



1515 Des Peres Rd., Suite 300  
St. Louis, MO 63131

September 27, 2018

Site Control Section  
Attn: Bernadette Anderson  
NYS Dept. of Environmental Conservation  
Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**Re: Brownfield Cleanup Program Application Addenda  
714 Baldwin Elmira, NY**

We are responding to your August 31, 2018 Notice of incomplete application. A revised application form and application narrative are attached. Each deficiency is addressed as referenced in your letter below.

Section I:

- a. The members of 714 Baldwin, LLC are Michael J. Roberts, Trustee of the Michael J. Roberts Revocable Living Trust Dated July 10, 2008, as Amended and Restated October 16, 2009 and Thomas E. Roberts, Trustee of the Thomas E. Roberts Revocable Living Trust Dated August 18, 1999, as Amended and Restated October 16, 2009.

Section III:

- b. The project file contains historical environmental site assessments (copies attached)
  - i. "Phase I Environmental Liability Assessment" Associated Textile Rental Service, Obrien & Gere (OBG), June 30, 1992.
  - ii. "Phase II investigations", ATRS, OBG, April 2, 1993.
  - iii. "Report of Phase I Environmental Site Assessment" National Uniform Service, National Service Industries, Inc. Rind-McDuff Associates (RMA), April 18, 1997.
  - iv. "Final Site Characterization Report", Associated Textile Rental Services Site, Mactec Engineering and Consulting, PC, January 2008.
  - v. "Phase 1 Environmental Site Assessment Report" Former Associated Textile Rental Services Site, Teeter Environmental Services, Inx., August 11, 2008.
- c. The duplicate Figure 1 has been removed.
- d. A map indicating the presence of onsite ground water contamination, likely originating from an upgradient source, is now attached to the revised application.

**Section IV:**

- e. The complete street address is 714 Baldwin Street, Elmira, NY 14901.
- f. The property is identified by Section: 89.11, Block No. 3, Lot No. 15.
- g. The Latitude is: 42-5-54, Longitude 76-48-25 and has been corrected in the revised application.
- h. There are no known DEC permits related to this Site.
- i. The requested maps are attached.

**Section VI:**

- j. The telephone number for the current owner, Julian Raven, is (607) 215-8711
- k. The property transfer occurred on September 12, 2014.
- l. The Requestor is the previous owner of the property who sold it to the current owner.
- m.

Previous Owner or Operator	Last Known Address	Last Known Telephone Number	Relationship to Requestor
714 Baldwin LLC	1515 Des Peres Rd. Suite 300 St. Louis, MO 63131	(314) 835-1515	Requestor
TTSI III, Inc. FKA TTSI Services Acquisition Sub., Inc.	12391 Montero Street Sylmar, CA 91342	Unknown	None other than Owner that sold the property to Requestor
National Service Industries, Inc.	1420 Peachtree St., N.E. Atlanta, GA	Unknown	None
Associated Linen Services, Inc.	Unknown	Unknown	None
Allen's Cash Paint Store	Unknown	Unknown	None

**Section VII:**

- n. Requestor should be considered a volunteer, because it only owned the property for a short period of time, was not involved with any operations or activities that led to a discharge of any hazardous substances at the property, and the property was vacant without any operations during the time period when it was owned by Requestor.
- o. A copy of the access agreement is attached.

**Section VIII:**

- p. Requestor is a former owner. The current owner is willing to cooperate with the cleanup, but is not a volunteer for purposes of Requestor's application. According to the New York Secretary of State website, Associated Linen Services, Inc., became

inactive as of August 26, 1983 and National Service Industries, Inc., became inactive as of October 26, 2012. TTSI III, Inc., is listed as an active entity. However, Requestor received no response from the company when attempting to contact it at the registered address. We did not locate any viable previous owners in our search. A copy of the NY Sec. of State information for each of these former owners is attached.

Section IX:

- q. An updated contacts list is attached.

Section XI:

- r. A corrected signature page is included with the revised application.

Feel free to contact the undersigned at [ddunn@enviroanalyticsgroup.com](mailto:ddunn@enviroanalyticsgroup.com) or (314)835-2814 if you have any questions or need additional information to complete or clarify these documents.

Best Regards,



Daniel M. Dunn  
Director of Remediation

Enclosure: CD – BCP application

cc: Mike Roberts, 714 Baldwin, LLC  
Frank Williams, Brown & Caldwell  
Thomas West, The West Firm, PLLC



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐

Yes

☒

No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 9**

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME 714 Baldwin LLC (see attached letter for member details)

ADDRESS 1515 DesPeres Rd., Suite 300

CITY/TOWN St. Louis, MO

ZIP CODE 63131

PHONE 3148351515

FAX 3147750503

E-MAIL ddunn@enviroanalyticsgroup.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			various petroleum hydrocarbons
Chlorinated Solvents	PCE, TCE, TCA, 1,1-DCE, cis1-2 DCE	PCE, TCE, TCA, 1,1-DCE, cis1-2 DCE	
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe: (see attached reports) \_\_\_\_\_

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes

☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant    | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: paint store, commercial uniform distribution and laundry drop-off (no dry-cleaning) \_\_\_\_\_

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 714 Baldwin LLC				
ADDRESS/LOCATION 714 Baldwin Street				
CITY/TOWN Elmira		ZIP CODE 14901		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY Chemung		SITE SIZE (ACRES) 0.75		
LATITUDE (degrees/minutes/seconds) -76 ° 48 ' 25 "		LONGITUDE (degrees/minutes/seconds) 42 ° 5 ' 54 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
714 Baldwin	89.11	3	15	0.75
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  If yes, identify census tract : _____  Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – please refer to application instructions for the proper format of **each** narrative requested.

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?  
If yes, requestor must answer questions on the supplement at the end of this form. ☐ Yes ☒ No
12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No
13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☒ No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_



**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY	
		BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Michael Roberts			
ADDRESS 1515 Des Peres Rd, Suite 300			
CITY/TOWN St. Louis, MO		ZIP CODE 63131	
PHONE 314-835-1515	FAX 314-775-0503	E-MAIL mroberts@cdcco.com	
NAME OF REQUESTOR'S CONSULTANT Brown & Caldwell			
ADDRESS 3 Marcus Blvd, Ste. 106			
CITY/TOWN Albany, NY		ZIP CODE 12205	
PHONE 518-560-5912	FAX	E-MAIL FWilliams@brwnncald.com	
NAME OF REQUESTOR'S ATTORNEY Thomas Pike (and copy to The West Firm, PLLC)			
ADDRESS 1515 Des Peres Rd., Ste. 300 / (677 Broadway, 8th floor)			
CITY/TOWN St. Louis, MO / (Albany NY 12207)		ZIP CODE 63131	
PHONE 314-835-1515	FAX	E-MAIL tpike@cdcco.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME Julien Ravens		OWNERSHIP START DATE: 9/12/2014	
ADDRESS 2524 County Rd 60			
CITY/TOWN Elmira		ZIP CODE 14901	
PHONE 607-215-8711	FAX	E-MAIL	
CURRENT OPERATOR'S NAME NA			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			



## Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☒ Previous Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☒ Yes ☐ No

**Note: a purchase contract does not suffice as proof of access.**

## Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☒ Yes ☐ No  
If yes, please provide: Site # 8-08-041 Class # 2
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☒ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No  
If yes, please provide explanation as an attachment.

## Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

## Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☐ Residential ☒ Commercial ☐ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☐ Vacant ☐ Recreational (check all that apply)

**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation: ☐ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☐ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am a Member of 714 Baldwin LLC; that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 9/27/18

Signature: 

Print Name: Michael J. Roberts

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 9**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p><b>375-3.2:</b></p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)**

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;

☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

☒ This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**BCP Application Summary (for DEC use only)**

**Site Name:** 714 Baldwin LLC

**City:** Elmira

**Site Address:** 714 Baldwin Street

**County:** Chemung

**Zip:** 14901

**Tax Block & Lot**

**Section (if applicable):** 89.11      **Block:** 3      **Lot:** 15

**Requestor Name:** 714 Baldwin LLC (see attached letter for member details)      **Requestor Address:** 1515 DesPeres Rd., Suite 300

**City:** St. Louis, MO

**Zip:** 63131

**Email:** ddunn@enviroanalyticsgroup.com

**Requestor's Representative (for billing purposes)**

**Name:** Michael Roberts

**Address:** 1515 Des Peres Rd, Suite 300

**City:** St. Louis, MO

**Zip:** 63131

**Email:** mroberts@cdcco.com

**Requestor's Attorney**

**Name:** Thomas Pike (and copy to The West Firm, PLLC)      **Address:** 1515 Des Peres Rd., Ste. 300 / (677 Broadway, 8th floor)

**City:** St. Louis, MO / (Albany NY 12207)

**Zip:** 63131

**Email:** tpike@cdcco.com

**Requestor's Consultant**

**Name:** Brown & Caldwell

**Address:** 3 Marcus Blvd, Ste. 106

**City:** Albany, NY

**Zip:** 12205

**Email:** FWilliams@brwncald.com

**Percentage claimed within an En-Zone:** ☒ 0%    ☐ <50%    ☐ 50-99%    ☐ 100%

**DER Determination:** ☐ Agree    ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer    ☐ Participant

**DER/OGC Determination:** ☐ Agree    ☐ Disagree

**Notes:**

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☐ Yes    ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes    ☒ No

**DER/OGC Determination:** ☐ Agree    ☐ Disagree    ☐ Undetermined

**Notes:**

**Does Requestor Claim Property is Underutilized:** ☐ Yes    ☒ No

**DER/OGC Determination:** ☐ Agree    ☐ Disagree    ☐ Undetermined

**Notes:**

**Does Requestor Claim Affordable Housing Status:** ☐ Yes    ☒ No    ☐ Planned, No Contract

**DER/OGC Determination:** ☐ Agree    ☐ Disagree    ☐ Undetermined

**Notes:**



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). See guidance at the end of these instructions regarding the determination of a complete application.

**SECTION I REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

**SECTION II PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION III**

**PROPERTY'S ENVIRONMENTAL HISTORY**

Please follow instructions on application form.

**SECTION IV**

**PROPERTY INFORMATION**

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

**1. Tax Map Boundaries**

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

**2. Map**

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

**3. En-zone**

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

**4. Multiple applications**

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

**10. Property Description Narrative**

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

**Location**

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

**Site Features:**

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

**Current Zoning and Land Use:** (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

**Past Use of the Site:** include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

**A typical Environmental Assessment would look like the following:**

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

*Soil* - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

*Groundwater* - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

*Soil Vapor & Indoor Air* - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

**If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.**

**SECTION V**

**ADDITIONAL REQUESTOR INFORMATION**

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI                      CURRENT PROPERTY OWNER/OPERATOR INFORMATION  
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

**SECTION VII                      REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION VIII                      PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VIII (continued)**

**5. Existing Order**

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

**6. Enforcement Action Pending**

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

**SECTION IX                      CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

**SECTION X                      LAND USE FACTORS**

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

**SECTION XI                      SIGNATURE PAGE**

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION**

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
  - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
  - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
    - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
    - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
  - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
  - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION (continued)**

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

## BCP Application Information – 714 Baldwin Street, Elmira, NY

*Text in italics is from instructions.*

### Section II.4

*Please attach a short description of the overall development project, including:*

- *the date that the remedial program is to start; and*
- *the date the Certificate of Completion is anticipated.*

The overall goal of this project is to render the Site suitable for continued commercial use, consistent with its current use as an artist's studio. Given the limited findings of previous investigations, the project will initially require further on-Site investigation of soil, groundwater and soil vapor/indoor air to characterize impacts by VOCs, SVOCs, metals and pesticides. It is anticipated that potential on-site sources of contamination may exist as a result of historic uses that included storage of truck fuels, paints and alcohols. It is also likely that the Site is impacted by releases of chlorinated solvents and other substances on surrounding properties, including the upgradient Diamond Cleaners State Superfund Site, the Dickson Street Brownfield Site, leaking underground storage tanks (USTs) at the former Elmira DPW garage across Clemens Center Parkway, and the Shulman metal salvage yard. It is possible that on-Site remedial actions may entail limited removal of impacted soils and the installation of a sub-slab depressurization system to mitigate soil vapor intrusion.

The remedial program will start with submission of a work plan within 30 days of acceptance of the Site into the BCP. Depending on findings of the Site investigation, it is anticipated that a remedial action work plan would be submitted within 6 months of completion of the Site investigation. The applicant's goal is to complete remedial action and establish engineering and institutional controls through a Site Management Plan by late 2019.

### Section III.3

*FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:*

- *SAMPLE LOCATION*
- *DATE OF SAMPLING EVENT*
- *KEY CONTAMINANTS AND CONCENTRATION DETECTED*
- *FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE*
- *FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5*
- *FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX*

*THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.*

Figure 1 – Soil Exceedances of Part 375-6 SCOs

Figure 2 – PCE and TCE in Groundwater

Figure 3 – Soil Vapor Results Requiring Mitigation

## BCP Application Information – 714 Baldwin Street, Elmira, NY

### Section IV.10 (Property Description and Environmental Assessment)

*Provide a property description in the format provided below. Each section should be no more than one paragraph long.*

#### Location

*Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The Site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}*

The 714 Baldwin Street property (hereinafter "Site") consists of approximately 0.75 acres located in the City of Elmira, about 0.8 miles north of the Chemung River. The Site is situated in a mixed-use neighborhood and is bordered on the north by a vacant lot, on the east by Dickson Street followed by a vacant commercial structure and the Diamond Cleaners State Superfund Site, on the south by a vacant lot followed by residences and a tavern, and on the west by Baldwin Street followed by a former railroad spur and Clemens Center Parkway, then another industrial property. The Sullivan Street Public Supply Wells are located approximately 5,000 feet north of the Site.

#### Site Features

*Example: "The main Site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the Site area is wooded. Little Creek passes through the northwest corner."*

The Site consists of an "L" shaped parcel of land with frontage on both Baldwin and Dickson Streets and a vacant property to the north. To the south is a multi-family home, a few small businesses and the Erie Davis Community Center. Approximately 300 feet east of the Site lies the Diamond Cleaners Site a Class 2 inactive hazardous waste site, Site No. 8-08-030. This site is also being addressed under the spills program (Site Numbers 9210608 & 9803233). The mostly grass covered 0.75-acre site contains a small gravel driveway. The southwest corner of the Site is occupied by a single story, Quonset style building approximately 5,800 square feet in size constructed circa 1964 of cinder block walls, a poured concrete floor and a metal roof supported by trusses. The building contains warehouse space accessed via an overhead garage door on Baldwin Street, and approximately 900 square feet of office space. The building is serviced by the public water supply and by electric and gas utilities. The exterior grounds currently consist of mowed lawn. A 2002 aerial orthophotograph (<https://orthos.dhSES.ny.gov/>) shows an unpaved driveway leading from Dickson Street to an apparent loading dock on the east side of the building, with a semi-circular driveway off Baldwin Street on the north side of the building.

#### Current Zoning and Land Use

*(Ensure the current zoning is identified.)*

*Example: "The Site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."*

The City of Elmira zoning map indicates the Site and the surrounding parcels are zoned IA-Light Industrial. The Site is currently used as an artist's studio. The surrounding parcels are vacant or used for

## BCP Application Information – 714 Baldwin Street, Elmira, NY

a combination of commercial, light industrial or residential purposes. The nearest residence (708 Baldwin Street) is located approximately 100 feet south of the Site. Most of the next block to the south of the Site is zoned RD-Multi-Family.

### Past Use of the Site

*include source(s) of contamination and remedial measures (Site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).*

*Example: "Until 1992 the Site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to Site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."*

*When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the Site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.*

Reports of two Phase 1 Environmental Site Assessments and a 2008 Site Characterization report prepared for the NYSDEC provide the following information about past Site uses. Since approximately 1981 the Site was used as a commercial laundry service center for the collection of soiled uniforms and linen and distribution of laundered items by truck. No cleaning or laundering was conducted at the Site. Delivery trucks were serviced and fueled at the Site. In 1938 the Site was operated as Frank Allen Gas & Oils. Sanborn maps dated 1931 and 1950 identified the property as Allen's Cash Paint Company and showed a building (in the same location as the current one) that was used to store oil and alcohol. Five above-ground gasoline tanks were shown in the northeast portion of the Site. Eight more above ground tanks were shown north of the Site (the tanks were removed on the 1988 Sanborn map). Reportedly, extensive piping ran underground beneath Baldwin Street toward the present-day Clemens Center Parkway and a railroad spur that was located between Baldwin Street and the Parkway. Sanborn maps from 1887 to 1903 showed the Site occupied by residential housing. A Sanborn map from 1931 and a 1970 edition of Mannings City Directory indicate that this property was occupied by Allen's Cash Paint Company during this time. A 1990 Johnsons City Directory list the property as occupied by Associated Textile Rental Services (ATRS). ATRS used the site as a laundry truck fueling and maintenance depot.

The following is a chronology of regulatory and remedial activities:

- On December 10, 1992 a spill from a leaking above-grade fuel tank occurred. The spill was reported to the NYSDEC. As of 2008 the file was listed as "open." Spill numbers 9210608 and 9803233 are associated with the Site.
- In February 2006, O'Brien and Gere Engineers, Inc. (OBG), on behalf of a former Site owner, sampled existing monitoring wells (origin of the wells not specified) on the Site and sent a letter report to the NYSDEC Region 8 office regarding Spill no. 9210608. The letter, dated April 10, 2006, identifies several potential off-Site sources of contamination including:

## BCP Application Information – 714 Baldwin Street, Elmira, NY

- Leaking underground storage tanks (USTs) at the former Elmira DPW garage across Clemens Center Parkway;
- The Shulman metal salvage operation located northwest (upgradient) from the Site; and
- The 717-727 Dickson Street Brownfield Site.
- At some point the NYSDEC designated the Site as “P”, indicating further information was needed to classify the Site with respect to the Registry of Inactive Hazardous Waste Disposal Sites.
- On May 3, 2006 a NYSDEC contractor (MACTEC) and the NYSDEC Project Manager conducted a walkover of the Site area.
- From November 2006 to August 2007, MACTEC conducted a Site investigation that included sampling of existing monitoring wells (MW-1R and MW-1 through MW-9, origin not specified), installation of micro wells, advancement of soil borings, and collection/analysis of soil, groundwater and sub-slab/soil vapor samples.
- In January 2008 MACTEC reported the results of its investigation in a Final Site Characterization Report.
- On March 24, 2009 the NYSDEC listed the Site in the Registry of Inactive Hazardous Waste Disposal Sites as a Class 2 Site.

### Site Geology and Hydrogeology

*As appropriate, provide a very brief summary of the main hydrogeological features of the Site including depth to water, groundwater flow direction, etc.*

The site is situated in a relatively flat flood plain, formed by the confluence of the Chemung River to the south and the Newtown Creek to the east. Overburden at the Site reportedly consists of lacustrine silts, sands and gravels. Bedrock is expected to consist of shale and siltstones associated with the Upper Devonian West Falls Group. The site is located over the Elmira-Horseheads-Big Flats Primary Water Supply Aquifer. The closest operational public water supply wells are located along the shore of the Chemung River, approximately 1.2 miles southwest of the site. The depth to bedrock is not clearly indicated on the MACTEC boring logs but may range from approximately 14 to 20 feet below ground surface (bgs). MACTEC reported that the depth to water across the Site varied from approximately 5.9 feet bgs to 14.4 feet bgs in May 2007. MACTEC reported that the water table gradient was relatively flat with flow interpreted to be to the west, southwest.

### Environmental Assessment

*The goal of this section is to describe the nature and extent of contamination at the Site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the Site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.*

## BCP Application Information – 714 Baldwin Street, Elmira, NY

*The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the Site.*

*A typical Environmental Assessment would look like the following:*

*Based upon investigations conducted to date, the primary contaminants of concern for the Site include cadmium and trichloroethene (TCE).*

*Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the Site. Concentrations of cadmium found on Site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on Site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).*

*Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the Site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the Site has migrated 300 feet down-gradient off-Site. The primary contaminant of concern for the off-Site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.*

*Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.*

Based upon investigations conducted to date, the primary contaminants of concern for the Site are chlorinated volatile organic compounds (VOCs) including tetrachloroethene (PCE), trichloroethene (TCE) and associated breakdown products cis 1,2-dichloroethene and vinyl chloride. There is also evidence of non-chlorinated VOCs, possibly gasoline and fuel oil constituents. The 2006 MACTEC investigation was focused on VOCs. No media were analyzed for metals, pesticides or polychlorinated biphenyls (PCBs) and only some groundwater samples were analyzed for semi-volatile organic compounds.

Soil – TCE concentrations in two soil borings (GW-1 and GW-37) exceed the Part 375-6 Soil Cleanup Objective (SCO) for Protection of Human Health – Residential Use (see attached Figure 1). Both borings are located east of the Site's building. The depths of the samples were between five and nine feet bgs. Concentrations of TCE, PCE and/or cis 1,2-dichloroethene at two other locations exceeded the Part 375-6 SCO for Protection of Groundwater by approximately 1 to 10 ppm.

Groundwater – TCE was detected in groundwater samples above its Part 703 groundwater standard of 5 ug/L at four on-Site locations (MW-8, GW-001, GW-30, GW-35), at concentrations ranging from 5.3 to 35 ug/L (see attached Figure 1). Other VOCs detected in on-Site groundwater above their respective Part 703 groundwater standards include PCE, cis 1,2-dichloroethene, vinyl chloride, 1,1,1-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, benzene, and methyl tert butyl ether (MTBE). It should be noted that concentrations of PCE and TCE at sample locations immediately south of and downgradient from the Site (e.g., MW-9, GW-002, GW-45, GW-46) are much higher than the on-Site

## **BCP Application Information – 714 Baldwin Street, Elmira, NY**

concentrations (see attached Figure 1). Since this site is located downgradient of the Diamond Cleaners site the groundwater sampling program for the Diamond Cleaners site and this site was completed concurrently in May 2013. The results from this groundwater sampling indicates that no soil contamination was found to the south side of the building. Groundwater contamination, however exists in this area. Benzene and its derivatives were found in groundwater above standards to the north west of the building. Additional investigation is needed under the building and to the north west of the building with soil borings and soil sampling.

Soil Vapor & Indoor Air – In May 2017 the NYSDOH published updated decision matrices that specify certain actions (e.g., mitigate, monitor) for various combinations of sub-slab soil vapor and indoor air concentrations

([https://www.health.ny.gov/environmental/indoors/vapor\\_intrusion/docs/svi\\_decision\\_matrices\\_abcd.pdf](https://www.health.ny.gov/environmental/indoors/vapor_intrusion/docs/svi_decision_matrices_abcd.pdf)). Figure 3 shows the locations and results of three on-site soil vapor samples, including one sub-slab sample (SV-001). Based on the updated decision matrices, the sub-slab concentrations of TCE, PCE and cis 1,2-dichloroethene previously detected in sample SV-001 require further investigation and possibly indoor air sampling to design an appropriate mitigation system.

### IX. Contact List Information

#### New York State Department of Environmental Conservation

New York State Department of Environmental Conservation Division of Environmental Remediation  
625 Broadway  
Albany, New York 12233-7014  
Phone: 518-408-5850

#### New York State Department of Health

New York State Department of Health  
Bureau of Environmental Exposure Investigation Empire State Plaza  
Corning Tower Room 1787 Albany, New York 12237  
Phone: (518) 402-7800 or 1-800-458-1158

#### 714 Baldwin, LLC

Daniel M. Dunn  
EnviroAnalytics Group, LLC  
1515 Des Peres Rd, Suite 300  
St. Louis, MO 63131  
[ddunn@enviroanalyticsgroup.com](mailto:ddunn@enviroanalyticsgroup.com)  
(314) 835-2814

#### Current Site Owner 89.11-3-15

Julian Raven – 2524 Co Rte 60, Elmira NY 14901  
714 Baldwin St. (Subject Site)  
Elmira, NY 14901  
[julianmarcusraven@gmail.com](mailto:julianmarcusraven@gmail.com)  
Phone: (607) 215-8711



**BCP Application Information – 714 Baldwin Street, Elmira, NY**

**Chemung County**

Thomas J. Santulli  
Chemung County Executive  
John H. Hazlett Building  
203 Lake Street  
PO Box 588  
Elmira, NY 14902-0588  
Phone: (607) 737-2912

Commissioner of Planning  
Nicolette Wagoner, AICP  
Chemung County Planning Department  
Chemung County Commerce Center  
400 East Church Street  
P.O. Box 588  
Elmira, New York 14902-0588  
[planning@chemungcountyny.gov](mailto:planning@chemungcountyny.gov)  
Phone: (607) 737-5510

**City of Elmira**

Daniel J. Mandell  
Mayor  
City Hall Third Floor  
317 East Church Street  
Elmira, New York 14901  
[mayor@cityofelmira.net](mailto:mayor@cityofelmira.net)  
Phone: (607) 737-5644

P. Michael Collins  
City Manager  
City Hall Third Floor  
317 E. Church St.  
Elmira NY 14901  
(607) 737-5644

City Planning Commission  
101 W. Second Street  
Elmira NY 14901  
[jelwood@cityofelmira.net](mailto:jelwood@cityofelmira.net)  
Phone: (607) 737-5653

Department of Public Works  
Cass Doane, Superintendent

**BCP Application Information – 714 Baldwin Street, Elmira, NY**

(607) 737-5679

Water Service

Mark LaDouce, P.E.

General Manager

Elmira Water Board

261 W. Water St.

Elmira, NY 14901

[mladouce@elmirawaterboard.org](mailto:mladouce@elmirawaterboard.org)

Phone: (607) 733-9179 ext. 1211

Adjoining Property Owners

Property address      **705 Dickinson St**  
Tax ID:                      89.11-3-16  
Municipality              Elmira  
School district            Elmira City  
Owner Full name        Church of God Christ Elm NY  
Address                    351 E Fifth St.  
City state zip            Elmira, NY 14901

Property address      **725 Dickinson St**  
Tax ID:                      89.11-3-35  
Municipality              Elmira  
School district            Elmira City  
Owner Full name        City of Elmira  
Address                    317 E Church St.  
City state zip            Elmira, NY 14901

Property address      **724 Baldwin St**  
Tax ID:                      89.11-3-11  
Municipality              Elmira  
School district            Elmira City  
Owner Full name        D&S Companies LLC  
Address                    66 Dunkleberger Rd  
City state zip            Millerton, PA 16936

Property address      **717 Dickinson St**  
Tax ID:                      89.11-3-31  
Municipality              Elmira  
School district            Elmira City  
Owner Full name        City of Elmira  
Address                    317 E Church St.  
City state zip            Elmira, NY 14901

**BCP Application Information – 714 Baldwin Street, Elmira, NY**

Property address      **700 Clemens Center Pkwy**  
Tax ID:                    89.11-2-40  
Municipality            Elmira  
School district         Elmira City  
Owner Full name       Pennsylvania Line LLC  
Address                  3 Commercial PL – Box 209  
City state zip           Norfolk, VA 23510

Property address      **711 Benjamin St**  
Tax ID:                    89.11-3-41

Local news media

WETM TV18 My Twin Tiers.com  
101 East Water Street  
Almira, NY 14901  
(607)733-5518  
[jamescarl@wetmtv.com](mailto:jamescarl@wetmtv.com)  
Star-Gazette  
310 E. Church St.  
Elmira, NY 14901  
(607)271-8302  
[sgnews@gannett.com](mailto:sgnews@gannett.com)

Elmira Water Board  
261 W. Water St.  
Elmira, NY 14901  
(607)733-9179  
[waterinfo@elmirawaterboard.org](mailto:waterinfo@elmirawaterboard.org)

Requestors (To Be Determined)

Chemung County Head Start  
650 Baldwin St.  
Elmira, NY 14901  
(607)734-6174

Document repository at  
Steele Memorial Library  
101 E. Church St.  
Elmira, NY 14901  
(607)733-9173  
[ogilviec@stls.org](mailto:ogilviec@stls.org)

## BCP Application Information – 714 Baldwin Street, Elmira, NY

Not applicable

Municipality	Elmira
School district	Elmira City
Owner Full name	Elmira City School District
Address	951 Hoffman St
City state zip	Elmira, NY 14905

### Nearby School and Day Care Facility Administrators

Ernie Davis Community Center

Location: 350 East Fifth Street

Elmira, NY 14901

50 Ridge Road

Operator: Economic Opportunity Program Inc.

650 Baldwin Street

Elmira, NY 14901

Phone: (607) 734-6174

### X.2 Current Use

*Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.*

The current owner/occupant of the Site uses the building as an artist's studio. The applicant is not aware of any activities by the current owner that could be sources of contamination.

### X.5 Proposed Use

*Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.*

The current owner/occupant has indicated an intention to continue using the Site and the building as an artist's studio and does not reside there. The City of Elmira Zoning Ordinance (Adopted December 21, 1998; Updated February 2010) does not specifically prohibit this use in a Light Industrial zone.

### X.6 Proposed Use

*Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.*

[The Comprehensive Plan we found on-line is dated December 1998 and a copy is available on request or via the link provided below].

[http://www.cityofelmira.net/usr/City%20Hall/elmira\\_master\\_plan\\_12\\_98.pdf](http://www.cityofelmira.net/usr/City%20Hall/elmira_master_plan_12_98.pdf)

Surveyor's Description

All That Tract or Parcel of Land, situate in the City of Elmira, County of Chemung and State of New York and being more particularly bounded and described as follows:

Beginning at an iron pin in the easterly line of Baldwin Street at its intersection with the northerly line of lands conveyed to The Church of God in Christ of Elmira, New York, Inc. by deed as recorded in the Chemung County Clerk's Office in Book of Deeds 779 at Page 156, said point of beginning being distant N. 13°18'45" W. 264.78 feet from the intersection of said easterly line of Baldwin Street with the northerly line of East Fifth Street;

Thence from said point of beginning N. 13°18'45" W. along the easterly line of Baldwin Street for a distance of 219.22 feet to an iron pin found;

Thence N. 68°10'09" E. for a distance of 101.18 feet to an iron found;

Thence S. 13°18'45" E. for a distance of 116.64 feet to an iron pin found;

Thence N. 76°42'30" E. for a distance of 101.00 feet to an iron pin Found in the westerly line of Dickinson Street;

Thence S. 13°17'30" E. along the westerly line of Dickinson Street for a distance of 87.50 feet to an iron pin found in the northerly line of the aforementioned lands of The Church of God in Christ of Elmira, New York, Inc.;

Thence S. 68°11'28" W. along said lands for a distance of 203.26 feet to the point of beginning.

NOTE: The above legal description describes the same property in Schedule A of Title Commitment No. 3050-CM-3299 of First American Title Insurance Company bearing an effective date of March 16, 2011.

TO:  
714 BALDWIN, LLC  
FIRST AMERICAN TITLE INSURANCE COMPANY  
STEVE BARNSTEAD

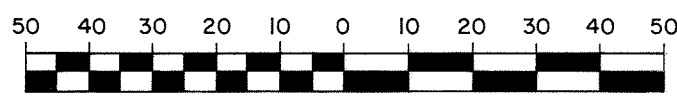
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b) (1), 8, 11(a), 13, 16, and 18 of Table A thereof. The field work was completed on March 29, 2011.

Date of Plat or Map:

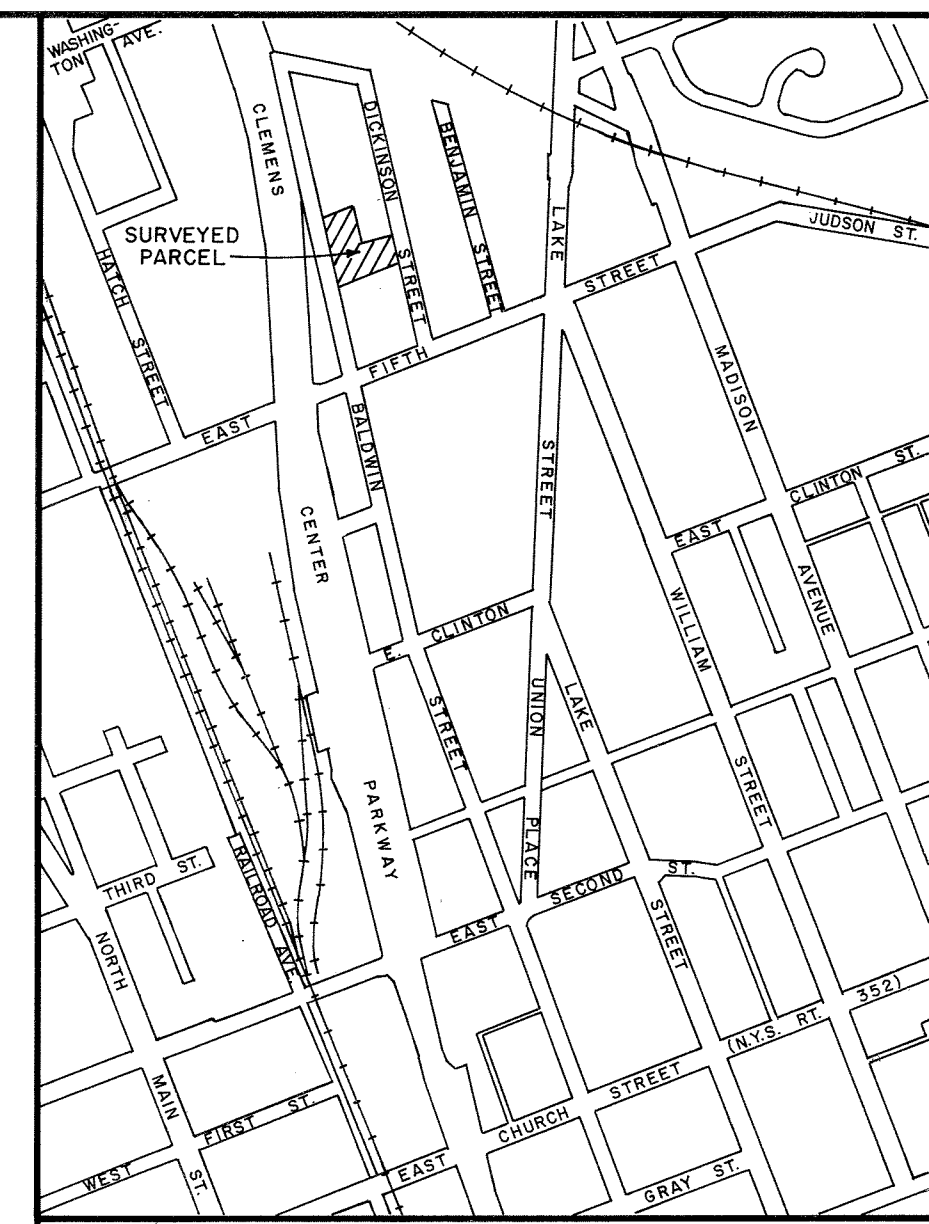
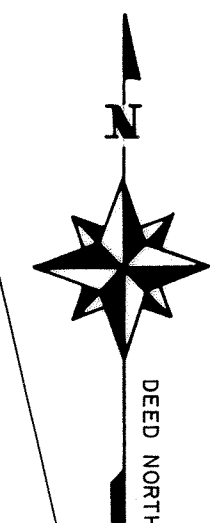
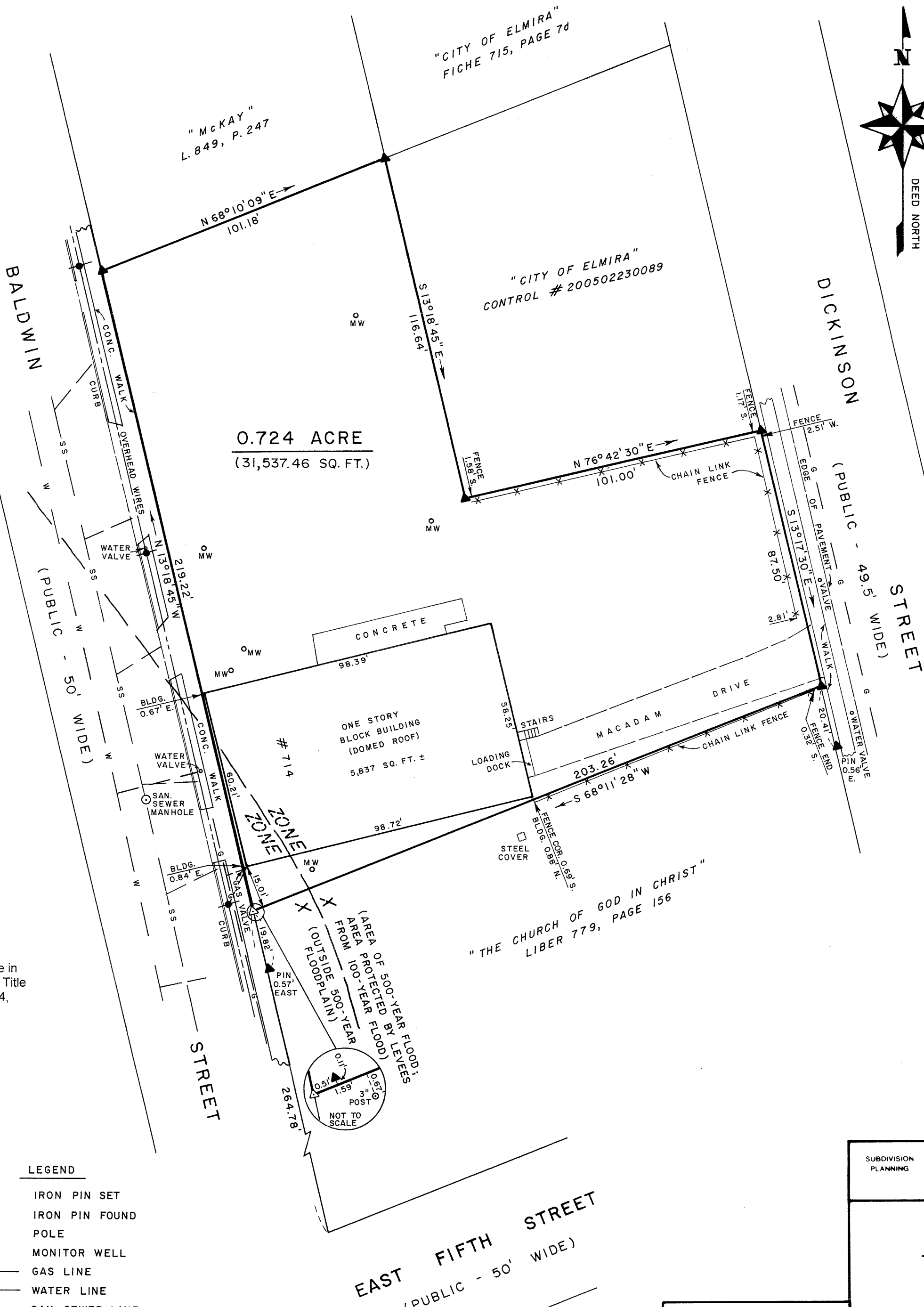
William E. Beardsley  
Registered Land Surveyor No. 50114  
In the State of New York

LEGEND

- △ IRON PIN SET
- ▲ IRON PIN FOUND
- POLE
- MW MONITOR WELL
- G — GAS LINE
- W — WATER LINE
- SS — SAN. SEWER LINE



SCALE: 1" = 30'



VICINITY MAP  
SCALE: 1" = 600'

REFERENCE DEED: FICHE 846, PAGE 60d

FLOOD ZONE DESIGNATIONS ARE BASED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 360150 0005C, EFFECTIVE DATE APRIL 2, 1997.

PROPERTY IS ZONED INDUSTRIAL "A".

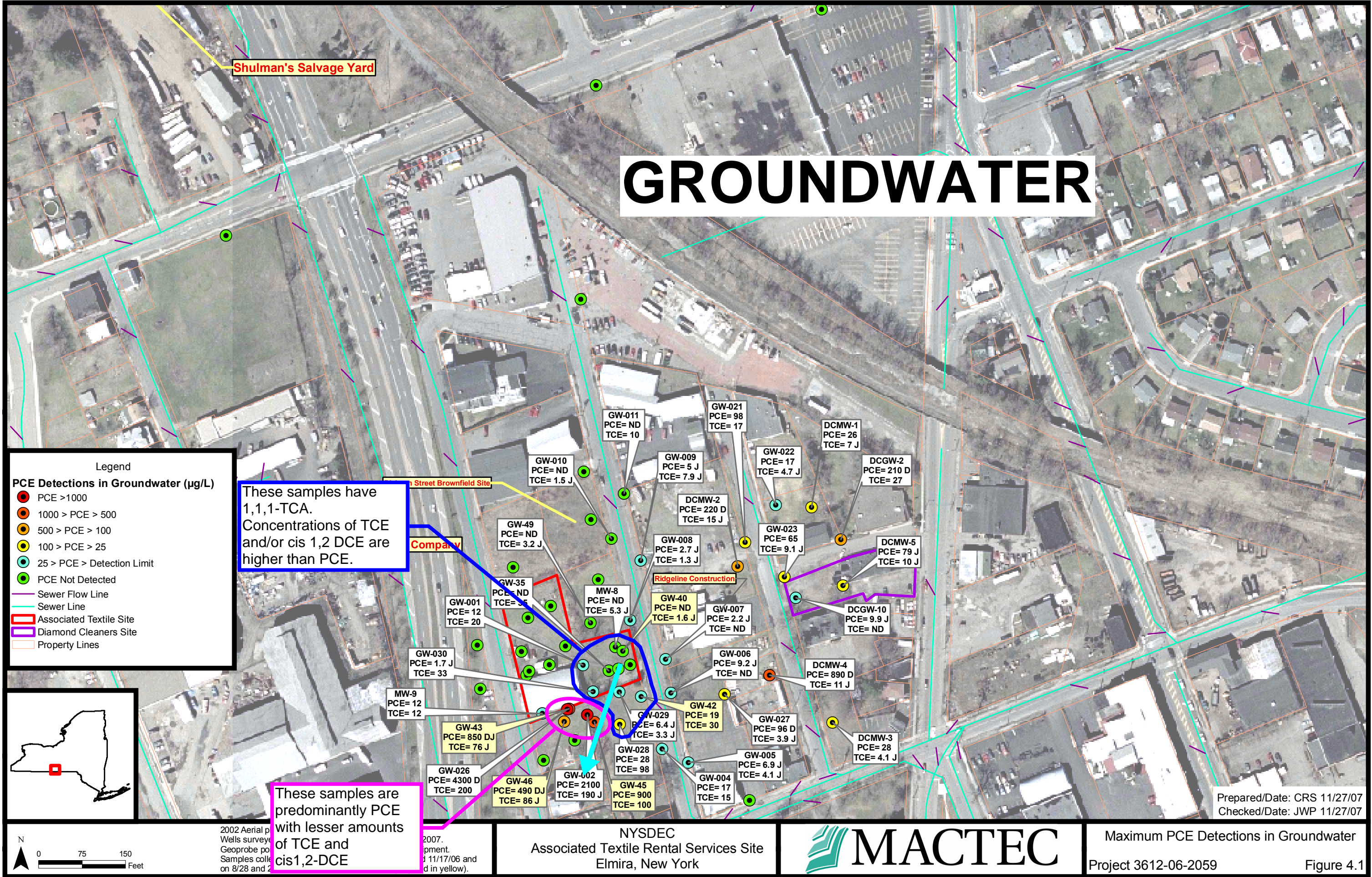
THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

TAX MAP REFERENCE	
<input checked="" type="checkbox"/> ALL OF	<input type="checkbox"/> PART OF
SECTION	89.11
BLOCK	3
PARCEL	15

SUBDIVISION PLANNING		WEILER ASSOCIATES LICENSED LAND SURVEYORS HORSEHEADS, N.Y.		SURVEYING & MAPPING	
MAP OF LANDS OF TTSI SERVICES ACQUISITION SUB, INC.					
CITY OF ELMIRA		CHEMUNG COUNTY NEW YORK			
DRAWN BY:	C.L.K.	SCALE:	1" = 30'	REVISED:	
CHECKED BY:	W.E.B.	DATE:	APRIL 12, 2011	REVISED:	
				JOB NO.	10694.01





## TEMPORARY ACCESS, LICENSE & EASEMENT AGREEMENT

This TEMPORARY ACCESS, LICENSE & EASEMENT AGREEMENT ("Agreement") is given this 14<sup>th</sup> day of September 2018, by Julian Raven ("Owner"), owner of the property and improvements located at 714 Baldwin Street, Elmira, New York ("Property") to 714 Baldwin LLC, a Missouri limited liability company, ("Baldwin") and its employees, consultants, contractors, and subcontractors (collectively "Baldwin Parties").

**WHEREAS**, Baldwin is negotiating a voluntary Brownfield Cleanup Agreement ("BCA") with the New York Department of Environmental Conservation ("DEC") to perform certain environmental investigatory and remedial work at the Property in compliance with applicable law ("Environmental Work"). In order to perform such Environmental Work, Baldwin Parties require the right to enter upon the Property during usual and customary hours (and non-usual/customary hours in the event of an emergency); and Owner desires that Baldwin undertake and perform such Environmental Work as such will benefit the Property;

**NOW, THEREFORE**, Owner gives, grants, and conveys unto Baldwin and the Baldwin Parties and DEC, such access, ingress, egress, license, and easement over, upon, in, and onto the Property to accomplish the aforesaid purposes upon the following terms and conditions contained:

1. Owner shall reasonably cooperate with Baldwin's attempt to negotiate the BCA with DEC including providing DEC a financial disclosure form and other information that may be required by DEC. Baldwin shall use good faith efforts to negotiate a BCA with DEC that releases Owner from any liability to the DEC by reason of the Owner's status as a purchaser of the property that was not involved in the release of contamination at the Property. In addition, if Baldwin is accepted into the Brownfield Cleanup Program and enters into a BCA with the DEC to investigate and/or remediate the Property, Baldwin shall and does hereby forever release Owner and his heirs, successors and assigns from any liability, costs or expenses incurred by Baldwin in connection with the BCA.

2. Upon execution of the BCA by the Baldwin Parties, Owner grants to the Baldwin Parties and DEC access, license, and an easement on, over, upon, and in the Property, strictly and only for the purpose of: performing and undertaking the Environmental Work required under the BCA. Owner will grant access to the interior of the building for all related BCA activities to the Baldwin Parties as the need arises. Owner will facilitate access to the interior of the building for as long as necessary. The Baldwin Parties or DEC shall give reasonable notice (24 hours minimum) to the Owner as to when access is needed, which shall include a description of the type of work, an estimate of the duration of the work that will be carried out at that time, and identification of the individuals who will be entering the Property. Owner will be responsible to ensure work area requested is clear and accessible, and to lock up the building once the specific work has been completed.

3. Baldwin Parties shall exercise all reasonable efforts to not damage the Property nor to unreasonably interfere with Owner's operation or use of the Property and if the Property is damaged, Baldwin shall repair and restore same, except to the extent removal or modification of improvements is part of the remediation required by the BCA. Prior to accessing the Property, Baldwin Parties shall provide Owner with a certificate of insurance for general liability insurance maintained by Baldwin Parties in the amount of \$1,000,000 or more and naming Owner as an additional insured relative to Baldwin Parties obligations in this Section.

4. Baldwin will indemnify, hold harmless, and defend Owner from and against any and all claims, demands, loss, damage, liabilities, and expenses and all suits, actions, and judgments, including but not limited to costs and attorneys' fees, arising out of or in any way connected with Baldwin Parties' negligence or misconduct regarding its exercise of the access easement rights granted by this Agreement or performance of the BCA.

Handwritten signature and circled number 1.



5. If Baldwin Parties shall fail to comply with any of their obligations in this Agreement and shall fail to remedy such default within 30 days after the receipt of written notice from Owner specifying the nature of such default, then Owner may terminate this Agreement; provided, however, that if any such default cannot with due diligence be cured by Baldwin Parties within 30 days, and if Baldwin Parties commence to cure the default within 30 days and diligently prosecute the cure to completion or if Owner interferes with the ability of the Baldwin Parties to cure, then period for cure shall be extended for the period of time required for Baldwin Parties to complete the cure.

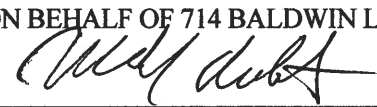
6. The rights granted in this Agreement, unless earlier terminated as provided in this Agreement, shall continue until such time as the Environmental Work required under the BCA is completed or the BCA is terminated.

OWNER:

By:   
Title: owner  
Date: 9.19.2018

JULIAN RAVEN

ON BEHALF OF 714 BALDWIN LLC:

  
By: Michael J. Roberts  
Title: Member  
Date: 9/27/18

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through September 21, 2018.

---

**Selected Entity Name:** ASSOCIATED LINEN SERVICES, INC.

**Selected Entity Status Information**

**Current Entity Name:** ASSOCIATED LINEN SERVICES, INC.

**DOS ID #:** 274727

**Initial DOS Filing Date:** APRIL 01, 1969

**County:** ONEIDA

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** INACTIVE - Merged Out (Aug 26, 1983)

**Selected Entity Address Information**

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

SKETCHLEY SERVICES, INC.

921 PLEASANT VALLEY AVE.

MT LAUREL, NEW JERSEY, 08054

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the

initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate.](#)

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
APR 01, 1969	Actual	ASSOCIATED LINEN SERVICES, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)  
[Homepage](#) | [Contact Us](#)

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through September 21, 2018.

---

Selected Entity Name: NATIONAL SERVICE INDUSTRIES, INC.

Selected Entity Status Information

**Current Entity Name:** NATIONAL SERVICE INDUSTRIES, INC.

**DOS ID #:** 2278560

**Initial DOS Filing Date:** JULY 14, 1998

**County:** NEW YORK

**Jurisdiction:** GEORGIA

**Entity Type:** FOREIGN BUSINESS CORPORATION

**Current Entity Status:** INACTIVE - Suspended (Oct 26, 2012)

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

NATIONAL SERVICE INDUSTRIES, INC.

1420 PEACHTREE ST NE

ATLANTA, GEORGIA, 30309-3002

**Chief Executive Officer**

JAMES S BALLOKN

1420 PEACHTREE ST NE

ATLANTA, GEORGIA, 30309-3002

**Principal Executive Office**

NATIONAL SERVICE INDUSTRIES, INC.

1420 PEACHTREE ST NE

ATLANTA, GEORGIA, 30309-3002

**Registered Agent**

## REGISTERED AGENT RESIGNED

, ,

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate.](#)

### \*Stock Information

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
JUL 14, 1998	Actual	NATIONAL SERVICE INDUSTRIES, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)  
[Homepage](#) | [Contact Us](#)

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through September 21, 2018.

---

Selected Entity Name: TTSI III, INC.

Selected Entity Status Information

**Current Entity Name:** TTSI III, INC.

**DOS ID #:** 2253936

**Initial DOS Filing Date:** APRIL 28, 1998

**County:** ONEIDA

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

ANTHONY INTERNATIONAL  
12391 MONTERO STREET  
SYLMAR, CALIFORNIA, 91342

**Chief Executive Officer**

WILLIAM JOHNSON  
12391 MONTERO ST  
SYLMAR, CALIFORNIA, 91342

**Principal Executive Office**

DAVID LAUTENSCHLAEGER  
12391 MONTERO STREET  
SYLMAR, CALIFORNIA, 91342

**Registered Agent**

NATIONAL REGISTERED AGENTS, INC.  
111 EIGHTH AVENUE  
NEW YORK, NEW YORK, 10011

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate.](#)

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
OCT 19, 1998	Actual	TTSI III, INC.
APR 28, 1998	Actual	TTSI SERVICES ACQUISITION SUB., INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)  
[Homepage](#) | [Contact Us](#)