



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY-REG-11 REGIONAL HEARING CLERK 2009 OCT -1 PM 1:10

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

INITIAL PREHEARING ORDER

As you have been previously notified, I am designated to preside over this proceeding. This proceeding will be governed by the applicable statute(s) as well as the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (the "Rules of Practice") (40 C.F.R. Part 22). The parties are advised to familiarize themselves with both the applicable statute(s) and the Rules.

The record indicates that on September 24, 2009, Complainant's counsel declined an offer to participate in the Office of Administrative Law Judge's Alternative Dispute Resolution Process on the basis that the parties were in the process of arranging for an outside neutral mediator. Therefore, the parties jointly requested this proceeding be stayed for this purpose until December 8, 2009.

For good cause shown, the proceedings in this matter are hereby STAYED until December 8, 2009. During the interim, Complainant shall file a Status Report in regard to the matter on or before October 15, 2009, October 30, 2009, November 15, 2009 and November 30, 2009.

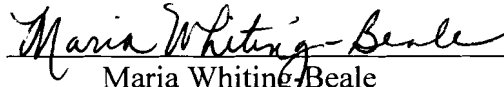
Susan L. Biro
Chief Administrative Law Judge

Dated: September 29, 2009
Washington, D.C.

In the Matter of Landmark at Rahway, LLC, Respondent  
Docket No. CWA-02-2009-3405

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated September 29, 2009, was sent this day in the following manner to the addressees listed below:

  
Maria Whiting Beale  
Staff Assistant

Dated: September 29, 2009

Original And One Copy By Pouch Mail To:

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