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Washington State Dairies Agree to Clean Up Groundwater in Response to Lawsuit

Aquifer remediation, upgrades to manure management, and provision of clean drinking water to residents among the many improvements in the settlement

YAKIMA, WA — In a court settlement filed today, DBD Washington, LLC and SMD, LLC, two factory farm dairies in Yakima Valley, WA owned by Austin Jack DeCoster, agree to clean up and limit water pollution in response to a lawsuit brought by Community Association of Restoration of the Environment (CARE), Friends of Toppenish Creek, and Center for Food Safety. Yakima residents affected by ongoing factory farm pollution brought the lawsuit in 2019 to stop contamination of local drinking water with animal waste from factory farm dairy operations.

Under the terms of the settlement, the dairies will help restore the aquifer by remediating nitrate and ammonia contamination beneath the facilities' lagoons and fund research to compare two remediation methods that target shallow aquifers beneath porous soils. In order to prevent future pollution, the dairies will double line or close waste lagoons, install over a dozen groundwater monitoring wells, improve land application of waste to avoid further contamination, and make other improvements to the infrastructure for waste storage and transport. In the meantime, the dairies will fund alternative sources of clean drinking water for residents near the operations.

Community groups and the Center for Food Safety brought the lawsuit against SMD and DBD — both owned and operated by Jack DeCoster and DeCoster Enterprises, LLC — under the Resource Conservation and Recovery Act (RCRA), alleging the dairies seriously mismanaged their manure. Over-applications of livestock manure waste to fields and leakage of millions of gallons of manure from storage ponds led to nitrate and phosphorus contamination of groundwater and drinking water, creating hazards for human health and the environment. Nitrates can cause severe health problems such as blue baby syndrome, several forms of cancer, autoimmune system dysfunction, and reproductive problems. The Yakima Valley is home to a large population of migrant farmworkers, many of whom are undocumented, who bear the burden of these public health impacts from factory farm pollution.

Helen Reddout, President and co-founder of CARE says, “We now have a plan to stop future pollution and clean up the existing pollution. It’s about time!”

"This win was accomplished by local people who stood up to corporate agriculture in defense of our soil and water resources. Thanks to community groups and skilled attorneys, this settlement will improve life for people in South Yakima County, who will now have access to clean drinking water," **said Jean Mendoza, executive director of Friends of Toppenish Creek.** "We're excited to see how the research into cleaning up contaminated soils and aquifers will benefit the public at large."

"The remedial measures to be undertaken should speed clean-up of the groundwater by a decade or more," **said Charlie Tebbutt, lead counsel for the community groups** and CARE's attorney for more than 25 years. "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."

"These are common sense upgrades that the state has failed to impose on these industrial operations for too long," **said Amy van Saun, senior attorney with Center for Food Safety and co-counsel for the groups.** "We are thrilled that the pollution from these operations will be stopped and residents given safe water, but we also need action statewide to stem the water contamination crisis caused by factory farms."

"Everybody should have access to clean drinking water, and we're proud of this win to make that vision a reality for people in the Yakima Valley," **said Dan Snyder, Senior Attorney at Public Justice and co-counsel in the case.** "We make these strides forward when community groups come together with public interest attorneys to protect their communities from the impacts of corporate pollution."

This victory follows on the heels of an historic court victory, holding that manure from livestock facilities should be regulated as solid waste, and subsequent [settlement](#) in 2015 between these same groups and five other dairies in the Yakima Valley.

In addition to the Law Offices of Charles M. Tebbutt, PC, CARE, Friends of Toppenish Creek and Center for Food Safety are represented by Public Justice, Terrell Marshall Law Group, PLLC, and the Law Office of Andrea Rodgers.