



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Multimedia Environmental Enforcement: Idaho Department of Environmental Quality and Elmore/Owyhee Counties Beef Feedlot Operator Enter Into Consent Judgment

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The Idaho Department of Environmental Quality and Idaho State Department of Agriculture (collectively, "IDEQ") entered into an August 15th Draft Consent Judgment ("CJ") with J.R. Simplot Co. and Simplot Livestock Co. (collectively, "JRS") addressing alleged violations of certain state and federal laws.

The CJ addresses the Grand View Feedlot (the "Feedlot") which is located in Elmore County and Owyhee County, Idaho.

The IDEQ had filed a Complaint alleging that JRS violated the following:

- Idaho Beef Cattle Environmental Control Act
- Idaho Environmental Protection and Health Act
- Idaho Groundwater Quality Rule
- Federal Clean Water Act
- Resource Conservation and Recovery Act
- Idaho Solid Waste Management Rules

The Complaint had alleged and JRS disputed that the feedlot's generation, handling, storage, and application of Manure and Process Wastewater had resulted in unauthorized and unpermitted discharges of pollutants to waters of the State, including ground and surface waters, and waters of the United States. Further, the Complaint alleged that their application of Manure and Process Wastewater greatly exceeded agronomic rates, and therefore constituted open dumping and disposal of a solid waste.

Such treatment storage, handling, and storage of Manure and Process Wastewater was also alleged to be possibly causing an imminent and substantial endangerment to human health and the environment.

The Complaint contains a provision in which the parties are stated to recognize:

...that there is legal uncertainty regarding the definition of "Solid Waste," as used in Resource Conservation and Recovery Act with respect to the generation, handling, storage, and application of Manure and Process Wastewater, where such Manure and Process Wastewater is managed for agronomic value.

The CJ directs JRS to:

- Implement corrective actions.
- Cease unauthorized discharges.
- Apply for an IPDES Permit.
- Maintain compliance with the applicable regulations.
- Assesses a civil penalty of \$334,000.00.

IDEQ is seeking comment on the Draft CJ.

A copy of the CJ can be downloaded [here](#).