

Two Lower Valley dairies agree to unique environmental cleanup plan

Phil Ferolito, Yakima Herald Republic, June 11, 2023

Two Lower Valley dairies have agreed to make significant environment-conscious upgrades and embark on a groundwater cleanup project in a federal court settlement.

Both dairies – SMD and DBD – are in Outlook and were accused of mishandling cow waste and overapplying it to fields as fertilizer by three environmental groups.

The groups -- CARE, Friends of Toppenish Creek and the Center for Food Safety -- filed the lawsuit in U.S. District Court in 2019, saying the mishandling of animal waste and overapplication of it on fields as fertilizer is contributing to high levels of nitrates in groundwater.

High concentrations of nitrates can be harmful to infants, pregnant women and the elderly, according to the Centers for Disease Control and Prevention.

On Friday, a settlement in form of a federal consent decree was reached. It requires the dairies to install more than a dozen groundwater monitoring wells, install protective liners to manure storage lagoons and fund a pilot project that aims to extract nitrates from area groundwater.

“We now have a plan to stop future pollution and clean up the existing pollution. It’s about time,” CARE president and co-founder Helen Reddout said in a news release.

A unique part of the settlement is the groundwater cleanup project. The dairies combine for 5,800 cows and are owned by Austin Jack Decoster. He’s agreed to put \$300,000 into the pilot project, dairy manager John Glessner said.

“We agreed to do it and we’ll see how it goes,” he said.

Monitoring wells and testing began at the dairy about six months ago and work to line two lagoons has already started, Glessner said.

“We’ve already done a lot of this work on our own,” he said, saying the state Department of Ecology now requires many dairy operations to monitor impacts to groundwater.

Concerns over high nitrates in Lower Valley groundwater have lingered for years, and led to formation of the Groundwater Management Area, which spans from about Parker to below Grandview along the east side of the Yakima River.

There, local, state and federal agencies have teamed to focus on a cleanup plan.

Nitrates naturally accumulate in soil, but concentrations can be exacerbated by heavy fertilizer use including animal waste and leaky septic tanks.

This isn't the first lawsuit the groups have brought to a dairy that resulted in a consent decree. In 2013, the group sued Cow Palace of Granger, George DeRuyter and Son Dairy and D&A Dairy of Outlook, and Bosma-Liberty Dairy of Zillah.

A federal judge found that mismanagement of manure by the dairies did cause pollution. Under a federal consent decree, those dairies were required to change their practices and install liners in manure storage ponds.

Groundwater cleanup

Jean Mendoza, executive director of Friends of Toppenish Creek, said the pilot cleanup project is what separates it from the other consent decrees.

"We're excited to see how the research into cleaning up contaminated soils and aquifers will benefit the public at large," she said.

The cleanup effort will focus on soil beneath the two dairies. Oxygen will be added to ammonia in the soil, which will cause it to rapidly convert into nitrates and seep into the upper layer of the groundwater table beneath, said Charlie Tebbutt, attorney representing the environmental groups.

That layer of water laden with nitrates will then be pumped to a storage pond and later used as fertilizer, he said.

Ammonia lingers in soil for years before it reaches groundwater, and this project will speed up the nitrate conversion process and quickly remove it from the groundwater, Tebbutt said.

"The remedial measures to be undertaken should speed cleanup of the groundwater by a decade or more," he said. "The community deserves better protection than what the state has provided, which has been virtually nothing. Once again, the people had to use the federal environmental laws to protect themselves from rampant pollution. The rest of the dairy industry needs to follow suit."