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North Carolina Corporate Hog Farm and President Plead Guilty to Violating the Clean Water Act

WASHINGTON – Freedman Farms, Inc. and its president, William B. Freedman, pleaded guilty yesterday in federal court in New Bern, N.C., to violating the Clean Water Act when they discharged hog waste into a stream that leads to the Waccamaw River, the Department of Justice’s Environment and Natural Resources Division and the U.S. Attorney’s Office for the Eastern District of North Carolina announced today.

After a week of trial that began on June 28, 2011, Freedman Farms pleaded guilty to a felony violation of the Clean Water Act for discharging hog waste into Browder’s Branch, a tributary to the Waccamaw River that flows through the White Marsh, a large wetlands complex. Freedman Farms, located in Columbus County, N.C., is in the business of raising hogs for market, and this particular farm had some 4,800 hogs. The hog waste was supposed to be directed to two lagoons for treatment and disposal. In December 2007, hog waste was discharged from Freedman Farms directly to Browder’s Branch. William Freedman pleaded guilty to a misdemeanor violation of the Clean Water Act for his role in the discharge.

“Owners and operators of concentrated animal feeding operations must comply with the nation’s Clean Water Act for the protection of America’s streams, wetlands, and rivers,” said Ignacia S. Moreno, Assistant Attorney General for the Environment and Natural Resources Division at the Department of Justice. “Freedman and his farm failed to do so and should be held accountable for polluting waterways and wetlands in Columbus County and the Waccamaw River watershed.”

“The hog industry is vital to North Carolina. However, we must protect our natural resources that affect other vital interests in our beautiful state,” said U.S. Attorney George E.B. Holding. “In order to assure the well-being of all, we must ensure that everyone takes care of these precious and finite resources.”

“Large farms and dairies can cause serious damage to the environment if they illegally discharge wastewater into nearby lakes, rivers, and streams,” said Maureen O’Mara, Special Agent in Charge of EPA’s criminal enforcement program for North Carolina. “That is why EPA has made

addressing violations by concentrated animal feeding operations an enforcement priority. In this case, waste products from nearly five thousand hogs went directly into a sensitive wetland area, jeopardizing the safety and health of water and wildlife. This guilty plea demonstrates that farm owners must obey the law and will be held responsible for their actions.”

The Clean Water Act is a federal law that makes it illegal to knowingly or negligently discharge a pollutant into a water of the United States. The act includes as waters of the United States those that have a significant nexus to a traditional navigable water.

According to the plea agreement, the government and the corporate defendant have jointly asked the court to sentence Freedman Farms to pay \$1.5 million, serve a term of five years’ probation, and publish a public apology. Under the plea agreement for William Freedman, the defendant faces up to one year in prison.

If the court decides to accept the plea agreement, the sentencing hearing for both defendants will take place on a date to be scheduled by the court, before U.S. Chief District Judge Louise W. Flanagan.

The case was investigated by the U.S. Environmental Protection Agency (EPA) Criminal Investigation Division and the North Carolina State Bureau of Investigation, with assistance from the EPA Science and Ecosystem Support Division. The case is being prosecuted by the Assistant U.S. Attorney Gaston Williams of the Eastern District of North Carolina, and Trial Attorney Mary Dee Carraway of the Environmental Crimes Section of the Justice Department’s Environment and Natural Resources Division.