UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 2 8 2009

Mr. Charles O'Hala, Director of Facilities
Chester Down and Marina LLC
d/b/a Harrah's Chester Casino & Racetrack
777 Harrah's Boulevard
Chester, PA 19013-4505

Re: Administrative Order (CWA-03-2009-0203DN)

Dear Mr. O'Hala:

Enclosed is an Administrative Order (Order) issued this date pursuant to Section 309(a) of the Clean Water Act (the "Act"), as amended, 33 U.S.C. § 1319(a).

This Order contains a finding that Chester Down and Marina LLC (Chester Down) located at 777 Harrah's Boulevard, Chester, PA 19013-4505, has violated the Act and its implementing regulations discharging pollutants from a stormwater collection system without an National Pollutant Discharge Elimination System (NPDES) permit.

You should carefully read the contents of the enclosed Order, and communicate to each responsible official, agent, or employee of Chester Down the actions which each such person must take to ensure compliance with its terms. This Order requires Chester Down to either cease and desist all discharges or apply for an NPDES permit for authorization of future discharges. Failure to comply with the terms of this Order constitutes a violation of Section 309 of the Act, 33 U.S.C. §1319, and may result in further enforcement action involving civil or criminal penalties.

Please note that, as indicated by its terms, this Order is effective upon receipt. If you require any information or assistance regarding this Order, please contact Ms. Ashley Toy at (215) 814-2774.

Sincerely,

Jon M. Capacasa, Director
Water Protection Division

Enclosure

cc: Desiree Henning-Dudley, PADEP-SERO

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In The Matter of: Chester Down and Marina LLC d/b/a Harrah's Chester Casino & Racetrack 777 Harrah's Boulevard Chester, PA 19013-4505 Respondent	Proceeding Under Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) Docket No. CWA-03-2009-0203DN FINDINGS OF VIOLATION AND ORDER FOR COMPLIANCE

I. STATUTORY AUTHORITY

The following Findings of Violation and Order for Compliance (Order) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 309(a) of the Clean Water Act (CWA or the "Act"), 33 U.S.C. § 1319(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region III, who has in turn delegated it to the Director of the Water Protection Division.

II. FINDINGS OF VIOLATION

1. The Respondent, Chester Down and Marina LLC, which is also d/b/a Harrah's Chester Casino & Racetrack, is a subsidiary of Harrah's Entertainment, Inc., and a "person" as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violation alleged herein (relevant time period), Respondent operated a casino and horse racetrack located at 777 Harrah's Boulevard, Chester, PA 19103-4505 (the "Facility) since September 2006.

3. On April 27, 2009, EPA inspectors observed stormwater inlets to an associated stormwater collection system located below the property boundary at the Facility. Representatives for the Respondent acknowledged stormwater drains the Delaware River. Maps provided on behalf of the Respondent demonstrate the stormwater collection system consists of a network of pipes which have outlets to the Delaware River, which is a "water of the United States" as that term is defined by 40 C.F.R. §122.2.

4. These pipes are "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).

5. On April 27, 2009, EPA inspectors made observations, including manure stains on the asphalt and horse tracks, and were provided verbal information from representatives of the Respondent that horses have access to areas where stormwater drains are located. Based on information and belief, horses can and do urinate and defecate in these areas. Respondent has practices in place to reduce but not eliminate manure and urine from entering the stormwater collection system. Manure and urine consist of "pollutants" as defined Section 502(6) of the Act, 33 U.S.C. § 1362(6).

6. During the relevant time period, it was 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.

III. ORDER FOR COMPLIANCE

Therefore, this 28 day of July, 2009, Respondent is hereby ORDERED, pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a), to conduct the following activities:

7. Immediately cease and desist all discharges of pollutants from the stormwater collection system, or seek permit coverage under the National Pollutant Discharge Elimination System permit by submitting a complete permit application to the Pennsylvania Department of Environmental Protection within thirty (30) days. Respondent shall provide a written response to EPA stating Respondents intent to comply with this Order within five (5) days, and identify its planned course of action.

8. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to the following:

Ashley K. Toy
U.S. EPA Region III
1650 Arch Street (3WP42)
Philadelphia, PA 19103-2029

IV. GENERAL PROVISIONS

9. Issuance of this Order shall not be deemed an election by the EPA to forego any administrative, civil, or criminal action to seek penalties, fines, or any other appropriate relief under the Act for the violations cited herein. EPA reserves the right to seek any remedy available under the law that it deems appropriate for the violations cited.

10. Respondents' compliance with the terms of this Order shall not constitute compliance with the Clean Water Act or any other Federal, State or local law or regulation. Nor does this Order constitute a waiver or modification of the terms or conditions of any issued permit.

11. Violation of the terms of this Order may result in further the EPA enforcement action for violation of the order and for the underlying violations including, but not limited to, imposition of administrative penalties, 33 U.S.C. § 1319(g), and/or initiation of judicial proceedings that allow for civil penalties of up to $37,500 per day per violation, 33 U.S.C. §1319 (b) and (d), for each day of violation, 40 C.F.R. Part 19, and/or for the criminal sanctions of imprisonment and fines of up to $50,000 per day, 33 U.S.C. § 1319(c).

V. EFFECTIVE DATE

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

Date: July 28, 2009

Jon M. Capacasa, Director
Water Protection Division