



- 1. Applicant Eligibility** The City of South Bay, Florida is eligible to apply as a general purpose unit of local government under 2 CFR § 200.64
- 2. Previously Awarded Cleanup Grants** The City of South Bay affirms that the targeted Tanner Park property has not received funding from a previously awarded EPA Brownfields Cleanup Grant.
- 3. Site Ownership** The City of South Bay affirms that it is the sole owner of the targeted Tanner Park property and holds a fee simple title for the site through a recorded deed. The City further affirms that it will retain ownership of the site for the duration of the project period.

**Basic Site Information** a) The targeted site, Tanner Park, b) is located at 105 Palm Beach Road, South Bay, Palm Beach County, Florida 33493 (Parcel ID Nos. 58364414150030030, 58364414150040190, 58364414150040010, and 58364414150040030); and c) the City of South Bay and is the current owner of the site.

**Status and History of Contamination at the Site** a) Tanner Park is contaminated by hazardous substances. b) The site's historical use identified within the Phase I ESA was the location of a public school (1930's – early 1970's). Prior to that land use, the subject site was likely used for agricultural purposes (based on historical nearby land uses). The north parcel of the subject site contains a municipal-owned recreational facility with associated parking lot, driveways, walkways and landscaped areas. The three remaining parcels and roadway easements are undeveloped, vacant land; c) Recognized environmental concerns at the site include: Soil: Arsenic - Arsenic was detected at concentrations above the 2.1 mg/kg residential direct exposure SCTL (R-SCTL) in 47 of 55 soil samples (all depth intervals), spread throughout the majority of the site; three (3) sample results exceeded the 12 mg/kg commercial/industrial direct exposure SCTL (C/I SCTL). Copper - Copper exceeded the R-SCTL in a single sample. Chromium - chromium exceeded the leachability to groundwater SCTL (L-SCTL) in a single sample. Dieldrin - Dieldrin exceeded the L-SCTL in two sample depths at a single sample location. Chlordane - chlordane exceeded the R-SCTL in a single sample. PAHs - PAHs exceeded the R-SCTL in three (3) of 43 soil samples analyzed. o TRPH – TRPH exceeded the R-SCTL in three (3) of 20 soil samples analyzed. Asbestos: A demolition asbestos screening conducted on all three on-site structures detected asbestos in one of the materials samples at an amount greater than the one-percent threshold. This material is the black floor mastic in the main hall, kitchen and hallway floor areas of the primary structure. d) It appears the site became contaminated through historical uses, both on and adjacent. It is suspected that the application of pesticides during agriculture and farming activities caused the contamination. The nature and extent of the contamination is detailed in 5.c above.

**4. Brownfields Site Definition** The City affirms that the site is: a) not listed or proposed for listing on the National Priorities List; b) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and c) not subject to the jurisdiction, custody, or control of the U.S. government.

**5. Environmental Assessment Required for Cleanup Grant Applications**

A Phase I ESA was completed for the northern portion of the site in November 2019, and a subsequent Phase I ESA was completed for the southern portion of the site in July 2020. Both



investigations were combined into a single Phase I ESA dated July 2020. A written ASTM E1903-19 Phase II environmental site assessment report was completed in May 2020. An expanded site assessment report was completed in August 2020. A draft Analysis of Brownfield Cleanup Alternatives was completed in September 2020.

## **6. Enforcement or Other Actions**

The City affirms that there are no known ongoing or anticipated environmental enforcement or other actions related to the target site.

## **7. Sites Requiring a Property-Specific Determination**

The City of South Bay affirms that the target site does not require a Property-Specific Determination.

## **8. Threshold Criteria Related to CERCLA/Petroleum Liability**

### **a. Property Ownership Eligibility – Hazardous Substance Sites**

#### **ii. EXCEPTIONS TO MEETING THE REQUIREMENTS FOR ASSERTING AN AFFIRMATIVE DEFENSE TO CERCLA LIABILITY**

##### **(1) Publicly Owned Brownfield Sites Acquired Prior to January 11, 2002**

The City affirms that it qualifies for the exception under CERCLA § 104(k)(3)(E):

- The City acquired the target site through special warranty deed from the School Board of Palm Beach County.
- The property was acquired on July 16, 1980.
- The City affirms that all disposal of hazardous substances at the site occurred before it acquired the property.
- The City affirms that it neither caused nor contributed to any release of hazardous substances at the site.
- The City affirms that it has not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

### **b. Property Ownership Eligibility – Petroleum Sites**

Not Applicable. The subject site is contaminated with hazardous substances. There are no known petroleum impacts on the subject site.

## **9. Cleanup Authority and Oversight Structure**

a. The City will acquire additional technical expertise for oversight of the cleanup by hiring a Qualified Environmental Professional (QEP) experienced in Brownfields and hazardous waste/petroleum cleanup. The City will comply with the competitive procurement provisions of 2 CFR §§ 200.317 through 200.326, and through Florida's Consultants Competitive Negotiation Act (CCNA), and ensure that this technical expertise is in place prior to beginning cleanup activities. The City will enroll the site in the Florida Brownfields Program, administered for this property by the Palm Beach County delegated program. The City will enter into a voluntary Brownfields Site



Rehabilitation Agreement (BSRA) under the Florida Brownfields Redevelopment Act, Chapter 376.77-376.85, Florida Statutes, with the FDEP for the subject property. This voluntary agreement provides the framework and schedule for remaining remediation activities including confirmatory sampling. The site will be remediated under authority of Chapter 62-785, Florida Administrative Code, Brownfields Cleanup Criteria, as amended.

b. The subject site has multiple existing access points. Access to neighboring properties to perform cleanup activities is not anticipated. Additionally, no off-site migration of contaminants is occurring or expected.

## **10. Community Notification**

### **a. Draft Analysis of Brownfield Cleanup Alternatives**

The City allowed the community an opportunity to comment on the draft application, which included a draft Analysis of Brownfield Cleanup Alternatives (ABCA). The draft ABCA summarized information about:

- the site and contamination issues, cleanup standards, and applicable laws;
- the cleanup alternatives considered (for each alternative considered and the alternative chosen include information on the effectiveness, the ability of the applicant to implement, the resilience to address potential adverse impacts caused by extreme weather events, the cost, and an analysis of the reasonableness); and
- the proposed cleanup.

### **b. Community Notification Ad**

The City advertised the community meeting through its website and by physical posting on the subject property. The community notification ad clearly stated that:

- a copy of this grant application, including the draft ABCA, was available for public review and comment;
- how to comment on the draft application;
- the location of the draft application; and the date, time, and
- location of the public meeting.

All members of the target community received the notification and were provided an opportunity to comment on the application. A copy of the community notification is included with this application.

### **c. Public Meeting**

The City held a public meeting to discuss the draft application and consider public comments prior to submittal of this application on October 6, 2020. Due to the infection rate experienced in south Florida at the time of this application's preparation, a virtual meeting was required. The City has included, by attachment the following: the comments or a summary of the public comments received; the applicant's response to those comments; meeting notes or a summary of the public meeting(s); and a meeting participant list.

### **d. Submission of Community Notification Documents**



**City of South Bay, Florida**  
**US EPA Brownfields Cleanup Grant**

**Threshold Criteria**

The City has attached the following items, as required: a copy of the draft ABCA; a copy of the community notification ad that demonstrates solicitation for comments on the application and that notification to the public occurred at least two weeks before the application was submitted to EPA.; a summary of the comments received; the City's response to those public comments; a summary from the public meeting; and a meeting participant list.

**11. Statutory Cost Share**

- a. The City of South Bay is unable to meet the required cost share, as required for this Cleanup Grant. A hardship waiver request is attached.
- b. The City of South Bay is requesting a hardship waiver of the cost share in the attached "Hardship Waiver Request."



### Hardship Waiver Request

The City of South Bay is unable to provide a cost share of 20% of the total federal cleanup funds awarded. The City is requesting a waiver of this requirement in consideration of the hardship it would present to our small, rural community.

The City has a population of just 5,116 residents. A designated federal opportunity zone, the target area is a minority-majority community that suffers from high unemployment, low incomes and high rates of poverty. The City is home to a rate of impoverished residents (31.8%) that more than doubles state and national levels. Per Capita Incomes here are among the absolute lowest in the nation at just \$7,039 annually; a figure that is less than a quarter of regional, state or national numbers. Unemployment is a significant issue here, reported at a *pre-pandemic* rate of 14.4%. With limited resources, (the total 2018-1019 annual operating budget for the City was \$790,174) and a smaller, economically disadvantaged population, the City cannot manage to undertake the proposed project without the requested funds and requested hardship waiver. Requested funds would be used to mitigate contamination discovered while conducting pre-development activities to replace an emergency hurricane shelter and community center that was badly damaged in 2017 by Hurricane Irma. Although this natural disaster occurred outside of the 18 month pre-submission window, the City hopes that EPA will grant this request.