



November 7, 2021

Damon Roberts
Water Quality Program Manager
WA Ecology Central Washington Division
1250 West Alder Street
Union Gap, WA 98903-0009

damon.roberts@ecy.wa.gov

Dear Mr. Roberts,

Here is the short story:

On July 29, 2021, the Friends of Toppenish Creek (FOTC) submitted a complaint about discharge to groundwater at 2371 Stover Road, Grandview, WA, 98930. On August 4, 2021, five days later, WSDA closed the file. WSDA closed the file while ignoring concerns about composting of manure in pens and corrals where thousands of cows are kept on about 200 acres. WSDA said that there were discrepancies in the data Ecology collated regarding the Klompe Frieslandia dairy manure lagoons. WSDA said that, because the dairy's nutrient management plan was written after 2008, liners for these aging lagoons achieve permeability $< 10^{-7}$ cm/sec.

Conclusion: WSDA abuses their Memorandum of Understanding (MOU) with Ecology to shield dairies from responsibility when the dairies discharge pollutants into the waters of the State of Washington.

Sincerely,

Jean Mendoza
Executive Director, Friends of Toppenish Creek

3142 Signal Peak Road
White Swan, WA 98952

Here is the long story:

On July 29, 2021, the Friends of Toppenish Creek (FOTC) submitted a complaint about discharge to groundwater at 2371 Stover Road, Grandview, WA, 98930.¹ Our complaint was mismanaged and WSDA did not determine whether there was and is discharge of pollutants to Lower Yakima Valley (LYV) groundwater.

As we all know discharge to groundwater is not as obvious as discharge to surface water. However, based on our knowledge of best management practices (BMPs) for dairies and our knowledge of Lower Yakima Valley (LYV) groundwater pollution, FOTC considered the likelihood of a discharge at this dairy to be very high. We were told that Ecology only investigates discharges that are reported to your agency, so we submitted a complaint.

In summary:

1. We all know that pollutants leach from pens and corrals where large numbers of animals are confined in small spaces. We know this based on studies from California, the Lower Yakima Valley Groundwater Management Area, and local sampling conducted by WSDA that FOTC submitted along with our complaint. Because cows compact the soil in pens and corrals with hoof action, the leaching is not as large as it would be on unpacked soil.

But our complaint did not rest on the research. We complained because the Klompe/Frieslandia dairy at 2371 Stover Road, does not remove manure from the pens as required by best management practices. Instead, Klompe/Frieslandia keeps manure in the pens and composts it there. Milk cows excrete about 120 lbs. of feces and urine and nearly 1 lb. of nitrogen a day. There are thousands of cows on approximately 215 acres at 2371 Stover Road. The nitrogen must go somewhere - as surface water runoff, leaching to the ground, or into the ambient air. The nitrogen does not simply disappear.

-
1. Dear Central WA ERTS: I wish to report a high potential for leaching of nitrate into the groundwater from Klompe and Frieslandia Dairy at 2371 Stover Road, Grandview, WA 98930. This dairy no longer removes manure from pens and corrals, but now composts the manure where it is deposited. The result is increased leaching, runoff, and harmful emissions. Best management practices stipulate frequent removal of manure from pens and corrals, not composting in place. It is hard to believe that any ethical conservation district would approve composting where the animals eat, sleep, and live as part of a dairy nutrient management plan.

As we all know, local studies document leaching from pens and corrals, as well as leaching from compost yards. Tech Note 23 assessment of the manure lagoons at this site places one lagoon in Category 3C, and another in Category 4 – NRCS recommends discontinued use of the WSP for the purposes of waste storage until major repairs or possible replacement of the existing WSP meeting the current NRCS Conservation Practice Standard 313, Waste Storage Facility and the site would benefit from additional practices to reduce discharge potential in the situation of a structure failure with structure relocation being considered. Klompe and Frieslandia does not have an NPDES permit. Given the high likelihood of discharge to groundwater, please consider this a report of discharge and a request for corrective action.

2. Clay lined manure lagoons at this dairy were classified as high/high risk and high/medium risk for leaching according to Tech Note 23 lagoon inspection data that FOTC received from Ecology through a public records request.^{2,3} Due to these risks the Natural Resource Conservation Service (NRCS) recommends replacing the lagoons or discontinuing use pending major upgrades.⁴

When FOTC did not receive information on how Ecology/WSDA had addressed our ERTS complaint, we contacted the Central WA Ecology offices. Staff told us to submit a public records request. We find this unusual, but we did submit the request and now respond. Requiring a PRR in this situation sends a chilling message to people who simply want clean water.

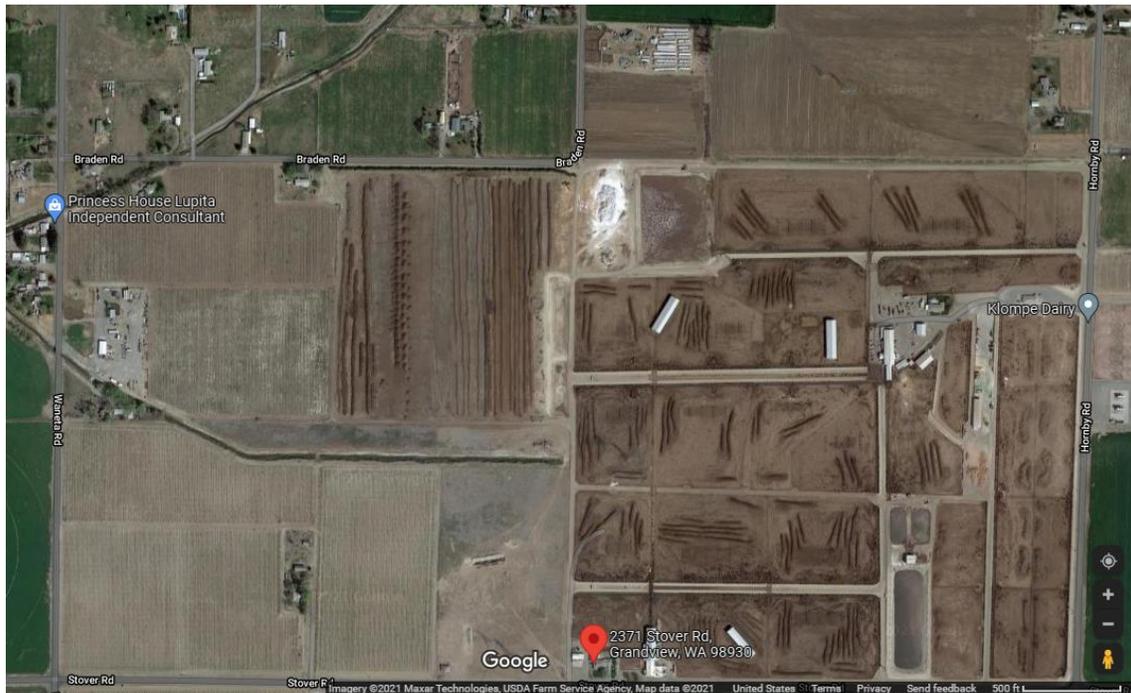
In her response notes WSDA inspector Kristina Nina Gibson cites the Klompe/Freislandia dairy nutrient management plan as evidence that the dairy complies with NRCS guidelines. This is invalid reasoning and is misleading. Washington dairies are required to have nutrient management plans on their premises, but there is nothing in the law that requires the dairies to follow their plans. In WSDA's 2017 report to the legislature, *Implementation of Nutrient Management Training Program for Farmers and Manure Management Program Review*, the agency stated on page 6, "There is no penalty for failure to follow or update an NMP."⁵ Despite Governor Inslee's request for corrective legislation, this reality has not changed.

For decades FOTC and others have complained about inadequate responses to citizen complaints about discharges from LYV dairies. We believe that complaints were addressed more effectively when Ecology was in charge, prior to 2003. We believe that the MOU between Ecology and WSDA creates so many hurdles that legitimate reports of discharge are ignored and frequently undocumented. ERTS 708314 is an example.

Please give us some assistance, guidance, and support on how to navigate a biased and unfair system that protects polluters at the expense of the environment and the public. Yesterday we filed more public records requests with a goal of clarifying the extent of groundwater pollution from Klompe/Frieslandia. We would like to continue communications with Ecology after we receive and study that data.

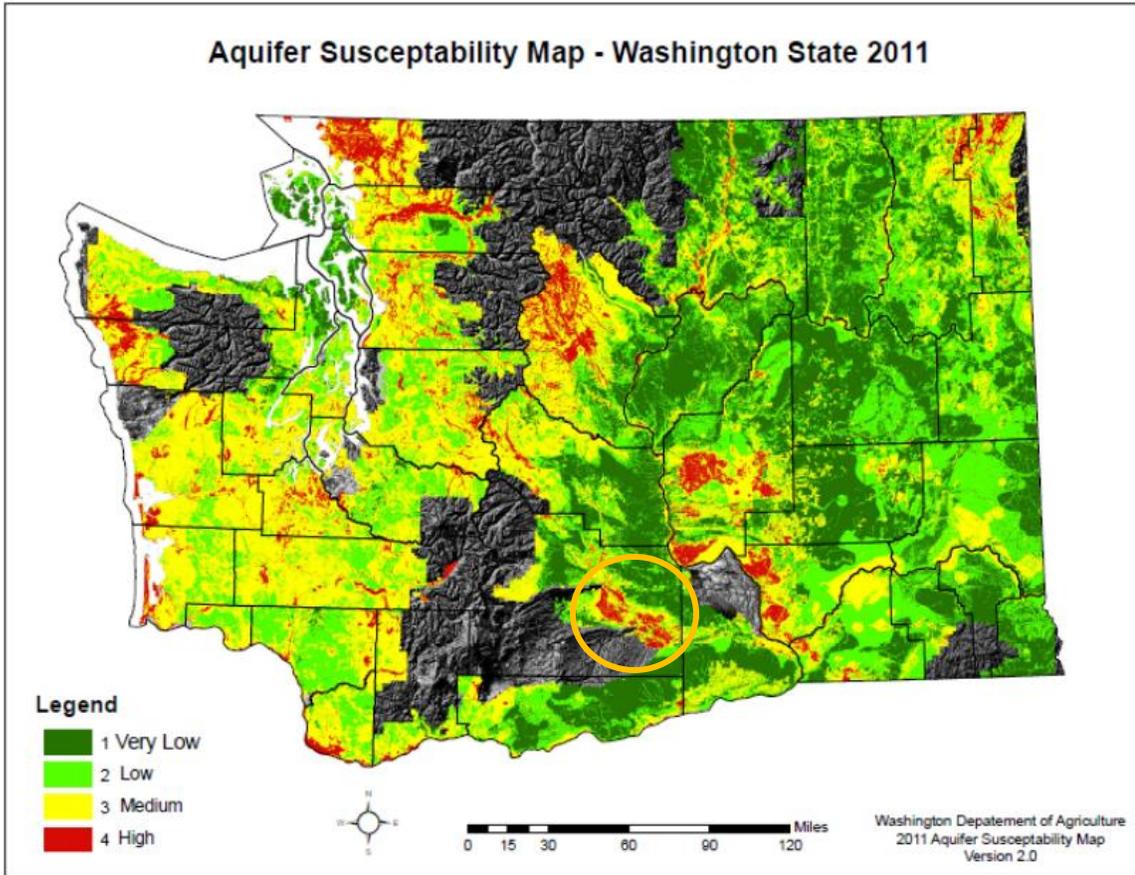
-
2. FOTC believes these assessments are incomplete/underscored because there was no documentation of liner thickness at the site. The Tech Note 23 Structural Assessment Form requires scores for 1. Compliance with NRCS practice standard criteria, and 4. Structural modifications. Both of these categories were left blank in the Klompe/Frieslandia lagoon assessments according to Ecology's spreadsheet. This resulted in default scores of zero for these categories.
 3. FOTC believes the depth to groundwater data in Ecology's Tech Note 23 spreadsheet is incorrect. Please see attachment B - Map of depth to groundwater from the Lower Yakima Valley Groundwater Management Area, Available at <https://www.yakimacounty.us/DocumentCenter/View/22177/GWMA-VolumeI-July2019>
 4. NRCS Tech Note 23 – attached to the FOTC ERTS complaint.
 5. Implementation of Nutrient Management Training Program for Farmers and Manure Management Program Review. Available at https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=634-DNMP2017LegReport_b2479af1-2fc9-4218-8200-1a0118e3063b.pdf

Attachment A: Aerial photos of Klompe/Frieslandia from Google Maps – November 5, 2021



Attachment C: Aquifer Susceptibility Map for WA State from Tech Note 23, page 34. Available at <https://ecology.wa.gov/DOE/files/a0/a0a6c01a-af2c-428b-83ba-a30f10d8e643.pdf>

ENGINEERING TECHNICAL NOTE #23



January 2013
Page 34 of 42

ERTS Incident #708314

Environmental Report Tracking - Generated 11/5/2021, 2:43 PM

Primary Initial Report - Reported: 07/29/21 11:01

Reference ID - 197263

Where did it happen?

Location name: GRANDVIEW - KLOMPE AND FRIESLANDIA DAIRY
 Physical address: 2371 Stover Rd
 Grandview WA 98930
 US
 County: Yakima
 Ecology region: CRO
 Lat, long: 46.27409 , -119.96666
 Directions/Landmarks:

What happened?

Incident date:
 Activity: Storing
 Cause:
 Medium: Water - Groundwater
 Source: Farm/Agriculture - Dairy
 Substance: Waste - Manure
 Substance amount:

Who might be responsible?

Name:
 Organization: KOMPE AND FRIESLANDIA DAIRY
 Email:
 Phone number(s): (509) 881-2465
 Mailing address: 2371 STOVER RD
 GRANDVIEW WA 98930
 US

How was it reported?

Intake type: Email
 Reported date: 07/29/21 11:01
 Entered by: Tricia Sawyer
 Entered at: 07/29/21 14:59

Who reported it?

Do they want this to be confidential? No

Reporter type: Environmental Group
 Name: JEAN MENDOZA
 Organization: FRIENDS OF TOPPENISH CREEK
 Email: jeanmendoza@icloud.com
 Phone number(s):
 Mailing address: 3142 SIGNAL PEAK ROAD
 WHITE SWAN WA 98952
 US

Are they anonymous? No
 Are they self-reporting? No
 External reference number:

Comments/notes

Attachment titled ERTS July 30, 2021:

Dear Central WA ERTS: I wish to report a high potential for leaching of nitrate into the groundwater from Klompe and Frieslandia Dairy at 2371 Stover Road, Grandview, WA, 98930. This dairy no longer removes manure from

pens and corrals, but now composts the manure where it is deposited. The result is increased leaching, runoff, and harmful emissions. Best management practices stipulate frequent removal of manure from pens and corrals, not composting in place. It is hard to believe that any ethical conservation district would approve composting where the animals eat, sleep and live as part of a dairy nutrient management plan.

As we all know, local studies document leaching from pens and corrals, as well as leaching from compost yards¹. Tech Note 23 assessment of the manure lagoons at this site² places one lagoon in Category 3C, and another in Category 4 - NRCS recommends discontinued use of the WSP for the purposes of waste storage until major repairs or possible replacement of the existing WSP meeting the current NRCS Conservation Practice Standard – 313, Waste Storage Facility and the site would benefit from additional practices to reduce discharge potential in the situation of a structure failure with structure relocation being considered. Klompe and Frieslandia does not have an NPDES permit. Given the high likelihood of discharge to groundwater, please consider this a report of discharge and a request for corrective action.

Incident details

Life cycle status: Follow-up completed
 Incident Date:
 Was it self-reported?: No
 Show to public?: No

Location

Location name: GRANDVIEW - KLOMPE AND FRIESLANDIA DAIRY
 Physical Address: 2371 Stover Rd Grandview WA 98930 US
 County: Yakima
 Lat, long: 46.27409 , -119.96666

Program owners

Tricia Sawyer (Primary)
 CRO - External
 Comments:

Mark Peterschmidt (Primary)
 CRO - Water Quality
 Comments:

Who might be responsible?

Name:
 Organization: KOMPE AND FRIESLANDIA DAIRY
 Email:
 Phone: (509) 881-2465
 number(s):
 Mailing address: 2371 STOVER RD GRANDVIEW WA 98930 US

Follow-ups

Program: Water Quality - Subject: Dairy Farm Issues
 Reference ID - 193556

What happened?

Primary activity
 Activity: Storing

Action history

Status	Action	Date
Accepted	Follow-up ownership	08/02/2021

Primary detail

Medium: Water - Groundwater
 Source: Farm/Agriculture - Dairy
 Substance: Waste - Manure
 Substance amount:

	accepted	10:10:08
Started	Follow-up owner assigned	07/30/2021 13:44:53

Comments

Stand alone comment 08/02/2021 10:14:44

Created By: Lloyd Stevens, Jr

8/2/2021. 10:00am

I contacted Kristina Gibson of WSDA for an update on this complaint. She informed me that WSDA is investigating this issue, is in communication with the Dairy, and is researching documents and records. She will keep me updated as to her findings, as she continues to investigate this complaint.

Lloyd Stevens, Jr.

Follow-up owners

Status	Organization	First name	Last name	Is external?	Email	Phone number	Comments
Accepted	WA Ecology	Lloyd	Stevens, Jr	N	LLST461@ecy.wa.gov	(509) 571-3866	<input type="text"/>

Program: External - Subject: Dairy Farm Issues
 Reference ID - 193509

What happened?

Primary activity

Activity: Storing

Primary detail

Medium: Water - Groundwater
 Source: Farm/Agriculture - Dairy
 Substance: Waste - Manure
 Substance amount:

Action history

Status	Action	Date
Email sent	Follow-up owner email sent	07/29/2021 15:05:20
Email not sent	Follow-up owner email not sent	07/29/2021 15:05:10
Email not sent	Follow-up owner email not sent	07/29/2021 15:04:54

Comments

Stand alone comment

08/18/2021 10:22:54

Created By: Tricia Sawyer

email received 8/17/21 at 1226

Additional follow up to this ERTS was conducted on August 4, 2021 where WSDA DNMP Inspector Kristina Gibson reviewed the Dairy's Nutrient Management Plan and conducted an investigation of the facility. According to the Dairy's Nutrient Management Plan, all of the Dairy's lagoons were designed to NRCS standards and specifications. Because this plan was written after 2008, lagoons typically approved after this time that do not have synthetic (i.e., earthen) liners are designed to achieve a permeability rating of 1×10^{-7} cm/s. There are several discrepancies on the Tech Note 23 evaluations conducted at the dairy in 2015 that I am in the process of looking into further. All further follow up will be conducted directly with the dairy and this ERTS can be considered closed.

-Kristina

Kristina Gibson
WSDA Eastern Region Inspector
(509) 969-7140

Stand alone comment

07/30/2021 15:24:35

Created By: Tricia Sawyer

Received 7/30 @1509:

Follow up was conducted with Klompe Frieslandia Dairy LLC at 8:30am on July 30, 2021 with owner/operators Fransisca Vander Meulen and Jacob Veldhuis where we discussed the concerns reported in ERTS 708314.

Attached documents in the reported concern citing pen/corral locations along with nutrient values at depth appear to be from data taken at a different dairy facility not under the ownership of the Veldhuis'. Further investigation and follow up will be conducted into the origins of these documents.

Additional follow up will be conducted next week including verification of the Dairy's Tech Note 23 assessments completed in 2015 and 2017, as well as NRCS Practice Standards listed in their current Nutrient Management Plan.

Thank you,

Kristina Gibson
WSDA Eastern Region Inspector
(509) 969-7140

Follow-up owners

Stand alone comment

08/18/2021 10:22:54

Created By: Tricia Sawyer

email received 8/17/21 at 1226

Additional follow up to this ERTS was conducted on August 4, 2021 where WSDA DNMP Inspector Kristina Gibson reviewed the Dairy's Nutrient Management Plan and conducted an investigation of the facility. According to the Dairy's Nutrient Management Plan, all of the Dairy's lagoons were designed to NRCS standards and specifications. Because this plan was written after 2008, lagoons typically approved after this time that do not have synthetic (i.e., earthen) liners are designed to achieve a permeability rating of 1×10^{-7} cm/s. There are several discrepancies on the Tech Note 23 evaluations conducted at the dairy in 2015 that I am in the process of looking into further. All further follow up will be conducted directly with the dairy and this ERTS can be considered closed.

-Kristina

Kristina Gibson
WSDA Eastern Region Inspector
(509) 969-7140

Stand alone comment

07/30/2021 15:24:35

Created By: Tricia Sawyer

Received 7/30 @1509:

Follow up was conducted with Klompe Frieslandia Dairy LLC at 8:30am on July 30, 2021 with owner/operators Fransisca Vander Meulen and Jacob Veldhuis where we discussed the concerns reported in ERTS 708314.

Attached documents in the reported concern citing pen/corral locations along with nutrient values at depth appear to be from data taken at a different dairy facility not under the ownership of the Veldhuis'. Further investigation and follow up will be conducted into the origins of these documents.

Additional follow up will be conducted next week including verification of the Dairy's Tech Note 23 assessments completed in 2015 and 2017, as well as NRCS Practice Standards listed in their current Nutrient Management Plan.

Thank you,

Kristina Gibson
WSDA Eastern Region Inspector
(509) 969-7140

Follow-up owners