

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

FDD, Inc.,
5261 Route 9W
Newburgh, NY 12550

Respondent

In a proceeding under Section 1423(c) of the Safe
Drinking Water Act, 42 U.S.C. § 300h-2(c)

Docket No. SDWA-02-2014-8902

REPORT OF STATUS CONFERENCE AND ORDER

The status teleconference in this matter was held on March 24, 2015. Participating were:

Presiding Officer:

Helen S. Ferrara

Respondent's Attorney:

Edward Carroll

Complainant:

Kara Murphy, Attorney

Nicole Foley Kraft, Chief, Ground
Water Compliance Section

Frank Brock, Lead Environmental
Scientist, Water Compliance Section

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

Status: Ms. Murphy indicated that EPA had sent Mr. Carroll an electronic message on February 26th, which message included information on further documentation necessary for a

well closure plan and a claim that the Respondent is unable to pay the proposed penalty. Mr. Carroll indicated that he has had great difficulty accessing his emails due to problems caused by the extreme weather, but said he would follow up immediately and attempt to locate Ms. Murphy's message.

He also reiterated that his client's engineer had prepared a plan regarding closing the well at the commencement of this matter, and that said plan was forwarded to EPA. Ms. Kraft suggested that Mr. Carroll review the information forwarded by EPA and finish a closure plan so that it can be reviewed and approved by EPA, and the closure can be scheduled as soon as the ground thaws. Ms. Murphy reminded Mr. Carroll that EPA must approve the plan, be notified of the closure date, and witness the closure process.

Ms. Murphy reiterated that EPA is still waiting for information from Respondent as to why the penalty should be lowered and the ability to pay claim. Mr. Carroll responded that he hopes that his client, one of the individual owners of the site, will soon be in a position to make a counteroffer and prepared the documentation necessary to support a claim regarding ability to pay.

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 Tuesday, April 21, 2015 at 10:00AM.

Dated: April 1, 2015




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 **FDD, Inc., Docket No. SDWA-02-2014-8902**, was served on the parties
as indicated below:

First Class Mail - Edward J. Carroll
2733 Route 209
Kingston, New York 12401

Inter Office Mail: Kara Murphy, Esq.
Assistant Regional Counsel
USEPA - Region II
290 Broadway, 16th Floor
New York, New York 10007-1866


Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: April 2, 2015