

PROTECT HAWAII ISLAND STREAMS

5 Things You Need to Know About the Big Island Dairy Litigation

An Idaho-based dairy is illegally dumping animal urine and feces into Hawaii Island streams.

That's why in June 2017, Center for Food Safety, along with community group Kupale Ookala, sued Big Island Dairy, LLC for violating the federal Clean Water Act by continuously discharging animal waste into streams and ocean waters in and around the community of Ookala.



Photo credit: Kupale Ookala

1. WHO IS BIG ISLAND DAIRY, AND WHY HAS CFS FILED A LAWSUIT AGAINST IT?

Big Island Dairy's website features a picture of barns beneath a clear blue sky, surrounded by lush, green pasture, and the phrase, "LOCAL. FRESH. MILK." Unfortunately, this image of pastoral bliss could not be any further from the abhorrent conditions facing the Dairy's neighboring community of Ookala.

2. BIG ISLAND DAIRY IS NOT YOUR TYPICAL LOCAL FAMILY DAIRY.

Big Island Dairy is an industrial megadairy operated by the Idaho-based Steven and Derek Whitesides — who reside full-time in Idaho — where they also own and operate another large-scale industrial dairy. The Whitesides purchased the facilities from a pre-existing dairy back in 2012 and of April 2017, the dairy had more than 2,600 cows onsite. Despite pictures of cows in pasture on its Facebook page, the Dairy actually confines all of its active mature milking cows — the vast majority of the Dairy's herd — indoors full-time. The federal Clean Water Act defines "concentrated animal feeding operation," more commonly known by the acronym CAFO, based on the number of animals in confinement. With more than 700 mature dairy cows, Big Island Dairy is regulated as a large CAFO under the Clean Water Act, and the discharge of animal waste from the Dairy's hundreds of dairy cows is subject to the Act's permitting requirements. But the Dairy has never obtained a permit for its CAFO operations.

3. BIG ISLAND DAIRY PRODUCES LOCAL POLLUTION. LOTS AND LOTS OF IT.

The cows at Big Island Dairy produce a lot more than milk. As a large CAFO, the Dairy also generates millions of gallons of animal urine and feces that, if not properly handled and treated, becomes a significant public health and environmental risk.

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<http://cfs.center/supportbidlawsuit>



No one knows those risks better than the community of Ookala, whose residents reside just downhill from the Dairy's operations. The Dairy is supposed to collect and use all of the animal feces and urine generated by its cows onsite, by composting manure, applying it to the croplands, and storing liquid manure in at least two onsite storage lagoons. Instead, residents of Ookala have witnessed brown murky water smelling of animal feces — and which testing confirmed to contain high levels of dangerous bacteria — flowing from the dairy into the community's waterways, and ultimately into the Pacific Ocean. They have also observed the dairy spraying liquid manure on its crops during high-wind days, or immediately before or during rainfall, leading to increased runoff and drift. Animal waste from large CAFOs such as Big Island Dairy contains a myriad of pathogens and dangerous fecal coliform and E. coli bacteria.

4. BIG ISLAND DAIRY HAS A DOCUMENTED HISTORY OF JEOPARDIZING THE LOCAL ENVIRONMENT.

In 2014, after receiving a complaint of smelly brown water flowing into a local stream, the Hawaii Department of Health (DOH) inspected the Dairy and ultimately confirmed that the cow manure had contaminated local streams. In a December 2016 inspection report, the Department noted that the dairy's lagoon systems were so poorly maintained that there was "a high potential" of discharge. The Department also noted other troubling operational practices, including burying dead cows directly into an open pit in an existing gulch on its property that ultimately flows into local waterways, and unsafe storage and handling of toxic chemicals.

5. THE STATE OF HAWAII HAS NOT TAKEN ADEQUATE ACTION TO STOP BIG ISLAND DAIRY FROM POLLUTING LOCAL WATERWAYS.

The DOH has, on numerous occasions, found that the Dairy's operations put the community and the local environment at risk. But it was only after the community groups sent the first formal notice of intent to sue that the DOH finally issued the Dairy a notice of violation. However, the Department's eleventh hour notice only concerned one specific incident of discharge from one area of the Dairy's operations. It does not address the multiple problems with the Dairy's mismanagement, and has not stopped the Dairy from continuing dumping animal feces and urine into the waters of Hawaii Island.



Stand with the community of Ookala and CFS to take on this megadairy. Our attorneys are pro bono so we need your support. Please donate today:

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