

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 July 31, 2014. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	John Benjamin Carroll
Complainant:	Lauren Fischer, Attorney David Pohle Aaron Smith

Introduction: The Presiding Officer requested that the parties' attorneys provide an update on efforts to resolve this matter.

Status: Mr. Carroll stated that he sent his clients' tax returns to EPA today in support of Respondents' argument that they are unable to pay the proposed penalty. Ms. Fischer pointed out that EPA had only received three years of returns for Michael Rapasadi, but needed three years of returns for Thomas Rapasadi in order for EPA to begin its review of the Respondents' inability to pay claim. Mr. Carroll had thought the current submission, which supplemented a submission made on June 19th, included information for both Respondents. However, when he

checked with support staff at his law firm, it was confirmed that only returns for Michael had been sent out. Mr. Carroll had his assistant place a call to Thomas Rapasadi; she left a message telling him that he needed to submit his returns.

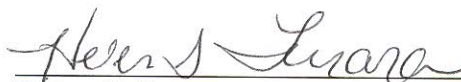
Ms. Fischer also noted that on July 1st, she had sent an email to Mr. Carroll inquiring as to whether Respondents would like to utilize Alternate Dispute Resolution (ADR) to facilitate settlement of this matter. She stated that she followed up with an email making the same inquiry this morning. Mr. Carroll stated that he had not been aware of Ms. Fischer's suggestion of ADR until this morning, and stated that he would present that option to his clients. He briefly addressed the issue of remediation, indicating that he still has not heard back from the Town's counsel as to whether they would be assisting his clients in the remediating the site. He also confirmed that he is not proceeding with a Notice of Claim against the Town at this time.

As there has been so little progress towards resolving this matter, the parties agreed that it was in the best interest of all parties to schedule a follow up status teleconference within the next week or two. At that time, Mr. Carroll will have hopefully heard from his clients on the tax return submissions and the ADR option, and perhaps heard from the Town on the remediation issue. The Undersigned urged Mr. Carroll to follow up on these matters to the extent possible before the next call.

IT IS ORDERED:

A status teleconference is scheduled for Thursday, August 7, 2014 at 2:00PM.

Dated: July 31, 2014



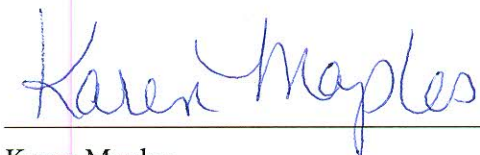
Helen S. Ferrara
Presiding Officer

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: August 1, 2014