

EXECUTIVE SUMMARY: PHASE 2 RAILROAD-CONDUCTED POLLUTION INVESTIGATION HAS SERIOUS SCIENTIFIC ERRORS, OMISSIONS, AND FAILURES

SPECIAL AUDIT REPORT FOR THE CITY OF BONITA SPRINGS CITY COUNCIL & MAYOR AHEAD OF THE NOVEMBER 4, 2026 ENVIRONMENTAL PRESENTATION

CITY OF BONITA SPRINGS AT STAKE: \$28.56M PURCHASE VS. \$378,005 APPRAISED VALUE

Bonita Springs taxpayers are being asked to commit \$28.56 Million to acquire 6.15 miles of Seminole Gulf Railway (SGLR) corridor right-of-way that Lee County Property Appraiser Matt Caldwell valued at just \$378,005.

Because the Purchase and Sale Agreement is structured as strict 'AS-IS / WHERE-IS', Seminole Gulf Railway is under ZERO contractual obligation to pay a single dollar toward cleanup or capping. By submitting a Phase II report that completely omits remediation and capping cost estimates, the seller's consultant ensures the railroad walks away with full payment while shifting an estimated \$12.5 Million to \$24.0 Million+ in unbudgeted cleanup liabilities directly onto Bonita Springs taxpayers. All underlying source documents and evidence files referenced in this audit are published and available for public inspection at usataxfighters.org.

I. EXCLUSION OF CITY ENVIRONMENTALIST & MUNICIPAL OVERSIGHT

- A. Total Exclusion of City Environmentalist (September 11, 2026 Disclosure):** City staff confirmed in writing (Jacqueline Toemmes Genson, Planning & Zoning Manager) that City Environmentalist Laura Gibson was neither asked to review nor reviewed any Environmental Assessment related to BERT, nor participated in any BERT discussions (Source document at usataxfighters.org).
- B. Bypassing FDEP & EPA Oversight:** Neither FDEP Chapter 62-780 standards nor EPA Brownfields guidelines were required in the contract, allowing the seller (Seminole Gulf Railway) to conduct self-policed sampling without independent regulatory verification.
- C. Seller Conflict of Interest (Exhibit B, Section I):** SGLR maintained direct contractual authority over the environmental investigation scope, creating an inherent conflict of interest that prioritized limiting seller liability over Bonita Springs public health protection.
- D. Railroad Veto Power Over Groundwater (Exhibit B, Section I.f):** SGLR retained explicit veto authority over any groundwater testing, shielding potential migrating contaminant plumes beneath the water table from public discovery.
- E. Shifting Capping Liabilities to Taxpayers (Exhibit B, Section II):** Exhibit B contractually shifts long-term capping, asphalt maintenance, exposure barriers, and annual warning sign postings onto local taxpayers.

II. REVEALING ADMISSIONS IN THE OCTOBER 15, 2026 CAPPING & SOIL MANAGEMENT PLAN

- A. Admitted Failure to Delineate Contamination Extent:** Page 1 of the Capping & Soil Management Plan (prepared by Taylor Environmental Consulting) explicitly admits that the Phase II ESA failed to define contaminant boundaries, stating: 'Based on the results, additional soil sampling is warranted to delineate the extent of the soil impacts along the railroad corridor' (Source document at usataxfighters.org).
- B. Admitted Inability to Estimate Waste Volumes or Costs:** Section 4.5 of the Capping Plan admits that because Phase II testing was incomplete, engineers cannot quantify project exposure: 'Due to the procedure that will be

used and the uncertainty of the size of some of the excavations, the total volume of waste to be removed cannot be adequately estimated' (Source document at usataxfighters.org).

C. Omission of Remediation & Capping Cost Estimates: The Phase II report delivered by S&S Environmental Consultants contains ZERO financial estimates for soil excavation, TCLP hazardous waste disposal, 24-inch clean soil caps, geotextile warning markers, asphalt paving, or required annual engineering inspections in perpetuity.

D. AS-IS / WHERE-IS Contractual Shield: Under the March 26, 2026 Purchase & Sale Agreement, SGLR sells the property 'AS-IS', leaving the seller legally exempt from contributing to cleanup costs while taxpayers fund 100% of remediation.

III. BONITA SPRINGS SAMPLING & METHODOLOGICAL FAILURES

A. Mandated Composite Sample Dilution (Exhibit B, Section I.b/c): Instead of collecting discrete soil core samples at point-source locations, 5 individual soil cores were physically mixed together into single composite analytical jars, artificially diluting localized 'hot spots' by up to 80%.

B. Shallow Depth Restriction (0–6 Inches): Soil sampling was strictly limited to shallow 0–6 inch depths, completely ignoring deep vertical core borings required to assess downward contaminant migration.

C. Total Exclusion of Groundwater Monitoring: Zero monitoring wells were installed along the 6.15-mile Bonita Springs segment, leaving the underlying shallow aquifer unexamined—including uncharacterized chlorinated solvent plumes near Tisch Coin Laundry (EPA REC 2).

IV. REFUSAL TO TEST DEPOT PARK & BONITA INDUSTRIAL SIDETRACKS

A. Omission of Depot Park (AX 987.4): Figure 2B of the Capping Plan confirms zero sampling points were placed within Depot Park despite historical locomotive idling and long-term chemical leaching (Map available at usataxfighters.org).

B. Omission of Key Industrial Sidetracks in Bonita Springs: Figure 2B confirms all 31 sampling points in Bonita Springs were pinned strictly to the main line, completely skipping high-risk industrial sidetracks:

- i. Northern Old 41 Sidetrack Complex (AX 984.25–984.43)
- ii. Northern SGLR Clustered Sidetracks near Terry Street
- iii. Tisch Laundry Adjacent Sidetrack (10450 W. Terry St.)
- iv. Southern Bonita Sidetrack Complex (AX 988.00–988.09)
- v. Causeway Lumber Co. & Builder Marts Sidetracks (AX 988.24–989.29)

V. LABORATORY QUALITY CONTROL & TESTING OMISSIONS

A. Missing Chains of Custody (COCs): Physical, signed Chain of Custody forms and sample intake temperature acceptance checklists were completely omitted from Appendix A of the Phase II report narrative.

B. Systemic Matrix Interference (Workorder F2602812): Surrogates (o-terphenyl and n-triacontane-C30) and Matrix Spikes repeatedly failed acceptance criteria due to heavy background ballast oil interference. The lab applied 'J' qualifiers rather than running standard EPA cleanup protocols, creating a high risk of false negatives.

C. Omitted Chemical Parameters: The testing package omitted key railroad contaminants: Glyphosate (herbicide), Chlorinated Herbicides (EPA Method 8151), Organochlorine Pesticides (EPA Method 8081), and Volatile Organic Solvents (EPA Method 8260).

VI. IMMEDIATE ACTIONABLE STEPS FOR NOVEMBER 4, 2026 CITY COUNCIL MEETING

A. Submit Exclusions & Capping Admissions to City Council: Present Jacqueline Toemmes Genson's written disclosure confirming Environmentalist Laura Gibson's exclusion, alongside Taylor Environmental Consulting's written admissions from the October 15 Capping Plan, at the November 4, 2026 City Council presentation.

B. File PRRs to City Clerk Mike Sheffield: Deliver Public Records Request No. 1 (Administrative Oversight Exclusion) and Public Records Request No. 2 (Technical Laboratory Package & Raw Matrix Interference Logs) directly to City Clerk Mike Sheffield.

C. Demand Independent FDEP/EPA Re-Testing & Cost Escrow: Formalize demands requiring un-mixed deep core borings, monitoring wells, full chemical testing across omitted sidetracks, and a seller-funded cleanup escrow prior to closing.

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