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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
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|-----------------------|---|-------------------------------|
| _____ |) | Docket No. EPCRA-09-2011-0004 |
| |) | |
| 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. Barrick filed its Answer and Request for Hearing on

January 27, 2012. By an order dated February 16, 2012, Administrative Law Judge M. Lisa Buschmann was assigned to this matter.

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 granted this motion and stayed the proceedings until May 11, 2012. On May 10, 2012, the parties filed a Second Joint Motion for Stay; Judge Buschmann granted this motion by an order dated May 10, 2012, extending the stay until July 10, 2012. On July 6, 2012, the parties filed a Third Joint Motion for Stay; Judge Buschmann granted this motion on July 13, 2012 and extended the stay until September 10, 2012. On September 10, 2012, the parties filed a Fourth Joint Motion for Stay; Judge Buschmann granted this motion on September 14, 2012, extending the stay until November 9, 2012. The parties filed a Fifth Joint Motion for Stay on November 7, 2012; Judge Buschmann granted this motion on November 8, 2012, extending the stay until December 24, 2012 and directing EPA to file a status report on December 24, 2012. On December 20, 2012, the parties filed a Sixth Joint Motion for Stay; Judge Buschmann granted this motion on December 21, 2012, extending the stay until January 25, 2013 and directing EPA to file a status report on January 25, 2013.

In compliance with the December 21, 2012 order, EPA hereby files this status report as to the progress of settlement. EPA has received a signed consent agreement and final order (“CAFO”) from Respondent and is circulating it for management review and signature. EPA plans to file the CAFO with the Regional Hearing Clerk before the end of January 2013 and provide a copy to the Presiding Officer.

Because the parties agreed to broaden the scope of the settlement to include additional entities affiliated with Respondent, EPA is concurrently filing a motion to amend the current complaint and attaching to the motion a copy of the second amended complaint.

Dated at San Francisco, California on this 24th day of January, 2013.

A handwritten signature in blue ink, appearing to read "David H. Kim", is written over 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:

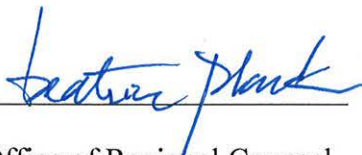
The Honorable M. Lisa Buschmann
Administrative Law Judge
Office of Administrative Law Judges (Mail Code 1900L)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

Steven G. Barringer, Esquire
Holland & Hart, LLP
975 F Street, N.W., Suite 900
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Dated:

1/24/2013

By:



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