AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. § §1251 et seq.) the "CWA", and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap.21, § §26-53),

Sterling Suffolk Racecourse, LLC

is authorized to discharge from the facility located at

111 Waldemar Avenue
East Boston, MA 02128

to a receiving water named

Sales Creek and the adjacent wetlands (MA71-12)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on the first day of the calendar month following 60 days after signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the last day of the month preceding the effective date.

This permit consists of 32 pages in Part I, including effluent limitations, monitoring requirements and nutrient management plan requirements; 19 pages in Part II, including standard NPDES and concentrated animal feeding operation ("CAFO") conditions and definitions; Figure 1, Suffolk Downs Production Area, Track Area and Outfalls; and Table 1, Suffolk Downs Post-Construction Outfall Nomenclature and Locations.

Signed this 30th day of September, 2015

Ken Moraff, Director
Office of Ecosystem Protection
Environmental Protection Agency
Region I
Boston, MA

David Ferris, Director
Massachusetts Wastewater Management Program
Department of Environmental Protection
Commonwealth of Massachusetts
Boston, MA

PART I

A. Effluent Limitations and Monitoring Requirements

1. Production Area Process Wastewater Discharges

During the period beginning on the effective date of this permit and lasting through its expiration date, the following discharge from the Production Area is authorized:

a. There shall be no discharge of process wastewater pollutants into waters of the United States from the Production Area except when rainfall causes an overflow, provided that each of the following criteria are met:

(1) Suffolk's Production Area is designed, constructed, operated and maintained to contain all process-generated wastewaters plus the runoff from the 25-year, 24-hour rainfall event for the location of the CAFO[1];

(2) The design storage volume of the process wastewater retention structure is adequate to contain all manure, litter, and process wastewater accumulated during the storage period considering, at a minimum, the following:

(A) the volume of manure, litter, process wastewater, and other wastes accumulated during the storage period;

(B) the volume of normal precipitation less evaporation during the storage period;

(C) the volume of runoff from the Production Area's drainage area from normal rainfall events during the storage period;

(D) the volume of direct precipitation from the 25-year, 24-hour rainfall event;

(E) the volume of runoff from the Production Area from the 25-year, 24-hour rainfall event;

(F) the volume of residual solids remaining in the process wastewater retention structure after liquid has been removed;

(G) sediment load in the runoff from the Production Area; and,

(H) all necessary freeboard to maintain structural integrity of the process wastewater retention structure.

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[1] This design and implementation standard meets the effluent requirements for best available technology economically achievable (BAT) contained 40 C.F.R. § 412.13; also note that Suffolk's CAFO separately is subject to the effluent requirements for best practicable control technology currently available (BPT) contained in 40 C.F.R. § 412.12, which requires a design and implementation standard consistent with the 10 year, 24 hour rainfall event. Therefore, under the applicable EPA regulations the BPT requirement is subsumed by the BAT requirement.

(3) Suffolk must maintain, on-site, engineering design and construction plans documenting that Suffolk has sufficient storage capacity to ensure compliance with the effluent limitations specified in Part I.A.1.a. (1) and (2) above; and,

(4) The maximum length of time between emptying events for the Production Area process wastewater retention structure is the 60 day storage period used by Suffolk to calculate the required design volume of the collection system in Part I.A.1.a.(2) above.

b. The discharge authorized by Part I.A.1.a. above may be discharged into Sales Creek through **Outfall Serial Numbers 001 and 002**. Such discharge shall be: 1) limited and monitored as specified below; 2) not cause a violation of the Massachusetts Surface Water Quality Standards for the receiving water; and 3) be minimized and controlled by implementation of the nutrient management terms and conditions specified in Part 1.B.1 of this permit.

Production Area Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1]	
		Average Monthly	Maximum Daily	Measurement Frequency [2]	Sample Type
Rainfall/Precipitation[3]	Inches	----	Report	Each Discharge Event	Total
Flow	GPD	----	Report	Each Discharge Event	Estimate[4]
pH [5]	SU	----	6.5-8.5	Each Discharge Event	Grab
Total Suspended Solids (TSS)	mg/L	----	Report	Each Discharge Event	Grab
BOD_5	mg/L	----	Report	Each Discharge Event	Grab
Dissolved Oxygen	mg/L	----	Report	Each Discharge Event	Grab
Fecal Coliform[6]	MPN or CFU per 100 ml	----	Report	Each Discharge Event	Grab
E. coli[6]	MPN or CFU per 100 ml	----	Report	Each Discharge Event	Grab
Enterococci[6]	MPN or CFU per	----	Report	Each Discharge Event	Grab
Aluminum, Total Recoverable	mg/L	----	Report	Each Discharge Event	Grab

Footnotes:

[1] Samples taken in compliance with the monitoring requirements specified above shall be taken at a point representative of the discharge through the outfall, prior to mixing with the receiving water (top of overflow structure(s)). All samples shall be tested in accordance with the procedures in 40 C.F.R. Part136, unless specified elsewhere in the permit. In the event that both outfalls 001 and 002 are discharging, the permittee may use the sampling results for either outfall 001 or 002 to satisfy the sampling requirements for the un-sampled outfall. The permittee shall

indicate on the DMR which outfall was sampled. Flow must be estimated for both outfalls when discharging. The no discharge code ("C") shall be entered on the DMR for any outfall not sampled during the reporting period.
[2.] Sampling frequency of each overflow discharge event is defined as sampling during any rainfall event when there is a discharge.
[3.] Report the data from a rain gauge located in the Production Area, concurrent with any overflow discharge. Report the intensity, duration, and amount of precipitation for each rainfall event for which there is an overflow discharge on the discharge monitoring report ("DMR") cover letter. Intensity shall be reported in units of inches/hour and amount of rainfall shall be reported in units of inches.
[4.] Flow shall be estimated for each overflow discharge at the discharge point located at the end of the pipe, prior to discharging into the receiving water.
[5.] See Part I.A.6 of this permit for additional pH requirements.
[6.] The maximum daily monitoring result for fecal coliform, *E. coli* and enterococci shall be expressed as a geometric mean. The units may be expressed as MPN for samples tested using the Most Probable Number method, or CFU when using the Membrane Filter method.

PART I. A. Effluent Limitations and Monitoring Requirements (continued)

2. a. Stormwater associated with industrial activity and subsurface infiltration – Production Area and former Production Area Outfalls (Production Area Roof Runoff and Non-Production Area Runoff)

1. During the period beginning on the effective date of this permit and lasting through its expiration date, the permittee is authorized to discharge subsurface infiltration and stormwater associated with an industrial activity to the unnamed tributary stream and vegetated wetlands adjacent to Sales Creek through **Outfall Serial Numbers 003, 006, and 006A**. Such discharges shall: 1) be limited and monitored by the permittee as specified below; 2) not cause a violation of the Massachusetts Surface Water Quality Standards for the receiving water; and 3) be controlled by the best management practices ("BMPs") described in Part I.C. of this permit, Stormwater Pollution Prevention Plan Requirements

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1, 2]	
		Average Monthly	Maximum Daily	Measurement Frequency [3,4]	Sample Type
Rainfall/Precipitation[5]	Inches	----	Report	Monthly	Total
Flow	GPD	----	Report	Monthly	Estimate[6]
Total Suspended Solids (TSS)	mg/L	----	Report	Monthly	Grab
pH [7]	SU	----	6.5-8.5	Monthly	Grab

Fecal Coliform[8]	MPN or CFU per 100 ml	----	Report	Monthly	Grab
E. coli[8]	MPN or CFU per 100 ml	----	Report	Monthly	Grab
Enterococci[8]	MPN or CFU per 100 ml	----	Report	Monthly	Grab

Footnotes:

[1.] Samples taken in compliance with the monitoring requirements specified above shall be taken at a point representative of the discharge through the outfall, prior to mixing with the receiving water. All samples shall be tested in accordance with the procedures in 40 CFR Part 136, unless specified elsewhere in this permit.

[2.] Samples shall be taken during wet weather conditions. Wet weather conditions are defined as a rainfall event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (i.e., greater than 0.1 inch) rainfall or snow melt event. Grab sample(s) shall be taken during the first thirty minutes of the discharge. If collection of grab sample(s) during the first thirty minutes is impracticable, grab sample(s) may be taken as soon after that as possible, and the permittee shall submit with the DMR a description of why the collection of the grab sample(s) during the first thirty minutes was impracticable. When the permittee is unable to collect grab sample(s) due to adverse climatic conditions, the permittee must submit, in lieu of sampling data, a description of why the grab sample(s) could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of sample(s) include weather conditions that pose a danger to personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of sample(s) impracticable (extended frozen conditions, specified storm event did not occur during sampling period, etc.). A "no discharge" code shall be entered on the DMR for those sampling periods during which there is no discharge.

[3.] The Permittee shall conduct monthly monitoring of Outfalls 003, 006 and 006A. Following three years form the effective date of the permit, EPA will consider any written requests to reduce the monitoring frequency.

[4.] Monthly sampling frequency is defined as the taking of one sample during wet weather conditions (as defined above in Footnote [2.]) each calendar month. If there are no wet weather conditions in a calendar month, the permittee shall record "no discharge" on its DMR.

[5.] Report the data from a rain gauge located in the Production Area, concurrent with each rainfall event. Report the intensity, duration, and amount of rainfall for the rainfall event on the DMR cover letter. Intensity shall be reported in units of inches/hour and amount of rainfall shall be reported in units of inches. Measurement of the duration of a rainfall event shall begin at the start of a rain event greater than 0.1 inches in magnitude and end when the rain event ends.

[6.] Flow shall be estimated for each rainfall event at the discharge point located at the end of the pipe, prior to discharging into the receiving water.

[7.] See Part I.A.6 of this permit for additional pH requirements

[8.] The maximum daily monitoring result for fecal coliform, *E. coli* and enterococci shall be expressed as a geometric mean. The units may be expressed as MPN for samples tested using the Most Probable Number method, or CFU when using the Membrane Filter method.

PART I.A.2.a. (Continued)

2. During the period beginning on the effective date of this permit and lasting through its expiration date, the permittee is authorized to discharge subsurface infiltration and stormwater associated with an industrial activity to Sales Creek through **Outfall Serial Numbers 004, 005, and 007.** Such discharges shall: 1) be limited and monitored by the permittee as specified below; 2) not cause a violation of the Massachusetts Surface Water Quality Standards for the receiving water; and 3) be controlled by the best management practices ("BMPs") described in Part I.C. of this permit, Stormwater Pollution Prevention Plan Requirements

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1,2]	
		Average Monthly	Maximum Daily	Measurement Frequency [3,4]	Sample Type
Rainfall/Precipitation[5]	Inches	----	Report	Monthly	Total
Flow	GPD	----	Report	Monthly	Estimate[6]
Total Suspended Solids (TSS)	mg/L	----	Report	Monthly	Grab
pH [7]	SU	----	6.5-8.5	Monthly	Grab
Fecal Coliform[8]	MPN or CFU per 100 ml	----	Report	Monthly	Grab
E. coli[8]	MPN or CFU per 100 ml	----	Report	Monthly	Grab
Enterococci[8]	MPN or CFU per 100 ml	----	Report	Monthly	Grab

Footnotes:

[1.] Samples taken in compliance with the monitoring requirements specified above shall be taken at a point representative of the discharge through the outfall, prior to mixing with the receiving water. All samples shall be tested in accordance with the procedures in 40 CFR Part 136, unless specified elsewhere in this permit.

[2.] Samples shall be taken during wet weather conditions. Wet weather conditions are defined as a rainfall event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (i.e., greater than 0.1 inch) rainfall or snow melt event. Grab sample(s) shall be taken during the first thirty minutes of the discharge. If collection of grab sample(s) during the first thirty minutes is impracticable, grab sample(s) may be taken as soon after that as possible, and the permittee shall submit with the DMR a description of why the collection of the grab sample(s) during the first thirty minutes was impracticable. When the permittee is unable to collect grab sample(s) due to adverse climatic conditions, the permittee must submit, in lieu of sampling data, a description of why the grab sample(s) could not be

collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of sample(s) include weather conditions that pose a danger to personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of sample(s) impracticable (extended frozen conditions, specified storm event did not occur during sampling period, etc.). A "no discharge" code shall be entered on the DMR for those sampling periods during which there is no discharge.

[3.] For each month, Outfalls 004, 005 and 007 may be sampled on a "rotating basis", provided each outfall is sampled at a minimum of four times per year (i.e., each outfall does not need to be sampled each month). The permittee shall indicate on its DMR which outfalls were sampled. The no discharge code ("C") shall be entered on the DMR for any outfall not sampled during the reporting period. Following three years form the effective date of the permit, EPA will consider any written requests to reduce the monitoring frequency.

[4.] Monthly sampling frequency is defined as the taking of one sample during wet weather conditions (as defined above in Footnote [2.]) each calendar month. If there are no wet weather conditions in a calendar month, the permittee shall record "no discharge" on its DMR.

[5.] Report the data from a rain gauge located in the Production Area, concurrent with each rainfall event. Report the intensity, duration, and amount of rainfall for the rainfall event on the DMR cover letter. Intensity shall be reported in units of inches/hour and amount of rainfall shall be reported in units of inches. Measurement of the duration of a rainfall event shall begin at the start of a rain event greater than 0.1 inches in magnitude and end when the rain event ends.

[6.] Flow shall be estimated for each rainfall event at the discharge point located at the end of the pipe, prior to discharging into the receiving water.

[7.] See Part I.A.6 of this permit for additional pH requirements

[8.] The maximum daily monitoring result for fecal coliform, *E. coli* and enterococci shall be expressed as a geometric mean. The units may be expressed as MPN for samples tested using the Most Probable Number method, or CFU when using the Membrane Filter method.

PART I. A. Effluent Limitations and Monitoring Requirements (continued)

2.b. Stormwater associated with industrial activity and subsurface infiltration– Racetrack Area Outfalls

During the period beginning on the effective date of this permit and lasting through its expiration date, the permittee is authorized to discharge stormwater associated with an industrial activity and subsurface infiltration to Sales Creek through **Outfall Serial Numbers 008, 009, 010, and 011**. Such discharge shall: 1) be limited and monitored by the permittee as specified in the table below; 2) not cause a violation of the Massachusetts Surface Water Quality Standards for the receiving water; and 3) be controlled by the best management practices ("BMPs") described in Part I.C. of this permit, Stormwater Pollution Prevention Plan Requirements.

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1,2,3]	
		Average Monthly	Maximum Daily	Measurement Frequency [4,5]	Sample Type
Rainfall/Precipitation[6]	Inches	----	Report	Monthly	Total
Flow	GPD	----	Report	Monthly	Estimate[7]
pH [8]	SU	----	6.5-8.5	Monthly	Grab
Total Suspended Solids (TSS)	mg/L	----	Report mg/L	Monthly	Grab

Footnotes:

[1.] Samples taken in compliance with the monitoring requirements specified above shall be taken at a point representative of the discharge through the outfall, prior to mixing with the receiving water. All samples shall be tested in accordance with the procedures in 40 CFR Part 136, unless specified elsewhere in this permit.

[2.] The sampling results for outfall 011 may be used to satisfy the monitoring requirements for outfalls 008, 009 and 010. The permittee shall indicate on the DMR which outfall was sampled. The no discharge code ("C") shall be entered on the DMR for any outfall not sampled during the reporting period.

[3.] Stormwater samples shall be taken during wet weather conditions. Wet weather conditions are defined as a rainfall event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (i.e., greater than 0.1 inch) rainfall or snow melt event. Grab sample(s) shall be taken during the first thirty minutes of the discharge. If collection of grab sample(s) during the first thirty minutes is impracticable, grab sample(s) can be taken as soon after that as possible, and the permittee shall submit with its DMR a description of why the collection of the grab sample(s) during the first thirty minutes was impracticable. When the permittee is unable to collect grab sample(s) due to adverse climatic conditions, the permittee must submit, in lieu of sampling data, a description of why the grab sample(s) could not be collected, including available documentation of the event. Adverse weather conditions which may prohibit the collection of sample(s) include weather conditions that pose a danger to

personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of sample(s) impracticable (extended frozen conditions, specified storm event did not occur during sampling period, etc.). A "no discharge" code shall be entered on its DMR for those sampling periods during which there is no discharge.

[4.] The monthly sampling frequency is defined as taking one sample during wet weather conditions (as defined above in Footnote [2.]) each calendar month. If there are no wet weather conditions in a particular calendar month, the permittee shall record "no discharge" on its DMR.

[5.] Following three years form the effective date of the permit, EPA will consider any written requests to reduce the monitoring frequency.

[6.] Report the data from a rain gauge located in the Production Area, concurrent with each rainfall event. Report the intensity, duration, and amount of precipitation for the rainfall event on the DMR cover letter. Intensity shall be reported in units of inches/hour and amount of rainfall shall be reported in units of inches. Measurement of the duration of a rainfall event shall begin at the start of a rainfall event greater than 0.1 inches in magnitude and end when the rainfall event ends.

[7.] Flow shall be estimated for each rainfall event at the discharge point located at the end of the pipe, prior to discharging into the receiving water.

[8.] See Part I.A.6 of this permit for additional pH requirements

PART I. A. Effluent Limitations and Monitoring Requirements (continued)

3. Dry Weather Monitoring Program

During the period beginning on the effective date of this permit and lasting through its expiration date, the permittee is required to conduct weekly visual inspections of all outfalls (**Outfall Serial Numbers 001-011**) during dry weather, and if a discharge is observed during the weekly visual inspection or at any other time, the discharge is required to be monitored as specified below:

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1,2,3,4,5,6,7]	
		Average Monthly	Maximum Daily	Measurement Frequency [3]	Sample Type
Flow	GPD	----	Report		Estimate[3]
Total Suspended Solids (TSS)	mg/L	----	Report	Monthly	Grab
pH	SU	----	6.5-8.5	Monthly	Grab
Aluminum, Total Recoverable	mg/L	----	Report	Monthly	Grab
Fecal Coliform[8]	MPN or CFU/ per 100 ml	----	Report	Monthly	Grab
E. coli[8]	MPN or CFU/100ml	----	Report	Monthly	Grab
Enterococci[8]	MPN or CFU per 100 ml	----	Report	Monthly	Grab
Total Phosphorous	mg/L	----	Report	Monthly	Grab
Nitrogen-Ammonia	mg/L	----	Report	Monthly	Grab
Nitrate/Nitrite	mg/l	----	Report	Monthly	Grab
Total Polychlorinated Biphenols (PCBs)	µg/l	----	Report	Monthly	Grab
Total Petroleum Hydrocarbons (TPH)	µg/l	----	Report	Monthly	Grab
A. Inorganics					
1. Cyanide (Total CN)	µg/l	----	Report	Monthly	Grab

Effluent Characteristic	Units	Discharge Limitation		Monitoring Requirements [1,2,3,4,5,6,7]	
		Average Monthly	Maximum Daily	Measurement Frequency	Sample Type
2. Antimony	µg/l	----	Report	Monthly	Grab
3. Arsenic	µg/l	----	Report	Monthly	Grab
4. Cadmium	µg/l	----	Report	Monthly	Grab
5. Chromium	µg/l	----	Report	Monthly	Grab
6. Copper	µg/l	----	Report	Monthly	Grab
7. Lead	µg/l	----	Report	Monthly	Grab
8. Mercury	µg/l	----	Report	Monthly	Grab
9. Nickel	µg/l	----	Report	Monthly	Grab
10. Selenium	µg/l	----	Report	Monthly	Grab
11. Silver	µg/l	----	Report	Monthly	Grab
12. Zinc	µg/l	----	Report	Monthly	Grab
13. Iron	µg/l	----	Report	Monthly	Grab
B. Volatiles:					
1. Total BTEX[9]	µg/l	----	Report	Monthly	Grab
2. Total Group I PAHs	µg/l	----	Report	Monthly	Grab
3. Total Group II PAHs	µg/l	----	Report	Monthly	Grab
4. Ammonia / Ammonium	µg/l	----	Report	Monthly	Grab
C. Residuals					
1. Ethylene Dibromide (EDB)	µg/l	----	Report	Monthly	Grab
2. DDD, DDE, DDT	µg/l	----	Report	Monthly	Grab
3. Total Phenol	µg/l	----	Report	Monthly	Grab
4. Total Phthalates	µg/l	----	Report	Monthly	Grab

Footnotes:

[1.] Samples taken in compliance with the monitoring requirements specified above shall be taken at a point representative of the discharge through the outfall, prior to mixing with the receiving water. All samples shall be tested in accordance with the procedures in 40 CFR Part 136, unless specified elsewhere in this permit.

[2.] Dry weather discharge samples shall be taken during dry weather conditions. Dry weather conditions are defined as any period of time that meets both of the following two conditions: 1) there is no precipitation and no snow melt; and 2) the period of time is at least 72 hours after the end of a rainfall event that was greater than 0.1 inches in magnitude.

The permittee shall conduct weekly visual inspections of all outfalls (**Outfall Serial Numbers 001-011**) during dry weather, and if a discharge is observed during the weekly visual inspection

or at any other time, the discharge shall be sampled for the parameters in the above table and the results used in the calculation of the values reported on the DMR for the monitoring period.
If the flow is continuous, sampling frequency of once per month during dry weather conditions is required and report continuous discharge on the DMR. If there is no dry weather flow in a particular calendar month, report no discharge on the DMR.
[3.] Dry-weather flow shall be estimated on a quarterly basis at the discharge point located at the end of the pipe, prior to discharging into the receiving water.
[4.]Each outfall shall be sampled at least once per quarter for a period of three years.
[5.]In the event that both outfalls 001 and 002 are discharging, the permittee may use the sampling results for either outfall 001 or 002 to satisfy the sampling requirements for the un-sampled outfall. The permittee shall indicate on the DMR which outfall was sampled. Flow must be estimated for both outfalls when discharging. The no discharge code ("C") shall be entered on the DMR for any outfall not sampled during the reporting period.
[6.]The sampling results for outfall 011 may be used to satisfy the monitoring requirements for outfalls 008, 009 and 010. The permittee shall indicate on the DMR which outfall was sampled. The no discharge code ("C") shall be entered on the DMR for any outfall not sampled during the reporting period.
[7.]Following three years form the effective date of the permit, EPA will consider any written requests to reduce the monitoring frequency.
[8.]The maximum daily monitoring result for fecal coliform, *E. coli* and enterococci shall be expressed as a geometric mean. The units may be expressed as MPN for samples tested using the Most Probable Number method, or CFU when using the Membrane Filter method.
[9.]Total BTEX = the sum of benzene, toluene, ethyl benzene and total xylenes

PART I. A. Other Effluent Limitations and Monitoring Requirements

4. Notwithstanding all other conditions contained in Part I.A. of this permit, any discharge of floating solids or foam (other than in trace amounts), or visible oil sheen is prohibited.

5. For any permitted discharge, the discharge shall not cause an objectionable discoloration, odor, or turbidity to the receiving waters.

6. For any permitted discharge, the pH of the effluent shall not be less than 6.5 Standard Units (SU), nor greater than 8.5 SU at any time, and not more than 0.2 units outside the natural background range.

7. For any permitted discharge, the effluent shall not contain materials in concentrations or in combinations which are hazardous or toxic to aquatic life or which would impair the uses designated by the classification of the receiving water.

8. If the permit is modified or reissued, it shall be revised to reflect all currently applicable requirements of the CWA and in accordance with of 40 CFR §§122.62 and 122.63

9. All existing manufacturing, commercial, mining and silvicultural dischargers Suffolk must notify EPA as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrite; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or

(4) Any other notification level established by EPA in accordance with 40 CFR §122.44(f).

b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit

application in accordance with 40 C.F.R. §122.21(g)(7).

(4) Any other notification level established by EPA in accordance with 40 C.F.R. §122.44(f).

c. That it has begun or expects to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

10. Within 6 months of the effective date of the permit, the permittee shall submit to EPA a proposed monitoring plan for evaluating the extent of its contributions to outfalls 003 and 006 prior to these flows co-mingling with off-site and/or unregulated flows. The monitoring plan shall include, at a minimum, specific monitoring locations, parameters, and frequency of monitoring.

11. Toxics Control

a. The permittee shall not discharge any pollutant or combination of pollutants in toxic amounts.

b. Any toxic components of the effluent shall not result in any demonstrable harm to aquatic life or violate any state or federal water quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards.

13. Prohibitions

a. Animals Horses and any other animals confined at Suffolk Downs shall not be allowed to come into direct contact with waters of the United States.

b. There shall be no discharge of rainfall runoff from manure or litter or feed storage piles, dumpsters, or other storage devices (other than as allowed at Part I.A. 1.a.) into waters of the United States.

c. The discharge of process wastewater not otherwise authorized by this permit is prohibited.

d. The land application of manure, litter or process wastewater at Suffolk Downs is prohibited under this permit.

e. Suffolk shall not expand its CAFO operations, either in size or numbers of animals, prior to amending or enlarging the waste handling procedures and structures to accommodate any additional wastes that will be generated by the expanded operations.

f. No manure, litter, or process wastewater storage and handling structure shall be abandoned at Suffolk Downs. Closure of all such structures shall occur as promptly as practicable after the permittee has ceased to operate, or, if the permittee has not ceased to operate, within 12 months after the date on which the use of the structure ceased. Closure of a manure, litter, or process wastewater storage and handling structure shall be in compliance with the requirements found at Part 1.A.14. of this permit.

g. In the event that Suffolk closes Suffolk Downs, or any part of its Production Area, in accordance with Part I.A.13. of this permit, any discharge to waters of the United States from the facility's former Production Area containing concentrations of bacteria in excess of water quality standards is prohibited.

h. This permit does not authorize discharges of process wastewater to surface waters during dry weather conditions and such dry weather discharges are prohibited.

i. All contributing flows to Suffolk's process wastewater retention structure shall be composed only of (1) manure, litter, or process wastewater from the proper operation and maintenance of the CAFO; and (2) stormwater from the Production Area. The disposal of other materials into the process wastewater retention structure at Suffolk's CAFO facility is prohibited.

14. Other Legal Requirements

a. No condition of this permit shall release the permittee from any responsibility or requirements under federal, state or local statutes or regulations.

b. Stormwater discharges that are not addressed under the effluent limitations in Part I.A. above remain subject to applicable industrial or construction storm water discharge requirements.

15. Facility Closure

The following conditions shall apply to the closure of lagoons and other earthen or synthetic lined basins and other manure, litter, or process wastewater storage and handling structures:

a. Closure of Lagoons and Other Surface Impoundments

(1) Lagoons and other earthen or synthetic lined basins shall be maintained at all times until closed in compliance with this section.

(2) All lagoons and other earthen or synthetic lined basins must be properly closed if the permittee ceases operation. In addition, any lagoon or other earthen or synthetic lined basin that is not in use for a period of twelve (12) consecutive months must be properly closed unless the CAFO is financially viable, intends to resume use of the structure at a later date, and either:

i. Maintains the structure as though it were actively in use, to prevent compromise of structural integrity; or

ii. Removes manure and wastewater to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner. In either case, the permittee shall notify EPA, in writing, of the action taken, and shall conduct routine inspections, maintenance, and recordkeeping as though the structure were in use. Prior to restoration of use of the structure, the permittee shall notify EPA, in writing, and provide the opportunity for inspection. The permittee shall properly handle and dispose of the water used to preserve the integrity synthetic or earthen liner during periods of non-use

(3) All closure of lagoons and other earthen or synthetic lined basins shall be consistent with the Massachusetts Natural Resources Conservation Service (NRCS) Technical Standard Number 360. Consistent with this standard the permittee shall remove all waste materials to the maximum extent practicable and dispose of them in accordance with all applicable requirements of this permit and other applicable law.

(4) Completion of closure for lagoons and other earthen or synthetic lined basins shall occur as promptly as practicable after the permittee ceases to operate or, if the permittee has not ceased operations, twelve (12) months from the date on which the use of the structure ceased, unless the lagoons or basins are being maintained for possible future use in accordance with the requirements above.

b. Closure Procedures for Other Manure, Litter, or Process Wastewater Storage and Handling Structures

(1) No other manure, litter, or process wastewater storage and handling structure shall be abandoned. Closure of all such structures shall occur as promptly as practicable after the permittee has ceased to operate, or, if the permittee has not ceased to operate, within twelve (12) months after the date on which the use of the structure ceased. To close a manure, litter, or process wastewater storage and handling structure, the permittee shall remove all manure, litter, or process wastewater and dispose of it in accordance with applicable

16. Transfer of manure, litter or process wastewater to other persons

Requirements for the transfer of manure, litter or process wastewater to other persons are as follows. In cases where CAFO-generated manure, litter, or process wastewater is sold or transferred in any way to another person or other legal entity, Suffolk must comply with the following conditions:

i. Maintain records showing the date and amount of manure, litter, and/or process wastewater that leaves the permitted CAFO;

ii. Record the name and address of the recipient;

iii. Provide the recipient(s) with representative information on the nutrient content of the manure, litter, and/or process wastewater; and,

iv. Retain records on-site for a period of five (5) years and submit to the permitting authority upon request.

17. In the event that any discharge from the CAFO causes or contributes to an exceedance of applicable water quality standards, Suffolk must take corrective action.

18. If a change in the ownership of Suffolk's Production Area occurs, Suffolk must submit to EPA the written notification required in Part II. D.1.c. of the permit. The notice must be submitted to EPA at the address specified in Part I.E.3. EPA will notify the current and new

permittee(s) if the transfer of permit coverage is granted.

PART I.B.

1. Permit Terms and Conditions for Nutrient Management

a. Suffolk has developed a Nutrient and Stormwater Management Plan (NMP) that is designed to prevent the discharge of pollutants from the Production Area at Suffolk Downs to Sales Creek. The NMP is a written document that is required to be consistent with the federal CAFO requirements found at 40 CFR §§122.42(e)(1) and (2) and the applicable 40 CFR Part 412 effluent limitations and standards.

(1) Suffolk shall modify its NMP, if and as necessary, to reflect the best management practices, operation and maintenance procedures and infrastructure improvements implemented at Suffolk Downs to fulfill the requirements of this permit. Changes to Suffolk's NMP are subject to the procedural requirements of 40 C.F.R. §122.42(e)(6).

(2) If Suffolk makes changes to an NMP previously submitted to EPA, Suffolk must submit to EPA, within ten days of the date the NMP is revised, the revised NMP along with an identification of the NMP revisions.

(3) The NMP shall be signed by the owner/operator or other signatory authority in accordance with the requirements identified in 40 CFR §§122.22.

b. The following permit terms and conditions were derived from Suffolk's NMP and from 40 C.F.R. §§122.42(e)(1) and (2) and the applicable 40 CFR Part 412 effluent limitations and standards. These terms and conditions are enforceable requirements of this permit.

(1) Manure/Bedding Management Practices

The following best management practices (BMPs) shall be implemented for the management of manure and bedding within the Production Area. Suffolk shall implement these BMPs at all times that any horses are stabled at the CAFO until the end of the annual racing season occurs and the post season cleanup procedures under Part 1.B.1.b. (5) of this permit have been fully and adequately completed.

i. Horses shall be stabled only within the Stable Area[2].

ii. Manure dumpsters shall be located in the vicinity of both the stables and the grain/bedding distribution area.

iii. All manure dumpsters shall include weighted flip-top covers.

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[2] The stable area includes 32 stable buildings, approximately 1200 horse stalls, feed and bedding storage areas, approximately 115 satellite manure storage dumpsters located throughout the stables, a grain/bedding storage area, a consolidated manure tractor trailer storage area, an animal mortality storage area, animal walkways, horse exercising equipment and approximately 70 crushed stone pad horse washing stations.

iv. All manure storage dumpsters shall be covered or closed except when adding or removing contents, so that precipitation does not come into contact with manure or bedding materials stored in storage dumpsters.

v. All manure dumpsters shall be labeled in English and Spanish stating that manure dropped on the ground must be cleaned up and placed in the dumpsters immediately upon observation of such manure by stable workers or track personnel.

vi. All manure and bedding materials removed from any area within the Stable Area, and all feed/bedding material removed for disposal from the grain/bedding distribution area shall be placed immediately upon such removal into the manure dumpsters.

vii. At all times during transport, the containers used during transport of manure/bedding materials to the dumpsters shall be covered with an impervious material.

viii. Manure dumpsters shall be inspected daily for punctures and leaks. If punctures or leaks are observed, the dumpster shall be immediately removed from service for repair, and a serviceable dumpster shall be provided.

ix. An adequate number of manure dumpsters shall be provided to prevent uncontained stockpiling of manure/waste feed and bedding materials. Stockpiling of manure/waste feed and bedding materials, other than in a dumpster, is prohibited.

x. Manure dumpsters shall be emptied into manure trailers as required, ensuring that dumpsters are not overfilled.

xi. A manure trailer shall at all times be available and contain sufficient space to receive material from the manure dumpsters.

xii. All manure trailers shall be covered at all times while on site, including times when the trailers are not actively being filled as well as during transport.

xiii. All manure trailers shall be transported to a composting facility at a frequency that ensures that trailer capacity is not exceeded.

xiv. Adequate solid waste dumpsters shall be provided throughout the Production Area for the disposal of general solid waste.

xv. Manure, bedding and feed materials shall not be disposed of in the solid waste dumpsters.

xvi. No waste of any kind other than manure, bedding or feed materials shall be disposed of in the manure dumpsters or in the manure trailers.

xvii. Manure, bedding materials and process wastewater shall be sampled and tested at least annually for nutrients. Manure sampling and testing shall be conducted in accordance with protocols set forth in guidance developed by the University of Massachusetts, Cornell University, or other guidance recognized and considered applicable by the University of

Massachusetts. Suffolk shall take steps to ensure that all samples collected are representative samples. The samples shall be sent for analysis as soon after collection as practicable and, where necessary, specific preservation procedures shall be utilized to prevent the degradation of the sample. If manure is transferred off-site, Suffolk shall provide the results of the sampling to the recipient.

(2) Wash Water Management Practices and Hoses

i. Horse washing shall be conducted only in the Production Area's designated washing areas located within the Production Area.

ii. Wash water (e.g., buckets of soapy water) shall be disposed of only in the designated washing areas.

iii. Only track-supplied hoses may be used in the Production Area. Leaking hoses may not be used and shall be replaced immediately.

iv. Hoses may only be used for the following purposes: filling drinking water buckets for horses; washing horses in the designated washing areas; cooling horses in the designated washing areas; and sprinkling shed-rows or walking machine areas for purposes of controlling dust.

v. Hoses may be used outside of the designated washing areas only for the purpose of controlling dust in shed rows or walking machine areas and shall be disconnected immediately after use.

vi. Suffolk shall conduct daily visual inspections for leaks or other malfunctions of all water lines, including drinking water and cooling water lines, at all times that horses are stabled in the Production Area until the completion of Suffolk's annual post-season cleanup identified in Part I.B.1.b.(5) of this permit.

(3) Mortality Handling Management Practices

i. Suffolk's mortality shed shall be maintained to prevent any stormwater contact with mortalities.

ii. All mortalities must be placed immediately within the mortality shed.

iii. Suffolk shall ensure that mortalities are removed within 48 hours by a contractor who possesses all required permits and/or licenses applicable to the proper disposition of animal mortalities.

iv. Mortalities shall not be disposed of in any liquid manure or process wastewater system that is not specifically designed to treat animal mortalities. Dead animals shall be disposed of in a manner to prevent contamination of waters of the United States or creation of a public health hazard.

(4) Other Management Practices

i. Year-round Practices

(a) Chemical, hazardous, toxic or veterinary medical materials shall be used and disposed in accordance with manufacturer's directions and applicable regulations. Suffolk shall ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless the system is specifically designed to treat such chemicals or contaminants. All potentially hazardous or toxic chemicals shall be handled and disposed of in a manner sufficient to prevent pollutants from entering the manure, litter, or process wastewater retention structures in the Production Area or waters of the United States, Suffolk shall implement spill prevention and response procedures to ensure effective response to spills and leaks if they were to occur.

(b) Horses shall not be allowed to enter the waters of the United States, including but not limited to Sales Creek or the adjacent wetlands.

(c) Except for vehicles associated with veterinary services or track operations, vehicles may not be parked in the Production Area except during short-term deliveries. Suffolk shall ensure that unauthorized vehicles parked within the Production Area are towed as expeditiously as practicable. Vehicles may not be washed or undergo maintenance within the Production Area.

(d) Suffolk shall correct in a timely manner all deficiencies in relation to the requirements of this permit that are identified during required daily and weekly inspections required by this permit.

ii. Other In-season Practices

The following practices shall be followed during any period when horses are stabled in the Production Area until the end of the annual racing season occurs and the post season cleanup procedures under Part 1.B.1.b.(5) of this permit have been fully and adequately completed.

(a) Each horse owner's stall-allotment contract shall contain a notice setting forth Suffolk's anti-pollution policies and requirements.

(b) On a daily basis during the first 30 days of the racing season, and weekly thereafter, Suffolk shall announce over its public address system that Suffolk has established and implemented anti-pollution policies and requirements, and Suffolk shall direct all horse owners to review and adhere to them.

(c) Suffolk shall publish and enforce pollution prevention rules, including specific daily instructions, for horse owners, stable workers, and track personnel. Those rules shall at a minimum include all best management practices and other requirements contained in PART I.B. of this permit, Permit Terms and Conditions for Nutrient Management.
(d) Suffolk's pollution prevention rules shall be in English and Spanish.

(e) Suffolk's pollution prevention rules shall be presented at mandatory training sessions for new track personnel, owners, and stable personnel.
(5) Post Season Cleanup Procedures

Suffolk shall follow the following procedures at the end of the annual racing season, when horses are no longer stabled in the Production Area, and such procedures shall constitute the requirements for post-season cleanup of the Production Area:

i. Stables shall be cleaned of manure and bedding materials. All manure and bedding materials shall be placed in temporary dumpsters until disposed of in manure trailers. Manure and/or bedding materials located on pervious surfaces shall be raked and placed in temporary manure dumpsters until disposed of in manure trailers. Paved areas shall be swept. Areas that cannot be swept using a street sweeper shall be swept by hand.

ii. All manure dumpsters shall be emptied by disposing of the contents into manure trailers. Once emptied, the dumpsters' covers shall be closed.

iii. Stables and stall doors shall be closed.

(6) Production Area Process Wastewater Retention Structure and Collection System Operation and Maintenance

i. Wastewater Retention Structure

(a) Suffolk shall operate and maintain the process wastewater retention structure and collection system identified in Part I.A.1.a. of this permit in accordance and consistent with all structural, operational and maintenance requirements for that system contained in this permit.

(b) Suffolk shall install a depth marker in the wastewater retention structure. The depth marker must clearly indicate the minimum capacity necessary to contain all process wastewater generated at the CAFO and the direct precipitation and the runoff from the 25-year, 24 hour rainfall event.

(c) Suffolk shall conduct and document weekly inspections of the wastewater retention structure for evidence of subsidence, erosion, cracking or tree growth on the embankment, damage to the emergency spillway, the emergence of invasive or damaging species, and obstructions within the diversion swales. Inspections shall include documentation of the retention structure's elevation including sediment and liquid, as indicated by the depth marker within the pond.

(d) Suffolk shall remove upon observation any accumulated trash and debris in the retention structure. Sediment within the retention structure shall be removed prior to the depth of sediment reaching the "maximum sediment depth" indicator on the depth marker. Sediment shall be disposed of in compliance with federal, state and local requirements.
(e) After sediment removal or after an inspection indicates maintenance is required, any necessary maintenance shall be initiated as expeditiously as practicable and before the next anticipated rain event of 0.25 inches or greater to ensure the continued effectiveness of the wastewater retention structure. If maintenance is delayed due to adverse climatic conditions that pose a danger to personnel (i.e. flooding, high winds, hurricane, tornado, etc.) or otherwise make maintenance impracticable, maintenance shall occur as expeditiously as practicable after the adverse climatic conditions cease.

(f) At least twice during the annual growing season (at least once during spring and once during fall) Suffolk shall mow the vegetation on the side slopes of the wastewater retention structure to a height no greater than six inches and no less than three inches.

(g) Suffolk shall keep on site and properly maintain a rain gauge. Suffolk shall keep a log of each measurable rain event.

ii. Pump Station

(a) Suffolk shall inspect the following on a monthly basis: wet wells for build-up of solids and grease; suction port for blockage; valves to ensure proper closure of valves; and floats for proper operation. A monthly inspection form shall be completed and maintained for each inspection. Any necessary repairs or adjustments shall be made as expeditiously as practicable and shall be documented in the inspection report.

(b) On a monthly basis, Suffolk shall inspect and exercise the electrical control panel, including the light and alarm systems. A monthly inspection form shall be completed and maintained for each inspection. Any necessary repairs or adjustments shall be made as expeditiously as practicable and shall be documented in the inspection report.

(c) On a monthly basis, Suffolk shall note and record hours from the hour meters on each motor. A monthly inspection form shall be completed and maintained for each inspection. Any necessary repairs or adjustments shall be made as expeditiously as practicable and shall be documented in the inspection report.

(d) Suffolk shall perform all maintenance as recommended by the relevant manufacturer.

(7) Clean Water Diversion System

i. The Production Area and associated wastes shall be isolated from run-on from surface drainage flows originating from outside the Production Area by means of ditches, dikes, berms, terraces, or other such structures or practices that are designed to carry peak flows expected for rainfall events up to and including when a 25-year, 24-hour rainfall event occurs. Clean water and flood waters must be diverted from contact with feedlots, stables, horse washing stations, and manure and/or process wastewater storage systems or be managed as contaminated process wastewater. Clean water includes, among other things, rain falling on the roofs of structures in the Production Area runoff from adjacent lands, or other sources.

ii. The clean water diversion swale associated with the Production Area's process wastewater retention structure shall be inspected weekly. A weekly visual inspection form shall be completed and maintained for each inspection. Any necessary repairs or adjustments shall be made as expeditiously as practicable and shall be documented in the inspection report.
iii. The perimeter of the Production Area shall be inspected weekly during dry weather and during all rainfall events (anticipated to be greater than 0.25 inches) in order to verify that process wastewater is not exiting the Production Area and stormwater originating from outside the Production Area is not entering the Production Area. A weekly visual inspection form shall

be completed and maintained for each inspection. Any necessary repairs or adjustments shall be made as expeditiously as practicable and shall be documented in the inspection report.

iv. Gutters and downspouts on structures in the Production Area shall be inspected weekly during dry weather and during all rainfall events (anticipated to be greater than 0.25 inches) for indications of damage such as cracks or dents that would allow clean water to break out of the clean water diversion system or indications of blockage resulting in overflow of the gutters. A weekly inspection form shall be completed and maintained for each inspection. Any necessary repairs or adjustments shall be made as expeditiously as practicable and shall be documented in the inspection report.

v. Suffolk shall conduct weekly visual inspections of all Production Area stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structures. A weekly inspection form shall be completed and maintained for each inspection. Disposal of accumulated sediments and debris from these devices, structures, catch basins and stone trench drains shall be disposed of in accordance with all applicable local, state and federal regulations.

(8) Emergency Planning

In case of an emergency spill, leak, or failure of the process wastewater system, Suffolk shall implement the following:

i. If there is a discharge of process wastewater, Suffolk shall undertake all reasonable efforts to minimize, reduce, eliminate and prevent the discharge and to prevent the discharge from reaching waters of the United States.

ii. If necessary, Suffolk shall contact local emergency agencies.

iii. Suffolk shall comply with the discharge notification requirements at Part I.E.1 of the permit.

(9) Compliance Officer Duties and Employee Compliance Training

Suffolk shall designate at least one environmental compliance officer. The officer's duties shall include, at a minimum, the following:

i. Monitor compliance with all environmental requirements and policies applicable to the CAFO, including but not limited to the Production Area, including but not limited to inspections of stables, grain/bedding storage facilities, trailer parking areas, and the mortality shed.

ii. Monitor compliance with Suffolk's requirements for handling manure and bedding. Issue immediate directions to personnel who fail to comply with such requirements, and fine/penalize personnel as required by Suffolk's applicable environmental policies.

iii. Monitor stormwater outfalls as required and record results on Outfall Visual Monitoring Logs.

iv. Issue fines and/or penalties (as required by Suffolk's internal policy) for non-compliance with horse washing rules.

v. Take dry- and wet-weather samples from designated outfalls. Coordinate and control chain of custody and testing of samples with the lab used by Suffolk to analyze the samples.

vi. Periodically review Suffolk's environmental compliance policies and rules. Recommend improvements as warranted.

vii. Provide training for Suffolk's track employees, stable workers and horse owners in relation to Suffolk's environmental compliance policies and rules.

viii. Review Suffolk's written mortality records weekly and ensure that such records are accurate and complete. Should any record show that a mortality has not been removed from the CAFO within 48 hours, investigate the cause of non-compliance and take all appropriate remedial measures.

(10) Employee Compliance Training

Employees responsible for compliance with this permit must be regularly trained and informed of any information pertinent to the proper operation and maintenance of the CAFO and waste disposal. Training shall include topics such as procedures for the off-site transfer of manure, proper operation and maintenance of the CAFO, good housekeeping practices and material management practices, necessary record-keeping requirements, and spill response and clean up. Suffolk is responsible for determining the appropriate training frequency for different levels of personnel. Suffolk shall create and maintain documentation of all instances of employee training.

(11) Record Keeping Requirements

Suffolk shall create and maintain, at a minimum, the following records for five (5) years and shall make them available for inspection and copying upon request by EPA and/or MassDEP:
i. A copy of Suffolk's most current NMP.

ii. Results of all weekly and monthly visual monitoring and inspections required by this permit.

iii. Laboratory analysis of any dry and wet weather sampling or monitoring required by this permit.

iv. A log of all measurable rain events.

v. Documentation indicating the dates and amounts of manure or process wastewater removed or transferred to another party from the Production Area and the name and address of the entity receiving the manure or process wastewater.

vi. Results of any manure nutrient testing.

vii. Documentation indicating when the results of manure nutrient testing were provided to the composting facility to which Suffolk sends its manure.

viii. As applicable, the date and number of dumpsters repaired.

ix. The dates and results of all inspections and maintenance or corrective activities performed in relation to any and all requirements of this permit. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing more immediate correction.

x. The date and number of mortalities placed in the mortalities shed, and invoices indicating the number, date, and entity receiving mortalities for proper disposal.

xi. Dates when mandatory training sessions on Suffolk's environmental requirements and policies were performed, and the names and number of attendees.

xii. A record of internal enforcement actions initiated for violations of Suffolk's environmental requirements and policies.

xiii. Records of process wastewater analyses.

xiv. Records of the date, time, and estimated volume of any overflow of process wastewater from the Production Area's wastewater retention structure and/or collection system.

xv. Weekly records of the depth of the manure, sediment and process wastewater in the process wastewater retention structure as indicated by the system's depth marker.

xvi. Engineering design and construction plans documenting that Suffolk has sufficient storage capacity to ensure compliance with the effluent limitations specified in Part I.A.1.a. (1) and (2) of this permit.

xvii. Any other records necessary to document any of the requirements of this permit.

PART I.C. Stormwater Pollution Prevention Plan (SWPPP) Requirements

1. Suffolk shall develop, implement, and maintain a Stormwater Pollution Prevention Plan (SWPPP) designed to reduce, or prevent, the discharge of pollutants in stormwater to Sales Creek and the adjacent wetlands. The SWPPP shall be a written document that is consistent with the terms of this permit. Additionally, the SWPPP shall serve as a tool to document the permittee's compliance with the terms of this permit. Development guidance and a recommended format for the SWPPP are available on the EPA website for the Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities (http://cfpub.epa.gov/npdes/stormwater/msgp.cfm).

2. The SWPPP shall be completed or updated and certified by Suffolk within 90 days after the effective date of this permit. Suffolk shall certify that the SWPPP has been completed or updated and that it meets the requirements of this permit. The certification shall be signed in accordance with the requirements identified in 40 CFR §122.22. A copy of this initial certification shall be

sent to EPA and MassDEP within one hundred and twenty (120) days of the effective date of this permit.

3. The SWPPP shall be prepared in accordance with good engineering practices and shall be consistent with the general provisions for SWPPPs included in the most current version of the MSGP. In the current MSGP (effective May 27, 2009), the general SWPPP provisions are included in Part 5. Specifically, the SWPPP shall document the selection, design, and installation of control measures and contain the elements listed below:

a. A pollution prevention team with collective and individual responsibilities for developing, implementing, maintaining, revising and ensuring compliance with the SWPPP.

b. A site description which includes the activities at the facility; a general location map showing the facility, receiving waters, and outfall locations; and a site map showing the extent of significant structures and impervious surfaces, directions of stormwater flows, and locations of all existing structural control measures, stormwater conveyances, pollutant sources (identified in Part I.C.3.c. below), stormwater monitoring points, stormwater inlets and outlets, and industrial activities exposed to precipitation such as, storage, disposal, material handling.

c. A summary of all pollutant sources which includes a list of activities exposed to stormwater, the pollutants associated with these activities, a description of where spills have occurred or could occur, a description of non-stormwater discharges, and a summary of any existing stormwater discharge sampling data.

d. A description of all stormwater controls, both structural and non-structural.

e. A schedule and procedure for implementation and maintenance of the control measures described above and for the quarterly inspections and best management practices (BMPs) described below.

4. The SWPPP shall document the appropriate best management practices (BMPs) implemented or to be implemented at the facility to minimize the discharge of pollutants in stormwater to waters of the United States and to satisfy the non-numeric effluent limitations included in this permit. At a minimum, these BMPs shall be consistent with the control measures described in the most current version of the MSGP. In the current MSGP (effective May 27, 2009), these control measures, which are non-numeric technology based effluent limitations, are described in Part 2. and Part 8.J.8. Specifically, BMPs must include the following elements.

a. Minimizing exposure of manufacturing, processing, and material storage areas to stormwater discharges.

b. Good housekeeping measures designed to maintain areas that are potential sources of pollutants.

c. Preventative maintenance programs to avoid leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters.

d. Spill prevention and response procedures to ensure effective response to spills and leaks if or when they occur.

e. Erosion and sediment controls designed to stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants.

f. Runoff management practices to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff.

g. Proper handling procedures for salt or materials containing chlorides that are used for snow and ice control.

5. All areas with industrial materials or activities exposed to stormwater and all structural controls used to comply with effluent limits in the permit shall be inspected, at least once per quarter, by qualified personnel with one or more members of the stormwater pollution prevention team. Inspections shall begin during the 1st full quarter after the effective date of the permit. EPA considers quarters as follows: January to March; April to June; July to September; and October to December. For each inspection required herein, the facility must complete an inspection report. At a minimum, the inspection report must include:

a. The date and time of the inspection and at which location any samples were collected;

b. If samples were collected, the name(s) and signature(s) of the inspector(s)/sample collector(s);

c. If applicable, why it was not possible to take sample within the first 30 minutes of discharge;

d. Weather information and a description of any discharges occurring at the time of the inspection;
e. Results of observations of stormwater discharges, including any observed discharges of pollutants and the probable sources of those pollutants;

f. Any control measures needing maintenance, repairs or replacement; and,

g. Any additional control measures needed to comply with the permit requirements.

6. Suffolk shall amend and update the SWPPP within fourteen (14) days of any changes at the facility that result in a significant effect on the potential for the discharge of pollutants to the waters of the United States. Such changes may include, but are not limited to: a change in design, construction, operation, or maintenance, materials storage, or activities at the facility; a release of a reportable quantity of pollutants as described in 40 CFR Part 302; or a determination by Suffolk or EPA that the SWPPP appears to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity. Any amended or new versions of the SWPPP shall be re-certified and signed by Suffolk in accordance with the requirements identified in 40 CFR §122.22.

7. Suffolk shall certify at least annually that the previous year's inspections and maintenance activities were conducted, results were recorded, records were maintained, and that the facility is in compliance with the SWPPP. If the facility is not in compliance with any aspect of the SWPPP, the annual certification shall state the non-compliance and the remedies which are being or will be undertaken. Such annual certifications also shall be signed in accordance with the requirements identified in 40 CFR §122.22. Suffolk shall keep a copy of the current SWPPP and all SWPPP certifications (the initial certification, re-certifications, and annual certifications) signed during the effective period of this permit at the facility and shall make it available for inspection by EPA and MassDEP. In addition, the permittee shall document in the SWPPP any violation of numerical or non-numerical stormwater effluent limits with a description of the corrective actions taken.

PART I.D. REOPENER CLAUSES

1. This permit shall be modified, or alternately, revoked and reissued, to comply with any applicable standard or limitation promulgated or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

b. Controls any pollutants not limited in the permit.

PART I.E. DISCHARGE MONITORING AND NOTIFICATION REQUIREMENTS

1. Notification of Discharges Resulting from Manure, Litter, and Process Wastewater Storage, Handling and On-site Transport

If, for any reason, there is a discharge of pollutants to a water of the United States that is not authorized under this permit, including discharges associated with process wastewater storage, handling and/or on-site transportation, Suffolk is required to (1) make immediate oral notification within 24-hours to EPA Region 1, Office of Environmental Stewardship, Water Enforcement Branch at 671-918-1850 or 888-372-7341; and (2) notify EPA and MassDEP in writing within 5 working days of the discharge from the facility at the addresses listed in Part I.E.2. of the permit. In addition, Suffolk shall keep a copy of the notification submitted to EPA together with the other records required by this permit. The discharge notification shall include the following information:

a. A description of the discharge and its cause, including a description of the flow path to the receiving water body and an estimate of the flow and volume discharged.

b. The period of non-compliance, including exact dates and times, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the discharge.

2. Monitoring Requirements for All Discharges

For a period of one year from the effective date of the permit, the permittee may either submit monitoring data and other reports to EPA in hard copy form or report electronically using NetDMR, a web-based tool that allows permittees to electronically submit discharge monitoring reports (DMRs) and other required reports via a secure internet connection. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

a. Submittal of Reports Using NetDMR

NetDMR is accessed from: http://www.epa.gov/netdmr. **Beginning no later than one year after the effective date of this permit**, the permittee shall begin submitting DMRs and reports required under this permit electronically to EPA using NetDMR, unless the facility is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs and reports ("opt out request").

DMRs shall be submitted electronically to EPA no later than the 15th day of the month following the completed reporting period. All reports required under the permit shall be submitted to EPA, including the MassDEP Monthly Operations and Maintenance Report, as an electronic attachment to the DMR. Once a permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to EPA and will no longer be required to submit hard copies of DMRs to MassDEP. However, permittees shall continue to send hard copies of reports other than DMRs (including Monthly Operation and Maintenance Reports) to MassDEP until further notice from MassDEP.

b. Submittal of NetDMR Opt Out Requests

Opt out requests must be submitted in writing to EPA for written approval at least sixty (60) days prior to the date a facility would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of EPA approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to EPA unless the permittee submits a renewed opt out request and such request is approved by EPA. All opt out requests should be sent to the following addresses:

Attn: NetDMR Coordinator
U.S. Environmental Protection Agency, Water Technical Unit
5 Post Office Square, Suite 100 (OES04-4)
Boston, MA 02109-3912

and

Massachusetts Department of Environmental Protection
Bureau of Resource Protection
Wastewater Management Program
One Winter Street, 5th Floor
Boston, MA 02108

c. Submittal of Reports in Hard Copy Form

Monitoring results shall be summarized for each calendar month and reported on separate hard copy Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month following the completed reporting period. MassDEP Monthly Operation and Maintenance Reports shall be submitted as an attachment to the DMRs. Signed and dated originals of the DMRs, and all other reports or notifications required herein or in Part II shall be submitted to the Director at the following address:

U.S. Environmental Protection Agency
Water Technical Unit (OES04-01)
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Duplicate signed copies of all reports or notifications required above shall be submitted to the State at the following address:

Massachusetts Department of Environmental Protection – NERO
Bureau of Water Resources
205B Lowell St.
Wilmington, MA 01887

Any verbal reports, if required in Parts I.A.E. of this permit, shall be made to both EPA-New England and to MassDEP.

3. Annual Report Requirements

a. Suffolk shall prepare and submit an annual report, not later than January 31 of each calendar year, covering the previous 12 calendar months (January 1 to December 31). The annual report shall be submitted to EPA and MassDEP at the addresses listed below:

US EPA- New England
5 Post Office Square, Suite 100
Boston, MA 02109-912
ATTN: NPDES CAFO Coordinator OEP-06-4

and

Massachusetts Department of Environmental Protection – NERO
Bureau of Water Resources
205B Lowell St.
Wilmington, MA 01887

b. The annual report must include, at a minimum, the following information, ***as applicable***:

i. The maximum number of horses at the Production Area during the year, whether in open confinement or housed under roof;

ii. An estimate of the amount of total manure, litter and process wastewater generated by the Production Area in the previous 12 months (tons and/or gallons);

iii. An estimate of the amount of total manure, litter and process wastewater transferred off-site to other parties by Suffolk during the previous 12 months (tons and/or gallons);

iv. The total number of acres for land application covered by the NMP;

v. The total number of acres under Suffolk's control that were used for land application of manure, litter and process wastewater during the previous twelve (12) months;

vi. a summary of all manure, litter and process wastewater discharges from the Production Area that have occurred during the previous twelve (12) months, including date, time, and approximate volume;

vii. A statement indicating whether the current version of Suffolk's NMP was developed or approved by a certified nutrient management planner;

viii. Actual crops planted and actual yields for each field for the preceding twelve (12) months;

ix. Based on sampling results, the actual nitrogen and phosphorous content for all manure, litter and process wastewater that was land applied;

x. Results of calculations conducted in accordance with 40 CFR § 122.42(e)(5)(i)(B) (for the Linear Approach) and 40 CFR § 122.42(e)(5)(ii)(D) (for the Narrative Rate Approach) for manure, litter and process wastewater that was land applied; and,

xi. Amount of manure, litter, and process wastewater applied to each field during the preceding twelve (12) months.

c. If Suffolk uses the Narrative Rate Approach to address rates of land application of manure, litter or process wastewater, the annual report shall also contain:

i. The results of any soil testing for nitrogen and phosphorus conducted during the preceding twelve (12) months;

ii. The data used in calculations conducted in accordance with 40 CFR § 122.42(e)(5)(ii)(D); and,

iii. The amount of any supplemental fertilizer applied during the preceding twelve (12) months.

PART I. F. STATE PERMIT CONDITIONS

1. This authorization to discharge includes two separate and independent permit authorizations. The two permit authorizations are (i) a federal National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S. Environmental Protection Agency (EPA) pursuant to the federal Clean Water Act, 33 U.S.C. §§1251 et seq.; and (ii) an identical state surface water discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53, and 314 C.M.R. 3.00. All of the requirements contained in this authorization, as well as the standard conditions contained in 314 CMR 3.19, are hereby incorporated by reference into this state surface water discharge permit.

2. This authorization also incorporates the state water quality certification issued by MassDEP under Section 401(a) of the federal Clean Water Act, 40 C.F.R. 124.53, M.G.L. c. 21, § 27 and 314 CMR 3.07. All of the requirements (if any) contained in MassDEP's water quality certification for the permit are hereby incorporated by reference into this state surface water discharge permit as special conditions pursuant to 314 CMR 3.11.

3. Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of this permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared invalid, illegal or otherwise issued in violation of state law such permit shall remain in full force and effect under federal law as a NPDES Permit issued by the EPA. In the event this permit is declared invalid, illegal or otherwise issued in violation of federal law, this permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts.

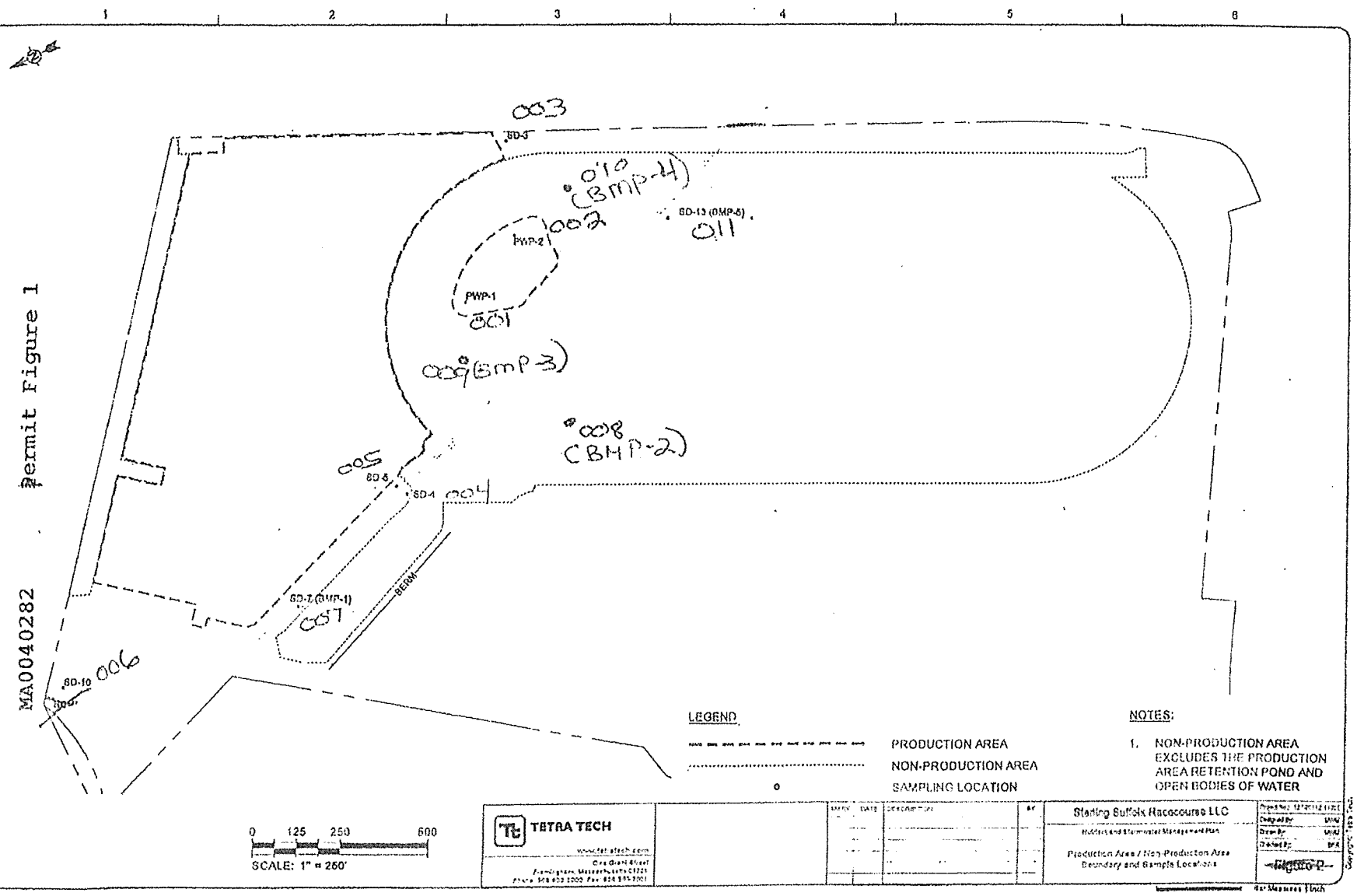
Permit Figure 1
MA0040282
003
SD-3
010 (BMP-4)
002
SD-13 (BMP-5)
011
PWP-2
PWP-1
001
009 (BMP-3)
008 (BMP-2)
005
SD-5
SD-4
004
SD-7 (BMP-1)
007
BERM
SD-10
006
LEGEND
PRODUCTION AREA
NON-PRODUCTION AREA
SAMPLING LOCATION
NOTES:
1. NON-PRODUCTION AREA EXCLUDES THE PRODUCTION AREA RETENTION POND AND OPEN BODIES OF WATER
0 125 250 500
SCALE: 1" = 250'
TETRA TECH
Starting Suffolk Racecourse LLC
Production Area / Non-Production Area Boundary and Sample Locations

Table 1 - Suffolk Downs Post-Construction Outfall Nomenclature and Locations

NPDES PERMIT NOMENCLATURE	SUFFOLK OUTFALL NOMENCLATURE	Outfall Location and Description
001		"(R)iprap slide that discharges to a vegetated swale which, in turn, discharges where Sales Creek flows above ground in the Track Area in-field. Discharge: overflow from Production Area wastewater storage pond.
002		(R)iprap slide that discharges to a vegetated swale to Sales Creek (downstream of outfall 001) where Sales Creek flows above ground in the Track Area in-field. Discharge: Overflow from Production Area wastewater storage pond.
003	SD-3	Outfall (flow-through pit) located in the wetlands adjacent to Sales Creek, to the east of the racetrack and to the southeast of the mortality holding area. Discharge: Production Area (roof runoff) stormwater and subsurface infiltration.
004	SD-4	Outfall located on the southern bank of Sales Creek just prior to where Sales Creek first flows beneath the north-western portion of the racetrack. Outfall located directly across from outfall SD-5. Discharge: Non-Production Area stormwater from the grandstand, paved track maintenance area, paved parking area and subsurface infiltration
005	SD-5	Outfall pipe located on the northern bank of Sales Creek, just prior to where Sales Creek first flows beneath the north-western portion of the racetrack. Discharge: Production Area (roof runoff) stormwater and subsurface infiltration
	SD-6: Outfall eliminated 3/30/12	Drainage swale located on northern bank of Sales Creek that drains the southeastern portion of the Production Area.
006	SD-10 – 24" pipe	The 24" outfall pipe that discharges to an unnamed tributary stream that passes through vegetated wetlands adjacent to the eastern bank of Sales Creek. Discharge: Production Area (roof runoff) and Non-Production Area (northern aisle parking and roadway) stormwater runoff and subsurface infiltration

Table 1 - Suffolk Downs Post-Construction Outfall Nomenclature and Locations

NPDES PERMIT NOMENCLATURE	SUFFOLK OUTFALL NOMENCLATURE	OUTFALL LOCATION & DESCRIPTION
006A		8-inch pipe that discharges to an unnamed tributary stream and vegetated wetlands adjacent to Sales Creek. Discharge: Production Area stormwater runoff, off-site roadway stormwater runoff, and subsurface infiltration.
007	SD-7/BMP1 Sediment Forebay Discharge	Sediment forebay located west of Sales Creek within the Track Maintenance Area. Discharge: Non-Production Area runoff from the racetrack entrance, track maintenance area, and racetrack material stockpile area.
008	BMP-2 sand filter	Sediment basin drainage swale located on the southwest bank of Sales Creek where Sales Creek flows above ground in the Track Area in-field. Discharge: Track Area industrial stormwater and subsurface infiltration
009	BMP-3 sand filter	Sediment basin drainage swale located on the northwest bank of Sales Creek where Sales Creek flows above ground in the Track Area in-field. Discharge: Track Area industrial stormwater and subsurface infiltration
010	BMP-4 sand filter	Sediment basin drainage swale located on the northeast bank of Sales Creek where Sales Creek flows above ground in the Track Area in-field. Discharge: Track Area industrial stormwater and subsurface infiltration
011	BMP-5/SD 13 sand filter	Outfall pipe from sand filter to southwest side of Sales Creek where Sales Creek flows above ground in the Track Area in-field, near Washburn Street. Discharge: Track Area, industrial stormwater and subsurface infiltration.