



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUL 30 2013

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 8231

Mr. David Bingham
Bingham Investments
6044 Gateway Blvd. East, Suite 900
El Paso, TX 79905

Re: Information Request pursuant Section 308 of the Clean Water Act

Dear Mr. Bingham:

Enclosed is an Information Request (Request) issued to EP Sunland Stables, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a), which authorizes the U.S. Environmental Protection Agency (EPA) to request information required to carry-out the objectives of the Act. The Request relates to a site investigation of your facility conducted by the New Mexico Environment Department on April 4, 2013. Your response to the Request must be post-marked no later than thirty (30) days from your receipt of this letter.

Please be advised that failure to respond to the Request within the thirty (30)-day period or provide full, complete, true and correct responses, may result in additional action requiring you to properly respond to the Request.

The EPA urges you to give this matter your immediate attention and respond to this Request in a timely manner. Your response must be signed by an authorized official and should be mailed to Ms. Mary Simmons (6EN-WR) at the address above.

If you have any questions regarding this Request, you may contact Mr. Scott Stine of the Water Enforcement Branch at (214) 665-7182 or Ms. Ellen Chang-Vaughan of the Office of Regional Counsel at (214) 665-7328.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins", written over a large, stylized flourish.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

**INFORMATION REQUEST
EP SUNLAND STABLES**

DEFINITIONS

1. "Identify" means to provide:
 - a. with respect to an individual, the person's name, job title, business address and business telephone number;
 - b. with respect to a corporation, partnership, sole proprietorship or other business entity, its full name, address, legal status and form (e.g., corporation, partnership, etc.) and a brief description of its business; and
 - c. with respect to a document, its customary business description, date, number if any (e.g., invoice or purchase order number), author's identity, address or addressee and/or recipient and the subject matter.
2. "Document" means any object that records, stores or presents information including, but not limited to, tangible writings of any kind, photographs, sound recordings and magnetic disks, hard drives, floppy disks, compact disks or any other computer-related device which serves as a medium for electronically recording or storing information (or, in lieu thereof, hard copies of such information electronically recorded or stored).
3. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
4. "Facility" refers to the operation known as EP Sunland Stables located at Sunland Park, Doña Ana County, New Mexico, owned/operated by Mr. David Bingham.
5. "You" or "your" refers to the person known as Mr. David Bingham, owner/operator of the EP Sunland Stables.

INSTRUCTIONS

1. Provide a separate narrative and/or map as an appropriate response to each request.
2. Precede the response to each request with the number of the request.
3. For each request, identify all persons consulted in the preparation of the answer.
4. For each document produced in response to this request, indicate the number of the request to which the document relates.
5. The requested information must be provided even though you may contend that it includes confidential business or trade secret information. You may assert a confidentiality claim with respect to all or part of the information provided in accordance with 33 U.S.C. § 1318(b) and 40 C. F. R § 2.203(b). Unless you make a claim at the time that you submit responses to the requests set forth below, the information you provide may be made available to the public by EPA without further notice to you. If you wish to assert a confidentiality claim with respect to information provided in a response, you must clearly mark the response as "confidential business information," "proprietary information" or "trade secret information" and provide a second, redacted version of the response with the information claimed to be confidential deleted.

QUESTIONS

1. With regard to the person providing answers to these questions, state your name, business address, business telephone number, and position with the facility.
2. Provide the physical address of the facility.
3. Provide a description of the facility's a) stable area(s), including the location of wash racks and any practices used to contain or dispose of process wastewater generated from the wash racks; b) manure storage area(s); and c) raw materials storage area(s), including bedding materials and feed.
4. Provide the total number of horses that are stabled or maintained at the facility per day during the Sunland Park racing season.
5. Provide the total number of days that horses are stabled or maintained each year starting in 2008.
6. How many horses are stabled or maintained at the facility per day outside of the Sunland Park racing season?
7. Does your facility have a business relationship with Sunland Park Racetrack and Casino? If so, describe the nature of the relationship.

CERTIFICATION

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment.

Signature

Date