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## Did road salt used on Thruway kill an Ontario County dairy herd?

**Steve Orr, Rochester Democrat and Chronicle** Published 3:45 a.m. ET Jan. 9, 2020

*Plaintiffs argue that bedrock in an area adjacent to the Thruway allows road salt to travel into adjacent water supplies.*

More than 15 years after their dairy cows began to keel over and die, John and Jan Fredericks are finally getting an opportunity to prove what killed them.

Road salt. That's what they believe poisoned their herd.

At a trial scheduled to begin Monday in Rochester, the Fredericks' lawyer will attempt to show that de-icing salt leaching from the New York State Thruway contaminated the well at their Ontario County farm.

"We're looking forward to the Fredericks' finally getting their day in court," said the lawyer, Amy Kendall.

The Fredericks' 291 acres are adjacent to the north shoulder of the Thruway in the town of Phelps, between the Manchester and Geneva exits. The farm may be memorable to passersby because the Fredericks often plant a large field of sunflowers along the highway.

A few years after they took over the farm in 2001 following the death of John Frederick's parents, dairy cows and newborn calves began to falter and die. In all, 88 animals succumbed in a four-year period.

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John and Jan Frederick stand at the old well house at their farm in Phelps just north of the Thruway (2016 photo). (Photo: File photo/Max Schulte)

It was not until 2010 that testing found elevated levels of sodium chloride and other salts in the well that supplied water for both herd and humans.

The well is just 200 feet from the edge of Thruway property, and the family concluded that de-icers had contaminated the well water and killed their cows.

They filed suit two years later, seeking \$250,000 in damages from the state. The couple switched to another water supply and has slowly built back their dairy herd, Kendall said.

New York state highway crews make liberal use of road salt, and the Thruway Authority is a conspicuous example. The authority contracted to purchase nearly 189,000 tons of de-icing salts this winter, according to publicly available data.

## Suits claim contamination

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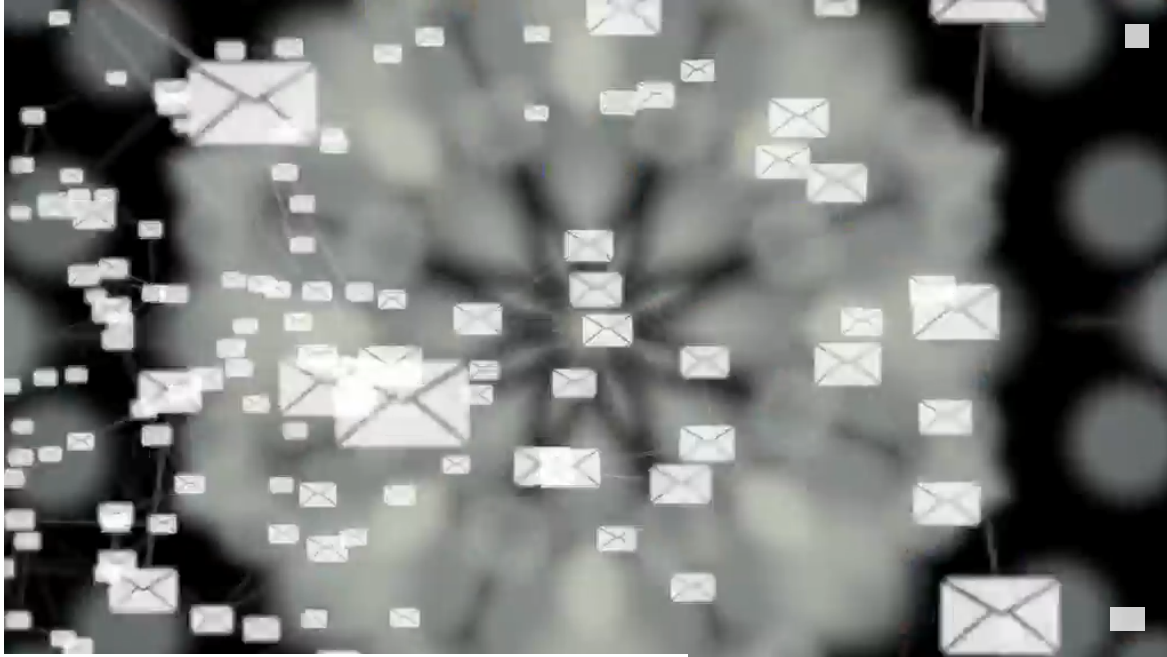
A pump on the Frederick Farm in Phelps that they believe was corroded by salts in the water (2016 photo) (Photo: File photo/Max Schulte)

Of that amount, about 11,300 tons was set aside for use on Interstate-90 in Ontario County.

The amount of salt assigned to the 27 miles of four- and six-lane highway that traverse that county has rise 33 percent in the last five years.

Environmentalists often argue that heavy road salt use can turn creeks and ponds saline and harm wildlife. A handful of legal actions in New York state have claimed damage to health and property from road-salt contamination.

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The case may be noteworthy because the plaintiffs believe the bedrock in the area promoted the rapid movement of salt-laden groundwater.

That type of bedrock, a form of limestone known as karst, underlies 71 miles of Thruway in Ontario, Genesee and other western New York counties, according to a geologist, Paul Richards, who will testify for the plaintiffs. That raises the prospect of ready transport of road salt into other wells near the roadway.

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The trial is scheduled to begin Monday before state Court of Claims Judge Renee Forgensi Minarik. The Court of Claims hears cases filed by parties seeking damages from state agencies.

The Thruway Authority has consistently denied it is responsible for any harm that befell the Fredericks' dairy cows.

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In the course of pre-trial arguments, the authority's lawyers dropped their contention that groundwater didn't carry salts from their property toward the farm.

But the agency continues to say that there are other sources of salt that may have affected the well and argue there is insufficient evidence that the contaminants killed the cows, according to a summary of the case in an interim decision by Minarik in October.

A spokesman for the Thruway Authority, Jonathan Dougherty, said the agency would not comment while the case was pending.

The trial is expected to last about a week.

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