



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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OFFICE OF
WATER AND
WATERSHEDS

**ENVIRONMENTAL ASSESSMENT (EA)
PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

To all interested government agencies, public groups, and individuals:

In accordance with the U.S. Environmental Protection Agency procedures for complying with the National Environmental Policy Act (NEPA) at 40 CFR Part 6, the EPA has completed an environmental review of the following proposed action:

**Coverage of the Horizon Organic Dairy under the National Pollutant Discharge Elimination System General Permit for Concentrated Animal Feeding Operations in Idaho
[IDG010000]**

EPA ROLE AND RESPONSIBILITY

Section 301(a) of the Clean Water Act (CWA) provides that the discharge of pollutants to surface waters of the United States is prohibited except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Horizon Organic Dairy has applied for coverage under the 2012 NPDES general permit for concentrated animal feeding operations located in the State of Idaho for potential discharges associated with the operation of their ≈8,000 acre dairy operation in eastern Jerome County, Idaho.

Discharges into waters of the United States associated with concentrated animal feeding operations (CAFOs) are regulated under the CAFO Point Source Category at 40 CFR Part 412. The State of Idaho has not been delegated the NPDES permitting program so the EPA Region 10 is the permitting authority for this action.

New effluent limitation guidelines and new source performance standards for the CAFO Point Source Category were promulgated on February 12, 2003, and became effective on April 14, 2003. Dairy operations meeting the CAFO definition at 40 CFR 122.23 and production threshold of at least 700 dairy cows are required to get NPDES permit coverage prior to discharging into waters of the U.S. In addition, CAFO facilities constructed after promulgation of these new source performance standards are considered *new sources* under 40 CFR 122.2 and 122.29. In accordance with Section 511(c)(1) of the CWA and the EPA's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) at 40 CFR Part 6, issuance of NPDES permits for *new sources* are considered major federal actions subject to NEPA review. In 2008 Horizon Organic Dairy expanded their operations by constructing additional dairy facilities for their operations (i.e., the East Dairy). Since these new facilities were constructed after the effective date of the CAFO new source performance standard, the Horizon Organic Dairy operation is considered a *new source* under 40 CFR 122.2 and 122.29. As a new source, coverage of Horizon Organic Dairy under the 2012 NPDES general permit for CAFO facilities in Idaho (Idaho CAFO GP) is subject to NEPA review.

Pursuant to 40 CFR 1502.21, the EPA is incorporating by reference the Environmental Information Document (EID) submitted by Neibling Environmental Consulting on behalf of Horizon Organic Dairy (Environmental Information Document, Horizon Organic Dairy, February 2012). A copy of the EID is

available online at the EPA Region 10 website:

<http://yosemite.epa.gov/r10/HOMEPAGE.NSF/Information/R10PN/>. Upon review of the EID the EPA has concluded that coverage of Horizon Organic Dairy under the Idaho CAFO GP will not result in any significant impacts to the human environment. Based on these findings, the EPA has developed an Environmental Assessment (EA)/Preliminary Finding of No Significant Impact (FONSI), which is hereby issued pursuant to the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.13 and the EPA's regulations for implementing the procedural provisions of NEPA at 40 CFR Part 6.206.

BACKGROUND AND PROJECT DESCRIPTION

Horizon has owned and operated a grass-based organic dairy operation in eastern Jerome County, Idaho, since 1993. The Horizon Organic Dairy encompasses the West Dairy facility, the East Dairy facility, and heifer, dry cow, and calf facilities located on approximately 8,000 acres of land. The West Dairy facility houses 1,500 heifers and 200 dry cows while the East Dairy facility houses 2,400 milking cows. The dry cow facility houses 100 maternity cows, 100 maternity heifers, and 400 calves. The two north heifer facilities are not currently used but may be used for housing heifers periodically. The East Dairy facility was constructed in 2008 to increase milking capacity; the old milking facility (West Dairy) was phased out of milking operations in April 2009 and is now used to house heifers and dry cows.

As part of their continued operations Horizon has elected to construct additional berming around compost and feed storage areas, as well as an overflow channel to carry stormwater around the West Dairy. These activities are intended to improve surface water management and keep Horizon Organic Dairy essentially a zero discharge facility.

A complete and detailed discussion on the proposed project and background can be found in the [EID](#).

The EPA's proposed action is to provide NPDES permit coverage to Horizon Organic Dairy under the Idaho CAFO GP.

PURPOSE AND NEED OF ACTION

The purpose of the EPA's proposed action is to provide NPDES permit coverage to Horizon Organic Dairy under the Idaho CAFO GP. NPDES permit coverage is needed for any discharge of pollutants into waters of the U.S. The permit would authorize discharges from the facility in accordance with the discharge limitations and monitoring requirements set forth in the permit.

Horizon Organic Dairy has indicated they are a zero discharge facility and their NPDES permit application is a voluntary action not required for continued operations at the facility. No discharges to waters of the U.S. are planned as part of their operations.

ALTERNATIVES

The alternative actions include the proposed action and No Action alternative. Under the proposed action the EPA would provide NPDES permit coverage to Horizon Organic Dairy under the Idaho CAFO GP. Under the No Action alternative the EPA would not provide NPDES permit coverage to the facility.

CROSS CUTTERS

The following cross-cutting environmental laws and regulations were evaluated:

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470), requires federal agencies with land management or permitting authority to take into account the potential effects of their undertakings on properties that are listed or eligible for listing on the National Register of Historic Places. The Idaho CAFO GP contains language requiring CAFO facilities to assess the potential impacts of their permit-related activities on historic properties. If any permit-related activities will result in effects to historic properties the owner/operator must consult with the Idaho State Historic Preservation Officer, Tribal Historic Preservation Officer, and other appropriate tribal representatives to mitigate or avoid adverse effects.

Endangered Species Act

The Endangered Species Act of 1973, and its amendments (ESA, 16 USC 1531 et seq.), require federal agencies to ensure that their actions do not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their designated critical habitats. The Idaho CAFO GP does not cover facilities whose permit-related activities may result in adverse effects to threatened or endangered species or their designated critical habitat.

Executive Order 11990—Wetlands

Executive Order 11990 of May 24, 1977, requires federal agencies to consider the impacts of their actions on jurisdictional wetlands of the U.S. No jurisdictional wetlands will be impacted by the proposed project.

Executive Order 12898—Environmental Justice

Executive Order 12898 of February 11, 1994, requires federal agencies to achieve Environmental Justice by addressing, “disproportionately high and adverse human health and environmental effects on minority and low-income populations” (3 CFR 1994 Comp., Page 859). The impacts of the project, both negative and positive, on minority and low-income populations must be analyzed. Environmental Justice issues include potential impacts on the physical and natural environment, as well as social, cultural, and economic effects of the project.

Continued operation of the Horizon Organic Dairy and coverage of the facility under the Idaho CAFO GP is not expected to result in any disproportionately high or adverse environmental effects on minority or low income populations. No significant changes in local services, power rates, housing, or population are expected.

MITIGATION

The Idaho CAFO GP contains numerous provisions and stipulations to reduce the impact of CAFO discharges on receiving waters. In addition, applicants are required to develop a detailed, facility-specific nutrient management plan designed to reduce the level of nutrient runoff from the facility and protect nearby receiving waters. The nutrient management plan contains various protocols for the proper operation of the facility and the appropriate handling and treatment of runoff water and wastes. The protocols and stipulations in the nutrient management plan have been incorporated into the terms of Horizon’s NPDES permit and are enforceable provisions of the permit. A copy of the nutrient management plan and permit terms and conditions can be found on the EPA Region 10’s website at: <http://yosemite.epa.gov/r10/HOMEPAGE.NSF/Information/R10PN/>.

SUMMARY

Based on the analysis in the EID and consideration of the NPDES permit conditions and mitigation measures in the nutrient management plan, and in accordance with the guidelines for determining the significance of proposed federal actions (40 C.F.R. 1508.27), the EPA has concluded that coverage of Horizon Organic Dairy under the Idaho CAFO GP will not result in any significant impacts on the human environment.

Providing NPDES coverage to Horizon Organic Dairy will not significantly affect land use patterns or population, wetlands or flood plains, threatened or endangered species, farmlands, ecologically critical areas, historic resources, air quality, water quality, noise levels, fish and wildlife resources, nor will it conflict with approved local, regional, or state land use plans or policies. The permit also conforms to all applicable federal statutes and executive orders. The EPA is seeking public comment on this determination. After evaluating any comments received, the EPA will make a final decision. The preliminary decision and finding will become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

Comments supporting or disagreeing with this Environmental Assessment (EA)/Preliminary FONSI may be submitted, within 30 days of the release of this EA/Preliminary FONSI, to:

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/s/

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Daniel D. Opalski, Director
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U.S. EPA Region 10

Date