

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 July 16, 2015. Participating were:

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

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

**Status:** Mr. Carroll stated that his client was not able to close the well on July 13<sup>th</sup> as planned because when the contractors discovered EPA was involved, they were concerned about the type of waste being hauled and required more information. Mr. Carroll stated that he forwarded test results to his client to share with the contractors to show that petroleum was

involved and not a more hazardous substance. Mr. Carroll said that his client was attempting to schedule a closure for no later than August 13, 2015. As requested by EPA's representatives, Mr. Carroll agreed to notify Ms. Murphy, or in her absence, Phyllis Feinmark who will represent the Agency until Ms. Murphy returns, and Ms. Kraft of the new closure date, sending written notice confirming the date and time of the well closure.

When asked about his client's inability to pay claim, Mr. Carroll stated that his client has compiled further information and evidence supporting his inability to pay the proposed penalty, and Mr. Carroll hopes to forward this information, together with a counter offer on the penalty amount, by July 20<sup>th</sup>

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 Thursday, August 20, 2015 at 10:00AM. As Ms. Murphy is now on extended leave, Mr. Carroll should contact Phyllis Feinmark at [Feinmark.phyllis@epa.gov](mailto:Feinmark.phyllis@epa.gov) or 212-637-3232 with any questions, comments, or notices.**

**Dated: July 20, 2015**

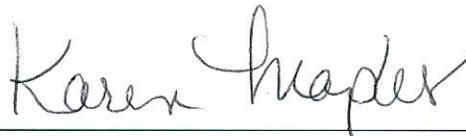
  
Helen S. Ferrara  
Presiding Officer

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: Phyllis Feinmark, Esq.  
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: July 21, 2015