

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2009 OCT 21 PM 3:48  
REGIONAL HEARING  
CLERK

In the Matter of: )

LANDMARK AT RAHWAY, LLC, )

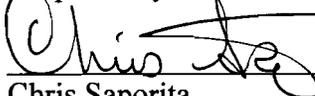
Respondent. )

) Docket No. CWA-02-2009-3405

**COMPLAINANT'S STATUS REPORT ON MEDIATION**

Pursuant to the terms of Chief Administrative Law Judge Biro's September 29, 2009 prehearing order granting a stay for mediation in the above matter, the complainant submits the following report on the status of that mediation. The parties have selected a neutral mediator, Robert Fisher, of Fisher Collaborative Services LC, and conducted an initial telephone conference on Monday, October 19, 2009, at which the parties discussed expectations, scheduling, mediation statements, and other process considerations. The mediator will provide the parties with guidance on the preparation of mediation statements and the parties will provide those statements to the mediator within a week of receiving the guidance. Shortly thereafter, the mediator will speak with each party separately, and then the parties will participate in a second conference call on Monday, November 9, 2009, to attempt to resolve this matter.

Respectfully submitted by



Chris Saporita  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007

Dated: October 20, 2009

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ENVIRONMENTAL PROTECTION AGENCY

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CERTIFICATE OF SERVICE

I certify that the foregoing **Complainant's Status Report on Mediation**, dated October 20, 2009, was sent this day in the following manner to the addressees listed below:

Original and One Copy  
By Hand:

Office of Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region 2  
290 Broadway, 16th floor  
New York, New York 10007-1866

Copy by Certified Mail  
Return Receipt Requested:

Landmark of Rahway, LLC  
1200 Sunnyview Oval  
Keasbey, NJ 08832

Neil Yoskin, Esquire  
Sokol, Behot & Fiorenzo  
229 Nassau Street  
Princeton, NJ 08542-4601

Dated: Oct. 20, 2009

Ana Madera  
Ana Madera  
Secretary  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007