

Friends of Toppenish Creek



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Dear WA State Department of Ecology,

Thank you for this opportunity to comment on the WA Climate Commitment Act & Community Engagement. Friends of Toppenish Creek is a non-profit environmental organization that has been working for over a decade to improve water and air quality in the Lower Yakima Valley. We address these issues through public education, interaction with politicians and government agencies, and the courts.

Sincerely,

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is fluid and cursive.

Jean Mendoza

Executive Director, Friends of Toppenish Creek
3142 Signal Peak Road
White Swan, WA 98952

Friends of Toppenish Creek Comments on the WA Climate Commitment Act Community Engagement - Living Next to a Dairy

March 30, 2022: Spring in the Yakima Valley. A family arrives together to harvest asparagus, just as they have done for many years. Sunlight spreads across the hills and towns. Birds welcome the day.

As the family starts to work, a neighboring dairy begins spraying manure into the air and the smells of springtime morph into the smells of urine and feces. Do Jose and Maria really want to teach their children that a strong work ethic means breathing filth? Can asparagus farmer Kenneth Holestine pay enough to compensate for the days and years subtracted from the family's lifespans due to working in polluted air? Where are the dairy's promises of being a good neighbor?

In the 1970's many Yakima Valley farmers milked small herds of dairy cows and sold the milk to local creameries. There were everyday farm odors and barnyard jokes about the smells. People laughed.

One dairy, north of the small city of Mabton and next to the Yakima River, grew to a few hundred cows and spilled so much manure on the roads that school children walked through manure to reach the school bus and mailmen finally refused to deliver mail. Yakima County closed the dairy in the 1980's due to public health concerns.

At that time dairymen from California, under pressure from environmental consciousness, set their eyes on the Yakima Valley where regulations are few and are not enforced. The Viega family arrived dripping money and purchased the shuttered dairy. Neighbors petitioned Yakima County not to issue a new permit, but officials only saw the money. When Berniece Holestine worried about contamination of her domestic well the officials told her to dig a deeper well.

The Veigas obtained a permit to drill a 106 foot deep dairy supply well and withdraw 16.5 acre feet per year for 350 milk cows and 70 dry cows. The previous dairy had a permit to withdraw 0.5 acre feet of water per year.

The number of cows increased. In 1994 the Veigas deepened the well to 830 feet and tapped into the basalt aquifer. There is no record of a permit to do this, but Ecology certified the well after it was drilled. At that time there was no requirement for meters on wells, so Ecology does not know how much water was actually withdrawn.

The Veigas have since sold the dairy to Gary Visser, DVM. The number of cows is now in the thousands.

In 2015, Randy Vasquez, a night shift worker on the Riverview Dairy drowned in one of the manure storage ponds. In most parts of the nation an investigation would include air testing at the site for methane and hydrogen sulfide. In Yakima County the investigation simply involved an autopsy that found stimulants in Mr. Vasquez' blood. This result was well publicized with the unproven inference that he was just another drug user. The WA Dept. of Labor and Industries valued his life at \$2,200.

In 2016 FOTC asked the Yakima Health District (YHD) and the WA Dept. of Health (DOH) for opinions on the health impacts from spraying manure into the air during inversions and burn bans. The YHD deferred to the DOH. After no response for five years FOTC submitted a public records request for follow-up. DOH stated that they have no records of conversations related to manure spraying.

WAC 173-350-220 requires exempt composters of animal manure to register with and report to local health jurisdictions. Manure composting involves turning the compost from time to time and this generates massive amounts of fecal dust. In 2021, the YHD informed FOTC that “many facilities, including exempt composters, are supposed to submit a notice of intent – many have not. Also, many facilities, including exempt composters, are supposed to submit an annual report – many have not.”

On March 12, 2021, eight neighbors of Riverview Dairy signed a petition regarding dust and manure track-out from Riverview Dairy. Agencies including the Yakima Regional Clean Air Agency (YRCAA), WA State Dept. of Ecology (Ecology), and WA State Dept. of Agriculture Dairy Nutrient Management Program (WSDA DNMP) wrote responsive letters describing their policies and procedures. WSDA conducted an inspection of the dairy on March 15 and stated that the dairy is doing everything required in their dairy nutrient management plan. Nothing changed.

On March 23, 2021, the Friends of Toppenish Creek (FOTC) sent a letter to Ecology’s National Pollutant Discharge Elimination System (NPDES) Team with concerns that Riverview is discharging pollutants into the Yakima River. Ecology referred the complaint to WSDA and the DNMP stated the dairy is doing nothing wrong. Regarding FOTC’s offer to test the river water, Ecology said they only accept testing by their own people, and they will not do the testing.

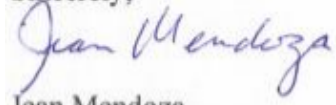
On June 16, 2021, FOTC sent Ecology a letter stating reasons why the Riverview Dairy should have an NPDES permit. A major reason was that the WSDA classified Riverview manure lagoons at high/medium risk for discharge in 2015. The lagoons are clay lined, within ¼ mile of the river, and constructed in soils that are excessively drained. The water table is 10 to 25 feet. WSDA simply replied that their 2015 evaluations are not valid. To date, neither Ecology nor WSDA has provided an alternative evaluation plan. The manure lagoons are not properly evaluated so there is no evidence of discharge. Case closed.

On January 4, 2022, FOTC and Kenneth Holestine informed Ecology that the Riverview Dairy is burying dead cows close to the Yakima River and removing dirt from a natural berm that prevents flooding of cropland on the small peninsula created by a horseshoe bend in the river. The complaint ended up at Yakima County Public Works. Inspector Janna Jackson drove by the area and saw no problem from the road. She talked by phone to operator Jason Smeenk who said the dairy does not bury cows near the river and does not remove dirt from the berm. Jackson closed the case without further investigation.

On February 18, 2022, FOTC sent Ecology and WSDA pictures of manure tracking from the Riverview Dairy. Four days later WSDA’s dairy inspector drove by the dairy and found no evidence of manure on the road. Case closed.

We have good laws to protect Washington air and water. But the laws are not enforced.

Sincerely,

A handwritten signature in blue ink that reads "Jean Mendoza". The signature is written in a cursive style with a large initial "J" and "M".

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