

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 January 22, 2015. Participating were:

Presiding Officer:	Helen S. Ferrara
Respondent's Attorney:	Edward Carroll
Complainant:	Kara Murphy, Attorney
	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. Murphy stated that EPA had received the laboratory report sent by Respondent, and had reviewed the report. There was a 1000 gallon concrete tank in which the liquid was clean but the sludge was contaminated. Based upon the sludge sample in the injection well, motor vehicle waste was found, and the contamination levels exceeded certain limits. EPA believes that the penalty sought in the Complaint is reasonable, and needs feedback from

Respondent on why the penalty should be lowered. Ms. Murphy and Mr. Carroll spoke on January 13th, and Mr. Carroll agreed to check back with the Respondent to obtain information supporting a lower penalty amount.

Mr. Carroll said that there was now a new tenant on subject property but that the previous tenant had been long term. Ms. Murphy stated that the most recent EPA inspection showed evidence of a working garage. Mr. Carroll's understanding is that a filtering material was packed solid into the drain and the hole to the injection well was covered up. Occasionally, the filter material is replaced. The injection well was not used as a drain, as only repairs were done onsite.

Ms. Murphy requested that Mr. Carroll get an affidavit from the previous tenant(s) as to this information. She also noted that based on the observations and information gathered during EPA's 2013 inspection, the name of the party operating a business at the site appeared to be different than the tenant Respondent named. She therefore requested that Mr. Carroll obtain more detailed information about the history of businesses operating at the site.

When the Undersigned requested a proposal for a short term plan of action, it was agreed that EPA will complete a review of test results and Mr. Carroll will prepare a report addressing the penalty. The parties agreed that the Respondent must prepare a closure plan providing that the tank be pumped and the floor drain closed. Mr. Carroll said that will be prepared based on a closure plan prepared by Respondent's engineer which was submitted early in this matter Ms. Murphy reminded Mr. Carroll that EPA must be present at the pumping and sealing of the drain.

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, February 24, 2015 at 3:00PM.

Dated: February 20, 2015

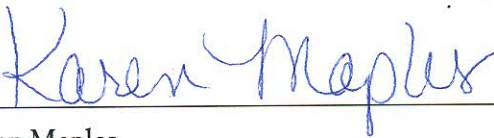

Helen S. Ferrara
Presiding Officer

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: 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: February 25, 2015