

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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ASSATEAGUE COASTKEEPER, *et. al.* )  
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 Plaintiffs, )  
 ) Civil No. 1:10-cv-00487-WDQ  
 )  
 v. )  
 )  
 ALAN AND KRISTIN HUDSON FARM, )  
*et. al.* )  
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 )  
 Defendants. )  

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Exhibit 1

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**INDEX OF EXHIBITS IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS**

1. Attached are Exhibits A through H in support of Plaintiffs' Opposition to Defendants' Motions to Dismiss:
  - A. An email between Dawn Stoltzfus, MDE Director of Communications, and Horacio Tablada, MDE Director, Land Management Administration, on January 15, 2010.
  - B. Worcester County Environmental Programs inspections notes from December 12, 2009.
  - C. A MDE sampling map from the Facility.
  - D. An email between David Bramble, Dave Lyons, and Dave Pushkar, all employees of MDE, on January 27, 2010.

E. Declaration of Kristine Stratton.

F. Declaration of Stacy Paulsen.

G. Declaration of Carolyn Lott.

H. Declaration of Kathlyn Phillips.

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Exhibit A

**From:** Dawn Stoltzfus  
**To:** Horacio Tablada; Jay Sakai  
**CC:** Bob Summers; Jay Apperson; Mitch McCalmon; Shari Wilson  
**Date:** 1/19/2010 10:25 AM  
**Subject:** Re: Hudson Farm - Sun Inquiry

Pls note -- had a call from Worcester County Health Dept with this correction (after reading the Sun story today):

Bob Mitchell, who was refused access to sample, is the Worcester County Director of Environmental Programs -- he does not work for the County Health Dept. They did not think we need to do a correction but asked us to use the correct info from now on.

>>> Horacio Tablada 1/15/2010 3:36 PM >>>

Dawn,

We just met with Bob Summers and discussed these issues:

- 12/29/09: Bob Mitchell, Worcester County Health Department went to Hudson Farm and was refused access to sample.

- 1/7/10: MDE inspector (Brian Littlefield) went to Hudson Farm and was denied sampling request.

As to language to take enforcement actions, we have the law and the regulations and are working with the Attorney Generals Office in proper course of action.

HT

>>> Dawn Stoltzfus 1/15/2010 10:50 AM >>>

Can you pls provide me with a chronology of at which inspections we attempted to gain samples of the ditch or sewage sludge pile? Along with any attempts you know of by the county etc to get samples?

Also -- do you have any good language for me about how we are able to take enforcement actions when warranted even if we do not have samples?

This is for ongoing questions by the Sun. Thx.

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Exhibit B

WORCESTER COUNTY ENVIRONMENTAL PROGRAMS	
	NOTES
12/29/09	WENT TO THE HUDSON FARM - 9101 LOGTOWN Rd BELLIN, MD TO SAMPLE DITCHES @ REQUEST OF BRIAN LITTLE FIELD OF MD.
	THIS PROPERTY IS TAX MAP 19, PARCEL 46 TAX ID # 03-007014
	WAS MET UPON ENTRY TO THE FARM BY MR. Alan HUDSON. HE WAS VERY POLITE, BUT HE DECLINED TO GIVE ME ACCESS TO SAMPLE FARM'S DITCHES, AS REQUESTED BY MR. BRIAN LITTLE FIELD. MR. HUDSON SAID THAT MR. LITTLEFIELD CAN REQUEST, BUT AT THE ADVICE OF COUNSEL, HE DECLINED TO LET ME SAMPLE AT THIS TIME.
12/29/09	WENT TO THE TAYLOR FARM ON RT. 50 WHERE MR. LITTLE FIELD WANTED SAMPLES TAKEN AROUND THE STOCKPILES OF DD MUNICIPAL SLUDGE, TAX MAP 25, PARCEL 1. THERE WERE NO STANDING WATER PODDLES TO BE SAMPLED AROUND THE PILES - ONLY RUTS AND LOW SPOTS 25+ FEET FROM THE PILES THEMSELVES. SINCE THIS IS NOT WHAT BRIAN WANTED (HE WANTED THE WATER POOLING AROUND THE EDGE OF THE PILE) I DID NOT TAKE A SAMPLE HERE.

BUT HEEL WEEP

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Exhibit C

# HUDSON FARMS



**Legend:**

- Sample Stations
- Piezometer
- ▶ Direction of Flow

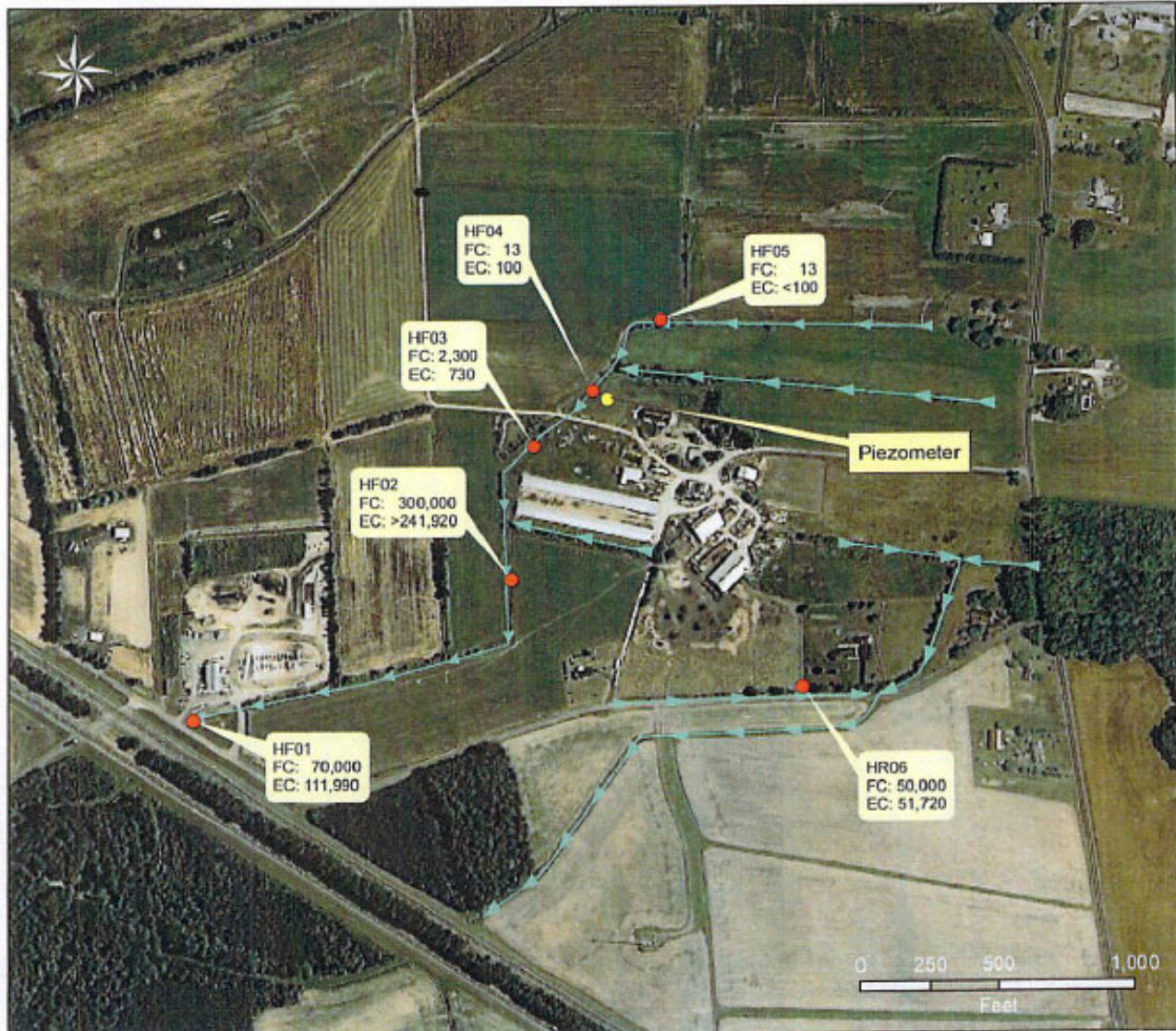
FC = Fecal Coliform Count (MPN)  
EC = E. Coli count (MPN)  
MPN = Most Probable Number



**Hudson Farms**

MARYLAND DEPARTMENT OF THE ENVIRONMENT

AUTHOR: MDE-SSA  
Annapolis Field Services  
CREATED: February 2010  
SOURCE: MDE Sample Locations  
MDE MD Counties



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Exhibit D

2010) Dave Pushkar - Re: Hudson Farm

**From:** David Bramble  
**To:** Lyons, Dave; Pushkar, Dave  
**CC:** Pushkar, Dave  
**Date:** 1/27/2010 3:56 PM  
**Subject:** Re: Hudson Farm

Dave,  
Samples were taken yesterday by LMA and SSA with split samples taken with the owners consultant. A monitoring well was installed by LMA next to the ditch where the Class A sludge was removed. The well will be sampled next week by LMA. The Class A pile was still covered at the site as directed by LMA that will be sampled next week. There was no evidence of any septage being deposited on the farm. It was observed that the farmer has approximately 42 head of beef cows that are being fed in a small dirt field with manure coming into contact with stormwater which was contributing to the farm run-off to the open ditch. Alan Hudson stated that he normally has the cows on permanent pasture but this winter has been so wet that he had to pull the cows off the fields and feed them in the sacrifice lot. It was recommended that he contact the SCD for technical assistance to prevent any further nutrients from coming into contact with stormwater.

>>> Dave Lyons 1/27/2010 3:26 PM >>>  
[REDACTED] Last week we said sampling at the farm was being arranged. Has that happened or is there a date when it is supposed to happen? Please let me know the current status.

Any other hot topics to send up?

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Exhibit E

**DECLARATION OF KRISTINE STRATTON**

I, Kristine Stratton, do hereby declare:

1. I am more than eighteen years old, am competent to testify, and have personal knowledge of the matters stated in this declaration.

2. I am the Executive Director of Waterkeeper Alliance, Inc. ("Waterkeeper"), a plaintiff in the current lawsuit. As Executive Director, I am responsible for supervising all employees of Waterkeeper and providing overall direction for its mission, campaigns and administrative functions.

3. Waterkeeper is a nonprofit corporation organized under the laws of the State of New York and is a charitable corporation under section 501(c)(3) of the Internal Revenue Code. Waterkeeper maintains its offices at 50 South Buckhout Street, Suite 302, Irvington, New York, 10533.

4. The mission of Waterkeeper is to support and connect Waterkeeper member programs and to provide a voice for waterways and their communities worldwide. To accomplish this mission, Waterkeeper endeavors to empower member programs in their efforts to protect communities, ecosystems and water quality, to promote the Waterkeeper model for watershed protection on a local level, and to conduct advocacy on issues common to Waterkeeper member programs. The interests we seek to advance through this litigation fall squarely within this mission.

5. Waterkeeper is a membership organization with two classes of members.

6. One class of Waterkeeper members is comprised of individual donor members. At present, approximately 11,500 individual members reside in communities across the United States, including 980 members in Maryland. Waterkeeper supports these members by advocating on behalf of their interests in local and national forums, including legislative bodies, government agencies, and courts of law, and by keeping them informed about environmental issues that impact their communities and communities around the country.

7. A second class of Waterkeeper members is comprised of individual Basinkeepers, Baykeepers, Bayoukeepers, Canalkeepers, Channelkeepers, Coastkeepers, Creekeepers, Deltakeepers, Gulfkeepers, Inletkeepers, Lakekeepers, Riverkeepers, Shorekeepers, Soundkeepers, Streamkeepers and Waterkeepers chartered and licensed by Waterkeeper. Waterkeeper supports these member programs by administering the trademarks covering the above names, by providing a centralized access point for sharing scientific, legal and administrative resources with Waterkeeper member programs across the nation, by expanding on local Waterkeeper abilities to affect environmental compliance and policy on a national level, by sponsoring educational and capacity building programs for member programs, and by providing legal support to member programs.

8. Waterkeeper has 195 member programs world wide. Of these member programs, 120 are in the United States, and 75 are international programs that operate in 18 different countries. There are 16 member programs in the Chesapeake Bay and

Atlantic Coastal Bays watersheds, and 12 of these member programs have part or all of their watersheds in Maryland, including co-petitioner Assateague Coastkeeper.

9. Waterkeeper members have suffered, and continue to suffer, injury to their interests due to the contamination of waterways by poultry facilities. Such injuries include, but are not limited to, diminishment of members' use and enjoyment of waterways for commercial, recreational, conservation and aesthetic purposes. I have gained my understanding of these injuries through correspondence with my staff and the staff of our member programs. I have also read reports, websites, and other materials related to their programs, to the pollution issues confronting Maryland waters and the Chesapeake Bay, and to the nature of agricultural pollution in general. I have read the declarations submitted by Kathy Phillips, Executive Director and Assateague Coastkeeper for Assateague Coastal Trust, Carolyn Lott and Stacy Paulsen and state that the injuries described therein are the types about which I have learned through the above reference mediums.

10. Waterkeeper runs a "Pure Farms, Pure Waters" campaign which seeks to stop the environmental and social devastation caused by concentrated animal feeding operations ("CAFOs"). As part of this campaign, Waterkeeper has been an active advocate on behalf of its members for the reform of waste management practices used by the poultry industry in Maryland. As described below, these efforts include, hosting educational forums and participating in administrative and other legal matters.

11. Waterkeeper hosted a public educational forum on the Eastern Shore of Maryland in November, 2007 to discuss the pollution issues related to poultry waste.

This event was attended by approximately 200 people, including state and federal officials, scientists, family farmers, and members of the Maryland poultry industry. One year later, the Assateague Coastkeeper, Waterkeeper, Assateague Coastal Trust, and Salisbury University Departments of Sociology and Environmental Studies hosted a special lecture highlighting the impacts of agriculture, and other nutrient pollution, on the health of the Chesapeake Bay.

12. In February 2008, Waterkeeper and eight of its member programs in Maryland, including Assateague Coastkeeper, filed a complaint against the Maryland Department of Agriculture for refusing to divulge the contents of CAFO Nutrient Management Plans (NMPs) to the public. This lawsuit enabled the public, for the first time, to have access to records indicating how much chicken waste is produced in the state, and where it is spread or stored.

13. Waterkeeper and two of its members programs in Maryland, including Assateague Coastkeeper, are currently challenging the Maryland Department of Environment's National Pollution Discharge Elimination System ("NPDES") permit for CAFOs (General NPDES Permit MDG01). Prior to this challenge, Waterkeeper and its member programs submitted written and oral testimony to the Maryland Department of the Environment during the public comment period.

14. Members of the Waterkeeper staff have conducted aerial and ground investigations of poultry facilities on the Eastern Shore with staff of member programs, including Kathy Phillips, the Assateague Coastkeeper. As a result of these investigations,

Waterkeeper gathered information that was shared with federal and state officials and that also led to the filing of this lawsuit.

15. Waterkeeper staff have acted as coordinators for all member programs in Maryland who are fighting to protect their waterways from poultry pollution. In this role, Waterkeeper has expended considerable staff time and financial resources to educate, train, organize and support Waterkeeper member programs in Maryland and their staffs. Waterkeeper has also established partnerships with other environmental groups to develop and coordinate strategies related to reducing the impacts of poultry pollution in Maryland waters and the Chesapeake Bay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 22, 2010.

A handwritten signature in black ink, appearing to read 'Kristine Stratton', written over a horizontal line.

Kristine Stratton

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Exhibit F

**DECLARATION OF STACY PAULSEN**

I, Stacy Paulsen, do hereby declare:

1. I am more than eighteen years old, am competent to testify, and have personal knowledge of the matters stated in this declaration.

2. I am a member of Waterkeeper Alliance as well as a member of Assateague Coastal Trust ("ACT").

3. I reside at 21 Mist Flower Road, Ocean Pines, MD, 21811.

4. I own a computer consulting business. ACT is one of my clients.

5. I currently use and enjoy local waterways. I canoe on the Pocomoke River downstream from the Hudson Farm a couple of times a year with my husband and three children. On our canoe trips we observe wildlife, including waterfowl and aquatic species such as egrets, ducks, turtles, water lilies and bald cypress trees. In addition, I have participated in educational programs in the Pocomoke River watershed. For example, my children and I went on a field trip to the Furnace Town Heritage Museum which is located on Nassawango Creek, a tributary of the Pocomoke River. On our tour, we learned about the history of the Pocomoke River.

6. I am concerned about the pollution from Hudson Farm and its effects on the Pocomoke River and its wildlife. Because I maintain ACT's website, I am aware that run-off samples taken from Hudson Farm show high levels of bacteria, including fecal coliform and E. coli, in concentrations that far exceed the limits set by the Maryland Department of the Environment ("MDE") for recreational waters. The samples also reveal high levels of phosphorous and nitrogen, nutrients that are choking aquatic life in the Chesapeake Bay.


7. I am also concerned that these pollutants will have an adverse impact on my health and my children's health, particularly because we come into contact with the water when we canoe on the Pocomoke River.

8. These concerns hinder my ability to use and enjoy the Pocomoke River and its watershed. The pollution will also harm my ability to enjoy the scenic landscape and wildlife. Therefore, I will not be able to fully enjoy the Pocomoke River and the surrounding area, and I will be less likely to recreate on or around the Pocomoke River unless pollution from the Hudson Farm poultry operations is abated.

9. If the current lawsuit results in Hudson Farm's compliance with applicable environmental laws and regulations, it will help to address my concerns.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 21, 2010.

  
\_\_\_\_\_  
Stacy J. Paulsen

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Exhibit G

**DECLARATION OF CAROLYN LOTT**

**I, Carolyn Lott, do hereby declare:**

- 1. I am more than eighteen years old, am competent to testify, and have personal knowledge of the matters stated in this declaration.**
- 2. I am a member of Waterkeeper Alliance.**
- 3. I reside at 12240 West Torquay Road, Ocean City, MD, 21842.**
- 4. I have lived in Worcester County, Maryland for twenty years.**
- 5. I work for Lankford-SYSCO Food Service located in Pocomoke, MD. I have worked in the Sales Department for 25 years.**
- 6. I have two sons who have Autism Spectrum Disorder. Research indicates that factors other than a genetic component are contributing to a rise in the occurrences of autism. These other factors include environmental toxins, which are more prevalent in our current environment than in the past. Findings indicate that many children with autism, or those who are at risk of developing autism, have metabolic impairments that reduce their ability to rid their bodies of heavy metals and other toxins. Build-up of these toxins in the body can lead to brain, central nervous system, organ/gastrointestinal, and autoimmune impairments as well as developmental delays.**
- 7. Because of my sons' autism, I am committed to helping eliminate sources of pollution in my area and to reducing my children's exposure to pollution as much as possible.**
- 8. My youngest son is a Boy Scout. His troop recreates on and near the Pocomoke River downstream from Hudson Farm. His activities include hiking, camping and canoeing. I also attend an annual company picnic held at the Pocomoke River State Park, downstream from Hudson Farm.**

9. My sons' enjoyment, education, and outdoor experience in the Pocomoke River watershed, including their health and safety, are an important aspect of my use, enjoyment and experience of this watershed.

10. I am aware that pollution has impaired water quality in many portions of the Pocomoke River. For example, I am aware that in the late 1990s, the River suffered crippling outbreaks of *Pfiesteria piscicida dinoflagellate* ("*Pfiesteria*"), a single-celled organism that, in toxic forms, produces a neurotoxin that kills fish and has been shown to adversely impact human health. I am aware that state and local health officials closed a portion of the Pocomoke River in August, 1997 as a result of these outbreaks, and in response to fish kills and associated concerns about the human health impacts of *Pfiesteria*. I am also aware that chicken farms were identified as being one of the sources of the excess nutrient pollution thought to cause the outbreaks of *Pfiesteria* in the Pocomoke River.

11. I am concerned about the pollution from the Hudson Farm and its effects on the Pocomoke River and its wildlife, as well as potential impacts to humans who recreate on or near the River.

12. I am reluctant to let my son participate in certain Boy Scouting activities, because I am concerned that he may get sick when he recreates on or near the Pocomoke River, particularly because his immune system is already compromised, and he does not have the ability to efficiently flush toxins from his body.

13. I also worry about the environmental damage to our waterways and to wildlife. As a food service professional, I am concerned about the quality of the food that people eat. I frequently counsel people to not eat fish from rivers in the region, including the Pocomoke River. I tell them

that if they are uncertain of the origin of the fish, they should limit their fish consumption, because our waterways are so polluted. Likewise, I try to use caution when selecting food for my own family, and I prefer that my children not eat fish from the Pocomoke River due to the pollution from Hudson Farm.

14. Finally, I want poultry operations, including Hudson Farm, to stop polluting the Pocomoke River so that my company, my family, and all of the inhabitants of Worcester County can enjoy Pocomoke River State Park for years to come.

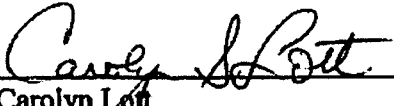
15. These concerns hinder my ability, and my family's ability, to use and enjoy the Pocomoke River and its watershed. I do not want the Pocomoke River and its watershed compromised further by the Hudson Farm, and advocate for the River's protection in an effort to reverse this damage. It is my hope that in time we can all once again safely enjoy the River and surrounding area to the fullest.

16. I am concerned that poultry operations, including Hudson Farm, are polluting waterways like the Pocomoke River because they are not being sufficiently regulated, and because the contract growers are not sufficiently supported or financed by companies like Perdue Farms, Inc.

17. If the present lawsuit results in Hudson Farm's compliance with applicable environmental laws and regulations, it will help to address my concerns.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 21, 2010.

  
\_\_\_\_\_  
Carolyn Loft

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Exhibit H

**DECLARATION OF KATHLYN PHILLIPS**

I, Kathlyn Phillips, do hereby declare:

1. I am more than eighteen years old, am competent to testify, and have personal knowledge of the matters stated in this declaration.
2. I have been the Executive Director and Assateague Coastkeeper (“Coastkeeper”) for the Assateague Coastal Trust (“ACT”) since 2007. I am also a member of ACT.
3. I reside at 12316 West Torquay Road, Ocean City, MD, 21843.
4. I have lived in Worcester County for 32 years.
5. I am submitting this declaration as Executive Director and as a member of ACT, as Assateague Coastkeeper, and in my individual capacity as a resident of the Eastern Shore.
6. ACT is a nonprofit corporation organized under the laws of the State of Maryland and is a charitable corporation under section 501(c)(3) of the Internal Revenue Code. ACT maintains its offices at 9931 Old Ocean City Boulevard, Berlin, MD 21811.
7. Assateague Coastkeeper is a member program of Waterkeeper Alliance.
8. ACT works to protect and enhance the natural resources of the Atlantic coastal bays watershed through advocacy, conservation, and education. In addition, ACT has a history of both region-wide and state-wide advocacy. This includes working in Worcester County, which borders the Pocomoke River and is part of both the Chesapeake Bay and Atlantic Coastal Bays watersheds.
9. ACT has approximately 700 members across the State of Maryland. The majority of these members reside in Worcester, Wicomico and Somerset Counties. Many of these members reside in the

general vicinity of the poultry operation that is the subject of this litigation (Hudson Farm).

10. As Executive Director of ACT, I am responsible for overseeing the day-to-day operations, including managing staff, fundraising, event planning and interacting with members and the Board of Directors. As Coastkeeper, I patrol the bays, rivers and streams in the region to monitor water quality and investigate sources of pollution. In this capacity, I have had personal contact with the waters of the Pocomoke River and its tributaries, including those adjacent to and downstream from the Hudson Farm.

11. I also personally recreate on the Pocomoke River and in the adjacent parks, including downstream from the Hudson Farm. These activities include kayaking, canoeing, bird-watching and hiking.

12. I am aware that nutrient and pathogen pollution has impaired water quality in many portions of the Pocomoke River watershed. For example, I am aware that the Pocomoke River has a Total Maximum Daily Load for fecal coliform.

13. I am also aware that in the late 1990s, the Pocomoke River suffered crippling outbreaks of *Pfiesteria piscicida dinoflagellate* ("*Pfiesteria*"), a single-celled organism that, in toxic forms, produces a neurotoxin that kills fish and has been shown to adversely impact human health. I am aware that state and local health officials closed a portion of the Pocomoke River in August, 1997 in response to fish kills and associated concerns about the human health impacts of *Pfiesteria*. Chicken farms that proliferate throughout the Eastern Shore were identified as being one of the sources of the excess nutrient pollution thought to cause the outbreaks of *Pfiesteria* in the Pocomoke.

14. I am concerned about the pollution from Hudson Farm and its effects on the Pocomoke River and its wildlife.

15. My knowledge and awareness of the various types of pollution in this watershed, including fecal coliform and nutrient pollution from Hudson Farm, make it much less enjoyable for me when I have to paddle or patrol as Coastkeeper and when I personally recreate on the Pocomoke downstream from Hudson Farm.

16. I worry about the environmental damage caused by these pollutants and the decline in the health of the Pocomoke River. I also worry about my health and the health of other ACT members. For example, I am afraid that further discharges of poultry waste to the Pocomoke River from Hudson Farm could contribute to new outbreaks of *Pfisteria*, and that such outbreaks could adversely affect my health and welfare, because recreational activities like kayaking put me in direct contact with the water downstream from Hudson Farm.

17. I have participated in aerial and ground investigations of poultry facilities on the Eastern Shore on my own and with Waterkeeper Alliance staff. As a result of these investigations, I gathered information about discharges from the Hudson Farm that was shared with federal and state officials and that also led to the filing of this lawsuit. The samples that I collected of run-off from the Hudson Farm show high levels of bacteria, including fecal coliform and *E. coli*, in concentrations that far exceed the limits set by the Maryland Department of the Environment (“MDE”) for recreational waters. The samples also reveal high levels of phosphorous and nitrogen, nutrients that are choking aquatic life in the Chesapeake Bay. I am concerned that water contamination of the sort caused by these discharges will further undermine the health of the Pocomoke River and its tributaries, and adversely affect my health and enjoyment of these waters.

18. As part of the above investigation, multiple Public Information Act (“PIA”) requests were submitted to MDE resulting in voluminous documents related to Hudson Farm received from the agency. Exhibits A through D attached to Plaintiffs’ Opposition to Defendants’ Motions to Dismiss were received as part of these PIA requests.

19. As Executive Director and Coastkeeper, I am in frequent communication with other members of ACT. I have personal knowledge that these members also have had their use and enjoyment of the Pocomoke River diminished by high levels of fecal coliform, nutrients and other pollutants associated with poultry operations on the Eastern Shore. Such injuries include diminished fishing, boating, and wildlife viewing opportunities. I have read the declaration submitted by Stacy Paulsen, and state that the injuries described therein are consistent with the types of injuries that I have learned about through my correspondence with other ACT members.

20. I believe that concentrated animal feeding operations (“CAFOs”), including Hudson Farm, are contributing to nutrient and pathogen loads to waterways on the Eastern Shore, including the Pocomoke River, because they are not being regulated enough.

21. As Coastkeeper, I am a participant in Waterkeeper Alliance’s “Pure Farms, Pure Waters” campaign which seeks to stop the environmental and social devastation caused by CAFOs. I have participated in this campaign since I became Coastkeeper in 2007 by advocating for the reform of waste management practices used by the poultry industry in Maryland.

22. In November, 2008, I hosted a special lecture highlighting the impacts of agriculture, and other nutrient pollution, on the health of the Chesapeake Bay in partnership with Waterkeeper Alliance, Assateague Coastal Trust, and Salisbury University Departments of Sociology and Environmental Studies.

23. I am also a plaintiff in a lawsuit against the Maryland Department of Agriculture for refusing to divulge the contents of CAFO Nutrient Management Plans (“NMPs”) to the public. This lawsuit has enabled the public, for the first time, to have access to records indicating how much chicken waste is produced in the state, and where it is spread or stored.

24. Additionally, I am currently challenging MDE’s National Pollution Discharge Elimination System (“NPDES”) permit for CAFOs (General NPDES Permit MDG01). Prior to this challenge, I submitted written comments to MDE during the public comment period.

25. The Pocomoke River is part of the Chesapeake Bay Watershed. I am aware that President Obama recently reconfirmed that the Chesapeake Bay is a national treasure through an Executive Order. The Executive Order also includes agricultural operations among the sources of pollution largely responsible for fouling the Bay. Associated documents recommend strengthening federal CAFO regulations and more aggressive enforcement of federal environmental laws as important steps toward preventing CAFO pollution and protecting the Bay.

26. I rely on the enforcement of federal laws and regulations to limit the discharge of harmful pollutants to my environment. In my opinion, this lawsuit which seeks to enforce the Clean Water Act will help to address my concerns by preventing further discharges of nutrient and pathogen pollution to the Pocomoke River, thereby improving water quality and enhancing my use and enjoyment of the River as well as protecting my health and the health of other ACT members.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 22, 2010.

  
Kathlyn Phillips