

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 February 27, 2014. Participating were:

Presiding Officer:

Helen S. Ferrara

Respondent's Attorney:

John Benjamin Carroll

Complainant:

Lauren Fischer, Attorney

**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 talked to the Chairman of the Lenox Town Board and it appears that the Town is willing to assist the Respondents with the remediation of the wetlands. Ms. Fischer referred to a February 20<sup>th</sup> email which she had sent to Mr. Carroll proposing dates for the Town to meet with USACE. Mr. Carroll did not recall getting the email, but when he checked, he had in fact received it. Ms. Fischer explained that Aaron Smith could meet with the Town any day in March but the 6<sup>th</sup>, 14<sup>th</sup> or 21<sup>st</sup>, but emphasized that the


Respondent or a representative of Respondent has to be present. Ms. Fischer clarified that Aaron Smith, who is working for USACE under an Interagency Agreement with EPA, would meet with the Town as an EPA representative. She also reminded Mr. Carroll about storm water permitting issues and to keep storm water construction requirements in mind when considering remedial measures.

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, April 3, 2014 at 10:00AM.**

**Dated: March 13, 2014**

  
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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: March 18, 2014