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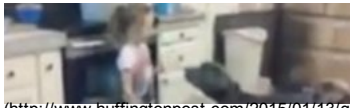
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Farms Can Be Held Liable For Pollution From Manure, U.S. Federal Court Rules

Reuters

Posted: 01/16/2015 7:04 pm EST | Updated: 01/17/2015 1:59 pm EST



Cattle feedlot in Washington, Kan., Thursday, Dec. 4, 2013. AP Photo/Orin Wagner

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WASHINGTON, Jan 16 (Reuters) - A U.S. federal court has ruled for the first time that manure from livestock facilities can be regulated as solid waste, a decision hailed by environmentalists as opening the door to potential legal challenges against large hog and poultry farms. The ruling, issued by U.S. District Judge Thomas Rice in Eastern District of Washington on Wednesday, could have far-reaching implications for farms across the country.

A large dairy in Washington state, Cow Palace Dairy, polluted ground water by over applying manure to soil, ruled Judge Thomas Rice of the U.S. District Court for the Eastern District of Washington on Wednesday.

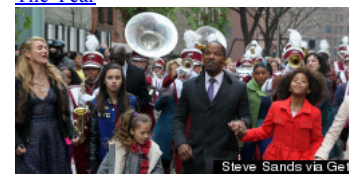
"The practices of this mega-dairy are no different than thousands of others across the

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country," said Jessica Culpepper, an attorney at Public Justice, one of the firms that represented the plaintiffs, a collection of public advocacy groups.

The case is scheduled to go to trial in March to decide the extent of the contamination and the clean-up.

This is the first time the federal Resource Conservation and Recovery Act, which governs the disposal of solid and hazardous waste, has been applied to animal waste from a farm.

Industrial livestock operations produce hundreds of millions of tons of manure annually.

The district court ruling, if upheld, could affect any large livestock facility that produces more manure than it can responsibly manage, including poultry, beef and hog farms, Culpepper said.

An attorney for Cow Palace said on Friday that it plans to ask for an appeal.

"There's a reason no court has ever done this. It's because the statute was not intended to apply to these situations," said Debora Kristensen, an attorney for Givens Pursley, a law firm that represented Cow Palace.

Kristensen said Cow Palace has already entered into a voluntary agreement with the U.S. Environmental Protection Agency, which enforces the act, to address water contamination concerns.

Fertilizer is not considered waste under the act, but the district court found that Cow Palace was applying more manure to crops than needed. In one instance, the plaintiffs in the case said Cow Palace applied more than 7 million gallons (26 million liters) of manure to an already "sufficiently fertilized field."


The district court said Cow Palace's excessive application transformed the waste, which is "an otherwise beneficial and useful product," into a discarded material.

The court found that Cow Palace's management of its manure violated the "open dumping" provisions of law.

Unlike other federal contamination laws, the act requires violators not only to stop polluting, but to clean up any damage it has caused.

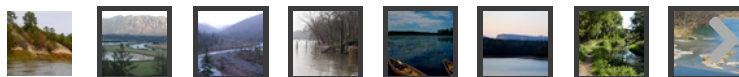
The case is Community Association For Restoration Of The Environment, Inc. et al v. Cow Palace, LLC et al, U.S. District Court for the Eastern District of Washington, No. 13-CV-3016 (Reporting by Ayesha Rascoe; Editing by Kevin Drawbaugh)

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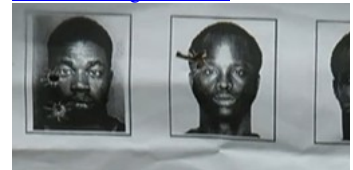
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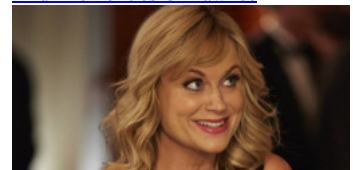
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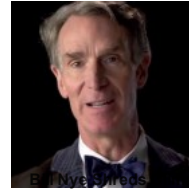
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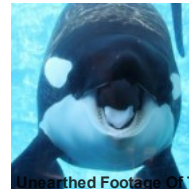
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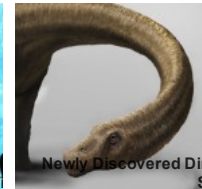
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Terry Bisson · Top Commenter · Hardly Working at Retired

One word:

SCOTUS

Ours is a corporatocracy. Environmental concerns are a lower priority.

Drink THAT, you sniveling Republican voters!

[Reply](#) · [Like](#) · [3](#) · [Follow Post](#) · January 17 at 2:31pm



Eric T Johnson · Top Commenter · Indiana Tech

Fertilizer is used to help crops grow, but if you put too much down, at one place, it will damage crops, and some of it will get into the groundwater. So, the same material can be beneficial, or it can be destructive to the environment, depending on how it is handled. I hope the law is applied in such a way that farms are required to keep fertilizer run-off out of rivers, streams, and groundwater.

[Reply](#) · [Like](#) · [Follow Post](#) · January 17 at 1:19pm



Steve Schaefer · Top Commenter · University of Wisconsin-Madison

It can be called too much of a good thing. Even human waste, the sludge produced from waste water treatment plants, is used as fertilizer. Putting too much of it on 1 field is not fertilization but dumping waste. Spread it out.

[Reply](#) · [Like](#) · [1](#) · Yesterday at 9:26am



Alex Adams · Top Commenter · Janitor, ceo, fungiculturist at Oak Shade Farm

Eric, the ruling is about manure, which is waste unless beneficially re-used. Fertilizer on the other hand is never waste unless its owner has no use for it. Over-use does pollute, esp. with excessive nitrate. That causes eutrophication and other damages. So does over / misuse of manure, but they fall under different regulations.

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Alex Adams · Top Commenter · Janitor, ceo, fungiculturist at Oak Shade Farm

NJ already has regulations on manure management, including the typical planning / monitoring methods of hazardous materials management, though it's relatively easy to comply assuming you have plenty of field to use it up. Rules severity are based on how many equivalent horses you have.

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