

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGIONAL
2009 NOV 17 PM 4:31
REGIONAL HEARING
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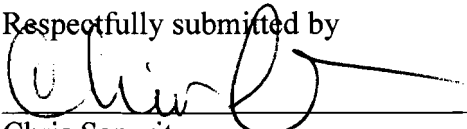
In the Matter of:)
)
LANDMARK AT RAHWAY, LLC,)
)
Respondent.)

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.

Since the filing of the last status report, on November 9, 2009, the parties have participated in a mediation conference call with the mediator, and have made some progress toward achieving settlement. As a result of today's call, within one week, Respondent's attorney will consult with his clients, to consider making an offer of settlement that includes a cash penalty payment plus a supplemental environmental project, and the parties will convene another conference call with the mediator shortly thereafter 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 16, 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 November 16, 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 17 2009



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