

Lower Valley dairy settles federal suit

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YAKIMA, Wash. — One of the five Lower Yakima Valley dairies being sued in federal court for alleged pollution has settled its case.

Rick and Marlene Haak, the former owners of two dairies near Sunnyside, will pay \$40,000, remove all manure from the property, turn over water and soil sample records, and allow environmentalists to inspect their property.

They admit no wrongdoing, according to the terms of the settlement filed Thursday in U.S. District Court.

The Haaks were one of five dairies sued on Valentine's Day 2013 by the Granger-based Community for the Restoration of the Environment, or CARE, for allegedly allowing cow manure to pollute groundwater.

A November 2012 report by the U.S. Environmental Protection Agency named the same five dairies as a likely source for contamination that has left up to 20 percent of tested private wells with nitrate levels that exceed federal drinking water standards.

The other four dairies signed legally binding agreements with the EPA to monitor nitrates in groundwater and provide clean water to neighbors.

The Haaks instead sold off their cows and quit the business, calling the requirements too expensive, said Jay Gordon, executive director of the Washington State Dairy Federation.

The trial for the other four dairies is scheduled for September.

Half the settlement money will go to attorneys fees and the other half will be used to provide clean water for residents within 3 miles of the dairy who have wells with nitrate levels higher than federal standards.

In the settlement, the Haaks also agreed to haul off the estimated 700 tons of manure left at the property by April 1, turn over a variety of soil and water sample records and allow CARE representatives to inspect two dry lagoons.

The settlement will not directly affect the other cases, said Charlie Tebbutt, attorney for CARE.

However, information from the inspection and records may help his case. He also said the settlement shows CARE is willing to discuss alternatives to a trial, Tebbutt said.

"It does show that CARE and the Center for Food Safety are open to negotiation," he said. "The other dairies have an open invitation to talk to us."

Messages left with the Haaks and their attorney were not returned Friday.