

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

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

**ORDER STAYING APPEAL AND RESCHEDULING ORAL ARGUMENT**

On April 12, 2018, this Board issued an order setting oral argument in the above-captioned matter for June 14, 2018. Since that time, Petitioner Rio Hondo’s attorney has indicated that he has a non-movable conflict with the date set by the Board and indicated that Rio Hondo and Ruidoso have been engaged in ongoing settlement discussions which, if successful, may result in the withdrawal of the petition for review pending before this Board. The parties represent that counsel for EPA is aware of the ongoing discussions between Rio Hondo and Ruidoso and is not opposed to continued discussions that may result in withdrawal of the permit appeal. On April 26, 2018, Rio Hondo and EPA submitted, on behalf of all the parties, a Joint Motion to Reschedule the June 14, 2018 Oral Argument.

The Board grants the motion to reschedule oral argument and sets the date for August 16, 2018. All parties have advised the Board of their availability for oral argument on this date.<sup>1</sup> Parties must notify the Board no later than August 2, 2018, of the names of counsel who will

---

<sup>1</sup> Counsel for Rio Hondo and EPA advised the Board of their availability in the Joint Motion filed April 26, 2018. A representative of Edmund H. Kendrick, Counsel for City of Ruidoso Downs & Village of Ruidoso, advised the Clerk of the Board on April 30, 2018, that Mr. Kendrick is available for oral argument on August 16, 2018.

present 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.

Additionally, in an effort to accommodate the parties' calendars, and support the parties' efforts to discuss settlement, the Board is issuing a stay of this matter until July 9, 2018, to allow the parties time to further pursue settlement discussions. The Board will hold a status conference on June 19, 2018, to discuss the status of settlement discussions and whether it might be appropriate to lift or extend the stay. The Clerk of the Board will initiate a conference call to the phone numbers on record for the representatives of record for Rio Hondo, the City of Ruidoso Downs and Village of Ruidoso WWTP, and EPA, at 11:00 am EDT on June 19, 2018.

So ordered.

Dated: May 2, 2018

**ENVIRONMENTAL APPEALS BOARD**

By: 

Mary Kay Lynch  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Staying Appeal and Rescheduling Oral Argument* 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:

**By Email:**

Steven Sugarman  
Attorney for Rio Hondo Land & Cattle Company  
347 County Road 55A  
Cerrillos, NM 87010  
stevensugarman@hotmail.com

Edmund H. Kendrick  
Attorney for City of Ruidoso Downs & Village of Ruidoso  
Montgomery & Andrews, P.A.  
Post Office Box 2307  
Santa Fe, NM 87504-2307  
ekendrick@montand.com

David Gillespie  
Asst. Regional Counsel  
U.S. EPA Region 6 – Office of Regional Counsel  
1445 Ross Avenue, Ste. 1200  
Dallas, TX 75202-2733  
gillespie.david@epa.gov

Pooja S. Parikh  
Office of General Counsel  
Mail Code 2355A  
1200 Pennsylvania Ave. N.W.  
Washington, DC 20460  
parikh.pooja@epa.gov

Dated:   **May 02 2018**  



---

Eurika Durr  
Clerk of the Board