O'Lone, Mary

From: Marianne Engelman Lado <mengelmanlado@earthjustice.org>
Sent: Wednesday, November 30, 2016 8:56 AM
To: Isales, Daniel
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)'; 'Ducharme, Brent'; Alexis Andiman; O'Lone, Mary; Dorka, Lilian; Covington, Jeryl; Farrell, Ericka
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)
Attachments: 11-16-16 Garysburg RD Spraying.pdf; 11-16-16 Garysburg RD with text.pdf; 11-16-16- Garysburg Sprayfield 2.pdf; 11-16-16 Garysburg Sprayfield 3.pdf; 11-16-16- RD Garysburg Edge of Sprayfield.pdf; 11-16-16 RD Garysburg Pooling 2.pdf; 11-16-16 RD Garysburg Pooling 3.pdf; 11-16-16 RD Garysburg Pooling.pdf; 11-16-16 RD Garysburg Sprayfield.pdf; 11-16-16 RD Garysburg Spraying 2.pdf; 11-16-16 RD Truck & Lagoon.pdf

Daniel,

We're confirmed for Friday from 1-3.

Attached please find the photos. Please confirm receipt.

We look forward to receiving the call-in number, as well.

Thanks,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
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Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at **Personal Matters / Ex. 6**

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From: Isales, Daniel [mailto:Isales.Daniel@epa.gov]
Sent: Tuesday, November 29, 2016 1:39 PM
To: Marianne Engelman Lado
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)'; 'Ducharme, Brent'; Alexis Andiman; O'Lone, Mary; Dorka,

Lilian; Covington, Jeryl; Farrell, Ericka
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Marianne,

Thank you very much for making the arrangements on short notice-we look forward to talking to you this Friday, 12/2/16, from 1-3PM. We will make the arrangements for the conference call bridge as we intend to record it, if possible (if you have any objection to it being recorded, please let us know). As soon as we have the call-in information, we will send a follow up email.

I had one follow up request regarding your note below-I did not receive the photographs taken by Personal Matters / Ex. 6 as an attachment to your email-could you please resend them at your earliest convenience.

Thank you very much, Daniel

Daniel L. Isales (3RC60)
United States Environmental Protection Agency, Region III
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Isales.daniel@epa.gov

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Monday, November 28, 2016 5:32 PM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

Thanks for your email requesting information and times for a telephonic interview with Waterkeeper representatives and North Carolina Riverkeepers ("Waterkeepers").

As you know, juggling schedules in short order can be a challenge, but most of the Waterkeepers can make a call this Friday from 1-3. We're hoping that this time might work for you.

Please let us know and we can confirm the time.

As you know Personal Matters / Ex. 6 Personal Matters / Ex. 6 previously submitted a declaration in support of the Complaint. His declaration was attached to the Complaint as Exhibit 6. In the declaration Personal Matters / Ex. 6 describes his experience monitoring and testing waters to determine the concentration of nutrients and bacteria from sources of industrial hog operations and other sources of waste in the water, a role played by each of the Waterkeepers who will join the call. The Waterkeepers also monitor industrial hog operations from the air, file and follow up on complaints with DEQ, and have generally worked together with community members to protect the waterways of North

Carolina Personal Matters / Ex. 6 eclaration was also accompanied by multiple photographs and sample water monitoring reports, as well as an unpublished report on Stocking Head Creek by Michael A. Mallin, dated Jan. 28, 2014.

Over time, the Waterkeepers have documented the impact of the operation of industrial swine facilities under the state general permit and, also, the cumulative impacts of swine and poultry waste in eastern North Carolina waterways. We hesitate to send any additional information, given our belief that OCR has more than sufficient evidence to make a finding of discrimination under Title VI and EPA regulations and issue preliminary findings and recommendations. The information attached to and in the body of this email is sent as a supplement in preparation for the interview with the Waterkeepers, with the hope that OCR will be able to discuss this material during the call.

First, attached to this email please find a set of photographs taken by former Neuse Riverkeeper Personal Matters / Ex. 6 After the site visit to Garysburg Personal Matters / Ex. 6 noticed unusual activity involving tanker trucks in connection with a swine facility. The next day, on November 16, 2016, he arranged to fly over the facility, concerned that he had seen an effort to draw down lagoon levels in violation of state permitting requirements Personal Matters / Ex. 6 was able to capture an image of the lagoon and trucks, and took other photographs that appear to show a center pivot sprayer land-applying waste onto fields with ponded water, which appear saturated. Waterkeeper reported this potential violation to DEQ, which followed up and issued a notice of violation. Had Personal Matters / Ex. 6 not been present, noticed the unusual activity, and arranged for a flyover, however, it is highly unlikely that this violation would have been noticed or addressed by DEQ.

Second, Personal Matters / Ex. 6 will be available to speak about the series of videos that were recently released by Waterkeeper Alliance and North Carolina Riverkeepers capturing the struggle of community members living with the impacts of industrial animal production. Together, Waterkeeper Alliance and its North Carolina counterparts present first-hand accounts of community members, scientific experts and others on the ground, showing the impacts of animal product to public health, quality of life, and local waterways. The nine short videos are listed below:

- "The True Cost of Industrial Meat Production" -- An overview of what is happening in North Carolina, where industrial animal production has taken the place of family farms.
- "Wasting Away" -- Highlights the problem of industrial animal waste and how the pork industry is not being held accountable to dispose of it correctly.
- "Belly Up" -- How waste generated by industrial meat production is decimating North Carolina's waterways and in turn, killing its fish and ecosystems.
- "Birthright" -- Community members whose families have lived on their properties for generations talk about the heritage of their land and how it has been overtaken by industrial agriculture and animal waste.
- "Prisoners" -- Residents discuss how they have become prisoners in their own homes due to the impacts of pollution from industrial animal production, which make it nearly impossible for them to enjoy their property.
- "Mislabeled" -- How the pork industry deceives consumers with its marketing tactics and labeling of its products.
- "Bullied" -- Duplin County resident Elsie Herring talks about how she has been intimidated and threatened by the pork industry to remain silent about the injustices she and her family faces.
- "Silenced" -- The pork industry intimidates by bullying and seeking to silence the people most affected by the impacts of its pollution.
- "The Value of Land" -- The pork industry's refusal to dispose of its waste in a regulated and more sustainable manner has decimated people's property values, making them unable to move.

These videos expand on the recent landmark report and GIS initiative by Waterkeeper Alliance, North Carolina Riverkeeper organizations and Environmental Working Group that shows the location and waste outputs of more than 6,500 swine, cattle and poultry operations throughout North Carolina. (Complainants previously forwarded information on the maps produced by the GIS initiative; available at http://waterkeeper.org/fields-of-filth-landmark-report-maps-feces-laden-hog-and-chicken-operations-in-north-carolina/.)

The Waterkeepers can also speak to their recent experience documenting the impacts of Hurricane Matthew and, particularly, the risks posed by lagoons and sprayfields to the waterways in this low lying coastal region, which is susceptible to hurricanes. See Complaint paragraphs 75-78. The North Carolina Riverkeepers conducted flyovers,

documented spraying in advance of the storm (in violation of state permit conditions), and photographed overflows and potential problems at the facilities in the aftermath of the hurricane. See photos at https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442.

Please let me know if these materials raise any question or if you have questions that you'd like the Waterkeepers to consider in advance of the call. Please also let me know if you plan to circulate a call-in number or whether we should set up the call.

Sincerely,

Marianne

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