

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 January 30, 2014. Participating were:

Presiding Officer:

Helen S. Ferrara

Respondent's Attorney:

John Benjamin Carroll

Complainant:

Lauren Fischer, Attorney

David Pohle, Wetlands Enforcement  
U.S. EPA

**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 appeared before the Lenox Town Board to request that they participate in the negotiation process and assist with the remediation. Respondents'

position is that the Town has the equipment and manpower to better perform remedial work or "switch" wetlands. Respondents believe that the Town should assist because, according to Respondents, Respondents relied on the Town's approval when they engaged in the activity that is the subject of the current enforcement action. Mr. Carroll followed up by sending the Town a written summary of information that EPA had presented and copies of all original papers. The Board informed Mr. Carroll that the Board needs to consider the matter and pass a resolution before it will get back to him, perhaps in three weeks to one month.

Ms. Fischer reminded Mr. Carroll that the Complainant had forwarded documentation to Respondent regarding the Respondents' claims of inability to pay, which documentation must be completed and returned to the Complainant if the Respondents want their inability to pay claim considered. She also requested that EPA be updated on the progress between the Respondents and the Town in addressing remediation

The parties agreed that it was in the best interest of all parties to schedule a follow up status teleconference to apprise the Undersigned of their progress in resolving this matter.

**IT IS ORDERED:**

**A status teleconference is scheduled for Thursday, February 27, 2014 at 10:00AM.**

**Dated: February 25, 2014**

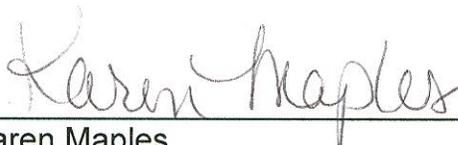
  
Helen S. Ferrara  
Presiding Officer

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

Inter Office Mail -                      Lauren Fischer, Esq.  
Office of 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: February 26, 2014