

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 May 22, 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 and his client had been in the audience of an executive session of the Town of Lenox Town Board, but they were asked to leave later in the session. When the Respondent and Mr. Carroll were called back in the room, Mr. Carroll felt that the members of the Board seemed very emotional. Counsel for the Board has indicated that as long as it does not cost the Town any money, the Town will cooperate. Mr. Carroll thought that meant that the Town planned on assisting the Respondents by swapping wetlands or by removing

the fill using Town equipment and people on the Town payroll, together with the Respondent's equipment.

Ms. Fischer stated that EPA was concerned about the length of time it was taking to resolve this matter.

Mr. Carroll stated that he would put in a call to the Counsel for the Board, and follow up with a Notice of Claim against the Town.

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 Monday, June 23, 2014 at 10:00AM.

Dated: June 10, 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-

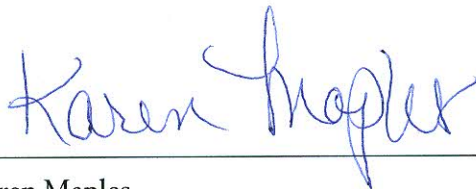
2013-3601, was served on the parties as indicated below:

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 16th Floor
New York, New York 10007-1866



Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: June 11, 2014