

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 August 14, 2014. 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 an update on efforts to resolve this matter.

Status: Mr. Carroll stated that he sent the Engineer's Report and underlying laboratory report to EPA. The engineer had opened up the injection well, which Mr. Carroll describes as a

drain running into a concrete box, inspected it and prepared the report. Mr. Carroll noted that the well had not been used for years and that no dangerous substances were found.

Ms. Murphy said she has talked to Mr. Carroll about scheduling a conference call with his client and the engineer. She also stated that EPA wants the entire laboratory report.

When Mr. Carroll stated that the entire report was sent, Ms. Murphy explained that what EPA received to date were just the lab results. Ms. Kraft explained that EPA must review the underlying test methods, parameters etc.

The Undersigned inquired as to whether there had been any discussions regarding penalty, and was informed that, to date, there were no such discussions. Ms. Murphy explained that EPA will have to review the documentation sent by Mr. Carroll and ascertain what the Respondent needs to do to close the well and come into compliance. Mr. Carroll emphasizes that his client wants to cooperate and wants to hear from EPA as to sealing off the well as Respondent no longer wants to use it and agrees that the injection well should be closed.

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 Tuesday, September 30, 2014 at 10:00AM.

Dated: August 20, 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 **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: August 21, 2014