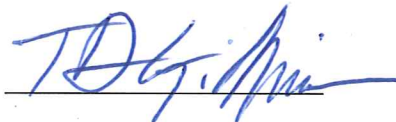


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)
In re:)
)
City of Ruidoso Downs and) NPDES APPEAL No. 17-03
Village of Ruidoso WWTP)
)
NPDES Permit No. NM 0029165)
_____)

**RESPONDENT EPA REGION 6'S NOTICE OF FILING OF A COPY OF THE
FINAL PERMIT ISSUED IN 2000 FOR THE RUIDOSO WWTP AND OPPOSED
MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD**

Respectfully Submitted,



David Gillespie
Assistant Regional Counsel
U.S. EPA Region 6
1445 Ross Ave., Suite 1200
Dallas, Texas 75202-2733
Tel: (214) 665-7467
Fax: (214) 665-2133
E-mail: Gillespie.david@epa.gov

Of Counsel:

Pooja S. Parikh
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel, Water Law Office

The United States Environmental Protection Agency Region 6 (EPA Region 6) respectfully submits to the Environmental Appeals Board (the Board) this Notice of Filing of a Copy of the Final 2000 Permit for the Ruidoso WWTP and Opposed Motion to Supplement the Administrative Record.

After oral argument in this matter on October 30, 2018, the Board issued an Order On Briefing Schedule and Submission of Permit Document, dated November 1, 2018, requesting that Region 6 file with the Board a copy of the final permit issued in 2000 or 2001 for the Ruidoso WWTP. Accordingly, EPA is hereby filing with the Board a copy of the final permit issued in 2000 for the Ruidoso WWTP, attached hereto as Exhibit 1. In addition, EPA motions the Board to supplement the Administrative Record in this matter with this copy of the final 2000 Ruidoso WWTP permit as Administrative Record # 43. EPA counsel has contacted Mr. Steven Sugarman, counsel for Petitioner, who stated in an email that “[i]n light of the Board’s Order yo [sic] produce the subject permit, Petitioner Rio Hondo Land & Cattle Company takes the position that this motion is not necessary and therefore opposes it. However, the Petitioner has no objection to the Board taking official notice of the Permit.” EPA agrees that if the Board takes judicial notice of this Permit, this motion to supplement would not be necessary, but is nonetheless filing this motion in case the Board determines that judicial notice is not warranted.

Respectfully submitted this 8th day of November, 2018.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 6**



David Gillespie
Assistant Regional Counsel
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202
(214) 665-7467
Arkansas Bar No. 96210
gillespie.david@epa.gov

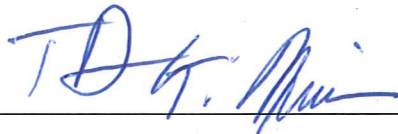
CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2018, copies of the foregoing were served upon the following via email.

Steven Sugarman
Attorney for Rio Hondo Land & Cattle Company
347 County Road 55A
Cerrillos, New Mexico 87010
(505) 672-5082
stevensugarman@hotmail.com

and

Edmund H. Kendrick
Attorney for the City of Ruidoso and Village of Ruidoso
Montgomery & Andrews, P.A.
Post Office Box 2307
Santa Fe, New Mexico 87504-2307
(505) 986-2527
ekendrick@montand.com



David Gillespie
Assistant Regional Counsel
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202
(214) 665-7467
Arkansas Bar No. 96210
gillespie.david@epa.gov