



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
WATER AND WATERSHEDS

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

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

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

**Reissuance of the NPDES Permit for the Sorrento Lactalis Inc., Wastewater Treatment Facility, Canyon County, Idaho
[ID0028037]**

EPA ROLE AND RESPONSIBILITY

Section 301(a) of the Clean Water Act (CWA) prohibits the discharge of pollutants to surface waters of the United States except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Sorrento Lactalis Inc.—a dairy processing facility in Canyon County, Idaho—has applied for reissuance of its NPDES permit. The existing NPDES permit for Sorrento Lactalis was issued on September 14, 2005, became effective on November 1, 2005, and expired on October 31, 2010. The permittee submitted an NPDES permit application on April 29, 2010. EPA determined that the application was timely and complete. Therefore, pursuant to 40 CFR 122.6, the permit has been administratively continued and remains fully effective and enforceable until issuance of a new permit. Operations at Sorrento Lactalis expanded before EPA began development of the draft permit, so Sorrento Lactalis submitted an updated application on June 18, 2013.

Discharges into waters of the United States associated with the operation of dairy products processing facilities are regulated under the Dairy Products Processing Point Source Category [40 CFR Part 405]. Due to the location of the proposed project within the State of Idaho, the EPA is the NPDES permitting authority.

New effluent limitation guidelines and new source performance standards for the Dairy Products Processing Point Source Category were promulgated on May 15, 1974, and became effective on May 28, 1974. In accordance with Section 511(c)(1) of the CWA and 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. The Lactalis facility is considered a new source. As a new source, reissuance of Lactalis' NPDES permit is subject to NEPA review.

Pursuant to 40 CFR 1506.5, EPA has independently reviewed the contents of the Environmental Assessment (EA) prepared by the applicant [Environmental Assessment, Wastewater Treatment Facility, Sorrento Lactalis Inc., August 2014]. Based on the findings in the EA and consideration of the proposed NPDES permit conditions and monitoring requirements, EPA has developed a 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 EPA's regulations for implementing the procedural provisions of NEPA at 40 CFR Part 6.206.

BACKGROUND AND PROJECT DESCRIPTION

Lactalis owns, operates, and maintains a cheese processing facility in Canyon County, Idaho, approximately 5 miles northeast of Nampa. As part of their operations Lactalis owns and operates a wastewater treatment facility designed to treat industrial waste from the cheese processing plant. The plant's treated effluent is discharged from Outfall 001 into Purdam Drain, a man-made tributary of the Boise River. The plant's wastewater flows have increased from 0.300 million gallons per day (mgd), when the existing permit was issued in 2005, to 0.750 mgd in 2013. Lactalis projects that its average monthly wastewater flows will increase to 1.52 mgd as the plant expands over the next 10 years. To supply Lactalis' current and future production plans, they expect to increase raw milk intake from 4.5 to 6.5 million pounds per day. Lactalis will continue to treat its wastewater effluent to meet water quality standards and NPDES permit limits. Domestic wastewater will not be treated at the wastewater treatment facility, but will continue to be treated via the existing sanitary leach field system.

The proposed NPDES permit reissuance will retain the concentration-based limits for Biological Oxygen Demand (BOD₅) and Total Suspended Solids (TSS) concentrations (i.e., mg/L) that are intended to ensure the protection of Mason Creek from further impairment and will include new technology-based effluent limitations for BOD₅ and TSS loading (i.e., pounds per day). A complete description of the effluent limitations and monitoring requirements can be found in the draft NPDES permit and fact sheet.

PURPOSE AND NEED OF ACTION

The purpose of EPA's proposed action is to provide NPDES permit coverage for the continued operation and planned expansion of the Lactalis cheese production facility. NPDES permit coverage is needed for any discharge of pollutants into waters of the U.S. The permit would authorize discharges from the facility into Purdam Drain in accordance with the discharge limitations and monitoring requirements set forth in the permit.

ALTERNATIVES

Several alternatives to the proposed action were evaluated by Lactalis, including the no action alternative and various effluent discharge alternatives. The no action alternative was not considered viable as it would preclude expansion of Lactalis' processing facility, and the various discharge alternatives were dismissed due to regulatory, cost, and/or engineering challenges. A full description of the alternatives analyzed can be found in Chapter 2 of the EA.

The alternative actions available to EPA include the proposed action and No Action alternative. Under the proposed action EPA would reissue the Lactalis' NPDES permit, incorporating increased flow and loading limitations. Under the No Action alternative EPA would not reissue Lactalis' NPDES permit.

CROSS CUTTERS

A full description of the cross-cutter environmental laws and executive orders can be found in Chapter 4 of the EA.

MITIGATION

In addition to the effluent limitations and monitoring requirements contained within the proposed NPDES permit reissuance, several mitigation and impact reduction stipulations have been proposed by Lactalis, including:

- 1) There shall be no discharge of hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses;
- 2) There shall be no discharge of chemicals or toxic pollutants in toxic amounts;
- 3) There shall be no discharge of deleterious materials in concentrations that impair beneficial uses of the receiving water;
- 4) There shall be no discharge of excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses;
- 5) During any construction of wastewater treatment facility upgrades, Best Management Practices will be followed with regard to construction site erosion control. Following construction, permanent landscaping will be provided to minimize the potential for site erosion.

SUMMARY

Based on the analysis in the EA and consideration of the NPDES permit conditions and impact reduction measures proposed by Lactalis, and in accordance with the guidelines for determining the significance of proposed federal actions (40 C.F.R. 1508.27), EPA has concluded that reissuance of the NPDES permit for Sorrento Lactalis Inc.'s cheese processing facility will not result in any significant impacts on the human environment.

Providing continued NPDES coverage to the Sorrento Lactalis Inc. facility 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. EPA is seeking public comment on this determination.

Comments supporting or disagreeing with this FONSI may be submitted, within 30 days of the release of this FONSI, to:

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Date