

GARY P. KAST

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November 5, 2009

Regional Hearing Clerk
USEPA , Region IX
75 Hawthorne St
San Francisco, CA 94105

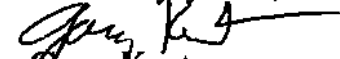
Re: In re the MATTER OF CSC TRADING.INC AND RICK BARONE dba
R&B Recycling Docket No. CAA 09-2009-0029

Dear Clerk

I enclose the Answer of Respondents for filing in the above referenced matter, along with a copy for conforming with a SASE to facilitate the easy return to me. If there are any problems please call me to let me know at the above number or cell (818)292-6108.

Thank you for your anticipated courtesy.

Sincerely yours,


Gary Kast
Encl as above

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REGIONAL HEARINGS CLERK

Attorneys for Respondent
CSC Trading, Inc and Rick Barone dba R&B Recycling

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX 75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

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|--|---|--|
| In the Matter of : | } | DOCKET NO. CAA 09-2009-0029 |
| CSC TRADING ,INC, and RICK BARONE dba R&B RECYCLING Respondents. | | RESPONSE OF RESPONDENT CSC TRADING,INC |
| | | |

Comes now CSC Trading ,Inc and Rick Barone dba R&B Recycling who answer the above entitled complaint as follows:

Generally it is the position of respondents that the referenced Rail Road Cars were not "structures" or a "Ship" under the act and that "recycling" or salvaging them is not "demolishing". Further it is respondents belief that there was no asbestos containing material anywhere in the rail road passenger cars and that the method of recycling kept any dust down to a minimum . Retaining the right to later amend to elucidate affirmative defenses respondent further answers the specific paragraphs of the complaint as follows:

Admits paragraph 1 and 2.

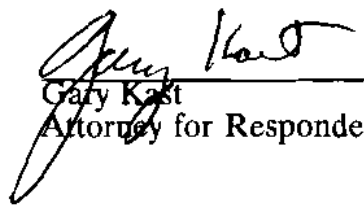
Denies for the above reasons paragraphs 3,4,5,6,8,9,10,12.

As to paragraphs 7 respondent has insufficient information and on that sufficient basis alone denies each and every allegation as well as alleges that ""suspect" asbestos containing material in the form of flooring" is legally irrelevant nor is there allegation that any of the alleged "structures" contained sufficient "suspect"flooring to be under the aegis of epa.

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As to paragraph 11 respondents admit that neither of them submitted a "written notice of intention to demolish " the railroad passenger cars before taking steps to salvage them, but deny that any such requirement exists for the reasons that the railroad passenger cars were "vehicles" not "structures" and were "recycled", not "demolished". I believe that we have reached a compromise settlement with the assistant regional counsel handling this case so that a hearing is probably not necessary but certain documents have to be drawn first so this answer is filed to prevent default while the agreed settlement is finalized.

Respectfully submitted


Gary Kast
Attorney for Respondents

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PROOF OF SERVICE BY MAIL and FAX

1. I am a resident of Los Angeles County, am over 18 years of age, and not a party to the within cause; My address is 8618 Saloma Ave, Panorama City, CA 91402

2. I served the Response to Complaint by depositing a true copy of same, enclosed in a sealed envelope with postage fully prepaid, in the U.S. Mail at Van Nuys, CA on November 5, 2009 addressed:

Carol Bussey Esq
Assistant Regional Counsel (ORC-2)
USEPA , Region IX
75 Hawthorne St
San Francisco, CA 94105

AND BY FAXING A COPY on the same date to Carol Bussey at 415-947-3570

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Van Nuys, California on November 5, 2009

GARY KAST

