

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 August 19, 2014. Participating were:

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

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

Status: Mr. Carroll stated that he had not received any additional documentation from his clients to support his clients' argument that they are unable to pay the proposed penalty, he had not had a chance to discuss the ADR option with his clients, and he had not contacted the Town about remediation. He explained that he was on vacation, but that before he left, he had tried to contact his clients and they never got back to him. Mr. Carroll bought up the possibility that only tax returns for the owner of the site, Michael Rapasadi, were required, but

Complainant's attorney explained that as both were properly named Respondents, both need to prove inability to pay claims by providing tax returns to EPA together with any other information subsequently deemed necessary. Mr. Carroll also expressed concern regarding the fact that ADR would be conducted by an EPA employee as a mediator. The Undersigned explained that neutrality could be expected from an EPA mediator, and that it would be a cost free option to facilitate settlement of this case.


Ms. Fischer emphasized the importance of providing the financial information to EPA and otherwise following up with the Respondents and the Town. Mr. Carroll agreed to talk to the Town, City and Village regarding remediation of the site. He also agreed to emphasize to his clients the importance of providing the necessary financial documents and will broach the subject of ADR to them

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 paragraph to the extent possible before the next call.

IT IS ORDERED:

A status teleconference is scheduled for Monday, September 15, 2014 at 10:00PM.

Dated: August 20, 2014



Helen S. Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

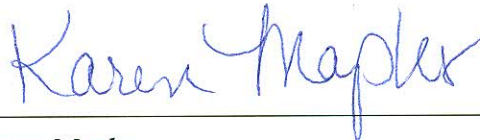
I hereby certify that the **Report Of Status Conference And Order** by Regional Judicial Officer Helen Ferrara in the matter of **Michael B. Rapasadi and Thomas Rapasadi**, Docket No. CWA-02-2013-3601, was served on the parties as indicated below:

First Class Mail -

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Inter Office Mail -

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Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: August 20, 2014