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July 13, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear President Obama and Governor Inslee:

I write to implore you to use your respective good offices to direct your appropriate agencies to address a problem that runs rampant both in the State of Washington and throughout the nation. The issue involves pollution from concentrated animal feeding operations (CAFOs). I know that you are each familiar with the terms and the problems, at least generally. President Obama, during your 2008 campaign in Iowa, you called out CAFOs as a major problem and pledged to take action. Governor Inslee, having represented the lower Yakima Valley in Congress, and your knowledge of the ongoing CAFO NPDES permitting fiasco, you, too, are familiar with the subject area.

For two decades, my client, Community Association for Restoration of the Environment (CARE), has brought light to a problem that has gone vastly under-attended by federal and state agencies charged with protecting public health and the environment. The late 1990s cases brought by CARE involved intentional and negligent discharges of manure to surface waters in violation of the Clean Water Act. We established national precedent. *CARE v. Henry Bosma Dairy*, 65 F.Supp. 2d (E.D.Wa. 1999), 2001 WL 1704240 (E.D.Wa. 2001), *aff'd* 305 F.3d 943 (9th Cir. 2002).

We, the people, have once again done what our governments should have done, this time with actions under the Resource Conservation and Recovery Act (RCRA) to protect groundwater. The CAFOs of the lower Yakima Valley have been overapplying manure and using manure storage pits designed to leak, thereby causing an imminent and substantial endangerment to human health and the environment. We took basic scientific principles and applied known and readily available facts to establish that large dairy CAFOs are contaminating square miles of the lower Yakima Valley aquifer that thousands of people depend upon for their drinking water. Hundreds of other CAFOs in Washington, and thousands more around the country, are causing the same pollution problems to aquifers that supply water to millions of people.

Whether it be the lower Yakima Valley, Love Canal, New York, Kettleman, California, Kivalina, Alaska, Flint, Michigan, or Selma, Alabama - all places emblematic of critical social justice issues - the time to act, as it always should be, is now. As Martin Luther King, Jr. once said, "There is such a thing as being too late."

We, the people, have used the tools provided by Congress to effectuate our inalienable rights to live without fear of being poisoned by neighboring industrial operations. The people of Washington and this Nation have the right to have our laws enforced. In order to resolve this long-standing problem, the people need the executive branches charged with executing the laws and protecting the health of its people to take concerted action. We have now set the precedent, embodied in the enclosed case, *CARE, et al., v. Cow Palace, LLC, et al.*, 80 F.Supp. 3d 1180 (E.D. Wa. 2015).¹ This case represents another in the long American tradition of cases brought to right the wrongs of social injustice.

CARE, using the citizen suit provisions of federal statute, has achieved a solution for three polluting CAFOs. We stand ready to work with the executive branches to bring about the required change for the rest of the industry. The affected public needs your leadership to fulfill your trust responsibilities.

Please instruct your delegated agencies to work with us to attain the justice that is within reach. The problems are extensive, but the solutions are readily achievable.

On behalf of the thousands of people whom I, and others, have represented, and the millions more who have gone unrepresented, we urge action. We ask to meet personally with each of you, along with your respective attorneys general and heads of the environmental agencies, to establish a plan to move forward and provide justice to those who need your help.

We look forward to meeting with you as soon as possible. Thank you.

Sincerely,

s/Charles M. Tebbutt

Charles M. Tebbutt

Law Offices of Charles M. Tebbutt, P.C.

Counsel for Community Association for Restoration of the Environment

cc:

Hon. Loretta Lynch, U.S. Attorney General

Hon. Robert Ferguson, Washington State Attorney General

Hon. Regina McCarthy, Administrator, U.S. Environmental Protection Agency

Hon. Maia Bellon, Director, Washington Department of Ecology

¹ One federal agency, the Natural Resources Conservation Service, a branch of the USDA, has flatly stated that it will ignore the federal court's decision and continue "business as usual" to protect the polluting CAFO industry (letter attached).