UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 5 2017

CERTIFIED MAIL 7016 1970 0000 8992 6748
RETURN RECEIPT REQUESTED

Ms. Stella F. Thayer
President, Tampa Bay Downs, Inc.
11225 Race Track Road
Tampa, Florida 33626

Re: Request for Information Pursuant to Section 308 of the Clean Water Act
Tampa Bay Downs, Inc., Tampa, Florida

Dear Ms. Thayer:

The Clean Water Act (CWA), 33 U.S.C. § 1251, *et seq.*, prohibits the discharge of pollutants into Waters of the United States except as authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. The United States Environmental Protection Agency Region 4 and the Florida Department of Environmental Protection (FDEP) are working in collaboration on a joint investigation of the facility identified as Tampa Bay Downs, Inc. ("Facility") which is located at 11225 Race Track Road, Hillsborough County, Tampa, Florida (28° 3' 4" north latitude and 82° 38' 22.29" west longitude). The EPA and FDEP require additional information in order to evaluate this facility's compliance with Sections 301 and 402 of the CWA § 1311 and 1342, the regulations promulgated thereunder at 40 C.F.R. § 122.23, and the State of Florida's delegated NPDES program.

In order for the EPA to fulfill its responsibilities under Sections 301, 309, and 402 of the CWA, 33 U.S.C. §§1311, 1319, and 1342, certain information is necessary to aid the EPA in determining an appropriate enforcement resolution. The EPA has been authorized to gather information pertaining to this matter pursuant to Section 308 of the CWA, 33 U.S.C. § 1318. Compliance with the provisions of this letter is mandatory. If you do not respond fully and truthfully to this Information Request, you may be subject to civil penalties or criminal fines under Section 309 of the CWA, 33 U.S.C. § 1319. Please be aware that the issuance of this letter and providing the requested information does not relieve you of any responsibility under the CWA.

Please provide the information requested within 30 days of receipt of this letter. Your response should be addressed to:

Ms. Denisse Diaz, Chief
NPDES Permitting and Enforcement Branch
Attention: Mr. Don M. Joe
Water Protection Division
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Please also provide a copy of the information requested, excluding information identified as business confidential in accordance with Instruction 4 below, within 30 days of the receipt of this letter to:

Mr. Benjamin Melnick, Program Administrator
Compliance and Enforcement Program
Division of Water Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station 3500
Tallahassee, Florida 32399-2400

If you believe that any of the requested information is confidential business information, you may assert a business confidentiality claim on such information. You may assert a business confidentiality claim by attaching or placing on the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary" or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by you, and may be submitted separately to facilitate identification and handling by the EPA. If you desire confidential treatment only to a certain date or until the occurrence of a certain event, the notice should state so.

If you do not assert a business confidentiality claim, the EPA may make information submitted pursuant to this request available to the public without further notice to you. Additional information regarding the EPA's requirements for confidential treatment of information can be found in Subpart B, Part 2, of Title 40 of the Code of Federal Regulations, 40 C.F.R. 2.201 *et seq.*

The Securities and Exchange Commission (Commission) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist you, the EPA has enclosed a document entitled "Notice of Securities and Exchange Commission Registrants Duty to Disclose Environmental Legal Proceedings."

Enclosed is a document that provides information for small businesses that may be subject to an EPA enforcement action. This document is to assist you in understanding the compliance assistance resources and tools that may be available to you.

Please contact Mr. Don M. Joe at (404) 562-9751 if you have any questions regarding this matter.

Sincerely,

Denisse Diaz

Denisse Diaz, Chief
NPDES Permitting & Enforcement Branch
Water Protection Division

Enclosures

cc: Mr. Benjamin Melnick, Tallahassee Office
Florida Department of Environmental Protection

U.S. EPA SECTION 308 INFORMATION REQUEST

Instructions

1. Provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.

2. Precede each answer with the number of the question and subpart of the question to which it corresponds.

3. Any documents produced in response to and/or relied upon or used by you to answer any of the questions in the Information Request must be copied and submitted to the EPA and FDEP with your response. All documents must contain a notation indicating the question and subpart of the question to which they are responsive.

4. You must provide the information requested even though you may contend that it includes confidential information or trade secrets to the EPA. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words "trade secret," "proprietary," or "company confidential" stamped or typed on it. Information covered by such claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in the regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

5. If any question cannot be answered in full, answer to the extent possible along with an explanation of why the question cannot be answered in full. If your responses are qualified in any manner, please explain.

6. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA and FDEP. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA and FDEP of this fact as soon as possible and provide a corrected response.

7. The following Statement of Certification must be submitted along with your response every time a submission is made pursuant to this Information Request:

   I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Definitions

The following definitions shall apply to the following words as they appear in the questions below:

1. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Water Act, or regulations promulgated thereunder, in which case the statutory or regulatory definitions shall apply.

2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.

3. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.

4. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and substance of the subject matter.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (*e.g.*, corporation, partnership, etc.), organization, if any, and a brief description of its business.

7. The term "Facility" means the facility associated with Tampa Bay Downs, Inc., which is located at 11225 Race Track Road, Hillsborough County, Tampa, Florida (28° 3' 4" north latitude and 82° 38' 22.29" west longitude).

8. The term "you" and/or "Respondent" shall mean you, the owner and/or operator of the Facility.

9. "Record" is defined as any recording of information in tangible form. It includes, but is not limited to, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases, whether such are in print or electronic form.

10. "Document" or "Documentation" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile, and other data compilations from which information can be obtained, or translated if necessary, into reasonably usable form. Documents should be produced as they are kept in the usual course of business.

Questions

Unless otherwise noted, all requested information and responses shall address the time period from January 1, 2012, to the date of receipt of this letter.

1. Identify the legal name and physical location of the Facility.

2. Identify the legal owner of the Facility and provide the mailing address and telephone number of the Facility owner.

3. Identify the person(s) and/or entity(ies) responsible for operating and maintaining the Facility, as well as the mailing address and telephone number of such person and/or entity. Include a description of the person(s)'s and/or entity(ies)'s responsibilities related to operating and maintaining the Facility.

4. Describe the type and size of any animal operation conducted at the Facility, including number and type of animals housed (daily and monthly records) at the Facility.

5. Identify and provide copies of all local, state, or federal permits concerning this Facility, (*e.g.*, Clean Water Act Section 402 or 404 permits).

6. Provide daily records for the quantity of water used as horse wash water.

7. Provide copies of all engineering plan designs for any and all horse barns that include the location of any: drain pipe(s), wastewater collection line(s), water/wastewater holding tank(s), septic system(s), drain field(s), discharge outfall(s), stormwater drain(s), and any other stormwater or wastewater appurtenances to the system leading to a surface waterbody.

8. Provide a map of the Facility identifying the property boundaries, confinement areas, management areas, waste storage structures, land application fields and all waterbodies (e.g. streams, creeks, etc.) or wetlands located on or within one mile of the Facility.

9. Describe all domestic wastewater disposal method(s) at the Facility. Provide the engineering plan design(s), map(s), location(s) that include sewer line(s) lay out, lift station, pump station, the location of any underground holding tanks and their piping connections, and any other stormwater or wastewater appurtenances to the system.

10. Identify the recommended crops for each land application field, as well as the recommended nutrient application rate and flow rate according to the waste utilization or Nutrient Management Plan (NMP). If not applicable, please indicate in your response and address why.

11. Provide a record of the type of crops planted and harvested for each field and the dates of each planting or harvest. If not applicable, please indicate in your response and address why.

12. Provide any records related to the operation of any land application system to each field including the method of waste application (i.e., spray gun), the date of application and the amount of waste applied to each field per application. If not applicable, please indicate in your response and address why.

13. Provide a detailed explanation and any records detailing the handling and removal of manure from the facility including where it is transported and how it is disposed of.

14. Provide copies of any soil and waste analysis reports including those dated prior to May 1, 2017.

15. Provide copies of all documents related to the management of the Facility, including, but not limited to, records of any inspections of the Facility (including weekly inspection records of all covers and rain diversion structures), maintenance records, annual reports, DMRs, daily rainfall logs, waste transfer records including hauling records for any underground holding tank(s), composting records, surface water sampling results and any other documents required to be kept or maintained by the Facility's NMP, NPDES permit or other permits.

16. Please provide information including reports, fines imposed, and resolutions relating to stable owner's or user's violations of the Facility's waste or wastewater management practice related to the operation of the facility.

17. Provide copies of any documents and/or correspondence between the Facility and any of the following: FDEP, the Department of Agriculture and Consumer Services, the Natural Resources Conservation Service and Hillsborough County Environmental Protection Commission.

18. Provide copies of any citations, Notices of Violation or similar documents issued by any city, county, state or federal agency concerning this Facility.

19. Provide copies of any formal or informal agreements regarding the operation and/or management of the Facility, including, but not limited to, contracts, leases and/or operating agreements.

20. Identify and provide copies of any plans concerning the operation and maintenance of the Facility including, but not limited to, standard operating procedures, current management practices, Best Management Plans (BMPs), and NMPs.

21. Describe all practices, including but not limited to, the disposal of horse wash water, stormwater controls, or other BMPs, used by the Facility to prevent pollutants (*e.g.*, animal waste, chemicals, etc.) from entering streams, creeks, wetlands or other waters on or around the Facility, and describe any actions taken by the Facility to ensure compliance with the Clean Water Act.

22. Describe any release or discharge of pollutants from this Facility to streams, creeks, wetlands or other waterbodies on or around the Facility. This description shall include the date of the discharge, weather conditions at the time of the release, cause of the release, duration and volume of the release, any actions taken to mitigate and/or cease the release and name of any water bodies affected by the release. Identify and provide copies of any records and/or documentation of these releases.

[Code of Federal Registry]
[Title 17, Volume 2, Parts 200 to 239]
[Revised as of April 1, 2011]
[CITE: 17CFR229.103]

Title 17 - Commodity and Securities Exchanges

Chapter II – Securities and Exchange Commission

§ 229.103 (Item 103) Legal proceedings.

Describe briefly any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions to Item 103:
1. If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.

2. No information need be given with respect to any proceeding that involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same legal and factual issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Notwithstanding Instructions 1 and 2, any material bankruptcy, receivership, or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described.

4. Any material proceedings to which any director, officer or affiliate of the registrant, any owner of record or beneficially of more than five percent of any class of voting securities of the registrant, or any associate of any such director, officer, affiliate of the registrant, or security holder is a party adverse to the registrant or any of its subsidiaries or has a material interest adverse to the registrant or any of its subsidiaries also shall be described.

5. Notwithstanding the foregoing, an administrative or judicial proceeding (including, for purposes of A and B of this Instruction, proceedings which present in large degree the same issues) arising under any Federal, State or local provisions that have been enacted or adopted regulating the discharge of materials into the environment or primary for the purpose of protecting the environment shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if:

A. Such proceeding is material to the business or financial condition of the registrant;

B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or

C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than $100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.