

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG-11
2009 NOV 10 PM 11:20
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 October 20, 2009, the parties have prepared and submitted confidential pre-mediation statements to the mediator, and have each conducted confidential telephone conferences with the mediator, in preparation for the first mediation conference call. That call is scheduled for Tuesday, November 10, 2009.

Respectfully submitted by



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

Dated: November 9, 2009

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)

LANDMARK AT RAHWAY, LLC,)

Respondent.)

Docket No. CWA-02-2009-3405

CERTIFICATE OF SERVICE

I certify that the foregoing **Complainant's Status Report on Mediation**, dated November 9, 2009, was sent this day in the following manner to the addressees listed below:

Original and One Copy
By Hand:

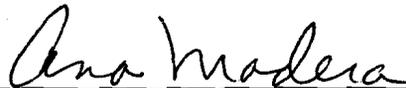
Office of Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

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 10 2009



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