



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 03 2013

CERTIFIED MAIL—RETURN RECEIPT REQUESTED:

Mr. Esin Michael Chang  
Global Gaming LSP, LLC  
1000 Lone Star Parkway  
Grand Prairie, TX 75050

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

Dear Mr. Chang:

Enclosed is an Administrative Order (AO) issued to Global Gaming LSP, LLC, for violation of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.). Violations were identified during a March 13, 2013 inspection of your Lone Star Park facility, conducted by the Environmental Protection Agency (EPA). The violations were discussed with you at the time of the inspection. The violations alleged include, but are not limited to, the following:

- a) Failure to ensure that the required capacity in the Lake 4 retention control structure (RCS) was available to contain rainfall and rainfall runoff from a 25 year, 24 hour rainfall event; and
- b) failure to document that the Lake 4 RCS was properly designed and constructed, or provides protection equivalent to the requirements of the permit.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. Effective upon receipt of this AO, you shall immediately cease and desist the overflow of wastewater from the Lake 4 RCS. The AO also contains other compliance deadlines and information demands. 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 Number TXG921229 on your response.

Please also find enclosed an "Information Sheet" relating to the Small Business Regulatory Enforcement Fairness Act and a "Notice of Registrant's Duty to Disclose" relating to the disclosure of environmental legal proceedings to the Securities and Exchange Commission.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

Re: Administrative Order  
Global Gaming LSP, LLC

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cc: Mr. Drew Shubeck  
General Manager  
Lone Star Park  
1000 Lone Star Parkway  
Grand Prairie, TX 75050

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

Mr. Tony Walker, Regional Director  
TCEQ, Region 4



U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6  
FINDINGS OF VIOLATION AND COMPLIANCE ORDER  
In the Matter of Global Gaming LSP, LLC, Respondent  
Docket No. CWA-06-2013-1802  
TPDES Permit No. TXG921229

STATUTORY AUTHORITY

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 ("the Act"), 33 U.S.C. § 1318 and 1319(a). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Global Gaming LSP, LLC ("Respondent") is a company, incorporated under the laws of the State of Texas, and is therefore, a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to the violation alleged herein ("relevant time period"), Respondent operated a horse racetrack located at 1000 Lone Star Parkway, Grand Prairie, Dallas County, Texas ("facility"). 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's lagoon structure and other devices located at the facility are "point sources," 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 March 13, 2013, the EPA conducted an on-site inspection of the facility and observed the following permit violations:

- a) Lake 4 is a retention control structure ("RCS") used to store wastewater from the animal confinement area, which includes walkers and the manure and raw materials storage areas. At the time of the inspection, the pump for a groundwater well that adds fresh water into Lake 4 was set on automatic. EPA inspectors observed that water pumped from the groundwater well resulted in Lake 4 overflowing via a spillway on the western side of the RCS. Part III.A.9 of the permit was violated in that the Respondent failed to maintain proper wastewater levels in Lake 4.
- b) Part III.A.7(a) of the permit was violated in that the Respondent failed to document that Lake 4 was properly designed and constructed with respect to RCS sizing, embankment design and construction, and liner requirements of the permit or to have a licensed Texas professional engineer certify that Lake 4 provides protection equivalent to the requirements of the permit.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 309(a) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following actions upon receipt of this Order:

Cease overflows of wastewater from Lake 4 caused by the addition of fresh water pumped from the groundwater well.

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:

Within forty-five (45) days of the effective date of this Order, Respondent shall submit to EPA and the Texas Commission on Environmental Quality ("TCEQ") 1) a certification by a licensed Texas professional engineer documenting that Lake 4 provides protection equivalent to the requirements of the permit; or (2) a

written plan and schedule for complying with Part III.A.6 (*RCS Design and Construction*) of the permit.

### GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, set forth at <http://uscode.house.gov/download/pls/05C7.txt>, states the scope of such review.

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

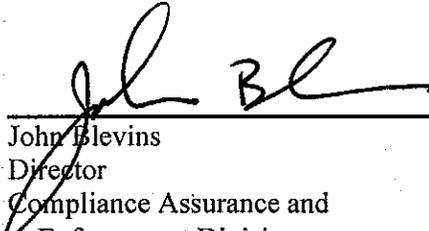
Failure to comply with this Section 309(a)(3) Compliance Order, the Section 308 Information Demand, or the Act may result in the initiation of an administrative penalty action by EPA or a civil judicial penalty action by the U.S. Department of Justice.

Compliance with this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws.

The effective date of this Order is the date it is received by the Respondent.

6.3.13

\_\_\_\_\_  
Date

  
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John Blevins  
Director  
Compliance Assurance and  
Enforcement Division