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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-

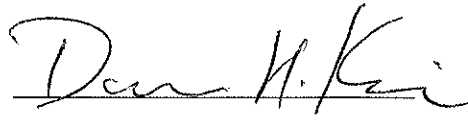
captioned matter on January 4, 2012. Barrick filed its Answer and Request for Hearing on January 27, 2012. By an order dated February 16, 2012, Administrative Law Judge M. Lisa Buschmann was assigned to this matter.

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, and directing EPA to file a status report on July 10, 2012. On July 6, 2012, the parties filed a Third Joint Motion for Stay, noting that they had reached an agreement in principle on civil penalty but needed additional time to resolve certain issues; Judge Buschmann granted this motion by an order (the "Order") dated July 13, 2012, extending the stay until September 10, 2012, and directing EPA to file a status report on September 10, 2012.

In compliance with the Order, EPA hereby files this status report as to the progress of settlement. In July and August 2012, the parties engaged in additional settlement discussions that culminated in an all-day mediation with John Bickerman in Washington, D.C., on September 5, 2012. At this meeting, the parties broadened the scope of the agreement in principle to address potential EPCRA § 313 claims at other facilities operated by Barrick Gold Corporation and its U.S. facilities.

Because additional time is necessary for the parties to prepare the settlement documents and finalize the settlement, the parties are concurrently filing a Fourth Joint Motion for Stay with this status report.

Dated at San Francisco, California on this 10<sup>th</sup> day of September, 2012.

A handwritten signature in cursive script that reads "David H. Kim". The signature is written in black ink 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: \_\_\_\_\_

9-10-2012

By: \_\_\_\_\_



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