

NANCY MARVEL  
Regional Counsel  
United States Environmental Protection Agency, Region IX

DAVID H. KIM  
Assistant Regional Counsel  
United States Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105  
(415) 972-3882

Attorneys for Complainant

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

_____	)	Docket No. EPCRA-09-2011-0004
	)	
Barrick Cortez, Inc.,	)	SECOND JOINT MOTION FOR STAY
	)	
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.

MOTION

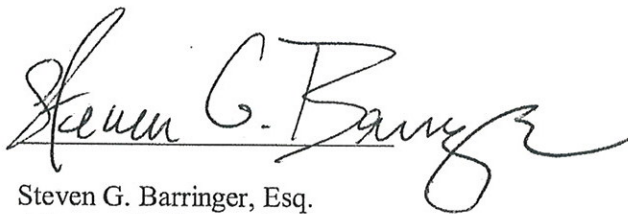
U.S. Environmental Protection Agency ("EPA"), Region IX, filed a complaint in the above-captioned matter on September 29, 2011. EPA filed the first amended complaint in the above-

Given the need for additional time beyond the stay granted by the Order, the parties hereby request pursuant to 40 C.F.R. § 22.16(a) that this matter be stayed for an additional 60 days to July 10, 2012, to allow the parties to continue mediation and fully resolve this matter.

Dated at San Francisco, California on this 7<sup>th</sup> day of May, 2012.



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



Steven G. Barringer, Esq.  
Attorney for Respondent  
Barrick Cortez, Inc.

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Second Joint Motion for Stay 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 Second Joint Motion for Stay 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  
Washington, D.C. 20004

Dated: 5-9-2012

By: 

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



1201 NEW YORK AVENUE, NW, SUITE 625  
WASHINGTON, DC 20005  
TEL: 202-289-0400 FAX: 202-289-1020

May 9, 2012

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

**Re:** In the Matter of Barrick Cortez, Inc., Docket #09-2011-0004

Dear Judge Buschmann:

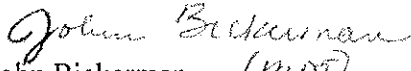
On April 2, 2012, the United States Environmental Protection Agency ("EPA") and Barrick Cortez, Inc. ("Barrick") retained me to mediate an enforcement action brought by the EPA against Barrick. On April 18, 2012, the parties submitted confidential statements. An initial mediation session with the parties was held in San Francisco on May 2, 2012. A second meeting was held with the parties' experts in Denver on May 9, 2012. I attended both of these meetings, serving as the mediator.

I have mediated environmental enforcement actions for more than fifteen years. Almost all of the mediations in which I have been involved have been successfully resolved without further litigation. Moreover, the settlements have been enforceable and durable, setting forth a path forward for the regulated entity so that no subsequent enforcement actions have ever been necessary.

While it would be inappropriate and a violation of the parties' agreement as to confidentiality to discuss the substance of the discussions I have had with the parties, I can report to the Court the tenor and progress of their negotiations. In comparison to the parties in other matters, the negotiators in the instant matter have been extremely cooperative with each other and seem genuinely interested in achieving a negotiated resolution of their dispute. Both parties are acting in good faith. Because of the complexity of these types of cases, it is not uncommon for a mediation of an enforcement action to require multiple meetings. Nonetheless, the parties made substantial progress in their initial meeting. I expect them to continue to make progress as they better understand the underlying facts and each other's respective positions. I am optimistic that the parties will achieve a resolution of their dispute.

I would be pleased to provide the Court with additional non-substantive information about the mediation.

Very truly yours,

  
John Bickerman (M.D.)