

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 May 12, 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
	Frank Brock, Lead Environmental Scientist, Water Compliance Section

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

Status: Ms. Carroll stated that two applications had been made on behalf of his client: one for closure of the well and the second to have the penalty waived or lowered based on

Respondent's inability to pay. Mr. Carroll also stated that he left a message responding to some questions posed by Complaint's attorney.

Ms. Murphy stated that she had received the application for well closure, and that her client had reviewed it and accepted it. EPA is currently preparing a letter giving the well closure plan formal approval. Ms. Murphy stated that EPA will need information regarding the schedule of work to be done to close the well.

Ms. Kraft reminded Mr. Carroll that an EPA representative must be present to observe the well closure, and that EPA would require notice of approximately one week to ensure that a representative is available.

Ms. Kraft and Mr. Brock acknowledged EPA's receipt of the Respondent's tax return and stated that, according to an evaluation prepared by an EPA contractor, the returns indicated that some penalty can be paid and that more information is needed. Mr. Carroll explained that the shareholders of FDD, Inc. including his client, make loans to the corporation to cover taxes, expenses, etc. and that not every expense is listed because running this business is an ongoing family affair. It was agreed that more documentation was needed to fully evaluate whether Respondent is unable to pay the penalty in full.


Ms. Murphy concluded by assuring Mr. Carroll that he could expect the formal letter approving the closure plan sometime this week.

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, June 11, 2015 at 10:00AM.

Dated: May 19, 2015

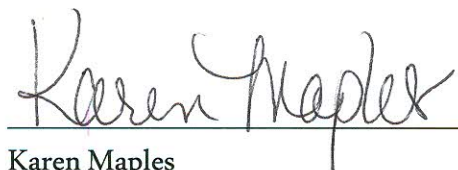

Helen S. Ferrara
Presiding Officer

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: Kara Murphy, Esq.
Assistant Regional Counsel
USEPA - Region II
290 Broadway, 16th Floor
New York, New York 10007-1866



Karen Maples
Regional Hearing Clerk
USEPA - Region II

Dated: May 20, 2015