

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. Environmental  
Protection Agency-Reg 2

2014 MAY 12 PM 4: 28

REGIONAL HEARING  
CLERK

Docket No. \_\_\_\_\_  
CWA-02-2013-3601

IN THE MATTER OF:

Michael B. Rapasadi  
2106 Lake Road  
Oneida, NY 13421

Thomas R. Rapasadi  
2106 Lake Road  
Oneida, NY 13421

Respondents

CERTIFICATE OF SERVICE

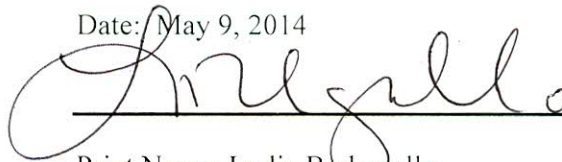
I hereby certify the Report Of Status Conference And Order by Regional Judicial Officer Helen Ferrera in the matter of Michael B. Rapasadi and Thomas R. Rapasadi, Docket No. CWA-02-2013-3601, was served on the parties as indicated below:

Michael B. Rapasadi  
2106 Lake Road  
Oneida, NY 13421

Thomas R. Rapasadi  
2106 Lake Road  
Oneida, NY 13421

I sent by inter-office mail the original and a copy of the foregoing Report Of Status Conference And Order to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Date: May 9, 2014



Print Name: Lydia Barbagallo  
New York, NY

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 April 10, 2014. Participating were:

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

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

**Status:** Mr. Carroll confirmed that he had met on April 3<sup>rd</sup> with Aaron Smith, the Town Supervisor of the Town of Lenox, Joseph Pinard, and Mr. Rapasadi to discuss whether the Town planned on assisting the Respondents in remediating the wetlands. Mr. Pinard informed the others that a plan to have the Town remove the fill was being discussed.

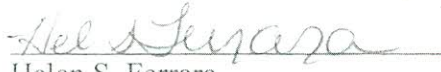
Ms. Fischer stated that EPA believes that it is now up to Mr. Carroll and the Rapasadi's to follow up to ascertain what the Town intends to do to remediate the site. Mr. Carroll stated that he would put in a call to the Town but did not intend to make demands, while Ms. Fischer stated that she thought it was appropriate for the Respondent to make demands of the Town at this time. Mr. Carroll explained that Mr. Pinard was new to his office (the Board member who had agreed to the remediation has been voted out of office) and therefore would like to give Mr. Pinard time to get up to speed on this issue.

The parties agreed that it was in the best interest of all parties to schedule a follow up status teleconference to inform the Undersigned of their progress in resolving this matter.

**IT IS ORDERED:**

**A status teleconference is scheduled for Thursday, May 22, 2014 at 10:00AM.**

**Dated: May 8, 2014**

  
Helen S. Ferrara  
Presiding Officer