

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

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

**SECOND ORDER EXTENDING STAY OF PROCEEDINGS AND  
 RESCHEDULING ORAL ARGUMENT**

On June 21, 2018, the Environmental Appeals Board issued an order staying the above-captioned matter until July 25, 2018, to allow for on-going settlement discussions. Prior to the previous order, the parties represented that ongoing settlement discussions had been productive and expressed optimism that continued discussions would result in a comprehensive resolution that would include the resolution of the petition for review pending before the Board. Having heard from the parties in a second status conference call on July 25, 2018, the Board now extends the stay of this matter to Monday, October 1, 2018, and re-schedules Oral Argument for Tuesday, October 30, 2018.

During the recent status call, counsels for petitioner (Rio Hondo) and the permittee (the City of Ruidoso Downs and Village of Ruidoso WWTP) reported that additional meaningful progress towards settlement had been made. The parties further indicated that they have reached a general agreement that, if finalized, could result in a comprehensive settlement supported by all parties. Counsels for petitioner and the permittee indicated that additional time was needed to determine the appropriate vehicle for such an agreement and to finalize the details. The parties also stated that no further extensions of the stay of this matter are contemplated or necessary and


that, if the matter is not settled, oral argument will proceed on October 30, 2018. Counsel for EPA Region 6 and EPA Office of General Counsel expressed continued support for the parties' settlement efforts and concurred with the need for additional time.

In view of the meaningful progress that has been made to date and the parties' representations, and to aid the parties' efforts to achieve a comprehensive settlement of this matter, the Board extends the stay of this matter to Monday, October 1, 2018. The Board will hold an additional status conference call at 3:00 p.m. EDT on Thursday, September 6, 2018, to discuss the status of the settlement agreement. In conjunction with this extension, the Board re-schedules the Oral Argument in this matter to 1:00 p.m. EDT on Tuesday, October 30, 2018. If settlement is not reached prior to the end of the stay on October 1, 2018, the parties must notify the Board no later than Tuesday, October 16, 2018, of the names of counsel who will present at oral argument and whether they will attend in person or request to appear by videoconference. All other parameters for oral argument remain unchanged from the Board's April 12, 2018 Order Scheduling Oral Argument.

So ordered.

Dated: **Jul 30 2018**

**ENVIRONMENTAL APPEALS BOARD**

By:   
Mary Kay Lynch  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Second Order Extending Stay of Proceedings* in the matter of City of Ruidoso Downs and Village of Ruidoso WWTP, NPDES Appeal No. 17-03, were sent to the following persons in the manner indicated:

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Dated: Jul 30 2018



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