

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

RECEIVED BY OALJ
2012 DEC 27 AM 9:57

Attorneys for Complainant

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-

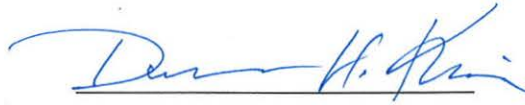
captioned matter on January 4, 2012. Barrick filed its Answer and Request for Hearing on January 27, 2012. By an order dated February 16, 2012, Administrative Law Judge M. Lisa Buschmann was assigned to this matter.

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. 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.

In compliance with the November 8, 2012 order, EPA hereby files this status report as to the progress of settlement. In November and December 2012, the parties engaged in weekly settlement discussions with the assistance of John Bickerman, drafting and agreeing upon several settlement documents. The parties have agreed upon all settlement documents except two, with just a handful of issues remaining to be resolved. The parties are also waiting for final cost information from potential vendors for the performance of tasks required by the settlement.

Because additional time is necessary for the parties to finalize the settlement documents, the parties filed a Sixth Joint Motion for Stay on December 20, 2012.

Dated at San Francisco, California on this 21st day of December, 2012.

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
Washington, D.C. 20004

Dated: 12/21/12

By: Rosario P. Elamira

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