



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:  
Barrick Cortez, Inc.

Respondent

)  
)  
) Docket No. EPCRA-09-2011-0004  
)  
) Dated: July 13, 2012


ORDER ON THIRD JOINT 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 12 and May 10, 2012, the parties filed joint motions for a stay, requesting that this matter be stayed so that the parties may engage in third-party mediation in an attempt to settle this matter. The motions were granted and this proceeding was stayed until July 10, 2012, on the basis that the parties reached an agreement on certain issues but need more time to continue mediation and fully resolve this matter. On July 6, 2012, the parties submitted a Third Joint Motion for Stay, requesting another 60 days stay on the basis that the parties have reached an agreement in principle on civil penalty and several key issues but need additional time to resolve remaining issues and finalize a settlement. Attached to the Motion was a letter from the mediator, explaining more detail on the progress of settlement.

The parties are commended for taking the initiative to engage in mediation in an effort to resolve this matter informally and expeditiously. A further stay is warranted, given the grounds stated in the Motion and the complexity of the allegations in the Complaint.

Accordingly, this proceeding is **STAYED** until **September 10, 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 **September 21, 2012**, Respondent shall file its prehearing exchange on or before **October 19, 2012**, and Complainant shall file a rebuttal prehearing exchange on or before **November 2, 2012**.

SO ORDERED.

  
M. Lisa Buschmann  
Administrative Law Judge

**In the Matter of *Barrick Cortez, Inc.*, Respondent.**  
**Docket No. EPCRA-09-2011-0004**

CERTIFICATE OF SERVICE

I hereby certify that true copies of this **Order on Third Motion for Stay**, issued by M. Lisa Buschmann, Administrative Law Judge, in Docket No. EPCRA-09-2011-0004, were sent to the following parties on this 13<sup>th</sup> day of July 2012, in the manner indicated:

  
\_\_\_\_\_  
Knolyn Jones  
Legal Staff Assistant

Original and One Copy by Hand-Delivery to:

Sybil Anderson  
Headquarters Hearing Clerk  
U.S. EPA / Office of Administrative Law Judges  
Mail Code 1900L  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Copy by Email and Regular Mail to:

David Kim, Esq.  
Associate Regional Counsel  
U.S. EPA / Region IX  
75 Hawthorne Street, MC ORC-1  
San Francisco, CA 94105  
Email: [kim.david@epa.gov](mailto:kim.david@epa.gov)

Copy by Email and Regular Mail to:

Steven G. Barringer, Esq.  
John F. Shepherd, Esq.  
M. Benjamin Machlis, Esq.  
Holland & Hart, LLP  
975 F Street, NW, Suite 900  
Washington, DC 20004  
Email: [sgbarringer@hollandhart.com](mailto:sgbarringer@hollandhart.com)  
Email: [jshepherd@hollandhart.com](mailto:jshepherd@hollandhart.com)  
Email: [mbmachlis@hollandhart.com](mailto:mbmachlis@hollandhart.com)

**Dated: July 13, 2012**  
**Washington, DC**