



Western
Environmental
Law Center

CARE
Community Association for
Restoration
of the Environment

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WA Industrial dairy installs court-ordered manure lagoon liners to protect groundwater

Department of Ecology poised to allow continued industrial ag pollution throughout state with new permit

SEATTLE -Last week, Cow Palace Dairy, a large Concentrated Animal Feeding Operation (CAFO) in Zillah, Wash., began installation of state-of-the-art synthetic liners for the facility's earthen manure storage lagoons to prevent ongoing leakage of contaminants to groundwater. This comes as the Washington State Department of Ecology is set to finalize a CAFO General Permit that forgoes this proven, cost-effective protective measure in favor of knowingly contaminating drinking water for thousands of Washingtonians.

The first lagoon to be lined will have a double synthetic liner with a leak detection system between the liners to ensure that manure is not getting into the groundwater. This lining system, installed as part of the [unprecedented 2015 settlement agreements](#) between plaintiffs Community Association for Restoration of the Environment (CARE) and Center for Food Safety and Cow Palace Dairy, Bosma Dairy, and George DeRuyter & Sons Dairy, has set the standard for the rest of the CAFO industry to follow in order to protect human health and the environment.

In the cases, Federal District Judge Thomas Rice [found](#) that the manure lagoons were contributing to the groundwater nitrate pollution, posing an imminent threat to public health for the hundreds of people who are dependent on well water for their drinking supplies.

There are hundreds of unlined manure lagoons throughout Washington State, with [many located in the Lower Yakima Valley and more located in Western Washington adjacent to surface waters that feed Puget Sound](#).

Thus far, also as part of the settlement agreements, nearly 100 homes have received free drinking water well testing and installation of drinking water filtration systems to remove harmful nitrates. To date, the testing done as a result of the settlements has shown that over 33 percent of the drinking water wells in close proximity to the dairies exceed the safe drinking water limit for nitrates.

While the industry continues to claim that lining manure lagoons is too expensive, it has been profiting for decades by polluting neighbors' drinking water wells and fouling adjacent waterways with manure pollution.

The Department of Ecology, the agency charged with protecting surface and groundwater in the state, is set to issue a new waste discharge permit for CAFOs later this month. Remarkably, the draft permit did not require CAFOs to line their manure lagoons, in spite of the agency's own scientists' finding that "if the CAFO has a lagoon that does not have a double geomembrane liner with a leak detection system between the liner layers then it is discharging to groundwater."

"It is long overdue that the dairy industry stop disposing of its manure in a manner that contaminates our groundwater and act responsibly," said Helen Reddout, president of CARE. "Lining lagoons is a huge step in the right direction."

"Cow Palace has set the standard that the rest of the CAFO industry must now follow in order to protect people's health," said Charlie Tebbutt, CARE's attorney. "This technology is not new, it just had never been used by the dairy industry until now. While they didn't exactly agree to lining the lagoons voluntarily (the lawsuit settlement required it), we commend Cow Palace for being the leader in the industry and recognizing its responsibility to stop the flow of pollutants off their

property and to protect their neighbors. The rest of the factory dairies in Washington, and across the nation, must now follow suit."

"The actions by Cow Palace to synthetically line their manure lagoons show that not only is this pollution prevention technology available, there is no longer any justification for Ecology to allow CAFOs to store massive amounts of manure in open cesspools throughout Washington state," said Andrea Rodgers, attorney with the Western Environmental Law Center representing a coalition of organizations seeking a strong CAFO General Permit. "We sincerely hope Ecology is closely following the work happening at Cow Palace, so it can fulfill its responsibility to protect Washingtonians' right to clean drinking water."

Pictures of preparation for and installation of the lagoon lining are available [here](#).

Read more about WELC's work on sustainable agriculture in Washington [here](#).

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