

# Suffolk Downs, EPA Reach \$5M Settlement Over CWA Claims

By **Juan Carlos Rodriguez**

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Law360, New York (August 23, 2012, 12:11 PM ET) -- The owner of Boston horse racing track Suffolk Downs on Tuesday agreed to a \$5 million consent decree with the U.S. government to resolve Clean Water Act violations, including allowing horse waste to enter a nearby creek.

Sterling Suffolk Racecourse LLC will pay a civil penalty of \$1.25 million to resolve the violations at its facility in Massachusetts cities Revere and East Boston, according to the U.S. [Environmental Protection Agency](#). It will also spend more than \$3 million to prevent polluted water from entering nearby waterways and will perform three environmental projects worth approximately \$742,000 to provide water quality monitoring and protection efforts for more than 123 square miles of watershed.

“The federal complaint alleges that Suffolk allowed polluted wastewater, including horse manure, urine and bedding material, to discharge into Sales Creek, a tributary of Belle Isle Inlet and Boston Harbor,” the EPA said. “In addition, the federal complaint alleges that Suffolk operated its concentrated animal feeding operation, which stables race horses from March through November, without a permit under the CWA.”

The EPA said its inspections revealed that Suffolk Downs' wastewater discharged from the facility to Sales Creek during dry and wet weather. Inspectors observed stormwater contaminated with manure and turbid, brown runoff being discharged from the facility to Sales Creek.

“Sampling conducted at various outfalls discharging from the Suffolk Downs facility indicated elevated levels of pollutants, including ammonia, suspended solids and bacteria. Animal wastes contain excessive levels of nutrients and pathogens, which produce adverse environmental impacts including reduction of oxygen in the water, which affects aquatic life,” the agency said.

In response to the EPA's enforcement, Suffolk is completing construction of a wastewater collection system, is making improvements to its stormwater collection system and has applied for a National Pollutant Discharge Elimination System permit.

“Suffolk will minimize the volume of and properly manage the wastewater it produces, which will now be collected in a detention pond and discharged during nonpeak hours to the sanitary sewer system,” the EPA said.

The company will also implement green infrastructure and low-impact development techniques to address stormwater discharges from the racetrack and maintenance areas of the facility, according to the EPA. And under the settlement agreement, Suffolk will complete three supplemental environmental projects, including two water quality monitoring projects and one habitat protection project.

“This settlement reduces a major source of pollution into Boston Harbor,” Cynthia Giles, assistant administrator for the EPA’s Office of Enforcement and Compliance Assurance, said in a statement. “In addition, the settlement’s environmental projects include monitoring water quality in the harbor’s watershed, helping to protect a valuable urban waterway for the use and enjoyment of Boston area residents and visitors.”

Suffolk Downs said it has worked cooperatively with federal and state environmental agencies since the issue first surfaced five years ago and has taken substantial measures, including construction of a new \$3.5 million drainage system in its barn area, to address the conditions and bring it into compliance.

"We are confident that, in addition to our on-site improvements, our new walkway project in Belle Isle Marsh and our water testing in the Mystic and Saugus Rivers will contribute to a better environment in our area for the future," the company said.

The consent decree, lodged in the U.S. District Court for the District of Massachusetts, is subject to a 30-day public comment period and approval by the court.

The case is U.S.A. v. Sterling Suffolk Racecourse LLC, case number [1:12-cv-11556](#), in the U.S. District Court for the District of Massachusetts.

--Editing by Eydie Cubarrubia.