

# AUTHORIZATION FORM



**Originator:**

Name Joel Burzynski      Department Finance      Ext. 7153      Date 1-14-25

**Description of Request:** BW2025-002 Environmental Site Assessment and Related Services

Department Leave Form  Check Request Form  Acquisition Approval

Budget Transfer  Grant Item  Memorandum Service Authorization Approval

Other (Please Specify) For Review and approval by City Manager

BW for approval of NFA Solutions Regulatory Required Sampling of Monitoring Wells

Chief Procurement Officer: *Cigana Pittaker*

Department Head Signature: *Henry Dachowitz*  
Henry Dachowitz (Jan 14, 2025 17:32 EST)

Finance Signature:(if request impacts budget) \_\_\_\_\_

**Review Completed by Staff – Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- RETURN TO ORIGINATOR FOR ADDITIONAL COMMENTS
- APPROVED FOR Chief Procurement Officer

**TRACKING:**

Returned to \_\_\_\_\_ Department for additional information on: \_\_\_\_\_

Forwarded to \_\_\_\_\_ Department for action on: \_\_\_\_\_



## MEMORANDUM BID WAIVER ACQUISITION APPROVAL

**TO:** Terrence R. Moore, ICMA-CM  
Henry Dachowitz, Chief Finance Officer

**THROUGH:** Missie Barletto, Public Works Director Missie Barletto  
Missie Barletto (Jan 10, 2025 13:05 EST)  
Cynthia, Buisson, Assistant Public Works Director *CyB*  
Eugene Bitteker, Chief Procurement Officer

**FROM:** Andrew Rayfield, Fleet Manager *AR*

**SUBJECT:** NFA Solutions Regulatory Required Sampling of Monitoring Wells

**DATE:** January 9, 2024

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### Background:

On November 10, 2021, the City of Delray Beach (City) was alerted to a petroleum product contamination at the fuel dispensers at the Public Works compound. This contamination required the City to initiate a Formal Site Assessment (FSA) in accordance with the requirements of Ch. 62-780 of the Florida Administrative Code, and Palm Beach County Ordinance No. 2009-018. A letter dated June 24, 2022, from the Palm Beach County Department of Environmental Resource Management (ERM) provided the City's Public Works Department (Public Works), the project manager, with the Site Assessment Report (SAR) requirements. In September of 2022, as required by the state and Palm Beach County, the City solicited three (3) quotes for a Formal Site Assessment (FSA) from NFA Solutions, Capstone Engineering, and Envirospec, Inc. The proposal from Envirospec, Inc. was lowest but found to be insufficient. The proposal from Capstone Engineering was the second lowest (\$22,633.74) however it allowed for four (4) soil borings whereas NFA Solutions' proposal (\$23,988) allowed for 15 borings. Due to the SAR requirements and cost, NFA Solutions was awarded the Purchase Order (PO). Following the review of each SAR, ERM has made recommendations to include the installation of additional monitoring wells and sampling to further assess the contamination, resulting in change orders to fund the additional services. In August 2024, the Florida Department of Environmental Protection (FDEP) and ERM informed the City that quarterly sampling of the groundwater for the next year from eight (8) existing wells is required. NFA Solutions has provided a proposal for these services, with first quarter sampling completed in November 2024.

### Justification:

NFA Solutions is a qualified and mindful contractor with a team in place to provide fairly priced services and accurate assessments of the City's site. NFA Solutions has maintained a great working relationship with City staff and ERM. NFA Solutions has continually been in contact with ERM throughout the above process and has performed all tasks required by the City. Due to their continued familiarization with the project and the processes requested by ERM, the Public Works Department is requesting approval of a bid waiver agreement to allow NFA Solutions continue to provide the City with the required services.

**Market Research:**

NFA Solutions is a licensed professional engineering and geology business, and a FDEP approved qualified environmental contractor. NFA Solutions holds all required insurance certifications for safe, quality work. They are currently performing site restoration projects funded by FDEP, insurance companies, and public municipalities around the state. NFA Solutions has also been endorsed by the Florida Petroleum Marketers Association (FPMA) as a preferred vendor and strategic partner.

Need Additional Information                       Not Approved

Comments: \_\_\_\_\_

Approved                      This Bid Waiver approval is valid for 60 months from date of approval. Attach this Bid Waiver Approval to Acquisition Approval Memos and/or requisitions for this item.

Henry Dachowitz  
Henry Dachowitz (Jan 14, 2025 17:32 EST)

Jan 14, 2025  
Date

N/A  
Information Technology (IT) Director                      Date

  
City Manager

Jan 14, 2025  
Date



Licensed Engineering & Geology Environmental Firm  
Specializing in [Innovative](#) and [Faster Site Closures!](#)

West Coast Office:  
1136 NE Pine Island Road, Unit 74  
Cape Coral, Florida 33909  
561.324.7523

East Coast Office:  
4788 Holly Drive  
Palm Beach Gardens, Florida 33418  
561.236.7062

September 9, 2024

Sent via E-Mail to: [FuentesC@mydelraybeach.com](mailto:FuentesC@mydelraybeach.com)

Mr. Cynthia Buisson, PE  
City of Delray Beach  
434 South Swinton Avenue  
Delray Beach, Florida

**RE: *Proposal for Groundwater Natural Attenuation Monitoring***

Site: City of Delray Beach-Public Works  
434 South Swinton Avenue  
Delray Beach, Florida  
FDEP Facility ID#: 50/8623071

Dear Ms. Buisson:

Thank you for the opportunity to provide a proposal to provide Natural Attenuation Monitoring (NAM) of groundwater at the above referenced facility. The attached Cost Summary outlines the general Scope of Work (SOW) and costs to initiate the project as outlined in the August 29, 2024 NAM approval correspondence. The general SOW is as follows:

- NAM to consist of four sampling events conducted during a one year period on a quarterly basis.
- Project administration, planning, teleconference meeting(s) and coordination with subcontractors for four quarters of sampling events.
- Collect groundwater samples from eight existing monitoring wells (MW-01, MW-03, MW-5, MW-06, MW-07, MW-08, MW-09 and DW-10) for laboratory testing for method 8260b for volatile organic aromatics (VOA/BTEX & MTBE) and EPA Method 8270c for Polynuclear Aromatic Hydrocarbon (PAH). for one year on a quarterly basis. Additionally, groundwater from Source/Monitor wells MW-03 and MW-05 will be sampled for EBD and total Lead during the Quarter 1 NAM.
- Prepare and submit to Palm Beach County Department of Environmental Resources Management a NAM Report for each of the four quarters, signed and sealed by our Professional Geologist, compliant to requirements of Chapter 62-780, F.A.C.

<b>TOTAL ESTIMATED COST = <u>\$18,402.00</u></b>
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4788 Holly Drive  
Palm Beach Gardens, Florida 33418  
561.236.7062

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**NOTE** – The scope of work and associated costs presented are estimated. If the scope of work changes, then additional costs will apply. Additionally, the most recent Site Assessment information indicates that soil contamination also exists on-site. Pursuant to Paragraph 62-780.690(8)(g), F.A.C., prior to the submittal of a Site Rehabilitation Completion Report with a No Further Action Proposal it will be necessary to collect additional soil samples to confirm that the applicable soil cleanup criteria specified in Table II of Chapter 62-777, F.A.C. for petroleum products' contaminants of concern have been achieved. A separate cost proposal will be submitted outlining these costs upon completion of the NAM groundwater monitoring.

**PAYMENT TERMS**

Payment of Invoice upon submittal of each Quarterly NAM Report.

Net 30-days.

Sincerely,

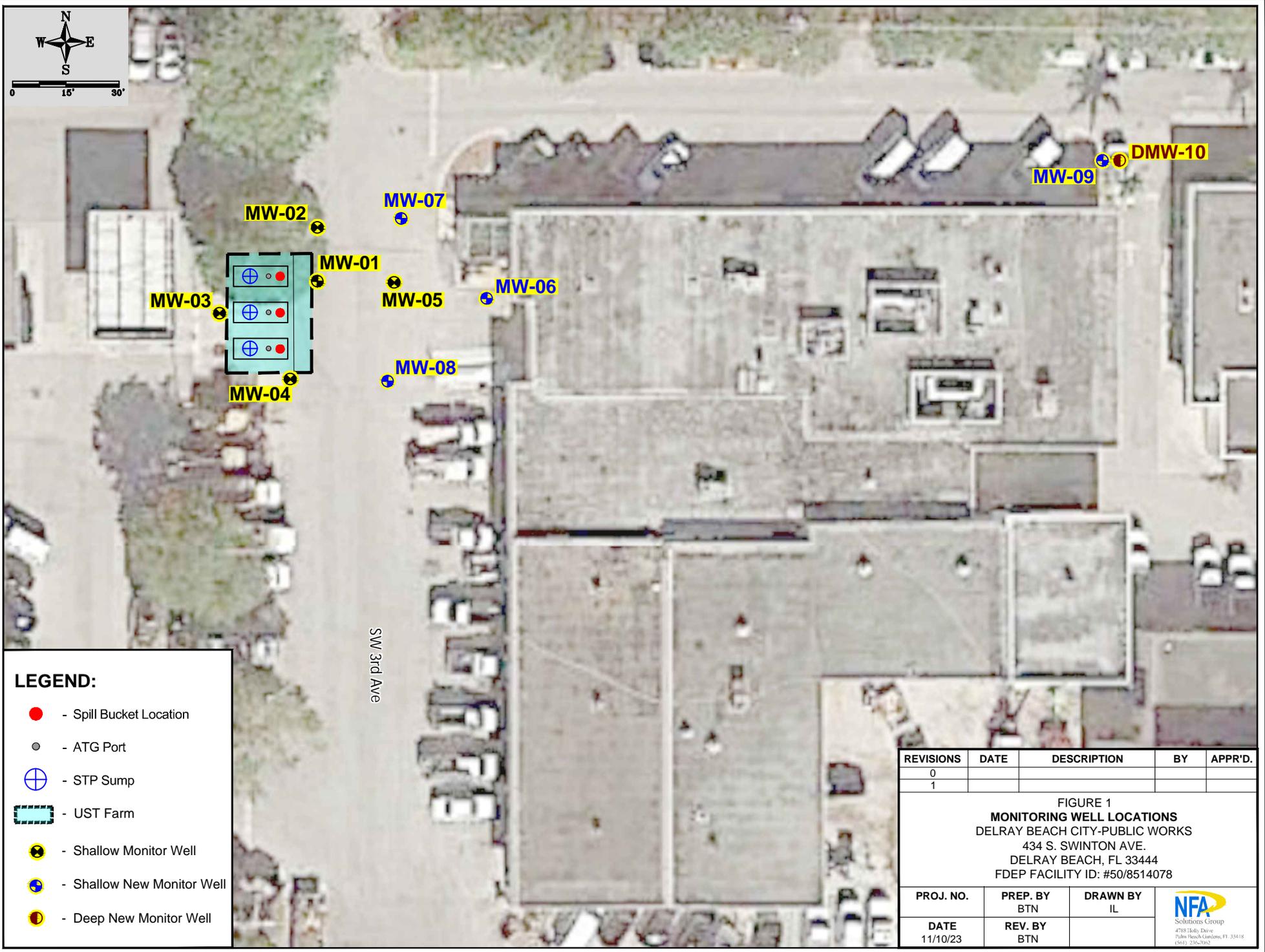
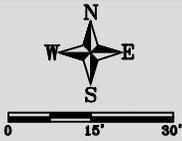
A handwritten signature in black ink that reads "Bradley T. Nowland". The signature is written in a cursive style.

Bradley T. Nowland-Principal

**Attached:**

1. *Cost Summary.*
2. *Site Map showing the Location of the Monitoring Wells*

**CC:** Mr. Paul DeCarolis - City of Delray Beach-IPP Administrator



**LEGEND:**

- - Spill Bucket Location
- - ATG Port
- ⊕ - STP Sump
- ▭ (dashed) - UST Farm
- ⊗ (yellow) - Shallow Monitor Well
- ⊗ (blue) - Shallow New Monitor Well
- ⊗ (yellow with red center) - Deep New Monitor Well

REVISIONS	DATE	DESCRIPTION	BY	APPR'D.
0				
1				

**FIGURE 1**  
**MONITORING WELL LOCATIONS**  
 DELRAY BEACH CITY-PUBLIC WORKS  
 434 S. SWINTON AVE.  
 DELRAY BEACH, FL 33444  
 FDEP FACILITY ID: #50/8514078

PROJ. NO.	PREP. BY BTN	DRAWN BY IL
DATE 11/10/23	REV. BY BTN	



## NFA Solutions Group - Cost Summary

Date: 9/9/2024

Project Number: XXXX

Site Name: City of Delray Beach SARA

Contractor: NFA

Project Manager: Nowland

Project Description: One Year Natural Attenuation Monitoring

Subtask A Admin.,Project costing and Coordination

Subtask B Quarter One NAM MW Sampling

Subtask C Quarter One NAM Report Preparation

Subtask D Quarter Two NAM MW Sampling

Subtask E Quarter Two NAM Report Preparation

Subtask F Quarter Three NAM MW Sampling

Subtask G Quarter Three NAM Report Preparation

Subtask H Quarter Four NAM MW Sampling

Subtask I Quarter Four/Year 1 NAM Summary Report Preparation

Project Totals: **\$18,401.60**

Labor Rate	Personnel Category	Totals	A	B	C	D	E	F	G	H	I
\$160.00	Principal/President	0	0	0	0	0	0	0	0	0	0
\$150.00	Sr. Project Director	0	0	0	0	0	0	0	0	0	0
\$140.00	Sr. Engineer/P.E.	0	0	0	0	0	0	0	0	0	0
\$130.00	Sr. Hydrogeol/P.G.	9	0	0	2	0	2	0	2	0	3
\$120.00	Project Manager	6	6	0	0	0	0	0	0	0	0
\$110.00	Project Scientist/Geologist	32	2	0	8	0	5	0	5	0	12
\$100.00	Sr. Technician/Geologist	0	0	0	0	0	0	0	0	0	0
\$90.00	Technician	8	0	2	0	2	0	2	0	2	0
\$80.00	CADD	10	0	0	2	0	2	0	2	0	4
\$70.00	Clerical	18	0	0	4	0	4	0	4	0	6
TOTAL HOURS		83	8	2	16	2	13	2	13	2	25
1)	Bare Labor Cost	\$8,190.00	940.00	180.00	1,580.00	180.00	1,250.00	180.00	1,250.00	180.00	2,450.00
2)	Project Management (line 1)	0.0%	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3)	Indirect, Overhead, G&A, Fee (lines 1 & 2)	0.0%	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4)	Total Labor Cost	\$8,190.00	940.00	180.00	1,580.00	180.00	1,250.00	180.00	1,250.00	180.00	2,450.00
5)	Equipment Rental (in-house)	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6)	Hotel/Per Diem(\$250/per man/day)	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7)	Other Direct Costs(shipping)	0.0%	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8)	Utility Vehicle Use (\$200/per day)	\$800.00	0.00	200.00	0.00	200.00	0.00	200.00	0.00	200.00	0.00
9)	CONTRACTOR SUBTOTAL	\$8,990.00	940.00	380.00	1,580.00	380.00	1,250.00	380.00	1,250.00	380.00	2,450.00
10)	Laboratory Analysis- JEL	\$5,784.00	0.00	1,536.00	0.00	1,416.00	0.00	1,416.00	0.00	1,416.00	0.00
11)	Direct push Subcontractors-TBD	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11a)	Drilling Subcontractors-TBD	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12)	Construction Subcontractors	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13)	Other Subcontractors-JEL field tech	\$2,400.00	0.00	600.00	0.00	600.00	0.00	600.00	0.00	600.00	0.00
13a)	Other Subcontractors-Site Lines EMS/GPR survey	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14)	Sub Handling Fee (lines 10 -13)	15.0%	\$1,227.60	0.00	320.40	0.00	302.40	0.00	302.40	0.00	302.40
15)	Additional Equipment	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16)	Additional Equip. Markup	15.0%	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17)	SUBCONTRACTOR SUBTOTAL	\$9,411.60	0.00	2,456.40	0.00	2,318.40	0.00	2,318.40	0.00	2,318.40	0.00
18)	TOTAL PRICE (less retainage)	\$18,401.60	940.00	2,836.40	1,580.00	2,698.40	1,250.00	2,698.40	1,250.00	2,698.40	2,450.00
19)	RETAINAGE	0.0%	\$0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20)	TOTAL PRICE (including retainage)	\$18,401.60	940.00	2,836.40	1,580.00	2,698.40	1,250.00	2,698.40	1,250.00	2,698.40	2,450.00

Sampling Parameter Table

<b>JEL Lab Costs-(bare rates)</b>						
Groundwater Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	GAG	KAG	EDB & Pb
groundwater-8 total MWs						X
Source wells (MW-01, 03 & MW-05)	X		X			X
Perimeter wells (MW-06, 07, 08, 09 & DMW-10)	X		X			

Soil Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	SPLP (1312)	GAG/KAG	62-713 Preburn

GW Sample Analyses Legend	Cost Each	No. Each	Cost
BTEX/MTBE (8260B)	\$55.00	8	\$440.00
TRPHs (FL-PRO)	\$79.00	0	\$0.00
GAG	\$275.00	0	\$0.00
EDB & Pb	\$60.00	2	\$120.00
KAG	\$375.00	0	\$0.00
PAHs (8270C)	\$122.00	8	\$976.00
			<b>\$1,536.00</b>

Soil Sample Analyses Legend	Cost Each	No. Each	Cost
BTEX/MTBE (8260b)	\$40.00	0	\$0.00
TRPHs (FL-PRO)	\$57.00	0	\$0.00
PAHs (8270c soil)	\$83.00	0	\$0.00
SPLP Extraction	\$55.00	0	\$0.00
62-713 Preburn	\$350.00	0	\$0.00
EnCores (1 to a kit)	\$25.00	0	\$0.00
			<b>\$0.00</b>
			<b>\$1,536.00</b>

Sampling Parameter Table

**JEL Lab Costs-(bare rates)**

Groundwater Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	GAG	KAG	
groundwater-5 total MWs (MW-01, 05, 06, 09 & DMW-10)	X		X			

Soil Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	SPLP (1312)	GAG/KAG	62-713 Preburn

GW Sample Analyses Legend	Cost Each	No. Each	Cost
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TRPHs (FL-PRO)	\$79.00	0	\$0.00
EDB & Pb	\$60.00	0	\$0.00
GAG	\$275.00	0	\$0.00
KAG	\$375.00	0	\$0.00
PAHs (8270C)	\$122.00	8	\$976.00
			<b>\$1,416.000</b>

Soil Sample Analyses Legend	Cost Each	No. Each	Cost
BTEX/MTBE (8260b)	\$40.00	0	\$0.00
TRPHs (FL-PRO)	\$57.00	0	\$0.00
PAHs (8270c soil)	\$83.00	0	\$0.00
SPLP Extraction	\$55.00	0	\$0.00
62-713 Preburn	\$350.00	0	\$0.00
EnCores (1 to a kit)	\$20.00	0	\$0.00
			<b>\$0.00</b>
			<b>\$1,416.000</b>

Sampling Parameter Table

**JEL Lab Costs-(bare rates)**

Groundwater Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	GAG	KAG	
groundwater-5 total MWs (MW-01, 05, 06, 09 & DMW-10)	X		X			

Soil Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	SPLP (1312)	GAG/KAG	62-713 Preburn

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PAHs (8270C)	\$122.00	8	\$976.00
			<b>\$1,416.000</b>

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SPLP Extraction	\$55.00	0	\$0.00
62-713 Preburn	\$350.00	0	\$0.00
EnCores (1 to a kit)	\$20.00	0	\$0.00
			<b>\$0.00</b>
			<b>\$1,416.000</b>

Sampling Parameter Table

**JEL Lab Costs-(bare rates)**

Groundwater Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	GAG	KAG	
groundwater-5 total MWs (MW-01, 05, 06, 09 & DMW-10)	X		X			

Soil Sample	Analytical Parameters					
	BTEX/MTBE (8260B)	TRPHs (FL-PRO)	PAHs (8270C)	SPLP (1312)	GAG/KAG	62-713 Preburn

GW Sample Analyses Legend	Cost Each	No. Each	Cost
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GAG	\$275.00	0	\$0.00
KAG	\$375.00	0	\$0.00
PAHs (8270C)	\$122.00	8	\$976.00
			<b>\$1,416.000</b>

Soil Sample Analyses Legend	Cost Each	No. Each	Cost
BTEX/MTBE (8260b)	\$40.00	0	\$0.00
TRPHs (FL-PRO)	\$57.00	0	\$0.00
PAHs (8270c soil)	\$83.00	0	\$0.00
SPLP Extraction	\$55.00	0	\$0.00
62-713 Preburn	\$350.00	0	\$0.00
EnCores (1 to a kit)	\$20.00	0	\$0.00
			<b>\$0.00</b>
			<b>\$1,416.000</b>



**Department of Environmental  
Resources Management**

2300 North Jog Road, 4th Floor  
West Palm Beach, FL 33411-2743

(561) 233-2400

FAX: (561) 233-2414

www.pbcgov.com/erm



**Palm Beach County  
Board of County  
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

June 24, 2022

**NOTICE #022R-002**

**Petroleum Cleanup Enforcement**

Mr. Paul H. DeCarolis  
City of Delray Beach  
434 S. Swinton Ave.  
Delray Beach, FL 33444

**SUBJECT: REQUEST FOR SITE ASSESSMENT ACTIVITIES**

Delray Beach City – Public Works  
434 S. Swinton Ave., Delray Beach  
DEP Facility ID # 508623071  
Discharge Date: November 10, 2021

Dear Mr. DeCarolis:

On June 16, 2022, the Palm Beach County Department of Environmental Resources Management (ERM) received a Discharge Report Form documenting petroleum contamination discovered at the subject site. Based on this information, the date of discovery of petroleum product contamination is November 10, 2021. Due to the discovery of petroleum contamination, you are required to initiate a formal site assessment (SA) at this facility in accordance with the requirements of Ch. 62-780, Florida Administrative Code (F.A.C.) and Palm Beach County Ordinance 2009-018, as amended, within 30 days from the date of discovery.

Please provide written confirmation of the initiation of the SA to ERM. The confirmation should be submitted within ten days upon initiation of the SA. In addition, provide a 3-day notice prior to initiation of field activities. If a SA has already been initiated, please provide written confirmation of this on receipt of this correspondence.

Within 270 days of discovery of the contamination **by August 7, 2022**, two copies of a Site Assessment Report (SAR), prepared, signed, and sealed in accordance with Chapter 62-780, F.A.C., shall be submitted to ERM at the letterhead address. After submittal of the SAR, please be advised that additional requirements for cleanup of the contamination may apply.

*"An Equal Opportunity  
Affirmative Action Employer"*



Paul H. DeCarolis  
June 24, 2022  
Page 2

If free product attributable to this discharge is present at your site, you must take steps to obtain cleanup services for product recovery or initiate product recovery within three days of discovery of free product. Product recovery shall be conducted in accordance with Section 62-780.500, F.A.C.

The FDEP Facility Number for this site is 508623071. Please use this identification on all future correspondence with the FDEP or ERM. If you have any questions or require additional information, please contact Jerry Cook, P.G., Senior Hydrogeologist, at (561) 233-2507 or via email at [JMCook@pbcgov.org](mailto:JMCook@pbcgov.org).

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Finneran".

Bonnie Finneran  
Environmental Director  
Resources Protection

dm:jmc:kle

ec: FDEP Oculus

David Levy, NFA Solutions – [dlevy@nfasolutions.com](mailto:dlevy@nfasolutions.com)

David Ayres, NFA Solutions – [dayres@nfasolutions.com](mailto:dayres@nfasolutions.com)



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

August 29, 2024

Sent via email to: [FuentesC@mydelraybeach.com](mailto:FuentesC@mydelraybeach.com)

Ms. Cynthia Buisson, Assistant Director of Public Works  
City of Delray Beach  
100 NW First Avenue  
Delray Beach, FL 33444

Subject: Natural Attenuation Monitoring Plan Approval  
Delray Beach City-Public Works  
434 S Swinton Ave (418 SW 3<sup>rd</sup> Ave)  
Delray Beach, Palm Beach County  
FDEP Facility ID# 508623071  
Discharge Date: November 11, 2021 (Non-program)

Dear Ms. Buisson:

The Petroleum Restoration Program (PRP) has reviewed the Natural Attenuation Monitoring (NAM) Plan dated July 30, 2024 (received July 30, 2024), submitted for the petroleum product discharge referenced above. Pursuant to Paragraph 62-780.690(5)(a), Florida Administrative Code (F.A.C.), the PRP approves the NAM Plan.

Pursuant to Subsection 62-780.690(8), F.A.C., you are required to complete the monitoring program outlined below. The first sampling event must be performed within 60 days of receipt of this Natural Attenuation Monitoring Plan Approval Order (Order). Water-level measurements must be made immediately prior to each sampling event. The analytical results (laboratory report), chain of custody record form, cumulative summary tables as required by Subparagraph 62-780.600(8)(a)27., F.A.C. (updated as applicable), site map(s) that illustrate the most recent analytical results, and the water-level elevation information (cumulative summary table and most recent flow interpretation map), must be submitted to the PRP within 60 days of sample collection.

The monitoring wells to be sampled, the sampling parameters, and the sampling frequency for the first year are as follows:

<u>Monitoring Wells</u>	<u>Contaminants of Concern</u>	<u>Frequency</u>
MW-1, MW-03, MW-05, MW-06, MW-07, MW-08, MW-09 and DMW- 10	BTEX and PAHs	Quarterly

If concentrations of contaminants of concern in any of the designated wells increase above the action levels listed below, the well or wells must be resampled no later than 30 days after the initial positive results are known. If the results of the resampling confirm the initial sampling results, then the monitoring report referenced in Paragraph 62-780.690(8)(d), F.A.C., must be signed and sealed by an appropriate registered professional pursuant to Rule 62-780.400, F.A.C., and must include a recommendation as described in Paragraph 62-780.690(8)(e), F.A.C.

Source wells:

MW-01, MW-03 and MW-05: 100 µg/L Benzene; 300 µg/L Ethylbenzene; 200 µg/L Xylenes, total; 140 µg/L Naphthalene; 280 µg/L Methyl-naphthalene, 1-; 280 µg/L Methyl-naphthalene, 2-; 5 µg/L Benzo(b)fluoranthene; 5 µg/L Indeno(1, 2, 3-cd) pyrene

Perimeter wells (temporary point of compliance):

MW-06, MW-07, MW-08, MW-09 and DMW-10: 1 µg/L Benzene; 30 µg/L Ethylbenzene; 20 µg/L Xylenes, total; 14 µg/L Naphthalene; 28 µg/L Methyl-naphthalene, 1-; 28 µg/L Methyl-naphthalene, 2-; 0.05 µg/L Benzo(b)fluoranthene; 0.05 µg/L Indeno(1, 2, 3-cd) pyrene

In addition, MW-3 and MW-5 must be sampled for EDB at least one more time during the monitoring program to demonstrate that applicable Groundwater Cleanup Target Levels are not exceeded at those locations.

If the applicable No Further Action criteria of Rule 62-780.680, F.A.C., are met for two consecutive sampling events, a Site Rehabilitation Completion Report with a No Further Action Proposal, that summarizes the monitoring program and contains documentation to support the opinion that the cleanup objectives have been achieved, must be submitted to the PRP as required in Subsection 62-780.690(10), F.A.C. The Site Rehabilitation Completion Report must include a summary of analytical results obtained for groundwater, soil, surface water and sediment, as applicable, to support the recommendation that the site qualifies for No Further Action in all media. If the applicable No Further Action criteria of Rule 62-780.680, F.A.C., are not met following one year of monitoring, then the monitoring report must include a recommendation as described in Paragraph 62-780.690(8)(f), F.A.C.

The most recent assessment information indicates that soil contamination also exists on-site. Pursuant to Paragraph 62-780.690(8)(g), F.A.C., prior to the submittal of a Site Rehabilitation Completion Report with a No Further Action Proposal it will be necessary to collect additional soil samples to confirm that the applicable soil cleanup criteria specified in Table II of Chapter 62-777, F.A.C. for petroleum products' contaminants of concern have been achieved. A proposal for number and locations of soil borings must be submitted to the PRP during the implementation or at the conclusion of the groundwater monitoring period for concurrence with the scope of work, and the results must be reported in the Site Rehabilitation Completion Report or monitoring report.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the addressee at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the addressee must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the addressee must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency\_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### Mediation

Mediation is not available in this proceeding.

### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

### Questions

Any questions regarding the PRP's review of the NAM Plan should be directed to Jerry Cook at 561-233-2507. Questions regarding legal issues should be referred to the Department's 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.

The FDEP Facility Number for this facility is 508623071. Please use this identification on all future correspondence with the Department.

## **EXECUTION AND CLERKING**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

---

Natasha Lampkin  
Program Administrator  
Petroleum Restoration Program

Ms. Cynthia Buisson  
FDEP Facility ID# 508623071  
Page 5 of 5  
August 29, 2024

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

cc: Jerry Cook, Palm Beach County ERM – Jmcook@pbc.gov  
Todd Nowland, NFA Solutions – Tnowland@nfasolutions.com  
File

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
**Clerk**

\_\_\_\_\_  
**Date**



**Department of Environmental  
Resources Management**

2300 North Jog Road, 4th Floor  
West Palm Beach, FL 33411-2743

(561) 233-2400

FAX: (561) 233-2414

www.pbcgov.com/erm



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Affirmative Action Employer"*

Official Electronic Letterhead

## Memorandum

To: Natasha Lampkin, Program Administrator  
Petroleum Restoration Program  
Florida Department of Environmental Protection

From: Jerry Cook, P.G., Senior Hydrogeologist  
Petroleum Contamination Cleanup  
Palm Beach County Department of Environmental  
Resources Management

Subject: **Recommend Approval of Natural Attenuation Monitoring Plan**  
Delray Beach City-Public Works  
434 S Swinton Ave  
Delray Beach, Palm Beach County  
FDEP Facility Identification # 508623071

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I have reviewed and concur that the components of the Natural Attenuation Monitoring (NAM) Plan dated July 30, 2024 (received July 30, 2024) prepared for the November 11, 2021 petroleum product discharge discovered at the above-referenced facility satisfy the requirements set forth in Chapter 62-780, Florida Administrative Code (F.A.C.) and that the data and conclusions in the plan provide reasonable assurances that the requirements stated in Chapter 62-780, F.A.C., have been met.

A handwritten signature in blue ink that reads "Jerry Cook".

August 21, 2024

Date

**\*\*NEWS FLASH\*\*** NFA has recently been endorsed by the FPMA as a Strategic Partner!!



A RESULTS DRIVEN COMPANY FINDING FAST AND INNOVATIVE SOLUTIONS!

NFA Solutions Group, Inc. was conceived on the belief that owners of contaminated properties and/or responsible parties deserve faster solutions to mitigating their environmental liability. Our goal is to restore the value of your contaminated property faster and more cost-effectively using innovative means and to ultimately obtain regulatory compliance for your property.

We are a licensed professional engineering and geology business, and a FDEP-approved qualified environmental contractor. We hold all required insurance certifications for safe, quality work. We are currently performing site restoration projects funded by the Florida Department of Environmental Protection (FDEP), as well as insurance companies and individuals in the private sector.

**\*\*NEWS BREAK! NFA has recently been endorsed by the FPMA as a preferred vendor and Strategic Partner!!!**

## ABOUT US

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David J. Ayres

## Principal

### EDUCATION:

Bachelor of Science,  
Mechanical Engineering:  
University of Minnesota  
Executive Masters of Finance:  
College of St. Thomas, Minnesota

### EXECUTIVE SUMMARY:

Mr. Ayres has a diverse background and over 30 years of experience with product and services in Industrial, Aerospace and Environmental Industries. His experiences include engineering, manufacturing, field/technology applications, management, and business development.

In 2009, Mr. Ayres began working to resolve Florida soil and groundwater environmental contamination challenges. He and Mr. Todd Nowland focused their efforts on further developing an innovative technology called the LEVUK™ Method, initially created by Mr. David Levy for rapidly cleaning up contaminated properties in Florida, and ultimately laid the foundation for NFA Solutions Group's business success.

Mr. Ayres applies his knowledge in manufacturing, including continuous process improvement and shorter lead-times, to environmental remediation. Today, Mr. Ayres and his team have created Advanced Microbial Degradation (microDEG™) Process and built an unprecedented track record of fast, successful clean-ups and is sought out by property owners and insurance companies for his knowledge and expertise.

## David J. Levy

## Principal

### EDUCATION:

Bachelor of Science - Geology:

Florida State University

Master of Science - Geology: Virginia Polytechnic Institute and State University

Professional Geologist:

Florida and North Carolina

Certified Materials Manager

### EXECUTIVE SUMMARY:

Mr. Levy earned a Master of Science in Geological Science from Virginia Polytechnic and State University. Mr. Levy has worked in the Environmental Regulating and Consulting Industry since 1986 and has earned professional geology licenses from Florida and North Carolina. He has conducted over 200 contamination assessments and designed over 100 remedial action systems.

Frustrated with the lack of success of the traditional technology used to remediate sites, Mr. Levy used his expertise in groundwater flow and bioremediation to develop the LEVUK™ Method in 2003.

He has gained valuable knowledge in land use and environmental issues concerning the cities and counties within the State of Florida. He has and is currently serving on a number of environmental-related committee boards. He has enjoyed his tenure as Council Member, Vice Mayor and Mayor for the City of Palm Beach Gardens.

## Bradley (Todd) Nowland

### Principal

### EDUCATION:

Bachelor of Science - Geography

with minor in Geology:

Northwest Missouri State University

## EXECUTIVE SUMMARY:

Mr. Nowland has over thirty cumulative years of experience in the field of environmental compliance, contamination mitigation and project management on a wide variety of projects for the private sector, insurance companies, and Florida county/state agencies. Todd is actively involved in developing the Advanced Microbial Degradation (microDEG™) Process and the selection of fast innovative solutions to environmental liabilities. He manages compliance to regulatory rules, and development of protocols for the NFA's Health and Safety program.

On job sites, Todd manages the flow of work, supervises subcontractors, acts as the liaison between clients and regulatory agencies, and ensures the timeliness of project deliverables.

Todd is sought after by his reputation for finding speedy, common-sense solutions to client's environmental problems. His outstanding reputation with subcontractors helps ensure project success.

### **NFA Solutions Group, Inc. - FPMA strategic partner**

David Levy - 561.236.7062 | Todd Nowland - 561.324.7523 | David Ayres -  
561.657.3523

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# BW2025-002 Environmental Site Assessment Related Services

Final Audit Report

2025-01-14

Created:	2025-01-14
By:	Joel Burzynski (burzynskij@mydelraybeach.com)
Status:	Signed
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