

WSDA Dairy Nutrient Management Program Failure to Perform Legally Mandated Duties.

Yakima County agencies routinely tell citizens who complain about Yakima County dairies to contact the WSDA Dairy Nutrient Management Program because this program has responsibility for dairy management. Think bureaucratic runaround.¹

The WA State Department of Ecology tells citizens with concerns to report manure spills and other environmental issues to the Ecology Environmental Report Tracking System (ERTS).

RCW 90.64 provides specific requirements for the Dairy Nutrient Management Program (DNMP) response to ERTS complaints.

RCW 90.64.030

Investigation of dairy farms—Report of findings—Corrective action—Violations of water quality laws—Waivers—Penalties.

(2) The department shall investigate a written complaint filed with the department within three working days and shall make a written report of its findings including the results of any water quality measurements, photographs, or other pertinent information. Within twenty days of receiving a written complaint, a copy of the findings shall be provided to the dairy producer subject to the complaint, and to the complainant if the person gave his or her name and address to the department at the time the complaint was filed.

The purpose of the statute is to protect public health and the environment. However:

1. The WSDA DNMP does not investigate complaints in a timely manner.²
2. The WSDA DNMP routinely investigates by only talking to polluters and not talking to complainants, failing to perform water testing or data gathering, and then finding no cause for a complaint despite citizen testimony, data and pictures.^{3, 4}
3. The WSDA DNMP does not send a report of findings to complainants as required by law. Citizens must resort to a public records request to learn the results of investigations.
4. The WSDA DNMP attempts to distract citizens by implying that we are a nuisance, that we should instead contact Yakima County, that we should petition our county officials to pave roadways, or that we should raise funds and hire attorneys who can initiate a complaint in the courts. Some officials have privately told citizens that they should sell their homes to the dairies and move.

¹ The Lower Yakima Valley Groundwater Management Area was supposed to address this problem. It did not.

² The law requires an investigation within three working days of a complaint. This allows dairies to engage in illegal activities on Thursdays, Fridays, Saturdays, and Sundays knowing that the evidence will disappear within the 4 - 5 actual days that elapse between complaint and investigation. This is not acting in good faith.

³ Attachment 1

⁴ Attachment 2

The stated purpose of the law is to protect public health and the environment. When the WSDA DNMP fails to follow the law that sub-division fails to protect the citizens and creates mistrust of government. WSDA has failed in these respects when investigating at least two citizen complaints:

Regarding ERTS 708314³, WSDA

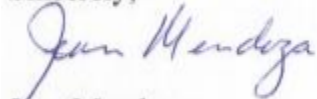
- Failed to conduct groundwater testing.
- Inaccurately implied that manure lagoons were constructed after 2008.
- Discounted WSDA Tech Note 23 inspections that citizens believed were performed to describe the likelihood of leaching to groundwater from manure lagoons.
- Failed to send a report to the complainant as required by RCW 90.64.030 (2).

Regarding ERTS 712851⁴, WSDA

- Did not tour the site of manure tracking until five days after the spill.
- Ignored citizen photographs.
- Denied responsibility for addressing manure tracking.
- Failed to send a report to the complainant as required by RCW 90.64.030 (2).
- Ignored impact of the spill on neighboring homes, on schoolchildren who leave school busses on the road where the spill occurred, on citizens who visit the adjacent cemetery, and generation of fecal dust in the area.
- Stated that the WSDA DNMP does not investigate manure tracking. The DNMP has issued citations for manure tracking in the past.⁵

This is a request for investigation of the WSDA DNMP failure to adequately investigate citizen complaints and failure to communicate with the citizenry as required by law.

Sincerely,



Jean Mendoza

3142 Signal Peak Road
White Swan, WA 98952

⁵ Attachment 3

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 number(s): (509) 881-2465
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

Status	Organization	First name	Last name	Is external?	Email	Phone number	Comments
Email sent	Agriculture DNMP Department of	Kristina	Gibson	Y	kgibson@agr.wa.gov	(509) 969- 7140	<input type="text"/>
Email sent	Agriculture DNMP Department of	Dairy Nutrient	Management Prog.	Y	dnmpadmin@agr.wa.gov	(360) 764- 1249	<input type="text"/>

Incident attachments

Contact Ecology if you would like a copy of any of these attachments			
File name	File description	Section/Reference ID	Date uploaded
ERTS July 30, 2021.pdf	Complaint with photo	Initial report - 197263	07/29/2021
ERTS Attachment 3 Pens & Corrals.pdf	Deep Soil Sampling beneath LYV pens, corrals and compost yards	Initial report - 197263	07/29/2021
ERTS Attachment 2 Pens & Corrals.pdf	Deep Soil Sampling beneath LYV pens, corrals and compost yards	Initial report - 197263	07/29/2021
ERTS Attachment 1 Pens & Corrals.pdf	Deep Soil Sampling beneath LYV pens, corrals and compost yards	Initial report - 197263	07/29/2021
ERTS Attachment 4 TN23_AssessmentData_1-2017-7-2020.xlsx	Data for LYV lagoons and Ponds	Initial report - 197263	07/29/2021
RE ERTS #708314 has been referred to your Agency.msg	from Kristina Gibson, WSDA	Follow-up - 193509	08/18/2021
RE ERTS #708314 has been referred to your Agency.msg	Kristina Gibson, WSDA	Follow-up - 193509	08/02/2021

From: ertsystem@ECY.WA.GOV <ertsystem@ECY.WA.GOV> On Behalf Of TSAW461@ecy.wa.gov
Sent: Thursday, July 29, 2021 3:05 PM
To: Peterschmidt, Mark F. (ECY) <MAPE461@ECY.WA.GOV>; Gibson, Kristina-Nina (AGR) <KGibson@agr.wa.gov>; AGR MI DNMP-Admin <dnmpadmin@agr.wa.gov>
Cc: Sawyer, Tricia (ECY) <tsaw461@ECY.WA.GOV>
Subject: ERTS #708314 has been referred to your Agency

External Email

The attached ERTS report was received by the Department of Ecology.

We are referring this report to your office(s) as we believe you may be the agency(ies) with jurisdiction, or may have an interest in this report. If this is incorrect, or you feel another agency or department within your agency should receive this report, please let us know.

Thank you for your assistance.

ERTS Incident #708314

Environmental Report Tracking - Generated 7/29/2021, 3:05 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:
KLOMPE 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

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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(s) email not sent
Incident Date:
Was it self-reported?:
No
Show to public?:
No

Program owners

- CRO - Water Quality
- **Tricia Sawyer** (Primary)

CRO - External

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

Who might be responsible?

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

Follow-ups

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 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

Follow-up owners

Status	Organization	First name	Last name	Is external?	Email	Phone number
Email not sent	Agriculture DNMP Department of	Kristina	Gibson	Y	kgibson@agr.wa.gov	(509) 969-7140
Email not sent	Agriculture DNMP Department of	Dairy Nutrient	Management Prog.	Y	dnmpadmin@agr.wa.gov	(360) 764-1249

Incident attachments

Contact Ecology if you would like a copy of any of these attachments

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ERTS Attachment 2 Pens & Corrals.pdf	Deep Soil Sampling beneath LYV pens, corrals and compost yards	Initial report - 197263	07/29/2021
ERTS Attachment 1 Pens & Corrals.pdf	Deep Soil Sampling beneath LYV pens, corrals and compost yards	Initial report - 197263	07/29/2021
ERTS Attachment 4 TN23_AssessmentData_1-2017-7-2020.xlsx	Data for LYV lagoons and Ponds	Initial report - 197263	07/29/2021

From: Tricia Sawyer
Email: TSAW461@ecy.wa.gov
Phone number: (509) 867-4459

From: Gibson, Kristina-Nina (AGR) <KGibson@agr.wa.gov>
Sent: Thursday, July 29, 2021 4:30 PM
To: Sawyer, Tricia (ECY) <tsaw461@ecy.wa.gov>; Peterschmidt, Mark F. (ECY) <MAPE461@ecy.wa.gov>; AGR MI DNMP-Admin <dnmpadmin@agr.wa.gov>
Cc: Sawyer, Tricia (ECY) <tsaw461@ecy.wa.gov>
Subject: RE: ERTS #708314 has been referred to your Agency

ERTS received. I spoke with the producer and will be conducting an initial investigation tomorrow July 30, 2021 as well as additional follow up next week.
I will input follow up accordingly.

Thank you,

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

RE: ERTS #708314 has been referred to your Agency



Roberts, Damon (ECY)
To: Peterschmidt, Mark F. (ECY)

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [...](#)

Thu 7/29/2021 6:31 PM

Whatever we need to do to make sure we see the follow up from Kristina, fine with you listing me.

From: Peterschmidt, Mark F. (ECY) <MAPE461@ecy.wa.gov>
Sent: Thursday, July 29, 2021 4:36 PM
To: Roberts, Damon (ECY) <DAMR461@ecy.wa.gov>
Subject: FW: ERTS #708314 has been referred to your Agency

FYI-

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

From: Gibson, Kristina-Nina (AGR)
Sent: Friday, July 30, 2021 3:09 PM
To: TSAW461@ecy.wa.gov; Peterschmidt, Mark F. (ECY) <MAPE461@ecy.wa.gov>; AGR MI DNMP-Admin <dnmpadmin@agr.wa.gov>
Cc: Sawyer, Tricia (ECY) <tsaw461@ecy.wa.gov>
Subject: RE: ERTS #708314 has been referred to your Agency

Follow up was conducted with Klonpe 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

RE: ERTS #708314 has been referred to your Agency



Gibson, Kristina-Nina (AGR)

To: Sawyer, Tricia (ECY); Peterschmidt, Mark F. (ECY); AGR MI DNMP-Admin
Cc: Sawyer, Tricia (ECY)

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Tue 8/17/2021 12:26 PM

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

From: Gibson, Kristina-Nina (AGR) <KGibson@agr.wa.gov>
Sent: Monday, August 16, 2021 12:23 PM
To: Stevens Jr, Lloyd (ECY) <llst461@ECY.WA.GOV>
Subject: Veldhuis Lagoons

Hi Lloyd,

I wanted to take you up on the offer you gave me a couple of weeks ago for help in response to ERTS 708314 where there were concerns regarding the Tech Note 23 lagoon assessments conducted by WSDA at the dairy in 2015.

I have been in the process of verifying some of the information included in our past assessment, conducted the inspector prior to me, as there have been a lot of changes since these were first conducted and some of the information used in making these assessments is no longer valid.

We have used Ecology's well log data in the past in helping us determine criteria such as; Depth to water table, and depth to groundwater. Unless you know of something else, the Ecology Well Construction and Licensing Search Tool has the most information available on well locations and the depths they were installed.

Anyway, I was hoping you could verify some information for me. When you search for wells at 2371 Stover Rd Grandview WA, I was wondering what you are able to see. I included an image with the information I gather when I do the search and refine the map within vicinity of the lagoons.

The only wells I find within 100 feet of the edge of their main lagoon are the dairy's own resource protection wells that are no longer in use, but were installed in the early 90s. I just want to make sure I'm not overlooking anything.

Please let me know if you have any further questions.

Thank you so much,

-Nina

From: Stevens Jr, Lloyd (ECY) <llst461@ECY.WA.GOV>
Sent: Monday, August 16, 2021 1:52 PM
To: Gibson, Kristina-Nina (AGR) <KGibson@agr.wa.gov>
Cc: Kossik, Christopher (ECY) <CKOS461@ECY.WA.GOV>; Peterschmidt, Mark F. (ECY) <MAPE461@ECY.WA.GOV>
Subject: FW: Veldhuis Lagoons

Hi Kristina,

Christopher Kossik, of ECY Water Rights, should be able to point you in the right direction on this question.

Christopher Kossik: 509-454-7872.

Lloyd Stevens, Jr.
TMDL Non-Point Implementation Specialist
Department of Ecology/CRO
1250 W. Alder St.
Union Gap, WA 98903
509-574-3991
Cell # 509-571-3866

RE: Veldhuis Lagoons



Gibson, Kristina-Nina (AGR)
To: Stevens Jr, Lloyd (ECY)
Cc: Kossik, Christopher (ECY); Peterschmidt, Mark F. (ECY)

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Mon 8/16/2021 3:34 PM

Thank you Lloyd!

Hi Christopher. If you could provide me any guidance what so ever regarding the email I sent to Lloyd earlier, that would be very help and much appreciated.

Thank you,

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

From: Jean Mendoza <jeanrmendoza@icloud.com>
Sent: Saturday, October 30, 2021 11:14 AM
To: ECY RE CRO ERTS COORDINATOR <CROERTS@ECY.WA.GOV>
Subject: Re: ERTS 708314_Complaint

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Hello Gwen,
Who should I contact to get a copy of the response to this complaint?
Thanks
Jean Mendoza

On Aug 16, 2021, at 9:41 AM, ECY RE CRO ERTS COORDINATOR <CROERTS@ECY.WA.GOV> wrote:

Yes, We received your complaint on 7/29/21 and was entered as **ERTS 708314**. It was referred to Water Quality and Dept. of Ag Dairy Nutrient Management.

Please note: ERTS is the Environmental Report Tracking System (not Risk).

- Gwen

RE: ERTS 708314_Complaint



ECY RE CRO ERTS COORDINATOR
To: 'Jean Mendoza'

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Mon 11/1/2021 8:36 AM

Our public disclosure coordinator, Jackie Mengarelli Jackie.Mengarelli@ecy.wa.gov will be able to direct you to the right place to file your request.

- Gwen

ERTS Incident #712851

Environmental Report Tracking - Generated 3/10/2022, 9:47 AM

Primary Initial Report - Reported: 02/18/22 08:23

Reference ID - 202286

Where did it happen?

Location name:
Physical address: 1200 to 1700 Vance Rd
Mabton WA 98935
US
County: YAKIMA
Ecology region: CRO
Lat, long:
Directions/Landmarks:

The area on Vance Road is around 1200 to 1700. Vance Road goes north from Mabton and makes a turn to the east at the cemetery and the Mabton WWTP. The pictures were taken from the road between that right turn and Riverview Dairy.

How was it reported?

Intake type: Email
Reported date: 02/18/22 08:23
Entered by: Gwen Clear
Entered at: 02/18/22 08:43

Who reported it?

Do they want this to be confidential? No

Reporter type: Citizen
Name: Jean Mendoza
Organization:
Email: jeanmendoza@icloud.com
Phone number(s):
Mailing address:
Are they anonymous? No
Are they self-reporting? No
External reference number:

What happened?

Incident date:
Activity: Unknown
Cause:
Medium: Impermeable surface - Roadway-paved
Source: Farm/Agriculture - Dairy
Substance: Waste - Dairy waste
Substance amount:

Who might be responsible?

Name:
Organization: Riverview Dairy
Email:
Phone number(s):
Mailing address:

Comments/notes

Received 2 emails with link to photos:

Attached are pictures of manure tracked onto Vance Road by Riverview Dairy.

The area on Vance Road is around 1200 to 1700. Vance Road goes north from Mabton and makes a turn to the east at the cemetery and the Mabton WWTP. The pictures were taken from the road between that right turn and Riverview Dairy.

Jean Mendoza

Incident details

Life cycle status: Referred to program
Incident Date:
Was it self-reported?: No
Show to public?: No

Location

Location name:
Physical Address: 1200 to 1700 Vance Rd
Mabton WA 98935
US
County: YAKIMA
Lat, long:

Program owners

Gwen Clear (Primary)

CRO - External

Comments:

Tricia Sawyer (Primary)

CRO - External

Comments:

Who might be responsible?

Name:
Organization: Riverview Dairy
Email:
Phone number(s):
Mailing address:

Follow-ups

Program: External - Subject: Other
Reference ID - 203479

What happened?

Primary activity

Activity: Unknown

Primary detail

Medium: Impermeable surface - Roadway-paved
Source: Farm/Agriculture - Dairy

Action history

Status	Action	Date
Completed	No further action	03/08/2022 08:10:30
Email sent	Follow-up owner email sent	03/07/2022 16:50:26

Substance: Debris - Mud/Silt
 Substance amount:

Email not sent	Follow-up owner email not sent	03/07/2022 16:50:20
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Comments

Comment about update

03/08/2022 08:10:30

Created By: Gwen Clear

Thank you for the information. We will inspect the area, and clean as necessary or coordinate with responsible party to clean.

Regards,

Ryan Calhoun
 Road Maintenance Manager

Follow-up owners

Status	Organization	First name	Last name	Is external?	Email	Phone number	Comments
Email sent	Yakima County Roads	Ryan	Calhoun	Y	ryan.calhoun@co.yakima.wa.us		

Program: External - Subject: Dairy Farm Issues
 Reference ID - 202615

What happened?

Primary activity

Activity: Unknown

Primary detail

Medium: Impermeable surface - Roadway-paved
 Source: Farm/Agriculture - Dairy
 Substance: Waste - Dairy waste
 Substance amount:

Action history

Status	Action	Date
Completed	No further action	02/28/2022 08:55:42
Email sent	Follow-up owner email sent	02/18/2022 09:17:59
Email not sent	Follow-up owner email not sent	02/18/2022 09:17:45
Email not sent	Follow-up owner email not sent	02/18/2022 09:17:23

Comments

Stand alone comment

02/23/2022 12:46:26

Created By: Tricia Sawyer

DNMP Inspector Kristina Gibson drove by the area of concern on February 22, 2022 and found no signs of manure track out on the easement in between the dairy and landowner directly to the west of the dairy. The dairy reported that it had just conducted cleanup of its pens last week, around the time the concern was filed.

DNMP only has jurisdiction when manure discharges to waters of the state, or, if the dairy's activities have the potential to cause a discharge to waters of the state. Due to the frequent nature of complaints involving usage of the road that do not pose an imminent risk to water quality, I recommend that the parties involved contact Yakima County directly in order to determine if the area is part of their road improvement program, as it appears that paving the road could serve multiple benefits. No further follow up will be conducted with the dairy regarding the concerns brought up in this ERTS.

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

Follow-up owners

Status	Organization	First name	Last name	Is external?	Email	Phone number	Comments
Email sent	Agriculture DNMP Department of	Kristina	Gibson	Y	kgibson@agr.wa.gov	(509) 969- 7140	<input type="text"/>
Email sent	Agriculture DNMP Department of	Dairy Nutrient	Management Prog.	Y	dnmpadmin@agr.wa.gov	(360) 764- 1249	<input type="text"/>

Incident attachments

Contact Ecology if you would like a copy of any of these attachments

File name	File description	Section/Reference ID	Date uploaded
Photo 4 Manure Tracking Feb 17 2022.docx	2 17 2022 Photo 4	Initial report - 202286	02/18/2022
Photo 3 Manure Tracking Feb 17 2022.docx	2 17 2022 Photo 3	Initial report - 202286	02/18/2022
Photo 2 Manure Tracking Feb 17 2022.docx	2 17 2022 Photo 2	Initial report - 202286	02/18/2022

Photo 1 Manure Tracking Feb 17 2022.docx	2 17 2022 Photo 1	Initial report - 202286	02/18/2022
Re Manure Tracking Riverview Dairy.msg	Email notification	Initial report - 202286	02/18/2022
RE ERTS #712851 has been referred to your Agency.msg	Follow UP	Incident details	02/23/2022
RE ERTS #712851 has been referred to your Agency.msg	Yakima Roads follow-up	Follow-up - 203479	03/08/2022
RE ERTS #712851 has been referred to your Agency.msg	Info from DNMP	Follow-up - 202615	03/07/2022
RE ERTS #712851 has been referred to your Agency.msg	DNMP follow-up	Follow-up - 202615	03/07/2022



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

March 7, 2013

Jacob Veldhuis
Veldhuis Dairy #1, Klompe Dairy and Frieslandia Dairy
650 Hornby Road
Grandview, WA 98930

CERTIFIED MAIL/RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL
7010 3090 0002 0604 9582

RE: Notice of Correction Number 13AGRDNMP6001

Dear Mr. Jacob Veldhuis:

Enclosed is Notice of Correction Number 13AGRDNMP6001. Inspections were conducted by Daniel McCarty of Washington State Department of Agriculture between February 7, 2013 and March 1, 2013. These inspections found that manure was being tracked on the road as a result of manure transport from Veldhuis Dairy #1, Klompe Dairy and Frieslandia Dairy to land application sites.

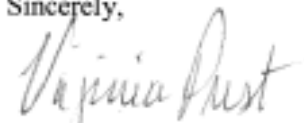
Under RCW 90.48.080 of the Water Pollution Control Act, a violation of the Act occurs when organic matter is discharged that causes or tends to cause the pollution of any waters of the state. The Department is issuing this notice under RCW 43.05.100 and RCW 90.48.120(1) because the Department has determined that your actions create a substantial potential to violate the Act.

A Notice of Correction is not a formal enforcement action, is not subject to appeal, and is a public record. RCW 43.05.100(2). In order to avoid future enforcement action, including possible civil penalties, you must come into compliance by the date specified in the Notice of Correction.

In addition, please be advised RCW 90.48.160 states, in part, "any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state, ... shall procure a permit..." with the Washington Department of Ecology. The federal Concentrated Animal Feeding Operation ("CAFO") rule also requires that "the owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges". 40 CFR 122.23(d). Additional information regarding the Concentrated Animal Feeding Operation permit is available on the Department of Ecology website at <http://www.ecy.wa.gov/programs/wq/permits/cafo/index.html>. You can also contact Jon Jennings, Ecology CAFO permit coordinator, at (360) 407-6283.

All correspondence relating to this document should be directed to Chery Sullivan, Dairy Nutrient Management Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560. If you have questions concerning the contents of this document, please contact Chery Sullivan at (360) 902-1928.

Sincerely,



Virginia Prest, Program Manager
Dairy Nutrient Management Program
Washington State Department of Agriculture

cc: Kristen Mitchell, Office of Attorney General
Daniel McCarty, Dairy Nutrient Management Inspector
Laurie Crowe, South Yakima Conservation District
Charlie McKinney, Ecology CRO
Dave Michaels, Crop Grower

Enclosure

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF COMPLIANCE OF
Mr. Jacob Veldhuis

NOTICE OF CORRECTION NO.
13AGRDNMP6001

To: Jacob Veldhuis
650 Hornby Road
Grandview, WA 98930

For the sites located at:

Veldhuis Dairy #1, Klompe Dairy and Frieslandia Dairy
650 Hornby Road
Grandview, WA 98930

This Notice of Correction Number 3AGRDNMP6001, is issued under authority of Revised Code of Washington (RCW) 43.05.100 (Technical Assistance) and RCW 90.48.120(1) (Water Pollution Control). This determination does not constitute an order or directive under RCW 43.21B.310 and is not appealable to the Pollution Control Hearings Board (PCHB).

In response to citizen complaints on February 7, 2013 and February 26, 2013 Daniel McCarty, Dairy Nutrient Management Inspector, investigated manure transport operations from Veldhuis Dairy to crop fields located adjacent Byron Road near Prosser and from Frieslandia and Klompe Dairies to crop fields adjacent Hornby, Wasson, and Braden Roads near Grandview. Mr. McCarty found that the roadway was covered with manure and mud as a result of transporting manure. Pictures and information provided by multiple complainants have confirmed that the manure was being transported from dairies under the control of Jacob Veldhuis.

These conditions create a substantial potential for discharge of pollutants into waters of the state.

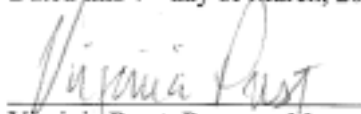
RCW 90.48.080 states: "It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter."

To achieve compliance with the above, and to avoid penalties, you must ensure that when transporting manure from Veldhuis Dairy, Klompe Dairy and Frieslandia Dairy does not result in manure and mud to roadways by March 15, 2013.

Failure to comply may result in formal enforcement action, which could include penalties of up to \$10,000.00 per day, per violation.

You may request an extension for compliance with this notice by submitting a request in writing to Chery Sullivan, Dairy Nutrient Management Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560. Extensions are granted at the discretion of the Department and will be granted only where good cause is shown. Technical assistance with compliance with the applicable statutes and rules is available from the Department by contacting Chery Sullivan at the address above or at (360) 902-1928.

Dated this 7th day of March, 2013 at Olympia, Washington.



Virginia Prest, Program Manager
Dairy Nutrient Management Program
Washington State Department of Agriculture

