

QUESTIONS FOR RAILROAD'S ENVIRONMENTAL POLLUTION CONSULTANT REPORT

14 essential Questions for S&S Environmental Consultants, City Council, & Mayor for November 4, 2026 Bonita Springs City Special Meeting

Here is the exact set of 14 interrogative questions compiled for the Press, Taxpayers, City Council, and Mayor to present to the Railroad's environmental consultant (S&S Environmental Consultants) during their individual one-on-one sessions ahead of the November 04, 2026 City Council Meeting:

I. Questions Regarding Title Restrictions & Overriding Recreational Bans

- Q1. Recreational Trail Use Deed Prohibition:** The recorded 2019 Corrective Confirmatory Quitclaim Deed (Lee County Instrument # 2019000150246) explicitly forbids recreational uses—specifically "hiking or biking trail, athletic fields or courts, or public gathering place"—and bans groundwater extraction beneath the tracks. Has your firm or the Railroad secured a legally recorded, executed extinguishment of these CSX covenants in gross, or will the City be purchasing property that cannot legally be used as a public trail?
- Q2. Groundwater Interception Restrictions:** Given that the deed explicitly restricts groundwater extraction or use beneath the corridor for human consumption or irrigation, how does your sampling protocol account for shallow water tables where toxic run-off or leaching from track ballast intersects adjacent municipal properties?

II. Questions Regarding Testing Protocol Deficiencies & "Dilution Mechanics"

- Q3. Shallow Depth Cap Violation:** Contractual testing under Exhibit "B" of the Purchase and Sale (P&S) Agreement, restricts soil borings strictly to 0–6 inches, directly bypassing standard Florida Department Environmental Protection (FDEP) Standard Operating Procedures (SOPs) (FS 3000, FS 3210, FS 3220) that require deep-column sampling (2–5 ft) down to the water table. Why was deep-soil coring intentionally excluded when historical herbicides and heavy metals leach deep into the vadose zone?
- Q4. Mathematical Hotspot Dilution via Composite Sampling:** Exhibit "B" of the P&S mandates composite sampling, where five discrete soil samples across a linear distance are blended into a single container for laboratory analysis. Since blending five samples mathematically reduces a concentrated toxic hotspot (e.g., 10.0 mg/kg arsenic) down to a lower average reading (2.4 mg/kg), how can you guarantee to taxpayers that dangerous hotspots are not being artificially masked?
- Q5. Omission of Critical Chemical Classes:** Testing protocols limit analysis to Arsenic, Lead, and PAHs, while omitting petroleum hydrocarbons (TPH/BTEX), heavy metals (copper, chromium, cadmium), volatile organic compounds (VOCs), creosote leachates, and historical herbicides. What scientific justification allows omitting these standard railroad contaminants from a formal Phase 2 evaluation?

III. Questions Regarding Excluded Industrial Sidetracks & Specific High-Risk Locations

Q6. Exclusion of High-Risk Industrial Sidetracks: Why were prime industrial sidings—including Old 41 sidetracks (AX 984.25–984.43), Terry Street clusters, Depot Park (AX 987.4), Causeway Lumber, and Builder Marts—excluded from targeted deep-core soil testing?

Q7. Tisch Laundry Chlorinated Solvent Plume: The Phase 1 ESA flagged a Recognized Environmental Condition (REC) at West Terry Street regarding shallow groundwater threatened by chlorinated dry-cleaning solvents from the adjacent Tisch Laundry site. Why does the Phase 2 scope restrict groundwater sampling without seller approval when chlorinated solvents migrate rapidly through soil columns? Why was the EPA denied access to the site by Seminole Rail Road to install additional monitoring wells?

Q8. Depot Park Surface Soil Hazard: At Depot Park (AX 987.4), ballast rock and ties sit immediately adjacent to public play areas. Standard EPA guidelines recommend complete soil removal in high-contact areas rather than simple surface capping. Why does your Phase 2 scope fail to mandate physical soil excavation depth profiling for Depot Park? This area was a railroad depot where trains sat for extended periods of time causing high volumes of contaminants to be dispersed into the soil. This area also resides as a divider between Depot and Riverside Parks.

IV. Questions for the Mayor & Council Regarding Conflicts of Interest & Local Businesses

Q9. Specific Risks to Adjacent Food Services (Pizzeria) & Retail (Bike Shop): As a business owner operating a pizzeria and bike shop directly adjacent to the rail right-of-way, how will construction dust containing carcinogenic creosote, arsenic, and lead particulates be physically contained during track removal to prevent airborne contamination of nearby dining and retail spaces?

Q10. Economic Impact on Downtown Businesses: If un-capped ballast or disturbed rail soil generates airborne dust during trail site preparation, what air monitoring protocols (EPA Method 10) will be established to protect outdoor restaurant patrons along the downtown corridor from breathing particulate heavy metals?

V. Questions Regarding Public Health, Child Safety, & Municipal Oversight

Q11. Exclusion of City Environmentalist: Official municipal emails from September 11, 2026, confirm that City Environmentalist Laura Gibson was neither requested to review nor allowed to participate in any environmental analyses or agreements for BERT. Why was the City's top internal environmental expert completely bypassed during the due diligence review?

Q12. Child Trespassing Liability & Attractive Nuisance: Photo evidence documents children running and playing on the un-remediated railroad tracks between Riverside Park and Depot Park. Given that city staff removed these photos from municipal websites after liability was highlighted, what immediate physical security or environmental testing is being conducted to protect children playing on **the rail road bed or within the adjacent parks from this highly contaminated area** on these contaminated tracks today?

VI. Questions Regarding Financial Liability & The 30-Day "AS-IS" Contract Trap

Q13. The 30-Day "AS-IS" Contract Trap: The Purchase and Sale Agreement imposes a strict 30-day clock following receipt of Phase 2 results for the City to accept or reject the findings. Since a complete scientific review, delineation, and Phase 3 cleanup cost estimate takes far longer than 30 days, why is the Railroad forcing a deadline that automatically transfers 100% of toxic cleanup liabilities to local taxpayers?

Q14. True Taxpayer Exposure & Unfunded Remediation: The \$28,565,723 acquisition cost balloons to over \$169.5 Million over 30 years when factoring in interest, track removal, asphalt capping, flyover bridges, and environmental remediation. How can City Council justify purchasing property assessed by the Property Appraiser at under \$380,000 without first securing a binding, seller-funded Phase 3 remediation cap?

ACTIONABLE EXECUTION CHECKLIST FOR COUNCIL & MAYOR

- [] **Hand-Deliver Interrogation Brief:** Provide these 14 questions to each City Council member, the Mayor, and City Attorney Derek Rooney prior to the November 04, 2026 meeting.
- [] **Demand Full Release of Data:** Issue a formal demand for raw, un-redacted laboratory datasets from S&S Environmental Consultants prior to any council vote.
- [] **Require Title Clearance Verification:** Instruct the City Attorney to provide a written title opinion verifying whether CSX's 2019 deed restriction against public trails has been legally extinguished.

SUBMITTED BY & CONTACT INFORMATION

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