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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

_____)	Docket No. EPCRA-09-2011-0004
In the Matter of:)	
Barrick Cortez, Inc.,)	STATUS REPORT
)	
Respondent)	
_____)	

INTRODUCTION

This is a civil administrative action brought pursuant to Section 325(c) of the Emergency Planning and Community Right-To-Know Act (“EPCRA”), 42 U.S.C. § 11045(c), for the assessment of a civil administrative penalty against Barrick Cortez, Inc. (“Barrick”) for 34 violations of Section 313 of EPCRA, 42 U.S.C. § 11023.

STATUS REPORT

U.S. Environmental Protection Agency (“EPA”), Region IX, filed a complaint in the above-captioned matter on September 29, 2011. EPA filed the first amended complaint in the above-

captioned matter on January 4, 2012. By an order dated February 16, 2012, Administrative Law Judge M. Lisa Buschmann was assigned to this matter. On February 29, 2012, Judge Buschmann issued a pre-hearing order that directed the parties to engage in a settlement conference and file a status report regarding settlement on or before March 23, 2012; if the case is settled, the parties were required to file a consent agreement and final order by April 13, 2012. The pre-hearing order also required the filing of Complainant's Initial Prehearing Exchange by April 13, 2012, Respondent's Prehearing Exchange by May 11, 2012, and Complainant's Rebuttal Prehearing Exchange by May 25, 2012.


On March 5, 2012, the parties filed a joint motion for stay to facilitate a third-party mediation intended to settle this matter. On March 12, 2012, Judge Buschmann issued an order (the "Order") granting this motion and staying the proceedings until May 11, 2012, on which date Complainant was required to file a status report as to the progress of settlement.

In compliance with the Order, EPA hereby files this status report as to the progress of settlement. On April 2, 2012, EPA and Barrick concluded an agreement to employ John Bickerman of Bickerman Dispute Resolution, PLCC, to mediate this matter. The parties filed their confidential mediation statements with John Bickerman on April 18, 2012. The parties engaged in all-day mediation on May 2, 2012 in San Francisco. This was followed by an all-day meeting of technical experts from both parties mediated by John Bickerman in Denver on May 9, 2012. Another all-day mediation has been scheduled for May 31, 2012.

To date, the parties have reached an agreement on certain issues related to this action and have made progress towards resolution of other outstanding issues. Because additional time is necessary for the parties to continue mediation and fully resolve this action, the parties filed a second

joint motion for stay on May 9, 2012; this motion was granted on May 10, 2012.

Dated at San Francisco, California on this 11th day of May, 2012.

A handwritten signature in blue ink that reads "David H. Kim". The signature is written in a cursive style and is positioned above a horizontal line.

David H. Kim, Esq.
Attorney for Complainant
USEPA, Region IX

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Status Report was delivered by pouch mail to:

Sybil Anderson
Headquarters Hearing Clerk
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

and that a true and correct copy of the Status Report was sent by pouch mail or the United States

Mail addressed to the following:

The Honorable M. Lisa Buschmann
Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

Steven G. Barringer, Esquire
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975 F Street, N.W., Suite 900
Washington, D.C. 20004

Dated: 5-11-2012

By: Beatrice K. [Signature]

Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX