

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

FDD, Inc.,
5261 Route 9W
Newburgh, NY 12550

Respondent

In a proceeding under Section 1423(c) of the Safe
Drinking Water Act, 42 U.S.C. § 300h-2(c)

Docket No. SDWA-02-2014-8902

REPORT OF STATUS CONFERENCE AND ORDER

The status teleconference in this matter was held on October 9, 2014. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	Edward Carroll
Complainant:	Kara Murphy, Attorney
	Nicole Foley Kraft, Chief, Ground Water Compliance Section
	Frank Brock, Lead Environmental Scientist, Water Compliance Section

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

Status: Mr. Carroll stated that, as requested, he had asked for additional information from the certified laboratory regarding underlying lab tests that the Respondent's engineer relied

on in preparing the Engineer's Report. However, he was informed that the lab was not able to produce the information that Complainant requested regarding the testing methodology used. Mr. Carroll reiterated that all the information Respondent has was included in the Engineering Report.

Mr. Carroll also reiterated that the engineer had opened up the injection well, which Mr. Carroll describes as a drain running into a concrete box, inspected it and prepared the report. Mr. Carroll noted that the well had not been used for years and that no dangerous substances were found. A sample was taken from the well and tested by the certified laboratory.

Ms. Murphy said if the Respondent cannot get the required information, the parties should further discuss this problem among themselves. Mr. Carroll offered to go back to the laboratory with testing requirements to ascertain whether the proper analytical methods were used in the lab tests.

Ms. Kraft stated that Complainant believes that the results from the performed tests indicate that the proper test methods were not used. Ms. Kraft and Mr. Brock emphasized that the sample has to be analyzed per EPA guidance and pointed out that the correct test methods were set forth in the Attachment to the Complaint. Mr. Carroll said that the Respondent will inform the engineer so that the proper procedures can be used.


Ms. Murphy again talked about scheduling a conference with Mr. Carroll, his client, the engineer and EPA personnel in order to save time and the Respondent's money by avoiding inadequate testing, etc. in the future, and the Undersigned asked that this conference be tentatively scheduled before the end of the call. The parties agreed to try to meet on October 22, 2014.

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, November 18, 2014 at 10:00AM.

Dated: October 27, 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 **FDD, Inc., Docket No. SDWA-02-2014-8902**, was served on the parties as indicated below:

First Class Mail - Edward J. Carroll
2733 Route 209
Kingston, New York 12401

Inter Office Mail: Kara Murphy, Esq.
Assistant Regional Counsel
USEPA - Region II
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Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: October 28, 2014