

file to put in database



David
Peterson/R1/USEPA/US
10/07/2009 04:34 PM

To Maria Whiting-Beale/DC/USEPA/US@EPA
cc Judy Lao/R1/USEPA/US@EPA
bcc

Subject ADR for JIDDU/SITTU Trust - CAA-01-2009-0090

Dear Ms Whiting-Beale,

I am writing to inform you that EPA, Region 1; the JIDDU/SITTU Trust; and CRC Excavating are jointly requesting to use the Office of Administrative Law Judges' Alternative Dispute Resolution Process to help reach a settlement in this case. The parties have already initiated settlement negotiations and are in the process of investigating ability-to-pay issues and other matters that should help resolve the matter.

If you have any questions about this request, please let me know.

Sincerely,

David Peterson
Senior Enforcement Counsel
(617) 918-1891

cc: Gabriel Handy, JIDDU/SITTU Trust*
Richard Cowles, CRC Excavating

* Attached is a letter from Gabriel Handy notifying EPA that the JIDDU/SITTU Trust is no longer represented by counsel and that Mr. Handy is the contact for all communications with the JIDDU/SITTU Trust.

RECEIVED

OCT 15 2009

EPA ORC
Office of Regional Hearing Clerk

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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

**ORDER INITIATING ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND APPOINTING NEUTRAL**

Pursuant to the request of the parties, Judge Spencer T. Nissen, is hereby designated as a neutral to initiate and conduct such processes as may facilitate a settlement of this proceeding.

The following procedures shall apply:

1. The Alternative Dispute Resolution (ADR) process will be conducted in a confidential manner. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.

2. For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to someone with such authority.

3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **December 7, 2009**. An extension of up to 60 days may be granted by the undersigned upon request of the ADR neutral, but in no event shall ADR continue for longer than 4 months. At that time, if no settlement has been reached, the case will be remanded to the litigation Judge to proceed with the litigation process in an expedited manner.

4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge. The dispute resolution process initiated by this Order shall terminate upon order of the Chief Administrative Law Judge.

5. At the termination of the ADR process, the parties will be sent a questionnaire to elicit their views and the experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.



Susan L. Biro

Chief Administrative Law Judge

Dated: October 8, 2009
Washington, DC

In the JIDDU/SITTU Trust and CRC Excavating LLC, Respondents
Docket No. CAA-01-2009-0090

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Initiating Alternative Dispute Resolution Process And Appointing Neutral**, dated October 8, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: October 8, 2009

Original And One Copy By Pouch Mail To:

Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. EPA
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy By Pouch Mail To:

David M. Peterson, Esquire
Enforcement Counsel (SEL)
U.S. EPA
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy By Regular Mail To:

Gabriel Handy
JIDDU/SITTU Trust
66 College Parkway
Colchester, VT 05446

Richard Cowles
CRC Excavating, LLC
P.O. Box 224
Jonesville, VT 05466

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED

OCT 15 2009

EPA ORC
Office of Regional Hearing Clerk

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

ORDER INITIATING ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND APPOINTING NEUTRAL

Pursuant to the request of the parties, Judge Spencer T. Nissen, is hereby designated as a neutral to initiate and conduct such processes as may facilitate a settlement of this proceeding.

The following procedures shall apply:

1. The Alternative Dispute Resolution (ADR) process will be conducted in a confidential manner. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.
2. For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to someone with such authority.
3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **December 7, 2009**. An extension of up to 60 days may be granted by the undersigned upon request of the ADR neutral, but in no event shall ADR continue for longer than 4 months. At that time, if no settlement has been reached, the case will be remanded to the litigation Judge to proceed with the litigation process in an expedited manner.
4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge. The dispute resolution process initiated by this Order shall terminate upon order of the Chief Administrative Law Judge.

5. At the termination of the ADR process, the parties will be sent a questionnaire to elicit their views and the experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.



Susan L. Biro

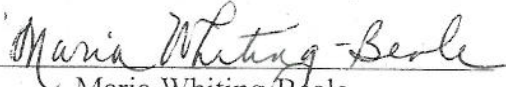
Chief Administrative Law Judge

Dated: October 8, 2009
Washington, DC

In the JIDDU/SITTU Trust and CRC Excavating LLC, Respondents
Docket No. CAA-01-2009-0090

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Initiating Alternative Dispute Resolution Process And Appointing Neutral**, dated October 8, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: October 8, 2009

Original And One Copy By Pouch Mail To:

Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. EPA
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy By Pouch Mail To:

David M. Peterson, Esquire
Enforcement Counsel (SEL)
U.S. EPA
One Congress Street, Suite 1100
Boston, MA 02114-2023

Copy By Regular Mail To:

Gabriel Handy
JIDDU/SITTU Trust
66 College Parkway
Colchester, VT 05446

Richard Cowles
CRC Excavating, LLC
P.O. Box 224
Jonesville, VT 05466