

Riverview Dairy – A Story of CAFOs in Yakima County

In the 1980's there was a small dairy on Vance Road/Cemetery Road north of Mabton, WA. The dairy with about 200 milk cows was poorly managed and manure from the facility often spilled onto Vance Road/Cemetery Road. At times postal carriers refused to deliver mail because of manure on the road. At times Yakima County closed the dairy due to health issues.

Around 1986 Tony and Brenda Veiga from California purchased the dairy with its forty acres of land. Neighbors petitioned Ecology and Yakima County to deny permits for operation of an expanded dairy because water use for 420 cows would jeopardize their own wells, the area had a high water table, there was no drainage in the area, odor and flies from the dairy would endanger public health, and traffic on the county road would increase and damage the road.^{1,2}

Yakima County commissioners dismissed the citizen complaints and said that free enterprise allows people to do whatever they want on their own property.

The Veigas removed a drainage ditch from the dairy to the Yakima River and replaced it with a confined depression between the dairy property and the Holestine property.

The Veigas drilled a 105 foot well and, after the fact, applied to Ecology for a permit to withdraw up to 60 gallons per minute with a maximum of 16.5 acre feet per year.

According to Ecology's review of the permit application, the dairy would house 350 milk cows and 70 dry cows. According to Veiga's calculations the dairy would use 35 gallons of water per day per cow for drinking, washing, and otherwise. (This is misleading. High producing milk cows drink as much as 70 gallons of water a day during hot summer months.^{3, 4, 5, 6, 7, 8, 9}).

Multiplying 35 gallons x 420 cows equals 14,700 gallons per day or 16.5 acre feet per year. Ecology issued a permit to withdraw this amount of water.^{10, 11, 12} Ecology stated²:

- “The water level in the well (15.2 feet on the day of inspection) is coincident with that of the river. The well very likely penetrates saturated alluvial materials and intercepts an aquifer that is recharged by the Yakima River. If the constructed well was pumped continuously, a significant portion of the water withdrawn would be coming from the Yakima River.”

- “The nearest well is located at the home of Bernice Holestine and is approximately 600 feet to the northwest” (This is incorrect.¹³)
- “Mr. Veiga has indicated that 6,000 gallons of liquid waste per day shall be discharged to his sewage lagoon.”
- “Issuing a permit is not contrary to the public interest in that the waste disposal issues will be addressed through the waste discharge permit.”

Today, only 35 years later:

1. The dairy now belongs to Dr. Gary Visser, a veterinarian and LYV dairyman.
2. The number of milk cows on the Riverview facility is > 700, according to WSDA.¹⁴
3. Neighbors do not recall being informed of plans to update any permits for the dairy.
4. 700 cows using 35 gallons of water per day (this is an underestimate) would require pumping of an additional 9,800 gallons per day, or a total of 27 acre feet per year - an increase in withdrawal by 67%.
5. There is no NPDES permit for this dairy so there is no proof that the waste disposal issues are properly addressed.
6. In 2003 Kenneth Holestine had to drill a new domestic well.
7. Twice in 2018, the Riverview Dairy mismanaged their irrigation and flooded the Holestine property. Riverview caused hundreds of dollars in damages.
8. The Holestine family found it necessary to build a fence around their asparagus fields to keep out cows that leave the dairy site.
9. Riverview Dairy composts animal mortalities in an area less than 300 feet from the Yakima River, in violation of Ecology recommendations.¹⁵ In 2021 FOTC complained to Ecology about removing dirt from a natural berm between dairy cropland and the Yakima River, and about the composting of dead cows near the river. DNMP inspector Nina Gibson investigated. Dairy Manager Jason Smeenk told her that the dairy does not compost dead animals. She took his word for this and closed the case. Yakima County code inspector Janna Jackson talked to Jason Smeenk by phone and came up with the same response.³³

10. Based on known risk factors, especially proximity to the Yakima River, this dairy should be a priority for National Pollutant Discharge Elimination System (NPDES) permitting, but there is no permit.
11. WSDA says they do not have a copy of the Riverside Dairy Nutrient Management Plan. There is no way for citizens to verify that the dairy follows a plan.
12. FOTC has asked for guidance on sampling the Yakima River to determine whether Riverside Dairy discharges to the river. Ecology replied that they do not accept sampling from citizen groups, and that they have no plans to do the sampling.^{16, 19}

In 2015 a worker at the Riverview Dairy drowned alone in a manure pit.²³ The WA Dept of Labor and Industries levied a \$6,800 fine. Riverview argued the fine down to \$2,200. **The value of a human life on Riverview Dairy is \$2,200.** Does this incident belong in this document? Yes, it does. The death of Randy Vasquez demonstrates for all to see that some WA dairies, including Riverview, value profit over people. The Yakima coroner did not sample air above the lagoon for methane, but they did take blood samples from the victim and found unspecified but non-lethal levels of methamphetamines. They leaked this information to the press.

In 2017 Ecology and WSDA promised to perform Natural Resource Conservation Services (NRCS) Tech Note 23 inspections on all Washington manure lagoons. These inspections would give the agencies an overview of how well the lagoons protect groundwater. WSDA performed a Tech Note 23 Inspection at Riverview Dairy in 2015. WSDA's Tech Note 23 inspection for Riverview waste storage pond (WSP) 1 contained major errors including²²:

1. The distance from nearest toe of WSP to nearest surface water flow or body is about 1,250 feet, not 2,640 as stated in the tech note.
2. The depth to groundwater at this site is 10 to 25 feet or less, not 138 feet as stated in the tech note inspection.²⁴
3. The tech note states that the liner thickness is unknown. It is impossible to calculate leakage from a pond or lagoon if the liner thickness is unknown.
4. The distance to the nearest home is approximately 500 feet, not 1,320 feet as stated in the tech note.
5. The date of WSP design and the name of the designer are blank, as well as evaluation of modifications to the WSP.

6. There is no estimate of the distance between the bottom of the WSP and the seasonal high groundwater table.
7. There is no response to the question, “Does the WSP appear to comply with NRCS practice standards at the time of construction or modification?”.
8. The aquifer susceptibility rating for this site is not medium, but high as depicted in the WSDA Aquifer Susceptibility Map on page 34/43 of the Tech Note 23 guidance document.

In March 2021, after years of attempting to work with Riverview Dairy, seven neighbors signed a petition asking Ecology, WSDA and the Yakima County Commissioners to actively address problems at this facility.^{17, 18} Petitioners asked the County commissioners to:

- Estimate cost to taxpayer for maintaining roads with heavy dairy traffic
- Assess whether users who damage the roads adequately compensate the county
- Provide a hotline so citizens can report manure spills
- Encourage Ecology and WSDA to enforce the anti-spill provisions of Dairy Nutrient Management Plans
- Require the Yakima Health District to actively address the problem of flies from dairies
- Require the Yakima Regional Clean Air Agency to respond to citizen complaints; to follow their own guidelines for complaint investigation, measure air quality near dairies, and appropriately issue citations.

The Yakima County Commissioners have not replied and have not addressed heavy traffic and manure spills on county roads. Ecology responded saying they had informed the WSDA Dairy Nutrient Management Program and the Yakima Regional Clean Air Agency about air issues, and that they had entered an ERTS complaint regarding Riverside manure lagoons.¹⁹

YRCAA informed the neighbors that they investigate air complaints, and that they found no evidence of air pollution.²⁰ (YRCAA has never issued a citation to a LYV dairy for dust or odor). WSDA told neighbors that Riverside Dairy is in compliance with their Nutrient Management Plan (we still have not seen that plan), and that WSDA has closed the air complaint.²¹

Ecology has not informed FOTC or the neighbors about progress on the ERTS complaint regarding Riverside manure lagoon, so FOTC has sent a letter of inquiry to ERTS.

In brief, nothing has changed at the Riverview Dairy. Clay lined manure lagoons continue to leach nitrogen to the aquifer and the Yakima River in unknown amounts. The dairy continues to emit air pollutants in unknown amounts. The WSDA simply states that the dairy is in compliance with an undisclosed nutrient management plan. Riverview Dairy has grown to > 700 milk cows and has no NPDES permit. The YRCAA and WSDA essentially call neighbors liars when they complain about pollution.

Riverview Dairy has called the county sheriff on Mr. Holestine when he tried to talk to drivers about spilling manure on the road. The dairyman falsely accused Mr. Holestine of making threats to harm them.

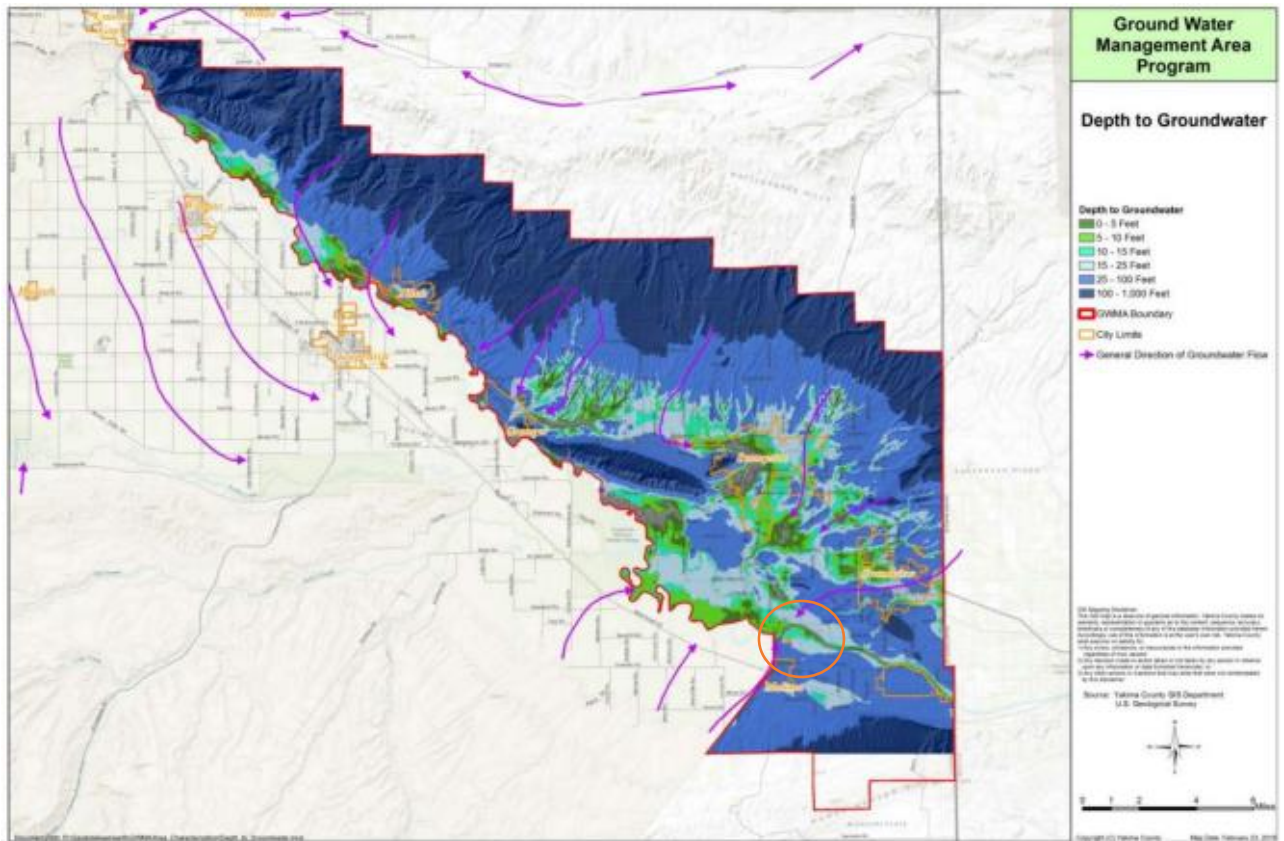
In the spring of 2022 Jean Mendoza from Friends of Toppenish Creek sent pictures of manure tracking onto Vance Road to the WSDA Dairy Nutrient Management Program and Ecology. The inspector visited the road four days later and found no manure. A long and unsatisfactory interchange followed in which WSDA absolved Riverview of any violations.^{26, 27, 28, 29, 30, 31, 32}

Friends of Toppenish Creek

Sources:

1. 1986 Petition to Ecology and Yakima County (Attachment 1)
2. 1986 Response to citizen petition from Ecology (Attachment 2)
3. Michigan State University Extension Service (2011) *Drinking water for dairy cattle: Part 1*. Available at https://www.canr.msu.edu/news/drinking_water_for_dairy_cattle_part_1
4. University of Kentucky, College of Agriculture, Food, and Environment (ND) *Water Needs for the dairy herd*. Available at <https://afs.ca.uky.edu/content/water-needs-dairy-herd>
5. Lely (2021) *Drinking behavior in dairy cows*. Available at <https://www.lely.com/us/farming-insights/drinking-behaviour-dairy-cows/>
6. Penn State Extension (2021) *The value of water*. Available at <https://extension.psu.edu/the-value-of-water>
7. Warrnambool Veterinary (2016) *Are your cows thirsty?* Available at <https://wvc.com.au/are-your-cows-thirsty/>
8. Weld Laboratories (2020) *Understanding limits for livestock water*. Available at <https://weldlabs.com/livestock-water-guide.pdf>
9. Nebraska Extension Service (2017) Water quality and requirements for dairy cattle. Available at <https://extensionpublications.unl.edu/assets/html/g2292/build/g2292.htm>
10. If the dairy were to withdraw 60 gallons per minute continuously the withdrawal would be 86,400 gallons per day or 96.78 acre feet per year.
11. Permit Application (Attachment 3)
12. Permit Approval (Attachment 4)
13. At the time this permit was issued Bernice Holestine had a shallow well that delivered pure spring water, and this well was < 200 ft from the new dairy well.
14. Washington State Geospatial Open Data Port (2021) Available at https://geo.wa.gov/datasets/26add7da921d4aa68ccb50ce191c6182_0/explore?location=17.323182%2C0.000000%2C2.34&showTable=true
15. WA Dept. of Ecology (2005) *On Farm Composting of Livestock Mortalities*. Available at <https://apps.ecology.wa.gov/publications/documents/0507034.pdf>
16. At the direction of the WA Legislature, Ecology developed a protocol entitled, *Preparing Elements of a Quality Assurance Monitoring Plan to Conduct Water Quality Monitoring Near Dairies and CAFOs*, in 2006. This document is available at <https://apps.ecology.wa.gov/publications/documents/0603015.pdf>
17. 2021 Petition to Ecology, WSDA and Yakima County Commissioners. (Attachment 5)
18. FOTC Letters to agencies re Citizen Petition. (Attachment 6)
19. Ecology Response Letter. (Attachment 7)
20. YRCAA Response Email (Attachment 8)
21. WSDA Response Letter. (Attachment 9)
22. FOTC Letter to Ecology & WSDA re Tech Note 23 Inspection at Riverview Dairy (Attachment 10)
23. Sunnyside Sun (2015) Dairy agrees to reduced fine in employee workplace death. Available at https://www.sunnysidesun.com/news/dairy-agrees-to-reduced-fine-in-employee-workplace-death/article_6de995c5-f7e7-5177-9236-0ed7fb58ce06.html
24. NRCS Soil Survey Maps. (Attachment 11)

25. Lower Yakima Valley Groundwater Management Area (2019) Vol. I, page 43. Depth to Water Table Map, Available at <https://www.yakimacounty.us/DocumentCenter/View/22177/GWMA-VolumeI-July2019>
26. ERTS 712851 (Attachment 14)
27. DNMP Emails (Attachment 15)
28. Schoen Nessa Reply March 2022 (Attachment 16)
29. FOTC to Schoen Nessa April 2022 (Attachment 17)
30. Schoen Nessa Reply April 2022 (Attachment 18)
31. FOTC to Schoen Nessa May 2022 (Attachment 19)
32. Schoen Nessa Reply May 2022 (Attachment 20)
33. ERTS 710893 (Attachment 21)



From Lower Yakima Valley Groundwater Management Area Volume I, page 43. Available at <https://www.yakimacounty.us/DocumentCenter/View/22177/GWMA-VolumeI-July2019>

FEMA Maps from Yakima County





<p>PIN</p> <ul style="list-style-type: none"> Approximate location based on user input and does not represent an authoritative property location <p>MAP PANELS</p> <ul style="list-style-type: none"> Selected FloodMap Boundary Digital Data Available No Digital Data Available Unmapped <p>NO SCREEN</p> <ul style="list-style-type: none"> Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D Otherwise Protected Area 	<p>SPECIAL FLOOD HAZARD AREAS</p> <ul style="list-style-type: none"> Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Regulatory Floodway Zone AE, AO, AH, VE, AR <p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes, Zone X Area with Flood Risk due to Levee Zone D 	<p>Cross Sections with 1% Annual Chance</p> <ul style="list-style-type: none"> Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary <p>OTHER FEATURES</p> <ul style="list-style-type: none"> Coastal Transect Baseline Profile Baseline Hydrographic Feature <p>GENERAL STRUCTURES</p> <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
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