



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

July 15, 2013

Via US Express Mail

John Benjamin Carroll, P.C.  
Carroll and Carroll Lawyers, P.C.  
440 South Warren Street  
Syracuse, New York 13202

RE: Errata to Complainant's Response to Respondents' Motion to Dismiss  
Michael B. Rapasadi and Thomas R. Rapasadi  
Docket Number CWA-02-2013-3601

Dear Mr. Carroll,

Enclosed please find one copy of the Errata to Complainant's Response to Respondents' Motion to Dismiss, dated July 15, 2013 ("Errata"). The original and one copy of the Errata are being filed with the Regional Hearing Clerk with a copy of this letter.

Please do not hesitate to contact me at (212) 637-3231 should you have any questions.

Sincerely,

Lauren Fischer  
Assistant Regional Counsel

Enclosures

cc: Karen Maples, Regional Hearing Clerk w/ original and copy

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. 2  
2013 JUL 15 P 2:10  
REGIONAL HEARING  
CLERK

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REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2013 JUL 15 P 2:10  
REGIONAL HEARING  
CLERK

**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**

**ERRATA TO COMPLAINANT'S RESPONSE TO RESPONDENTS' MOTION TO  
DISMISS**

Complainant hereby requests that the Regional Hearing Officer strike the following sentence on Page 3, Part III.1 of Complainant's Response:

"Pursuant to the CROP, a movant will prevail on a motion to dismiss "if no genuine issue of material fact exists and the movant is entitled to judgment as a matter of law." 40 C.F.R. § 22.20(a)."

The language that follows this sentence in the section remains unchanged.

DATED: July 15, 2013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Fischer', written over a horizontal line.

LAUREN FISCHER  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
290 Broadway, 16th Floor  
New York, NY 10007

*Attorney for Complainant*

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**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I served the foregoing fully executed Errata to Complainant's Response to Respondents' Motion to Dismiss, bearing the above-referenced docket number, in the following manner.

Copy by US Express Mail: John Benjamin Carroll, P.C.  
Carroll and Carroll Lawyers, P.C.  
440 South Warren Street  
Syracuse, New York 13202

Original and One Copy Regional Hearing Clerk  
By Internal Mail (pouch): U.S. Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> floor  
New York, New York 10007-1866

Date: July 15, 2013

  
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New York, NY