

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 June 23, 2014. Participating were:

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

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

Status: Ms. Fischer stated that, while the parties have been talking about remediation to address the problems identified in the compliance order, the Respondents still need to address the penalty component of the settlement and establish their inability to pay with sufficient documentation. Ms. Fischer acknowledged receipt of a one page summary of tax returns for each of the last three years for Michael Rapasadi, but stated that Respondents need to submit three years of full tax returns for both Respondents. They also need to submit an executed release to allow EPA to forward the information to Industrial Analysis or another firm, who will review the

documentation and analyze Respondents' claim of inability of pay based on this documentation. Ms. Fischer also stated that more information supporting their claim may be requested at that time.

Mr. Carroll reiterated the Town's statement that it will assist the Respondents with the remediation but will not spend Town money. He also stated that he did not file the Notice of Claim against the Town because he has not been paid by his clients and therefore, does not want to commence another lawsuit at this time. He said he discovered that the fill was placed by the Village of Canastota (sp?) and the County, and not by his clients.

Ms. Fischer responded that his clients owned the property and therefore it was their responsibility to have the fill removed. Finally, Ms. Fischer suggested that the Respondents complete the remediation and then pursue the Town for reimbursement. Complainant remains very concerned about the length of time it was taking to resolve this matter.


Mr. Carroll represented that he would talk to his clients about the option of proceeding with the settlement and remediation without Town involvement and also about submitting the necessary documentation to support their claim of inability 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, July 29, 2014 at 10:00AM.

Dated: June 24, 2014


Helen S. Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

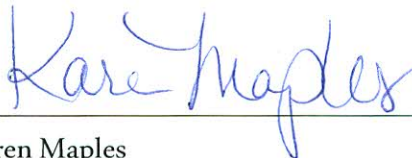
I hereby certify that the **Report Of Status Conference And Order** by Regional Judicial Officer

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: June 25, 2014