

Environmental groups threaten to sue 2 Lower Valley dairies

Phil Ferolito, Yakima Herald Republic, February 13, 2019

OUTLOOK, Wash. -- Two Lower Valley dairies under state investigation for their handling of cow manure could face a federal lawsuit.

Three environmental groups — CARE, Friends of Toppenish Creek and the Center for Food Safety — recently sent letters to the dairies informing them of their intent to sue.

The environmental groups allege the dairies — SMD LLC and DBD Washington LLC, both in Outlook — are polluting groundwater.

They accuse the dairies of overapplying cow manure to fields as fertilizer and using leaky manure storage ponds.

“These facilities are emblematic of the much larger dairy pollution problem in the Lower Valley,” said environmental attorney Charlie Tebbutt. “These are yet more examples of the fact that all of the dairies are contributing to the pollution problem.”

DBD Washington declined to comment on the matter. An attorney for SMD declined comment as well, saying he has yet to see the intent to sue.

The dairies have 90 days to fix problems identified by the environmental groups to avoid a lawsuit, Tebbutt said.

Both dairies are being investigated for how they apply manure to land. Neither company has been cited for environmental violations since coming under new ownership, said state Department of Agriculture spokesman Hector Castro.

Snipes Mountain Dairy became SMD when it was sold in March 2018, and DeRuyter Brothers Dairy became DBD Washington when it was sold in June 2017.

Dairies are required to follow a nutrient management plan, which sets limits on how much cow manure can be spread on fields and establishes standards for storing manure. The Department of Agriculture enforces those standards.

The environmental groups say their allegations that the dairies have a history of overapplying cow manure to land are supported by Department of Agriculture reports.

Castor said he couldn't immediately provide a history of any possible violations under the former owners. The Yakima Herald-Republic has requested that information.

Jay Gordon, policy director for the state Dairy Federation said his office just became aware of the potential lawsuits.

“Certainly we’ll want to take a look at these,” he said.

Gordon takes issue with Tebbutt accusing the entire dairy industry of polluting the Yakima Valley.

“We obviously disagree with those sentiments,” he said. “We think dairies that follow their nutrient management plans are doing a good job.”

This isn’t the first lawsuit the group has brought against dairies. 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, the dairies were required to change their practices and install liners in manure storage ponds.

Earlier this month, the former owners of SMD agreed to pay \$20,000 into CARE’s safe drinking water program to settle a similar lawsuit.