



GROUPS SERVE NOTICE OF INTENT TO SUE NORTH CAROLINA INDUSTRIAL HOG FACILITY FOR VIOLATIONS OF CLEAN WATER ACT AND RESOURCE CONSERVATION AND RECOVERY ACT

Regular, Illegal Discharge of Manure from McLawhorn Banks is Polluting the Trent and Neuse Rivers, Threatening the Health of Residents

NEW BERN, NC – December 22, 2010 – Neuse Riverkeeper Foundation, Inc.; the Lower Neuse Riverkeeper, Larry Baldwin; Richard Dove; North Carolina Environmental Justice Network, and Waterkeeper Alliance served notice today of their intent to commence a civil action against the McLawhorn Livestock Farm (McLawhorn Banks) under the federal Clean Water Act and the Resource Conservation and Recovery Act (RCRA). Advocates report that they will bring suit against the McLawhorn Banks industrial hog facility in ninety days unless action is taken to redress the violations and bring the facility into compliance with the law.

Today's notice of intent to sue is the culmination of several years of intense scrutiny of the McLawhorn Banks facility and the North Carolina CAFO (concentrated animal feedlot operation) industry for its ongoing role in the accelerating decline in health of the state's local waters.

“Because of McLawhorn Banks's persistent dumping of hog waste into our water without the necessary permits - even in the face of repeated fines - we must act,” said Lower Neuse Riverkeeper Larry Baldwin. “The Clean Water Act and RCRA provide citizens with the right and ability to bring suit to compel a polluter to clean up and stop breaking the law. We believe that the McLawhorn Banks facility is constructed, managed, and run in such a way that it will continue to pollute until forced by the citizens and the courts to change the way it operates.”

McLawhorn Banks already has a history of violations recorded by the North Carolina Department of Environment and Natural Resources. Based on sampling data and photographic evidence, parties establish that this industrial hog facility regularly and illegally discharges pollutants into waters of the United States, without permits or waivers. They note that McLawhorn Banks was caught discharging swine waste or other pollutants into the Long Branch Creek, which quickly empties into the Trent River, a tributary of the Neuse River, at least 23 times over the course of the last two years.

“The evidence assembled and the history of violations recorded by the state against this operation show a pattern of repeated, persistent willingness to violate the law,” said Richard Dove. “Their pollution is essentially a theft of the waters North Carolinians – and all Americans – hold in common. It's those of us who live, work, and fish downstream from McLawhorn Banks who pay the price for their dumping of hog waste. If we care about the safety of our water, then we can't allow the pollution to continue.”

The parties further note that the discharges have resulted in diminished water quality, with impacts including the presence in those waters of visible solids (accompanied by a distinctly visible reddish color); scum, foam, sludge, and silt deposits; bad odors; materials harmful to aquatic life; and other conditions altering the waters' integrity.

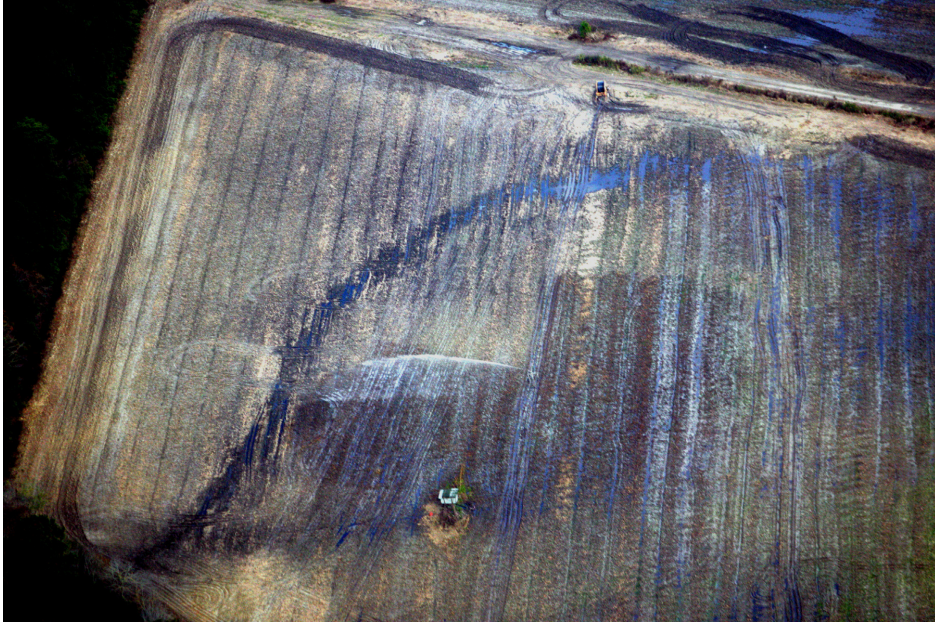
“To our knowledge, McLawhorn Banks is not presently operating under a National Pollution Discharge Elimination System permit; therefore, federal law prohibits the discharge of any pollutants from that operation into waters of the United States,” said Waterkeeper Alliance Staff Attorney Hannah Connor. “Yet, McLawhorn Banks regularly and repeatedly discharges pollutants from its operation. As such, the McLawhorn Banks facility is in violation of the Clean Water Act.”

“Unfortunately, what we’re seeing with McLawhorn Banks discharging pollutants without a permit is not unique,” said North Carolina Environmental Justice Network Director Gary Grant. “The CAFO industry has shown that it will gladly lay the burden for its pollution on the taxpaying people of North Carolina. The fact is, we are acting today because we know by now that we will never see change without citizens enforcing the law themselves.”

High resolution scans of the below photos are available on request.



Suggested caption: McLawhorn Banks spraying of manure during rain events is in violation of the Clean Water Act and RCRA. Run off from manure sprayfields drains directly into tributaries of the Neuse and Trent Rivers.



Suggested caption: McLawhorn Banks is an industrial hog production facility. An aerial view of the property reveals that manure sprayfields are often saturated and adjacent to ditch drainage areas and tributaries of the Neuse and Trent Rivers.

Waterkeeper Alliance is a global environmental organization uniting more than 190 Waterkeeper programs around the world and focusing citizen advocacy on the issues that affect our waterways, from pollution to climate change. More information can be found at www.waterkeeper.org.

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