



Julian Raven

714 Baldwin Street, Elmira, NY

October 2nd, 2025

Kira Bruno, Project Manager, Remedial Section B — Remedial Bureau E
New York State Department of Environmental Conservation (NYSDEC)
625 Broadway, 12th Floor, Albany, NY 12233-7017
kira.bruno@dec.ny.gov

Dudley Loew, Esq., Project Attorney — Office of General Counsel, Region 8
6274 East Avon–Lima Road, Avon, NY 14414
dudley.loew@dec.ny.gov

Re: 714 Baldwin Street Site — Site No. 808041 (Elmira, NY)
Response to PRP Letter; Conditional Site Access for Inspection/Sampling Only

Dear Ms. Bruno and Mr. Loew:

I write in response to NYSDEC's PRP correspondence regarding the 714 Baldwin Street Site, Site No. 808041 (the "PRP Letter"). I appreciate the clarity that the PRP Letter provides about the Department's current posture and timelines. This response is timely and made in good faith.

1) No Consent Order; All Rights Reserved

Respectfully, I **will not** enter into an Administrative Consent Order. The PRP Letter characterizes me only as a **potentially** responsible person and relies on a generalized "documented release **at or near**" the property. As you know, under CERCLA and 6 NYCRR Part 375 the term "release" includes **passive leaching/migration** and is **not** proof of on-site disposal or source attribution by the current owner. The Department's own historic record (including DEC-contracted work in 2013) identifies the former **Diamond Cleaners** property **upgradient** of 714 Baldwin as the logical source area of the PCE plume. I reserve all defenses, including **BFPP / Contiguous Property Owner** protections, third-party defense, lack of causation, allocation, constitutional defenses, and any other rights at law or equity.

2) Limited, Non-Exclusive Access for Inspection/Sampling Only

Without waiving any rights or admitting any liability, I will permit **limited access** for **non-destructive inspection, sampling, and testing** subject to the following **conditions**:

1. **Notice & Scope.** Provide **10 business days' written notice** identifying: (a) proposed dates and entry windows; (b) all sampling locations (with a site map), depths, and methods; (c) a concise **Scope of Work**; (d) the applicable QAPP/Standard Operating Procedures; and (e) the **Health & Safety Plan** for contractors.
2. **No Intrusive Work / No Dispossession.** This access **does not** authorize **excavation, soil removal, trenching, installation of wells/systems, or any "temporary occupancy"** of the premises. Any intrusive or dispossessory action must be supported by a **court order/warrant** issued upon competent evidence and proper process.
3. **Split-Sample & Chain-of-Custody.** I require **split samples** for all media collected, full **chain-of-custody** documentation, and **all** laboratory data packages and validated results (electronic and PDF) within **15 business days** of receipt by DEC/its consultants.
4. **Insurance & Safety.** All DEC contractors and subs must provide **Certificates of Insurance** (general liability, workers' compensation, auto) naming me as a **certificate holder**, comply with OSHA/NY safety requirements, and follow the HASP.
5. **Site Controls & Restoration.** Work must be supervised by a competent field lead; all work areas shall be kept safe/clean; and any disturbed areas shall be **restored** to pre-entry condition upon demobilization.
6. **Escorted Access & Scheduling.** Entry will occur during normal business hours and be **escorted** by me or my designee. If the proposed date is impractical, I will offer two alternatives within the same 10-day window.
7. **No Admission / No Waiver.** This access is granted **without admission** of liability and **without waiver** of any defenses, claims, or remedies.

Please confirm in writing that these conditions are acceptable and provide your first **proposed sampling schedule and scope**.

3) Technical Record Needed

To enable a transparent and efficient process, please produce (or identify where to download) the following **before** field work:

- The **current hydrogeologic basis** (data, synoptic water-level measurements, potentiometric maps, and any modeling files) for any assertion that groundwater flow at/near 714 Baldwin has **reversed** relative to earlier DEC-contract records.
- The **Diamond Cleaners** RI/FS data (including any forensic chlorinated solvent evaluations, concentration iso-surfaces, and mass-flux estimates) sufficient to evaluate **cross-contamination** and source attribution.
- Any DEC memoranda **retracting or revising** prior statements that 714 Baldwin was a "former dry cleaner," and the evidentiary basis for any new "storage" theory.

If these materials are already posted to DEC Info Locator under Site No. 808041, please point me to the exact folders/filenames.

4) Ability-to-Pay & Risk-Based Path

Under DEC's **Civil Penalty Policy (DEE-1)** and analogous federal guidance, my **Ability-to-Pay** submission (to be provided at a later date) will document that I lack the financial capacity to fund intrusive remedial work. I have consistently **cooperated** with DEC, provided site access, and installed a **sub-slab depressurization system** that mitigates indoor vapor. In light of the long-standing, downgradient-owner posture and the upgradient source history, any further actions should be **risk-based and state-led** unless and until the Department develops a technical record establishing on-site source attribution.

5) Litigation Hold; Next Steps

Please implement/confirm a **litigation hold** over all DEC and contractor ESI and paper files related to Site No. 808041, Diamond Cleaners, 714 Baldwin Street LLC, groundwater flow direction, PRP/ROD determinations, August 17, 2017 Conference Call minutes/recording and all communications referencing my property or profession, public artwork/political signage. I am preparing filings to preserve the **status quo** and seek judicial guidance on source attribution, defenses, and the limits of any non-consensual entry or dispossession. In the meantime, I am prepared to schedule **inspection/sampling** promptly under the conditions above.

Kindly direct all scheduling communications to me at julianmarcusraven@gmail.com.

Sincerely,



Julian Raven

Owner, 714 Baldwin Street (Site No. 808041)

Elmira, New York, 14901