid Block 217; Blocks 174, 190, 191 and 218; all being in Map of the Corporation of the City of DeLand, according to the map in Map Book 2, Page 45, of the Public Records of Volusia County, Florida.

PARCEL I:

Lots 1 through 7, Lots 10 and 11, Lot 20, Lot 22, Lots 24 through 43, Lots 45 through 48, Lots 50 through 60, Sunnyview Addition, being a subdivision of Block 193, DeLand, Florida, according to the map or plat thereof recorded in Plat Book 4, Page 111, of the Public Records of Volusia County, Florida.

EXCEPTING THEREFROM THE FOLLOWING PARCELS:

(Exception 1)

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(Exception 2)

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(Exception 3)

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(Exception 5)

All of Southridge Condominium Apartments B, described in O.R. Book 1319, Page 268 and as shown in Map Book 31, Page 46, of the Public Records of Volusia County, Florida.

(Exception 6)

All of Southridge Condominium Apartments A, described in O.R. Book 1251, Page 417 and as shown in Map Book 29, Page 135 and Map Book 31, Page 67, of the Public Records of Volusia County, Florida.

(Exception 7)

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(Exception 8)

That portion conveyed to the County of Volusia by Quit Claim Deed recorded in O.R. Book 3346, Page 879, of the Public Records of Volusia County, Florida.

TOGETHER WITH

PARCEL ID NO. 7009-02-23-0010:

The West ½ of Block 172, CORPORATION MAP OF CITY OF DELAND, according to map in Map Book 2, Page 45, Public Records of Volusia County, Florida; LESS AND EXCEPT the South 25 feet thereof.

PARCEL ID NO. 7009-02-21-0010:

All of Block 170 except the Westerly 440 feet of the North one-half and except the Westerly 40 feet of the South one-half and except the Southerly 30 feet; and all of Block 171, except the Westerly 200 feet of the Southerly 250 feet and except the Southerly 30 feet, Map of the Corporation of the City of DeLand according to Map in Map Book2, Page 45, Public Records of Volusia County, Florida.

Attachment B
Table I
Brownfield Site Rehabilitation Schedule

Type of Report or Activity	PRFBSR Action or Submittal Time Frames	Department Review or Comment Time frames
Notice of Interim Source Removal Action or Emergency Response Action situations.	Within 24 hours of initiation of the action.	No comment required.
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (see Rule 62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Plan	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Status Report	Within 60 days of completion of source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first.	No comment required.
Interim Source Removal Report	Within 60 days of completion of interim source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) or Combined Document; (Optional submittal) (See Rule 62-780.450, F.A.C.)	Optional: SRP submitted within 270 days of executing BSRA. May include multiple tasks.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of executing BSRA.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional: (within 60 days of SAR approval.)	Within 90 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (See Rule 62-780.680, F.A.C.).	Within 60 days of receipt.
Well Survey and Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	Within 60 days of discovery of contamination beyond the property boundaries	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Plan	When the site meets the criteria for Natural Attenuation with Monitoring (See Rule 62-780.690, F.A.C.).	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Report	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a SRP, SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial Action	Within 120 days of RAP approval.	No comment required.
Proposals submitted pursuant to subsection 62-780.700(14), F.A.C.	Optional during active remediation	Within 60 days of receipt
Remedial Action Status Report (Monthly or quarterly status reports may be required for submittal - - depending on site conditions and Advisory Committee.)	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.
Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (see Rule 62-780.680) or Leveling-Off [see Rule 62-780.700(18)]	Within 60 days of receipt.

Post Active Remediation Monitoring (PARM) Report	Within 60 days of sample collection.	No comment required.
Leveling Off Determination	Within 60 days of sample collection.	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Plan resampling proposal (Rule 62-780.750(4)(e), F.A.C.	Within 60 days of sample collection.	Within 60 days of receipt.
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR not approved then submit modifications, etc., within 60 days of Department's response.	Within 60 days of receipt. If the brownfield site meets the requirements of Chapter 62-780, F.A.C., for the issuance of an SRCO, then an SRCO will be issued.
Pilot Study Work Plan	When seeking approval before implementation of a Pilot Study pursuant to Rule 62-780.700(2), F.A.C.	Within 60 days of receipt.
Notices for Field Activities except for Start of Interim Source Removal or Emergency Response Action situations.	Within seven (7) days but not less than 24 hours prior notice to the Department to perform field activity.	No comment required.
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Chapter 62-780, F.A.C.	Within 60 days of receipt of the Department's response.	Within the same time frame for review of the original submittal.
Submittal of Form and Actual Notice required in subsection 62-780.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-780.220(2), F.A.C.	No comment required.
Submittal of Actual and Constructive Notice required in subsection 62-780.220(3), F.A.C.	See text of rule for "Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC)" in subsection 62-780.220(3), F.A.C.	No comment required.
Submittal of Notice required in subsection 62-780.220(7), F.A.C.	See text of rule for requirement that PRFBSR provide notice of Department's intent to approve site closure using institutional controls, institutional and engineering controls, or alternative cleanup target levels.	No comment required.

**ATTACHMENT C
SITE ACCESS AGREEMENT**

Accepted by the Department by the following authorized agent:

Aaron Watkins Digitally signed by Aaron Watkins
Date: 2020.12.29 10:39:52 -05'00'

Djemil G Daniel Digitally signed by Djemil G Daniel
Date: 2020.12.29 11:02:49 -05'00'

Signature of Department representative

Signature of Witness

Print Name: Aaron Watkins

Print Name: Djemil Daniel

Director

Title of Department representative

12/29/20

12/29/20

Date

Date

**ATTACHMENT D
CERTIFICATION OF REDEVELOPMENT AGREEMENT**



City of DeLand

"The Athens of Florida"
www.deland.org

Florida Department of Environmental Protection
Attn: Lu Burson, Central District Brownfield Coordinator
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

October 15, 2020

Re: Redevelopment of Sandhill Golf Course, DeLand, Fl.

Dear Ms. Burson,

As required by the Florida Brownfields Redevelopment Program, this letter will certify that the City of DeLand ("City") encourages the redevelopment of the former Sandhill Golf Course located at 800 East Euclid Avenue, DeLand, Florida 32724 (the "Property").

The property is designated as Low-Density Residential under the city's comprehensive plan, which permits several residential zoning categories and open space, and is intended for less intense residential densities. In addition, the Person Responsible for Brownfield Site Rehabilitation ("PFBSR") is proceeding through the City of DeLand rezoning process to change the applicable zoning classification to Planned Development, which, if approved, will provide a mix of residential, open space, and recreational uses.

The City understands that the PFBSR intends to redevelop the property for residential, open space, and recreational purposes. As part of the redevelopment process, the PFBSR will continue to work with the City to obtain all the necessary development approvals for the redevelopment. Should you require any additional information, please do not hesitate to contact me at 386-626-7013.

Thank you for your consideration in this matter.

Sincerely,

Belinda Williams-Collins, AICP
Senior Planner
City of DeLand

120 South Florida Avenue, DeLand, FL 32720

Community Development (386) 626-7023 Planning Division (386) 626-7016 Building Division (386) 626-7009

Page 28 of 38

**ATTACHMENT E
CONTRACTOR CERTIFICATION FORM**

CONTRACTOR CERTIFICATION FORM Brownfields Redevelopment Program

Contractor Name Kimley-Horn and Associates, Inc. Date: 11/23/2020
 Contractor Address: 12740 Gran Bay Parkway West, Suite 2350, Jacksonville, Florida, 32259
 Contact Name: David Goldman, P.G.
 Phone No.: 904-828-3912 Fax No.: _____
 Brownfield Site ID #: BF642001001

CONTRACTOR CERTIFIES BY CHECKING ALL APPROPRIATE BOXES:	YES	NO
1. It meets all certification and license requirements imposed by law.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. It performs or contracts laboratory analysis pursuant to National Environmental Laboratory Accreditation Program certification requirements and performs or contracts field-sampling work in accordance with the Standard Operating Procedures for Field Activities pursuant to Chapter 62-160, Florida Administrative Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. It complies with all applicable OSHA regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Has the capacity to perform the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervise the performance of such tasks by licensed subcontractors in accordance with Section 489.113(9), Florida Statutes (F.S.).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The person named below by signing as an "Officer of the Company" hereby certifies to the Florida Department of Environmental Protection (FDEP) that the Contractor named above meets the requirements for contractors participating in the Brownfields Redevelopment Program [Section 376.80(6), F.S.]:



Signature of Officer of the Company and Date Signed

David Goldman
Print Name of Officer of the Company

Vice President
Title of Officer of the Company

Contractors must immediately notify the FDEP (Brownfields District Coordinator, delegated local program) of any change in the above criteria. The FDEP may order a suspension or cessation of work for failure of a contractor to maintain their required certification.

**ATTACHMENT F
QUALITY ASSURANCE CERTIFICATE**



State of Florida
 Department of Health, Bureau of Public Health Laboratories
 This is to certify that



E83079

PACE ANALYTICAL SERVICES, LLC - ORMOND BEACH FL
 8 EAST TOWER CIRCLE
 ORMOND BEACH, FL 32174

has complied with Florida Administrative Code 64E-1,
 for the examination of environmental samples in the following categories

DRINKING WATER - GROUP I UNREGULATED CONTAMINANTS, DRINKING WATER - GROUP II UNREGULATED CONTAMINANTS, DRINKING WATER - OTHER REGULATED CONTAMINANTS, DRINKING WATER - GROUP III UNREGULATED CONTAMINANTS, DRINKING WATER - MICROBIOLOGY, DRINKING WATER - PRIMARY INORGANIC CONTAMINANTS, DRINKING WATER - SECONDARY INORGANIC CONTAMINANTS, DRINKING WATER - RADIOCHEMISTRY, DRINKING WATER - SYNTHETIC ORGANIC CONTAMINANTS, NON-POTABLE WATER - EXTRACTABLE ORGANICS, NON-POTABLE WATER - GENERAL CHEMISTRY, NON-POTABLE WATER - METALS, NON-POTABLE WATER - MICROBIOLOGY, NON-POTABLE WATER - PESTICIDES-HERBICIDES-PCB'S, NON-POTABLE WATER - VOLATILE ORGANICS, SOLID AND CHEMICAL MATERIALS - EXTRACTABLE ORGANICS, SOLID AND CHEMICAL MATERIALS - GENERAL CHEMISTRY, SOLID AND CHEMICAL MATERIALS - METALS, SOLID AND CHEMICAL MATERIALS - MICROBIOLOGY, SOLID AND CHEMICAL MATERIALS - PESTICIDES-HERBICIDES-PCB'S, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS, BIOLOGICAL TISSUE - METALS

Continued certification is contingent upon successful on-going compliance with the NELAC Standards and FAC Rule 64E-1 regulations. Specific methods and analytes certified are cited on the Laboratory Scope of Accreditation for this laboratory and are on file at the Bureau of Public Health Laboratories, P. O. Box 210, Jacksonville, Florida 32231. Clients and customers are urged to verify with this agency the laboratory's certification status in Florida for particular methods and analytes.

Date Issued: July 01, 2020 Expiration Date: June 30, 2021



Patty A. Lewandowski, MBA, MT(ASCP)
 Chief Bureau of Public Health Laboratories
 DH Form 1697, 7/04
 NON-TRANSFERABLE E83079-79-07/01/2020
 Supersedes all previously issued certificates

ATTACHMENT G
ADVISORY COMMITTEE MEMBERS

In accordance with City of DeLand Resolution No. 2020-94, the City of DeLand's Economic Development Committee is the "brownfield advisory committee" for the applicable brownfield area. The current name, address, and contact numbers for the Advisory Committee members is set forth below:

Jefferson Pendleton
120 South Florida Avenue
DeLand, FL 32720
Phone (386) 626-7021

Ann Russo
120 South Florida Avenue
DeLand, FL 32720
Phone (386) 626-7021

Reggie Santilli
120 South Florida Avenue
DeLand, FL 32720
Phone (386) 626-7021

Ron Seimans
120 South Florida Avenue
DeLand, FL 32720
Phone (386) 626-7021

Jeffery Waters
120 South Florida Avenue
DeLand, FL 32720
Phone (386) 626-7021

ATTACHMENT H
FORMAT FOR SUBMITTAL OF TECHNICAL DOCUMENTS

1. One hard copy or one electronic copy of each report or proposal and final reports shall be submitted to the Department or to the delegated local program.
2. Where an electronic format exists of the records it shall be used to transmit the data, file, report, document, map, plans, picture, record, or any other object that may be available in an electronic format. Electronic records shall be kept in industry standard non-proprietary formats: TIFF, GIF, JPEG, PDF, or in Microsoft Word, Microsoft Excel, and Microsoft Access not older than one (1) release behind the current.
3. Data requested shall be transmitted using available media such as E-mail, Compact Disc (CD), or File Transfer via an FTP site. Additional formats may be considered at the time of the request.
4. After final approval of each report, an electronic copy and one hard copy shall be submitted within 30 days.
5. The media shall include a file directory and specify the "naming convention".
 - (a) Final reports (any text files) must be in one of the approved formats.
 - (b) Site maps and surveys shall be in TIFF, JPEG or ".pdf" format.
 - (c) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
 - (d) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).
The left inside cover of the media should list all the files located on the media.