

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 18, 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 an update from the parties' attorneys as to progress made in settling this matter since the last status teleconference.

**Status:** Mr. Carroll stated that his client Thomas refuses to submit tax returns to support his inability to pay claim, but will submit other information. Ms. Fischer reminded Mr. Carroll that it was his clients, and not EPA, that were making an issue of their finances. She also stated that tax returns are usually required to support a respondent's argument that they cannot pay a

penalty, and that additional information may be required.

The parties had not had any further discussion about removing the fill at the site.

Once again, the Undersigned emphasized that there must be more progress in the matter, as little has been made in the past few months, and inquired as to the status of referring this matter for Alternate Dispute Resolution (ADR). According to the parties, ADR Specialist Joe Siegel was contacting an ADR specialist in another region, and will get back to the parties' attorneys when he ascertains whether that specialist could mediate this matter.

The parties remain optimistic about engaging in the ADR process, and all agreed that they were hopeful that the case would be referred to an ADR specialist by the date scheduled for the next status teleconference. The parties agreed that it was in the best interest of all parties to schedule a follow up teleconference as soon as possible.

**IT IS ORDERED:**

**A status teleconference is scheduled for Thursday, December 18, 2014 at 11:00PM.**

**Dated: December 2, 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 16<sup>th</sup> Floor  
New York, New York 10007-1866



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Karen Maples  
Regional Hearing Clerk  
USEPA - Region II

Dated: December 2, 2014