

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 November 18, 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 asked whether the parties had in fact spoke on October 22<sup>nd</sup>, as discussed, and asked that the parties' attorneys provide a general update on efforts to resolve this matter.

**Status:** Mr. Carroll stated that there was a conference call on October 22<sup>nd</sup>, which

included all the parties that were participating in this status teleconference as well as Respondent's engineer, Joseph Doan. Mr. Carroll also stated that the required tests had been redone, hopefully using the methodology set forth in the Complaint, and that he was waiting for a report from the lab which he will share with EPA immediately upon receipt.

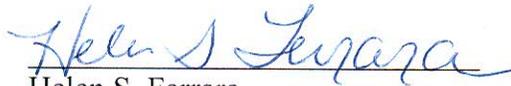
The parties discussed that the next step was for EPA to review the report and look at levels of contamination in the septic tank. Mr. Brock pointed out if those levels were high, sampling out in the drain field of the septic system would be necessary. If not, sealing the drain in compliance with EPA regulations would be sufficient. A final closure report would then have to be prepared by Respondent. In addition, the parties still have to agree on a penalty to settle this matter fully.

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, December 16, 2014 at 10:00AM.**

**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 **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  
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