

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

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

|                       |   |                               |
|-----------------------|---|-------------------------------|
| _____                 | ) | Docket No. EPCRA-09-2011-0004 |
|                       | ) |                               |
| 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 by an order (the "Order") dated September 14, 2012, extending the stay until November 9, 2012 and directing EPA to file a status report on November 9, 2012.

In compliance with the Order, EPA hereby files this status report as to the progress of settlement. From September through November 2012, the parties engaged in additional settlement discussions, drafting and agreeing upon several settlement documents. The parties are currently revising and finalizing the remaining settlement documents. The parties are also waiting for 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 Fifth Joint Motion for Stay on November 7, 2012. This motion was granted on November 8, 2012.

Dated at San Francisco, California on this 9<sup>th</sup> day of November, 2012.



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

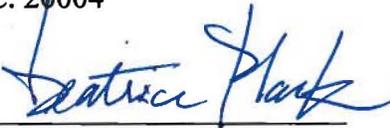
and that a true and correct copy of the Status Report was sent by pouch mail or the United States

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: 11/9/2012

By: 

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