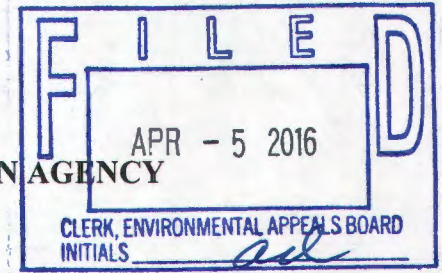


ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_) )  
) )  
In re: ) )  
) )  
Sterling Suffolk Racecourse, LLC ) NPDES Appeal No. 15-12  
) )  
) )  
NPDES Permit No. MA0040282 ) )  
) )  
\_\_\_\_\_) )

**THIRD ORDER GRANTING JOINT MOTION TO CONTINUE  
THE CURRENT STAY OF PROCEEDINGS**

On November 4, 2015, Sterling Suffolk Racecourse, LLC, (“Suffolk”) filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“Board”) requesting review of certain conditions of the National Pollutant Discharge Elimination System Permit issued by EPA Region 1 (“Region”). Shortly thereafter, the parties informed the Board that they were involved in settlement discussions and jointly moved for a stay of the proceedings. By orders dated November 16, 2015, December 18, 2015, and February 19, 2016, the Board has stayed this matter until April 29, 2016.

On March 29, 2016, the parties submitted their Third Joint Status Report and Motion to Further Continue the Stay of Proceedings. (The document filed by the parties is erroneously captioned “Second Joint Status Report” but the Board notes that the document is actually the parties’ third status report.) The parties represent that they have reached an agreement in principle to settle all of the issues raised by Suffolk in its appeal, as well as a number of additional issues, and that they intend to implement the settlement through a proposed permit modification. Once the parties concur on the language for the proposed permit modification, the

parties will file a joint motion with the Board to dismiss the Petition in its entirety, and the Region will release the draft permit modification for public notice and comment.

The parties jointly ask the Board to stay proceedings for an additional 120 days in order to allow time for preparation and review of the draft permit modification and accompanying materials, including a margin of error for unforeseen delays and staffing availability issues. The parties have proposed submitting status reports approximately every thirty days to update the Board on their progress.

For good cause shown, the Board grants the parties' request to stay this matter another 120 days. *See* 40 C.F.R. § 124.19(n). This matter is now STAYED until **August 29, 2016**. The deadline for the Region to file its response to the Petition and certified index to the administrative record is now August 3, 2016.

The parties shall file joint status reports on or before the following dates:

1. **May 31, 2016** – The parties shall file a joint status report informing the Board of the Region's progress in drafting the permit modification documents and whether the Region expects to meet its projected sixty-day timeline for completion of this task;
2. **June 28, 2016** – The parties shall file a joint status report informing the Board whether the Region has submitted the draft permit modification documents to the Massachusetts Department of Environmental Protection for review and, if not, the date upon which such submittal will occur; and
3. **July 28, 2016** – The parties shall file a joint status report informing the Board whether the Region has transmitted the draft permit modification to Suffolk for review and concurrence and, if not, the date on which such transmittal will occur.



Once the Region and Suffolk have concurred on the draft permit modification, they shall jointly move to have the Petition dismissed.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: 4/5/2016

By: Mary Beth Ward  
Mary Beth Ward  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Third Order Granting Joint Motion to Continue the Current Stay of Proceedings* in the matter of Sterling Suffolk Racecourse, LLC, NPDES Appeal No. 15-12, were sent to the following persons in the manner indicated:

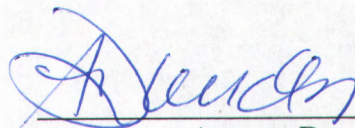
**By First Class Mail:**

Michael D. Vhay, Esq.  
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FERRITER, SCOBBO & RODOPHELE, PC  
125 High Street, 26<sup>th</sup> Floor  
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**By EPA Pouch Mail:**

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Office of Regional Counsel, Region 1  
US Environmental Protection Agency  
5 Post Office Square - Suite 100  
Mail Code: ORA 18-1  
Boston, MA 02109-3912

Dated: APR - 5 2016



\_\_\_\_\_  
Annette Duncan  
Secretary