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

In the Matter of:)
)
Barrick Cortez, Inc.,)
)
)
Respondent)
_____)

Docket No. EPCRA-09-2011-0004
JOINT MOTION FOR STAY

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 alleged violations of Section 313 of EPCRA, 42 U.S.C. § 11023.

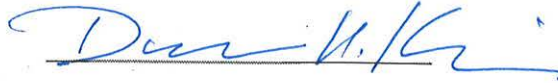
MOTION

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. Respondent Barrick filed its Answer and Request for Hearing on January 27, 2012. By order dated February 16, 2012, Administrative Law Judge M. Lisa Buschmann was assigned to this matter. On February 29, 2012, Judge Buschmann issued a pre-hearing order (the "Order") that directs the parties to engage in a settlement conference and file a status report regarding settlement on or before March 23, 2012; if the case is settled, the parties are required to file a consent agreement and final order by April 13, 2012. The Order also requires the filing of Complainant's Initial Prehearing Exchange by April 13, 2012, Respondent's Prehearing Exchange by May 11, 2012, and Complainant's Rebuttal Prehearing Exchange by May 25, 2012.


The parties intend to engage in a third-party mediation in an attempt to settle this matter, with the facilitation provided by EPA's Conflict Prevention and Resolution Center. Pursuant to 40 C.F.R. § 22.16(a), the parties hereby request that this matter be stayed for 60 days to allow the parties to negotiate a mediation agreement, select an appropriate mediator, and engage in mediation, and that the above deadlines be deferred accordingly.

Additionally, should this motion be granted, the parties respectfully reserve a right to request an extension of the stay by another 30 or 60 days if they make significant progress towards settlement.

Dated at San Francisco, California on this 5th day of March, 2012.



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CERTIFICATE OF SERVICE

I certify that the original of the foregoing Joint Motion for Stay 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

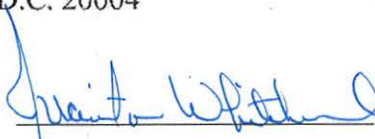
and that a true and correct copy of the Joint Motion for Stay was sent by pouch mail or the
United States Mail addressed to the following:

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

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Dated: March 5, 2012

By:



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