

## Lawsuit: "Dirty dairies" dump animal waste into Yakima Valley drinking water

By:

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YAKIMA VALLEY, Wash. - Two Lower Yakima Valley dairies are being sued in federal court over allegations they've been dumping excessive amounts of cow manure in nearby fields, not to fertilize the land, but to dispose of extra waste.

The lawsuit says by dumping too much manure, SMD and DBD dairies — formerly Snipes Mountain Dairy and DeRuyter Brothers Dairy respectively — have been contaminating the nearby water supply with nitrates, rendering it “unsafe for human consumption.”



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The dairies are located across the street from one another in Outlook, near Sunnyside: SMD at 211 Nichols Rd. and DMD at 5111 Van Belle Rd.

Combined, they produce roughly 62 million gallons of liquid waste a year — enough to fill 156,000 hot tubs.

### **Allegations of leaking, “grossly overapplying” manure**

Much of that waste gets put in nine manure storage lagoons with the capacity to store about 45 million gallons at a time — lagoons the lawsuit says leak manure from the farms’ nearly 9,000 cows into the groundwater.

The lagoons are either unlined or inadequately lined to contain the manure and don’t have the right system to detect leaks, which is essential to preventing wastewater from seeping into groundwater, the lawsuit said.

Those “leaky” lagoons sit right on top of two aquifers, which supply drinking and irrigation water for neighboring homes and commercial properties — including Outlook Elementary School, according to the lawsuit.

Federal and state regulators cap acceptable nitrate levels at a maximum of 10 milligrams per liter, a number that wells in the area — including the elementary school — have exceeded in past years.

Nitrates are colorless, odorless and reduce the ability of red blood cells to carry oxygen if high levels are ingested, according to the state Department of Health.

Infants can develop a severe — sometimes fatal — health condition called methemoglobinemia, more commonly known as “blue baby syndrome.” High nitrates have also been linked to reproductive, autoimmune system dysfunction and other health problems among certain adult populations.

### **Community groups previously sued other Yakima Valley dairies**

The lawsuit was filed by three non-profit advocacy groups Thursday in the U.S. District Court for the Eastern District of Washington: Community Association of Restoration of the Environment, Friends of Toppenish Creek and Center for Food Safety.

“We’ve been trying to undo the damage inflicted by these mega dairies for decades,” CARE President Helen Reddout said in a news release. “Washington’s people, homes, wildlife and environment are being treated as a dumping group by these massive dairies.”

In the lawsuit, they ask the court to require the dairies to change their manure management practices and fix the contamination, which they argue has done “irreparable” damage to the environment.

The group previously sued four other dairies in the Lower Yakima Valley over manure mismanagement in 2013: George DeRuyter and Son Dairy and D&A Dairy in Outlook, and Bosma-Liberty Dairy in Zillah and Cow Palace in Granger.

That lawsuit led to a landmark settlement in 2015 where the dairies agreed to implement sweeping changes to their operations and the creation of the Groundwater Management Area, a comprehensive effort to reduce nitrates in the Yakima Valley.

### **Recent owners subject of national scandal for Iowa egg production**

The dairies came under new leadership between 2016 and 2018, when they were bought out by out-of-state agriculture mogul Austin “Jack” DeCoster, according to the lawsuit.

The lawsuit says DeCoster is an owner and member of three limited liability corporations that took over operation of DeRuyter Brothers Dairy in September 2016.

Last year, the triad of LLCs — Washington Dairy Holdings, Washington Agri Investments and DBD Washington — purchased SMD LLC, which operates the former Snipes Mountain Dairy.

The DeCoster family legacy has been inundated with scandals since its rise to agricultural power in Iowa in the 1970s, with allegations of poor wages and working conditions, insect infestations, employment discrimination and animal abuse.

Possibly the most well-known scandal involved one of the largest egg recalls in history in 2010 after DeCoster's company sold hundreds of millions of salmonella-tainted eggs, leading to thousands of people falling ill.

DeCoster — formerly nicknamed the “egg baron” — pleaded guilty to misdemeanor violations in 2015 after a years-long legal battle. He was sentenced to three months in prison.

### **Controversy surrounding Snipes Mountain, DeRuyter Brothers dairies**

Even prior to their new ownership, the dairies were the subject of controversy.

DeRuyter's faced a class action lawsuit by its workers in 2016, who claimed the company didn't provide adequate meal and rest breaks or pay them for all the time they worked.

In 2017, when the dairy farm now known as SMD was operating as Snipes Mountain Dairy, it was sued by the same group over allegations it had violated the Clean Water Act.

In the lawsuit, the groups accused the dairy of dumping excessive amounts of manure to “fertilize” nearby fields — similar to the accusations made against the same dairy's new owner's last week.

The lawsuit stemmed from an incident earlier that year involving both Snipes Mountain Dairy and DeRuyter Brothers Dairy. A small levee on the DeRuyter property broke, sending runoff water across a freshly “fertilized” field on the Snipes property.

Contaminated floodwater saturated several homes and private wells, leaving the homes damaged and the water undrinkable. Officials found the DeRuyter Brothers Dairy was complying with the law when the levee broke, so it was not penalized.

Snipes Mountain Dairy was cited and required to build an embankment to prevent it from happening again, but also was not penalized by officials.

The dairy farm's former owner denied any wrongdoing, but agreed to pay \$20,000 to settle the lawsuit, which went to a water project to provide free testing for rural domestic wells in areas near dairies.

### **Another Yakima Valley dairy is next on the list for alleged manure mismanagement**

The group of community organizations notified Sunnyside Dairy in March they'd be filing a lawsuit alleging the dairy has also been contaminating local drinking water supplies with animal waste.

“Once again, the people have been forced to take action to protect themselves due to negligence by both state and federal agencies that ignore these imminent threats to public health from dairies like Sunnyside,” the community groups' lawyer Charlie Tebbutt said in a news release.

In the notice, the group says the dairy, located at 4851 Maple Grove Rd. in Sunnyside, has been overapplying manure to nearby fields and contaminating surrounding wells.

In 2017, a drinking water well near the dairy tested positive for nitrates as high as 45.2 parts per million — more than four times the maximum amount set by state and federal authorities.

The groups may file a lawsuit within 90 days of notifying the dairy.

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