

USGS report may help dairies, attorney says

Multi-year study determines how nitrates move in groundwater

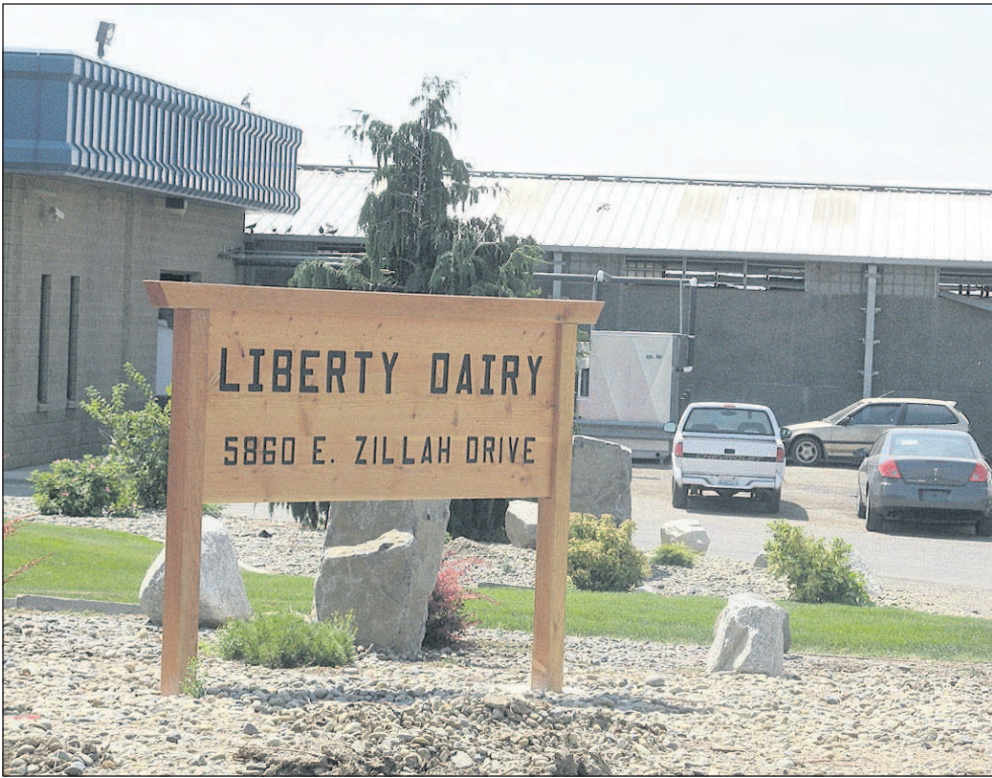
By **DAN WHEAT**
Capital Press

SUNNYSIDE, Wash. — A new U.S. Geological Survey report on groundwater flow in the Yakima Valley may not be all that meaningful because it contains a lot of assumptions and vague conclusions, says an attorney for four dairies that settled a lawsuit last May over nitrate contamination.

But the attorney, Brendan Monahan, also says the report could help show dairies were not significant sources of contamination.

“How and when the aquifer was recharged was a significant issue of dispute between the experts,” said Monahan, the Yakima attorney representing Cow Palace, George DeRuyter & Son Dairy, Henry Bosma Dairy and Liberty Dairy.

“My experts and I will study this report in more detail, but it may well provide a basis for demonstrating that the dairies in fact were not significant contributors to the contaminated wells, and in turn a body of data that allows for the early termination of the consent decrees,” Monahan said.



Dan Wheat/Capital Press

Liberty Dairy near Sunnyside, Wash., is one of four Yakima Valley dairies involved in a long-running dispute over nitrate levels in the area’s water wells. A new model by the U.S. Geological Survey is aimed at helping agencies understand where the nitrates came from and how fast they move in the groundwater.

Matt Bachmann, a USGS hydrologist in Tacoma and author of the report, said assumptions have to be made on best understandings in dealing with the complexities of natural systems. He said the study wasn’t designed to blame anyone but to determine where nitrates are coming from and that they are coming from a

large area that includes the dairies.

Individual consent decrees were reached between the four dairies and the U.S. Environmental Protection Agency, Community Association for Restoration of the Environment and the Washington, D.C.-based Center for Food Safety.

The decrees averted a U.S.

district court trial and came after the court ruled Cow Palace was contaminating ground water. Most of the settlement duplicated voluntary commitments the dairies had already made to the EPA, Monahan said.

The decrees only involve the four dairies. They preclude litigation from EPA, CARE and the Center for

Food Safety, but not from well owners. Other dairies in the area are not protected by the decrees.

In 2012, the EPA concluded the dairies likely were significant contributors to high nitrate levels in the groundwater. In 2013, the dairies entered into an Agreed Order on Consent — called an AOC — with the EPA. They agreed to install 20 groundwater monitoring wells, provide reverse osmosis water filter systems to residences with contaminated water, line manure lagoons and implement stringent protocols ensuring manure application to fields is limited to nutrient needs.

Under the consent decrees, the dairies agreed to install 14 more monitoring wells, expand to scope of mitigation to 2.5 miles from the dairies and give residents experiencing 10 parts per million contamination a choice between bottled water and reverse osmosis filters provided by the dairies. Residents with greater than 60 ppm get both.

The maximum allowable nitrate level in drinking water is 10 ppm, according to the EPA’s website. Nitrates are converted into nitrites in the body. An excess of nitrites can damage the health of young infants.

In 2010, EPA collected water samples and identified 121 locations with nitrate contamination.

USGS created a computer simulation of groundwater flow in the 6,200-square-mile Yakima River Basin based on a groundwater model it produced in cooperation with the EPA over 12 years.

Using a particle tracking tool analysis, USGS said its model shows high nitrate application rates are most likely to contaminate drinking water wells between the source area and the Yakima River.

The model also showed that water in the contaminated wells typically comes from areas farther away from the Yakima River than the well location, with shallow wells drawing more recent water from nearby areas and deeper wells drawing older water from farther away, USGS said in a news release. Most of the wells in the simulation received their water from aquifer recharge that took place less than three miles away and less than 10 years ago, USGS said.

A 2012 EPA analysis indicated that about 95 percent of the nitrogen applied to the land in the Lower Yakima Valley is from agriculture, and more than half of that is from dairies. The USGS model predicts that, in most cases, any reduction of nitrogen application rates at aquifer recharge locations should result in reduced nitrate concentrations in the drinking water wells within 2 to 10 years.

Dairy markets remain mixed for week

By **LEE MIELKE**
For the Capital Press

Dairy Markets
Lee Mielke



CME Cheddar blocks closed Friday at \$1.6125 per pound, down 5 1/4-cents on the week and 52 3/4-cents below a year ago.

The barrels finished at \$1.55, down 9 cents on the week, 37 1/4-cents below a year ago, and 6 1/4 cents below the blocks.

Six cars of block traded last week at the CME and 24 of barrel.

The blocks inched up three-quarters on Monday and were unchanged Tuesday, holding at \$1.62 per pound. The barrels were up a quarter-cent Monday and dropped 3 cents Tuesday, slipping to \$1.5225, which pushed the spread to a larger than normal 9 3/4-cents.

Spot butter fell to \$2.42 last Wednesday but rallied Thursday and closed Friday at \$2.47 per pound, up 2 cents on the week and 66 cents above a year ago when it dropped 19 cents to \$1.81. Eighteen cars traded hands last week at the CME.

Unfilled bids took the Double A spot butter up a penny on Monday and added a nickel on Tuesday, hitting \$2.53 per pound.

Butter is “rebelling against conventional wisdom that prices must fall seasonally,” says FC Stone’s Dave Kurzawski in his Oct. 20 Early Morning Update, but he credits America’s “fat demand renaissance” for the strength.

Cash Grade A nonfat dry milk closed last week at 84 1/2-cents per pound, down 4 1/2-cents and 45 1/4-cents below a year ago. Twenty-eight loads were traded at the CME last week.

The spot powder was unchanged Monday and Tuesday.

Plenty in the fridge

Cheese and butter stocks are well above year-ago levels, according to USDA’s latest Cold Storage report. The Sept. 30 butter inventory stood at 187.5 million pounds, down a healthy 24.7 million pounds or 12 percent from August 2015, but is 35.1 million pounds or 23 percent above September 2014. It’s the largest monthly butter inventory since March 2015.

Dairy industry urges Senate action on COOL

By **CAROL RYAN DUMAS**
Capital Press

Organizations representing the dairy industry are asking the U.S. Senate to resolve the long-running trade dispute with Canada and Mexico over country-of-origin labeling before those countries impose retaliatory tariffs.

In May the World Trade Organization found that US-DA’s 2013 amendment to its original 2009 COOL rule violates trade rules by discriminating against imported cattle and hogs from Canada and Mexico. The WTO will soon rule on the authorized amount of retaliatory tariffs.

In a letter to members of the Senate, National Milk Producers Federation, U.S. Dairy Export Council and International Dairy Foods Association urged lawmakers to immediately pass legislation to bring the U.S. into compliance with its WTO obligations.

The concern is the growing risk to U.S. dairy exports to Canada and Mexico, said Shawna Morris, vice president of trade policy for the Export Council.

In 2013, Canada released a list of U.S. products it might target with retaliatory measures, and it included dairy products, she said.

She said access for U.S. dairy products to Canadian

markets is already difficult with extremely high tariffs on major dairy lines. Additional tariffs would be adding insult to injury, she said.

Canada could also retaliate through U.S. exports of less traditional dairy products, such as ultra filtered milk, which have lower or nonexis-

tent tariffs and represent a significant portion of U.S. dairy access to Canada, she said.

Mexico hasn’t released a list of potential targets, but it’s the top market for U.S. dairy exports, and any risk there brings a high level of concern, she said.

The dairy industry wants

the Senate to take steps to comply with WTO obligations before tariffs are put on products and the U.S. is forced into a reactionary position, she said.

In June, the House passed legislation to repeal COOL requirements for beef, pork and chicken products.

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No new cases of illness linked to dairy’s raw milk

By **CAROL RYAN DUMAS**
Capital Press

Reported cases of illnesses likely related to raw, unpasteurized milk from a Kuna dairy are holding at 12, and the outbreak appears to be over, according to the Idaho Department of Health and Welfare.

“Likely it did not turn into a very large outbreak at all,” Leslie Tengelsen, state public health veterinarian with the department, told Capital Press on Tuesday morning.

No new illnesses have been reported in the last week to week and a half, she said.

The department reported an investigation into eight cases in Canyon and Ada counties on Oct. 20 and received four additional self-reported cases following media coverage, which is common, Tengelsen said.

Those additional reports were from people who had become ill after consuming

raw milk from Natural Farm Fresh Dairy in the same time period (early October) as the earlier cases but did not seek medical attention, she said.

Milk samples taken from the dairy as part of the investigation tested negative for E.coli and Campylobacter, which were the sources of illness in the original eight reported cases, she said.

The dairy “is being very cooperative and reviewing all of their processes,” she said.

All of the follow-up product testing and water testing have been negative for the pathogens, Scott Leibsle, Idaho State Department of Agriculture deputy state veterinarian, said Tuesday.

ISDA performed a facility inspection at the dairy Tuesday morning. The dairy only bottles once a week and had suspended operations following the report of illnesses, he said.

The inspection went well, with the facility passing all criteria. The dairy is back

distributing as of Tuesday, he said.

“They have met all requirements and have done everything we asked and more,” doing due diligence trying to find the source, he said.

Health and Welfare put out a press release last week regarding the investigation of four Campylobacter and four E.coli 0157:H7 cases involving people who drank raw milk produced by Natural Farm Fresh Dairy. The department advised anyone who had recently purchased raw milk from the dairy to discard it.

The investigation was being conducted by Southwest and Central District Health departments, working in association with the ISDA.

The Health Department can’t disclose personal medical information, but the cases involved mostly adults and no young babies, Tengelsen told Capital Press at the time.

Two of those affected were hospitalized and were recovering, she said.