

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

**ORDER IN RESPONSE TO RESPONDENT'S
MOTION FOR ADJOURNMENT OF TIME**

By *Notice of Motion for Accelerated Decision on Liability and Memorandum of Law in Support of Complainant's Motion for Accelerated Decision on Liability*, filed on May 1, 2015, Complainant moved for an accelerated decision on liability pursuant to 40 C.F.R. §§ 22.50(a)(1) and 22.20(a).

Pursuant to 40 C.F.R. § 22.16(b), Respondent's response to said motion was due fifteen days from the date of service of the motion. Based upon a *Notice of Service* dated May 12, 2015 signed by Counsel for Complainant stating that the Motion was served on Respondent by certified mail on May 8, 2015 and a letter dated May 11, 2015 from the Respondent's Counsel stating that he received the Complainant's Motion on May 8, 2015, the Undersigned determines that service was completed on May 8th, and the Respondent's response would therefore be due fifteen days from that date.

However, Counsel for Respondent filed a *Motion for Adjournment of Time to Answer the Claimant's Motion for Accelerated Decision on Liability* on May 14, 2015. The Undersigned notes that a copy of this Motion was not served on the Undersigned as Presiding Officer in accordance with 40 C.F.R. § 22.5(b), and therefore my receipt of Respondent's Motion was


delayed. However, the Undersigned has since obtained a copy of Respondent's Motion, and accepts it as of the date it was served on Complainant's Counsel and filed with the Regional Hearing Clerk.

Upon review of Respondent's Motion, the Undersigned grants the Respondent a forty five day extension of time in which to file and serve its response.

IT IS ORDERED:

The Respondent's response to Complainant's motion must be filed no later than July 7, 2015. Respondent is directed to file the original with the Regional Hearing Clerk and serve both Complainant's attorney and the Undersigned with a copy of this response.

Dated: June 1, 2015

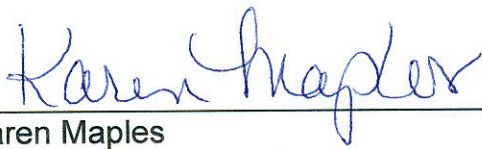

Helen S. Ferrara
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that the **Order In Response To Respondent's Motion For Adjournment Of Time** 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 2, 2015