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May 16, 2022

President Joe Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

RE: Environmental Justice

Dear Mr. President,

My name is Donald Burdick. I live in Millsboro, Delaware, ten miles from your resort home in Rehoboth Beach.

In this letter, I address two local environmental catastrophes surrounding Mountaire Farms, a major chicken processing factory, and the Inland Bays Regional Wastewater Facility, a failed public human waste facility, both of which are implicated in a major environmental crime. Some of that polluting has not been addressed criminally or been made public outside of a single sentence buried on page 119 of the resulting class action lawsuit settlement document.¹ In both locations, the failures and environmental crimes are ongoing, and the Inland Bays facility is operating on a permit that expired in 2017.

For over one year I have tried having these issues addressed by the county, state, and federal government (EPA case 1281294) to no avail. Likewise, my state and federal representatives have been of no assistance. I am a lifelong Democrat who worked tirelessly at the DCCC for five years during the Clinton administration managing the IT department. I voted for the you, Delaware's state executives, and all three of my federal senators and representative. Disappointment does not begin to express my feelings.

In this letter I discuss those environmental crimes. I then present a vision for Millsboro, Sussex County, and the State of Delaware that not only solves those problems, but would also be good for the economy, beneficial for the environment, and invaluable to the health of citizens.

I am reaching out to you directly because I am certain you have visited Millsboro numerous times over the years and are intimately familiar with the area and the challenges we face. As a lifelong resident and longtime politician of Delaware, you are also familiar with our local history and the importance of both the poultry and hospitality industries.

These issues are germane to many of those you campaigned on. Issues I think you truly believe and have demonstrated are important, and not simply words to get elected. Among those are public health, environmental justice, global warming, and the pandemic.

¹ <https://www.mountairesettlement.com/pdf/Cuppels-v-Mountaire-Mtn-for-Final-with-ex.pdf> (page 119, item 5).

The Problem

Mountaire Farms' Millsboro factory has a broken septic system that, according to long-time locals, has been in failure since the plant was purchased in 2000 from Preston Townson, grandson of former Delaware Governor John Townson.

Mountaire Farms is now owned by a man named Ron Cameron. Mr. Cameron was the fifth largest contributor to the Donald Trump campaign and was appointed to President Trump's advisory committee on the ongoing pandemic.²

In addition to the failed septic system, the factory had major outbreaks of COVID-19. I was told by a plant worker that the outbreaks were far worse than was publicized, that Hispanic line workers were "packed in like animals", and that the facility is not kept clean aside from when they are alerted that the USDA is coming to inspect. I was also told that the smell of the broken septic system is well known to factory workers, and that it is visible during heavy storms.

In 2017 Mountaire Farms was issued a Notice of Non-Violation³ (NOV) for polluting. Among the violations in that notice, Mountaire Farms was cited for illegally disposing of egregious levels of domestic waste fecal coliform bacteria and extremely high levels of nitrates.

In the final moments of the fairness hearing of the resulting lawsuit it was revealed that Mountaire Farms illegally polluted on a public wastewater facility named Inland Bays Regional facility. That facility is less than one mile upstream of my community. It is operating in failure and has not had an operating permit since 2017.

In addition, the lawsuit addressed only the nitrate levels and requires Mountaire Farms to upgrade only its wastewater processing system. What was not addressed were the domestic waste fecal coliform bacteria levels. The septic system is likely still in failure and, as you will read, will surely fail again.

In 2018, Sussex County was issued a Notice of Non-Compliance for gross mismanagement and for high levels of nitrates at the Inland Bays facility. None of the corrective demands in that notice were made. Furthermore, the facility has shown excessive levels of nitrates since 2010. The public was not alerted of either the failures or that Mountaire Farms illegally disposed of sludge on the Inland Bays facility, even though the county, state, and federal governments are all fully aware of both.

Because our region is primarily on well water, the result of those failures has been widespread sickness and death. While the majority of those who were impacted are poor minorities, my small middle-class community took the brunt of those past and ongoing failures. Living through this has been nothing short of torturous. I have included gruesome images of some of the victims in my community alone. They show the tragic truth of what has happened.

I investigated the matter and discovered that neither Mountaire Farms nor Inland Bays ever stopped polluting. Monitoring well data show continued excessive levels of nitrates at both sites. Likewise, I inspected the woods in one of the settlement areas and discovered polluting never stopped.

² https://en.wikipedia.org/wiki/Mountaire_Farms

³ <http://www.dnrec.delaware.gov/Admin/Documents/dnrec-hearings/2020-P-W-0014/2017%2011%2002%20Mountaire%20NOV.pdf>

In one particular instance, a black family who are good friends of mine and who suffered extreme health issues, has both the ongoing polluting behind their home and a large illegal landfill beside them. If that were not bad enough, satellite imagery shows polluting in progress where the landfill is now located.⁴ Their community is comprised of poor citizens who live next to newly built large homes owned by the wealthy.

Cause of the Failures

My husband, Dr. Gerry Bell, holds a PhD in meteorology and worked for NOAA for 30 years before retiring in December 2020⁵. He has published hundreds of peer-reviewed articles and is widely regarded as an international expert in large and small-scale weather patterns.

Our names are listed in yellow on page 165 of the settlement document because we objected to the lawsuit settlement for scientific and other corrupt reasons. While out of scope in this letter, I would like the opportunity to discuss the details regarding our objection with someone in the Department of Justice, preferably in the recently announced Environmental Justice division and/or within the Federal Bureau of Investigations.

2017 was a particularly wet season in which our region experienced a total of 46.26 inches of rainfall.

Evidence suggesting the failing septic system at Mountaire Farms was reaching the breaking point is shown in the NOV when, on April 24 and May 25, 2017, bacteria levels already had exceeded the permit limits by as much as 400%. In the eight weeks preceding the NOV issuance, our region received a total of 12.58 inches of rainfall, saturating the ground. Finally, on August 30, 2017, catastrophe struck. A single storm dropped 3.83 inches of rain onto already saturated fields.

What I was told by locals, and the only thing that makes sense, is that Mountaire Farms' septic system failed, creating an emergency situation. Truckloads of fresh water were taken to the factory in the middle of the night. Rather than report the crisis as is required of the permit, a business decision was made to deliberately spray human waste throughout the region onto their spray fields, within woods, and onto the Inland Bays public wastewater facility. The result of which was widespread illness and death, and extreme damage to the environment.

Domestic waste fecal coliform bacterial levels are not supposed to exceed the permit levels of 200 coliforms / mL and reached as high as 1,100,000. That was combined with equally staggering levels of nitrated effectively creating a bacterial bomb. The unsuspecting public was not told.

Mountaire Farms and Inland Bays both operate large land-application spray irrigation systems. David Baird, of Sussex Conservation District, told me that 24 years ago both the state and EPA were warned that limiting waste disposal options to land application and ocean outfalls would lead to major problems. The government did not heed that warning, and my community paid the price. In addition, Mr. Baird agreed that land application spray fields have a natural life span and do not last forever.

Even though the county is aware of the following scientific reasons for why the plan moving forward will fail, they have applied for a permit to double the size of the failed Inland Bays facility, yet still have not addressed the existing failures.

They played Russian Roulette with our lives, and we lost. Now they want to do it again.

⁴ <https://goo.gl/maps/JVqhD9i7DiDC3zpH8>

⁵ https://www.cpc.ncep.noaa.gov/information/who_we_are/cpc_staff/Gerry_Bell.shtml

Impending Humanitarian and Ecological Disaster

The warning given to the state and EPA regarding potential failures was based on the fact that the technology in use is antiquated and because of anticipated population growth, which has been further compounded by the ongoing pandemic.

What was not considered are two meteorological reasons why land application at both Mountaire Farms and Inland Bays will continue to fail. Indeed, all similarly run land application wastewater facilities on the eastern seaboard face the same risk. This analysis was confirmed by an attorney who once worked for the EPA water enforcement division who understands the science.⁶

Sussex County engineer, Hans Medlarz, stated the planned Inland Bays facility upgrades are designed to handle only a 100-year flood, which is not a meaningful prediction tool. Any slow-moving tropical storm could cause those conditions. (On May 13, 2013, Sussex County had a storm that dropped 8.38 inches of rain in a few hours.) In addition, it does not address wet periods in which multiple storms cause the same saturated conditions that would significantly impair the functionality of the wastewater facilities. Such conditions took place in 2017 that led up to the Mountaire Farms disaster.

The most recent satellite image shows that the facility already cannot handle the volume of waste being processed.⁷ Furthermore, historic satellite imagery shows the facility has never been properly managed.

Another issue is related to a multi-decadal climate pattern, the North Atlantic Oscillation, that will be bringing significantly colder winters to the eastern seaboard. We have been in the warm phase of that pattern since the mid-1980s and could emerge from it any winter. (See attached.)

This presents two problems:

First, the land will freeze more frequently. When it does, it will not absorb any of the effluent, which will cause runoff. Runoff already happens on ground that isn't frozen, which I have shown in countless emails and reports to government officials at all levels.

Second, when combined with other climate signals, such as El Niño, which brings more rainfall and snowfall to the eastern seaboard, it could create disastrous conditions. The irrigation systems would be rendered useless, and the lagoons would fill with snow.

I was told by an employee of the Inland Bays facility that the operators are already concerned about a "catastrophic overflow of the lagoons". Furthermore, the massive influx of residents to the area in recent years is only making the problem worse.

By the time it arrives it will be too late to address.

The government must come to terms with the fact that our waste management facilities have breached the breaking point. We need modern facilities that can handle the explosive population growth in recent years. We should not have facilities that are engineered to pollute by design as a failure contingency, nor should facilities exist that can easily be gamed by monied interests and ruthless corporations that obviously do not care about either human suffering or the environment.

⁶ Bernadette "Bern" Rappold, Greenberg & Traurig, rappoldb@gtlaw.com, (202) 331-3127

⁷ <https://goo.gl/maps/9cKR9K7iq8vP73xN9>

The Solution

Mr. President, you campaigned on Environmental Justice, promising to “hold polluters accountable”⁸. As previously stated, I believe you made that commitment because you understand the incredible importance of protecting both the rapidly deteriorating environment and the citizens who are impacted by that polluting. Furthermore, your Justice 40 initiative and recently announced Department of Justice - Environmental Justice division prove that you do not simply talk the talk, but also walk the walk. You are clearly a man of your word.

You are fundamentally right. We, as a nation, should build back better.

The following idea has been pitched to numerous members of the community including citizens, business leaders large and small, environmentalists, and government employees. It would be palatable to both political parties and would be highly accretive to the economy as it would bolster both the poultry and hospitality industries. It even benefits Mountaire Farms.

It is universally received as an excellent plan.

Mountaire Farms and the adjacent woods sit on thousands of acres of incredibly valuable undeveloped land along the Indian River on an otherwise beautiful waterfront with a compelling shape.

Surely you remember when the Indian River was the premier vacation destination on the eastern shore before it was destroyed by a winter storm in 1962. The history sign in Riverdale reminisces of the Riverdale Resort with a beach, boardwalk, amusement park rides, and what I was told were floating dance halls featuring headliner acts including Louis Armstrong, Count Basie, James Brown, Cab Calloway, Ray Charles, Sam Cooke, Fats Domino, Duke Ellington, Ella Fitzgerald, Aretha Franklin, Jacki Wilson, and Steven Wonder.

Rather than permanently destroy that beautiful landscape, the Mountaire Farms plant should be purchased using eminent domain and rebuilt on the western side of the county where it falls under federal Chesapeake Bay watershed protection.

I do not believe Mountaire Farms, the state of Delaware, or Sussex County want to pollute and harm citizens. They likely see it as a necessary evil and an unsolvable quandary. One in which public waste facilities were co-opted by monied interests willing to capitalize on environmental destruction at the cost of abject human suffering.

Mountaire Farms, nor any other poultry processor, would likely make the investment to upgrade to modern factories using new green technologies, but that does not mean it should not be done. That technology should recycle the wastewater and use the new biofuel technology that it generates onsite.

Projects such as this benefit the local, state, and federal economies and therefore should be funded almost exclusively, if not entirely, by them.

Mountaire Farms will likely not be opposed to a free bigger and better factory able to process more poultry. It is an investment that would pay for itself in a matter of years and would do so in perpetuity. What it lacks is political will and leadership.

Mr. President, please honor your campaign promises. Set the bar for the industry.

⁸ <https://joebiden.com/climate-plan>

In its place the waterfront should be developed. It is directly adjacent to the quaint town of Millsboro. If designed properly it could have water taxis that take vacationers from the beach and nearby RV parks to various locations along the beautiful Indian River. Citizens have recommended waterfront dining, parkland, dog parks, a carousel, and theaters. The forests should be used for camping, bike trails, and a nature center.

While we still need to focus on remedying the horrible tragedy that led to this point, we should also give the region something to look forward to, a playground for our great Nation's Capital, and once again a vacation destination for the entire eastern seaboard, if not the world.

There is money to be found. The state is boasting a nearly \$1 billion budget surplus. Developers would clamor for the land. The National Park Service could contribute, the Superfund program is available, and there are SBIR programs throughout the federal government. The \$85 million Millsboro bypass that locals see as nothing more than an on-ramp for Mountaire Farms should be abandoned. It will permanently destroy Millsboro Pond, where locals do not want it, and there are better places to build it.

If this opportunity is lost, it is lost forever.

I was told by someone from Senator Coons' office, "Do you know how hard eminent domain is?"

Mr. President, big things can happen, just as big crimes can happen. The United States did not become the powerhouse economy we are by saying, "That's hard." We became the country we are *because* we take on challenges like these.

I do not make the rules, but the answer is clear to me and to those I've run the idea past. In the words of the manager of a very successful local restaurant, "It's obvious."

Many of the victims of these environmental and public trust crimes live in underserved minority communities. I am an avid historian. Far and beyond the person I find most inspiring is Harriet Tubman. She was bold, and she was brave. She knew right from wrong and was guided by steadfast principles and a deep devotion to God.

I thought about Harriet many times this past year as I explored the nearby woods seeking out Environmental Justice, but finding none. I personally would like, and believe would be appropriate, to see a tribute built in her honor. Accompanying that development announcement should be the unveiling of a new \$20 bill in her honor.

The reverse of that bill should not be the White House. It should be Harriet, clutching her rifle, traversing a stream on her journey of Social Justice, leading her people to Freedom.

Respectfully,

Donald Burdick



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⁹ Conceptual design for the reverse of a new \$20 bill created by [REDACTED].