



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

FEB 07 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7099 3220 0001 4436 3777

Mr. Gregory Pittman
Vice President
Global Gaming Solutions
210 North Broadway
Ada, OK 74820

Re: Administrative Order, Docket Number: CWA-06-2013-1802
NPDES Permit: TXG921229

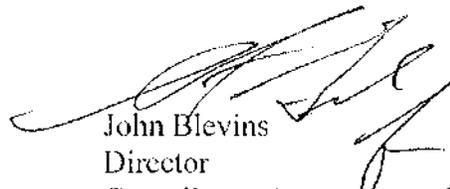
Dear Mr. Pittman:

Enclosed is an Administrative Order on Consent (AOC) issued to Global Gaming LSP, LLC, for violations of its CAFO permit. The findings were identified based on a March 13, 2013 inspection conducted by the Environmental Protection Agency (EPA), of the horse race track identified in the enclosed AOC. These findings were discussed with Mr. Eddie Rodriguez, Safety and Environmental Administrator, during the inspection.

This AOC does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty (30) days after the effective date of the AOC. Within that timeframe, Global Gaming LSP, LLC, must submit a report to EPA and TCEQ certifying that the actions/Best Management Practices set forth in the AOC have been incorporated into your Nutrient Management Plan. The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2013-1802 and NPDES Permit No TXG921229 in your response.

If you have any questions, please contact Mr. Scott Stine, of my staff, at (214) 665-7182.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. Eslin Chang
Global Gaming LSP, LLC
1000 Lone Star Parkway
Grand Prairie, TX 75050

Re: Order on Consent
Global Gaming Solutions

2

The Honorable Bill Anoatubby
Governor
Chickasaw Nation
P.O. Box 1548
Ada, OK 74821-1548



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
FINDINGS OF VIOLATION, COMPLIANCE ORDER ON CONSENT, AND
INFORMATION DEMAND

Docket Number: CWA-06-2013-1802

2014 FEB 10 10:11:13
 FILED

STATUTORY AUTHORITY

SECTION 309(a)(3) COMPLIANCE ORDER

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Sections 308 and 309(a) of the Clean Water Act ("Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator of EPA has delegated the authority to issue this Order ("Administrative Order on Consent" or "AOC") to the Regional Administrator of EPA Region 6, who further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

Pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent, not later than 30 days after the effective date of this Order, file a request with TCEQ to incorporate the following actions/Best Management Practices (which were described in your September 11, 2013 letter) into the Nutrient Management Plan for the facility:

FINDINGS

1. Global Gaming LSP, LLC ("Respondent") is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to this Administrative Order on Consent, the Respondent owned or operated a horse racetrack, located at 1000 Lone Star Parkway, Grand Prairie, Dallas County, Texas (facility) and was therefore an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The facility is a Concentrated Animal Feeding Operation (CAFO) as identified by Section 502(14) of the Act, 33 U.S.C. § 1362(14) and 40 C.F.R. § 122.23(b), and assigned the CAFO general permit number TXG921229 ("permit").

3. Respondent was issued the permit, which became effective on October 12, 2011. Beginning on the effective date, Respondent was authorized to discharge pollutants to waters of the United States, but only in compliance with the specific terms and conditions of the permit.

4. The facility is considered as a "point source" as defined by section 502(14) of the Act, 33 U.S.C. § 1362(14).

5. It is unlawful under Section 301(a) of the Act, 33 U.S.C. § 1311(a), for any person to discharge a pollutant from a point source to waters of the United States without a permit issued under Section 402 of the Act 33 U.S.C. § 1342.

6. On June 3, 2013, EPA issued Respondent Administrative Order, Docket No. CWA-06-2013-1802. This AOC, the document at hand, replaces and supersedes for all purposes Administrative Order, Docket No. CWA-06-2013-1802. Respondent states that it disputes the findings and statements in Administrative Order, Docket No. CWA-06-2013-1802.

a. Bedding material: Ensure that the bedding material will not be stored outside the stable barns for more than 24 hours or when rain is in the forecast. The bulk storage areas are to be cleaned of bedding material to prevent contact with stormwater.

b. Manure disposal: Respondent will implement one of the following options for manure and bedding management:

1) Option 1: Respondent will utilize 3-5 cubic yard (cy) covered metal front load bins located in the stable area to contain manure. When approaching capacity, these bins will be dumped into a 60 cy metal roll-off container which is equipped with a tarp. The 60 cy container will be hauled off-site when it approaches capacity or;

2) Option 2: In case Respondent is unable to utilize the above manure management, Respondent will use as a backup, 30 cy roll-off metal containers with water-proof tarps located in the stable area. The roll-off containers will be hauled off-site when approaching capacity.

The manure bins and/or storage/loading areas will be inspected daily by the track security department to ensure appropriate housekeeping measures pertaining to manure spillage is addressed and documented. The security staff will also perform daily inspections of these bins to ensure the lids and/or tarps are in place and secured.

c. Manure management of walker areas: Respondent will ensure the walker areas are bedded with sand only, with no organic matter. The walker areas are to be shaped with exterior berms to prevent direct stormwater runoff from those areas. Respondent

will ensure that any manure deposition in these areas will be picked up daily after use and placed into the muck bins.

d. Manure management of animal walkways: Respondent will ensure manure is collected from the animal walkways daily and placed into the muck bins so not to be incorporated in the soil during routine soil conditioning (e.g., raking, shaping, plowing, etc.).

e. Stormwater management of stable barns: All roof water from the stable barns is guttered and directed into the stormwater collection system. The areas between the stable barns will be re-graded and sodded to enhance the drainage and filtering of the stormwater entering the stormwater collection system. Respondent will outfit all grated stormwater area drains inlets with filtering systems (e.g., sand bags, graded rock, silt fencing or other materials commonly used for stormwater management).

f. Stormwater management of roads: Respondent will use a street sweeper to collect dust, silt and grass clippings off the impervious roads to minimize debris from entering the stormwater drainage system. The frequency of street sweeping will be determined daily based on activity in the area. This material will be disposed in the solid waste collection system.

g. Lake 4 Management: Respondent will maintain the water level in Lake 4 at a level to minimize discharges during normal weather conditions. Respondent will collect semi-annual water samples from Lake 4 and have the samples analyzed for parameters required by the City of Grand Prairie.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

a. Not later than 30 days after the effective date of this Order, submit to EPA and TCEQ, a written report requesting that the Best Management Practices mentioned above and in your September 11, 2013 letter, be incorporated into your Nutrient Management Plan.

b. All correspondence should be addressed to:

Ms. Mary Simmons
Water Enforcement Branch (6EN-WR)
U.S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

This Administrative Order on Consent is effective upon the signatures of representatives of the Respondent and the EPA. This Administrative Order on Consent will remain in effect until the Respondent implements the requirements set forth in the ordering provision and the information demand provision, no later than the timeframes set forth therein.

Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of fact or law set forth in this Administrative Order on Consent, including, but not limited to, any right of judicial review of the Section 309(a)(3) Compliance Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative or judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that may become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order, or the Section 308 Information Demand, or the Act can result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

Compliance with the terms and conditions of this Administrative Order on Consent does not relieve the Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.

2013 1802 ²

12-26-13
Date


Global Gaming LSP, LLC
(RESPONDENT)

FEB 07 2014
Date


John Blevins
EPA Region VI, Director
Compliance Assurance and
Enforcement Division
(EPA)

This Administrative Order on Consent constitutes final agency action.

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent was hand-delivered to the **Regional Hearing Clerk**, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and was sent on September 7, 2014 2014 addressed to the following:

Via certified mail, return receipt requested:

Mr. Gregory Pittman
Vice President
Global Gaming Solutions
210 N. Broadway
Ada, OK 74820

First class mail:

Mr. Eslin Chang
Global Gaming I.SP, LLC
1000 Lone Star Parkway
Grand Prairie, TX 75050

First class mail:

The Honorable Bill Anoatubby
Govenor
Chickasaw Nation
P.O. Box 1548
Ada, OK 74821-1548

First class mail:

Lenoard Dougal, Esq.
Jackson Walker L.L.P.
100 Congress Ave.
Suite 1100
Austin, TX 78701

Ellen Chang Walker