



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Barrick Cortez, Inc.,) Docket No. EPCRA-09-2011-0004
)
Respondent) Dated: March 12, 2012

ORDER ON MOTION FOR STAY

On February 29, 2012, a Prehearing Order was issued in this proceeding, setting dates for the parties to submit a status report and prehearing exchange information. On March 5, 2012, the parties filed a Joint Motion for Stay, requesting that this matter be stayed for 60 days so that the parties may engage in third-party mediation in an attempt to settle this matter.

The parties are commended for taking the initiative to engage in mediation in an effort to resolve this matter informally and expeditiously. An extension of time for this purpose is warranted. However, the Joint Motion does not specify when the 60-day period is to commence. A stay of 60 days from the date of the Joint Motion is an appropriate length of time for a stay. On the other hand, a stay of 60 days from the dates set in the Prehearing Order for prehearing exchanges is an excessively lengthy period of time. The parties may find well before the Complainant's prehearing exchange would be due – 60 days after the current due date of April 13, 2012 – that settlement is not likely. The Administrative Law Judge is responsible for avoiding delay in proceedings. 40 C.F.R. § 22.4(c).

Accordingly, this proceeding is **STAYED** until **May 11, 2012**, on which date Complainant shall file a status report as to the progress of settlement. If the parties have not filed a fully executed Consent Agreement and Final Order settling this matter beforehand, Complainant shall file its prehearing exchange on or before **May 18, 2012**, Respondent shall file its prehearing exchange on or before **June 15, 2012**, and Complainant shall file a rebuttal prehearing exchange on or before **June 29, 2012**.

SO ORDERED.

M. Lisa Buschmann
Administrative Law Judge