

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866**

IN THE MATTER OF:

Michael B. Rapasadi
2106 Lake Road
Oneida, NY 13421

Thomas R. Rapasadi
2106 Lake Road
Oneida, NY 13421

Respondents.

Proceeding pursuant to § 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

**Proceeding to Assess Class I
Civil Penalty Pursuant to Section
309(g) of the Clean Water Act**

Docket No. CWA-02-2013-3601

REPORT OF STATUS CONFERENCE AND ORDER

The status teleconference in this matter was held on November 12, 2013. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	John Benjamin Carroll
Complainant:	Lauren Fischer, Attorney
	David Pohle, Wetlands Enforcement U.S. EPA
	Aaron Smith, U.S. Army Corps of Engineers

Introduction: The Presiding Officer established that the purpose of the teleconference was to assess the status of this matter.

Status: Mr. Carroll stated that his clients have not responded to his recent attempts to contact them by phone and letter. He also claimed that he just received pertinent material from EPA recently, and that his clients have no money.

Ms. Fischer made clear that Complainant wants money spent restoring the property that is the subject of this enforcement action. While Complainant is seeking a penalty, compliance with the Clean Water Act is paramount.

Mr. Carroll said he would inform his clients of EPA's position.

The parties also spoke briefly about documenting a claim of inability to pay.

IT IS ORDERED:

A status teleconference is hereby scheduled for Thursday, December 19, 2013 at 9:30AM.

Dated: December 10, 2013



Helen S. Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

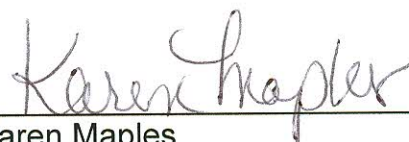
I hereby certify that the **Report Of Status Conference And Order** by Regional Judicial Officer Helen Ferrara in the matter of **Michael B. Rapasadi and Thomas Rapasadi, Docket No. CWA-02-2013-3601**, was served on the parties as indicated below:

First Class Mail -

John Benjamin Carroll, P.C.
Carroll and Carroll Lawyers, P.C.
440 South Warren Street
Syracuse, New York 13202

Inter Office Mail -

Lauren Fischer, Esq.
Office of Regional Counsel
USEPA - Region II
290 Broadway 16th Floor
New York, New York 10007-1866



Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: December 11, 2013