



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

September 2, 2009

Honorable Susan L. Biro  
Chief, Administrative Law Judge (1900c)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: In the Matter of JIDDU/SITTU Trust and CRC Excavating, LLC  
Docket No. CAA-01-2009-0090

Dear Judge Biro:

Pursuant to 40 C.F.R. 22.21(a) of the Consolidated Rules of Practice, I am transmitting a copy of the Complaint and Notice of Opportunity for Hearing in the above captioned matter along with Respondent's Answer, Notice of Appearance and Request for Hearing. Please assign an Administrative Law Judge to serve as Presiding Officer.

Sincerely,

A handwritten signature in cursive script that reads "Judy Lao-Ruiz".

Judy Lao-Ruiz, Acting  
Regional Hearing Clerk

Enclosure

cc: Respondent(s)

JIDDU/SITTU Trust  
66 College Parkway  
Colchester, Vermont 05446

CRC Excavating, LLC  
350 East Hill  
Middlesex, Vermont 05606

Counsel for Complainant:

David M. Peterson  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 (NEW ENGLAND REGION)

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REGIONAL HEARING CLERK

In the Matter of: )  
)  
JIDDU/SITTU Trust )  
66 College Parkway )  
Colchester, Vermont 05446 )  
)  
And )  
)  
CRC Excavating, LLC )  
350 East Hill )  
Middlesex, Vermont 05606 )  
)  
Proceeding under Section 113 of )  
the Clean Air Act, 42 U.S.C. § 7413 )

**NOTICE OF APPEARANCE**

Robert J. Perry, Esquire, an attorney licensed to practice law in the State of Vermont, hereby enters his appearance for the Jiddu/Sittu Trust, a Respondent in the above-entitled matter.

**ANSWER**

1. Respondent, Jiddu/Sittu Trust, accepts, and does not contest, the allegations of Paragraphs 1 through 8 of the complaint.
2. Respondent, Jiddu/Sittu Trust, admits that the Trust was formed in the State of Vermont with a mailing address of 66 College Parkway, Colchester, VT 05446, and that Darcy D. Church is Trustee. Respondent, Jiddu/Sittu Trust, denies that Gabriel Handy is a Trustee. Additionally, the correct title of the Trust is Jiddu/Sittu Trust.
3. Respondent, Jiddu/Sittu Trust, is a person as defined and the owner of properties originally identified as 231 and 235 Pearl Street, Essex Junction, Vermont, as alleged in Paragraphs 10 and 11 of the complaint.

4. Respondent, Jiddu/Sittu Trust, believes the allegations of Paragraphs 12 and 13 of the complaint are accurate, but denies the same for lack of personal knowledge.

5. Respondent, Jiddu/Sittu Trust, admits the allegations of Paragraphs 14 and 15 of the complaint.

6. Respondent, Jiddu/Sittu Trust, acknowledges that a “demolition” occurred at the subject property as alleged in Paragraph 16 of the complaint, but denies that it conducted the demolition. Respondent, Jiddu/Sittu Trust, retained and relied on the expertise of Respondent, CRC Excavating, LLC, to properly perform the work. Neither it nor any other involved State or municipal agency advised or suggested to Respondent, Jiddu/Sittu Trust, that an asbestos investigation was required prior to demolition of the two small residential structures at the time it acquired permits.

7. Respondent, Jiddu/Sittu Trust, admits that it is an owner or operator of a demolition or renovation activity as defined in the Code of Federal Regulations as alleged in Paragraph 17 of the complaint.

8. Respondent, Jiddu/Sittu Trust, makes no answer as to Paragraph 18 of the complaint.

9. Respondent, Jiddu/Sittu Trust, acknowledges the allegations of Paragraph 19 and further alleges that demolition debris was in fact non-asbestos containing waste.

10. Respondent, Jiddu/Sittu Trust, admits the allegations of Paragraphs 20 through 26 of the complaint, except it specifically denies that Gabriel Handy was or is a Trustee. Mr. Handy was acting in an advisory role.

11. Paragraph 27 of the complaint is a conclusion of law to which no answer is required.

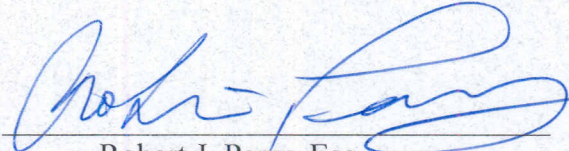
12. Respondent, Jiddu/Sittu Trust, denies the allegations of Paragraph 28 of the complaint, specifically acknowledging that there was no material which appeared to have asbestos content.

13. The allegations of Paragraphs 29 and 30 are conclusions of law to which no response is required.

14. Respondent, Jiddu/Sittu Trust, admits the allegations of Paragraph 31 of the complaint.

15. The allegations of Paragraphs 32 and 37 are conclusions of law to which no response is required.

Executed at Burlington, Vermont, this 28<sup>th</sup> day of August, 2009.



Robert J. Perry, Esq.

L. Randolph Amis, ESQ., P.C.  
ATTORNEYS-AT-LAW

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L. Randolph Amis, Esq.  
Robert J. Perry, Esq., of Counsel  
Judy A. LeBlond, Office Manager  
Nancy L. Benson, Legal Assistant  
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August 28, 2009

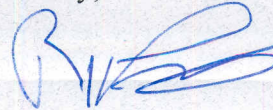
Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
One Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

Re: Jiddu/Sittu Trust & CRC Excavating, LLC  
Docket No. CAA-01-2009-0090

Dear Ms. Santiago:

Enclosed are the original and one copy of my Answer to the above complaint. Please also accept this letter as a request for a hearing. I have been in contact with Attorney David Peterson with the hope that the matter may be resolved or, at a minimum, hearing issues limited. A copy of my appearance, answer and this letter have been provided to Attorney Peterson by first class mail, postage prepaid.

Sincerely,



Robert J. Perry, Esq.

RJP/nlb  
Enclosures

pc: David Peterson, Esq.