



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:
Barrick Cortez, Inc.

Respondent

)
Docket No. EPCRA-09-2011-0004
Dated: November 8, 2012

ORDER ON FIFTH JOINT MOTION FOR STAY

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 on basis that the parties have broadened the scope of the agreement in principle to address potential claims at other facilities owned by Respondent and its related entities. On November 7, 2012 the parties filed a joint motion for this matter to be stayed for another 45 days to December 24, 2012. In the motion the parties reported that they have finalized several settlement documents, but need additional time to finalize others, and that the parties need additional time to receive and evaluate cost information from potential vendors for the performance of tasks required to be performed as part of 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 December 24, 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 January 7, 2013, Respondent shall file its prehearing exchange on or before January 28, 2013, and Complainant shall file a rebuttal prehearing exchange on or before February 11, 2013.

SO ORDERED.

[Handwritten signature of M. Lisa Buschmann]

M. Lisa Buschmann
Administrative Law Judge

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**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 Fifth 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 8th day of November 2012, in the manner indicated:



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**Dated: November 8, 2012
Washington, DC**