

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGIONAL
2009 DEC -1 PM 4:48
REGIONAL HEARING
CLERK

In the Matter of:)
)
LANDMARK AT RAHWAY, LLC,) Docket No. CWA-02-2009-3405
)
Respondent.)

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.

Since the filing of the last status report, on November 16, 2009, the parties have participated in a second mediation conference call with the mediator and have made some additional progress toward achieving settlement. Respondent made a cash penalty offer and agreed to propose a supplemental environmental project ("SEP") to add to the total value of its offer. Once Respondent submits the SEP proposal to Complainant, the parties will convene another conference call with the mediator to continue the negotiations.

Respectfully submitted by



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

Dated: November 30, 2009

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CERTIFICATE OF SERVICE

I certify that the foregoing **Complainant's Status Report on Mediation**, dated November 30, 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: Nov. 30, 2009

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