

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.  
*Brownfields, Transactions, Due Diligence, Development, Permitting, Cleanups & Compliance*

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**Via Email Only**

May 23, 2025

Mr. Aaron Hallyburton, President  
Cypress Creek Property Owners' Association  
9667 Calliandra Drive  
Boynton Beach, FL 334346

**Re: Request for Consent from Cypress Creek Property Owners' Association to Complete Installation and Sampling of Groundwater Monitoring Wells and Collection of Soil Borings**

Dear Mr. Hallyburton:

As you know, this Firm represents Toll Bros. in connection with the ongoing environmental investigation and pending cleanup of contamination originating at the former Cypress Creek Golf Course. In furtherance of the investigation, Toll has obtained consent from multiple property owners to collect soil and/or groundwater samples from either their yards or in the street directly in front of their homes to the midway point.

This letter follows the 18 May 2025 field sampling event, which was temporarily paused to address concerns raised by you and, later in the day, the POA's counsel, Robert Burr. While that pause was taken in good faith, let us be clear. This work is not optional. It is required by state law and pursuant to express direction from the Florida Department of Environmental Protection. The purpose of the testing is to confirm whether contamination is present within the Cypress Creek neighborhood and, if so, its extent. Toll will use that information to move toward a regulatory closure that protects the health and safety of the entire community. It is a mystery why anyone would oppose this, especially after spending so much time protesting in public forums that not enough was being done by Toll to protect public health generally and the families that live in Cypress Creek specifically. These two positions simply do not reconcile.<sup>1</sup>

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<sup>1</sup> Let us not forget that the POA Board spent the better part of two years intensely focused on environmental concerns. You and your colleagues demanded environmental reports and lab analytical data, challenged every detail, pushed for testing and remediation, and complained bitterly when you felt that Toll wasn't doing enough fast enough to investigate the nature and extent of contamination. And here we are now, on task (as we have been from day one), moving in lockstep with the FDEP and their deeply experienced and credentialed scientists, engineers, and regulators. To our surprise, there are suddenly letters being written warning residents that testing could devalue their property and actions being taken to block the very testing you, your colleagues on the Board, and your supporters have spent years demanding. The inconsistency speaks volumes about the legitimacy and integrity of the opposition to testing. What purpose can possibly be served by standing in the way of obtaining and disseminating contamination data that have acute implications for public health, safety, and welfare? One may oppose the Toll project – reasonable people can disagree on its merits – but there can be no doubt about the need to protect public health and give families the data they need to understand their current situation. Why would you want to take any action that keeps people in the dark?

Mr. Aaron Hallyburton, President

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Furthermore, the requirement to have each access-granting homeowner go before the Architectural Review Committee to vet well construction and placement criteria feels like an unnecessary roadblock with a predetermined outcome. What is at issue is a two-inch monitoring well, flush with the ground, that produces a minimal footprint.<sup>2</sup> The one well that was installed successfully on Monday by Toll's contractor prior to demobilization is a real-world example of what the additional wells will look like and how and where they will be installed. It seems like the ARC, and the Board, can simply take notice of what already exists instead of creating a belabored, attenuated process that more than a dozen homeowners would have to repeat. Approval should be a straightforward decision and one that is readily forthcoming.<sup>3</sup> If the Board's intent is to simply deny the application(s) brought before the ARC, please let us know so that we don't waste anyone's time. We can, and will, simply elevate the issue directly to FDEP and let the agency enforce the authority granted to it by the Florida Legislature under §376.303(4), Florida Statutes, to obtain access through an Administrative Order.

Toll is committed to conducting the appropriate investigation required under state law and to undertaking the necessary remedial activities to protect human health and the environment. Blocking such testing at this stage (or any stage) isn't just inconsistent with the very public positions you and your colleagues have advocated for, it undermines the exact same process – and outcome - the Board professes to champion.

On Tolls' behalf, we are asking for swift permission from the Board to remobilize to the neighborhood in the next two weeks to collect up to two more soil borings, sample the well that was installed before the field event was suspended, and then install and sample six more groundwater wells. This can be accomplished over two days. We will then have to return to the neighborhood, likely within two more weeks, to collect up to two more soil borings and install and sample up to seven more wells. This event will also likely take two days.<sup>4</sup>

We kindly ask that the Board issue a reply to this letter by Friday, May 30, 2025, that grants Toll permission to resume the investigation as described herein. In the interim, we are happy to meet, either in person or virtually, to respond to questions regarding any aspect of the well installation and sampling process. Thank you.

Very truly yours,

**THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.**

*Michael R. Goldstein*

Michael R. Goldstein, Esq.

cc: Toll Bros., Inc.  
Robert Burr, Esq., Rossin & Burr, PLLC

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<sup>2</sup> I am enclosing with this correspondence a copy of FDEP's Standard Operating Procedures for Design, Installation, and Placement of Monitoring Wells. Toll's consultant will comply with this SOP. Also enclosed is a schematic showing a typical monitoring well detail.

<sup>3</sup> If the Board insists on ARC review, we suggest an expedited, consolidated review process whereby Toll presents information and responds to questions on behalf of all access-granting homeowners. Please note, though, that the wells that will be installed have been used at thousands of sites across Florida and hundreds of thousands of sites across the United States. It would be surprising, and troubling, if a committee charged with *architectural review* disapproved of their use here.

<sup>4</sup> Upon obtaining regulatory closure from FDEP that site rehabilitation has been successfully completed, the wells will be properly abandoned by removal of the concrete well pad and packing of the well shaft with gravel and sand. All such work will be paid for by Toll, and the disruption to the community during installation and subsequent abandonment will be de minimis.