



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:
Barrick Cortez, Inc.

Respondent

)
)
) Docket No. EPCRA-09-2011-0004
)
) Dated: September 14, 2012

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ORDER ON FOURTH JOINT MOTION FOR STAY

On July 6, 2012, the parties submitted a Third Joint Motion for Stay, requesting a stay of this proceeding for 60 days on the basis that the parties have reached an agreement in principle on the penalty and several key issues but need additional time to resolve remaining issues and finalize a settlement. On September 10, 2012, the parties filed a Fourth Joint Motion for Stay, requesting that the matter be stayed for another 60 days to November 9, 2012. Grounds stated are that the parties engaged in an all-day mediation in Washington D.C. on September 5, 2012, and significantly broadened the scope of the agreement in principle to address potential claims under the same statute at other facilities owned by Respondent and its subsidiaries. Given the expanded scope and complexity of the settlement, the parties request additional time to prepare the documents and finalize the settlement. Attached to the Motion is a letter from the mediator summarizing 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, on the basis of the grounds stated in the Motion and reflected in the mediator's letter.

Accordingly, this proceeding is STAYED until November 9, 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 November 26, 2012, Respondent shall file its prehearing exchange on or before December 24, 2012, and Complainant shall file a rebuttal prehearing exchange on or before January 6, 2013.

SO ORDERED.

[Signature]
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 Fourth 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 14th day of September 2012, in the manner indicated:



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**Dated: September 14, 2012
Washington, DC**