

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 September 15, 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 Respondent's counsel update the parties on his progress on obtaining the necessary tax returns from his clients, ascertaining whether his clients want to pursue ADR, and getting a commitment from local governments to assist in remediation of the site. .

Status: Mr. Carroll stated that he did not know if his office had received any additional documentation from his clients to support his clients' argument that they are unable to pay the proposed penalty because he was on vacation, and his support staff, who would have received

the documentation, was not in the office during the call. He thought his clients might be interested in ADR and was going to confirm that they would participate. Mr. Carroll stated that he had not had a chance to talk to the Town, City and Village regarding remediation of the site.

Complainant's counsel emphasized that if they were to choose ADR, Respondents had to commit to participate. In addition, she stated that the documentation to support an inability to pay argument needed to be submitted to EPA as soon as possible. Finally, she reminded Respondent's counsel that EPA believes it is his clients' responsibility to remediate the site, with or without the participation of local governments.

Finally, the Undersigned emphasized that there must be more progress in the matter, as none has been made since the status teleconference on July 31, 2014. Again, 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 as soon as possible. The Undersigned urged Mr. Carroll to follow up on the matters discussed in the previous paragraphs to the extent possible before the next call.

IT IS ORDERED:

A status teleconference is scheduled for Tuesday, September 30, 2014 at 11:00PM.

Dated: September 23, 2014



Helen S. Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

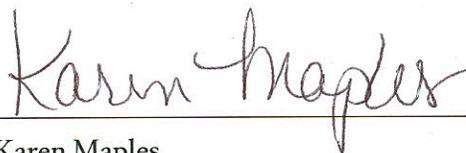
I hereby certify that the **Report Of Status Conference And Order** by Regional Judicial Officer Helen Ferrara in the matter of **Michael B. Rapasadi and Thomas Rapasadi**, Docket No. CWA-02-2013-3601, was served on the parties as indicated below:

First Class Mail -

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Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: September 24, 2014