



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**5 Post Office Square, Suite 100**  
**Boston, MA 02109-3912**

**VIA ELECTRONIC FILING**

November 12, 2015

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

**RE: Sterling Suffolk Racecourse, LLC**  
**NPDES Permit Appeal No. 15-12; NPDES Permit No. MA0040282**

Dear Ms. Durr:

Please find a Joint Motion to Stay the Proceedings, and accompanying Certificate of Service, in connection with NPDES Appeal No. 15-12.

Sincerely,

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Samir Bukhari  
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Enclosures

Cc: Michael Vhay, Esq.

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

_____	)	
In the Matter of:	)	
	)	
Sterling Suffolk	)	
Racecourse, LLC	)	NPDES Appeal No. 15-12
	)	
NPDES Permit No. MA0040282	)	
	)	
_____	)	

**JOINT MOTION TO STAY THE PROCEEDINGS**

Region 1 of the United States Environmental Protection Agency (“Region”) and Sterling Suffolk Racecourse, LLC (“Suffolk”) respectfully request that the Environmental Appeals Board (“Board”) stay proceedings in this matter in order to allow the parties to undertake settlement negotiations. The grounds for this motion are discussed below.

**REQUESTED RELIEF AND GROUNDS FOR SUCH RELIEF**

On September 30, 2015, the Region issued National Pollutant Discharge Elimination System Permit No. MA0040282 (“NPDES Permit”) to Suffolk. On November 4, 2015, Suffolk timely filed a Petition for Review (“Petition”) with the Board requesting review of certain conditions of the NPDES Permit. Counsel for the parties have conferred and have concluded that a negotiated resolution of the issues raised in the Petition is possible and have agreed to enter into settlement discussions. In order to resolve the issues on appeal, the parties will need to coordinate discussions between their

respective technical representatives. Assuming satisfactory resolution of the issues, counsel for the parties will then need to agree on the appropriate mechanism to implement any settlement. Prior to finalizing a settlement, the parties will also need to confer with other interested entities, including the Massachusetts Department of Environmental Protection. To provide the parties sufficient time to conclude negotiations in light of the above, the Region and Suffolk respectfully request the Board to stay the proceedings for 60-days, and to hold in abeyance the deadline for the Region to file its Response to Petition and the certified index to the administrative record. Under the proposed stay, the parties will file a report with the Board after 30 days explaining the status of the matter, include a discussion of recommended next steps for the efficient resolution of the pending Petition. At that time, the parties will either inform the Board of the expected timeframe for concluding settlement discussions and dismissing the appeal or will request the Board to lift the stay and establish a new deadline for the Region to file its Response and certified index.

## **CONCLUSION**

For these reasons, and to conserve administrative and judicial resources, the parties respectfully request that the Board issue an order that: (1) stays the proceedings for 60 days; (2) requires a joint status report within 30 days; and (3) holds the deadlines for the Region to file its Response to Petition and the certified index to the administrative record in abeyance pending settlement discussions.

Dated: November 12, 2015

Respectfully submitted,

U.S. EPA – Region 1

Sterling Suffolk Racecourse, LLC

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion to Stay the Proceedings, in connection with Sterling Suffolk Racecourse, LLC, NPDES Appeal No. 15-12, was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr  
Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1201 Constitution Avenue, NW  
U.S. EPA East Building, Room 3334  
Washington, DC 20004

By electronic mail, by agreement between the parties:

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Dated: November 12, 2015

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