



SUSANA MARTINEZ, GOVERNOR

David Martin, *Cabinet Secretary*

Raj Solomon, P.E., *Deputy Secretary*

NEWS RELEASE

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Contact: Jim Winchester
Communications Director
New Mexico Environment Department
(505)231-8800 / jim.winchester@state.nm.us

New Mexico Environment Department Brokers Dairy Settlement

Santa Fe, NM - The New Mexico Environment Department is pleased to announce a major agreement between state dairy industry representatives and various environmental citizen groups on new rules to regulate discharges to ground water at New Mexico dairy facilities.

The New Mexico Environment Department (NMED) brokered the deal late last week between the Dairy Industry Group for a Clean Environment (DIGCE), Amigos Bravos, Caballo Concerned Citizens, and the Sierra Club Rio Grande Chapter. The new deal comes after DIGCE appealed the Dairy Rule adopted by the Water Quality Control Commission (WQCC) in December 2010.

“I am happy that the dairy industry, citizen groups, and our department have all diligently worked in good faith to reach agreement on the substance of the Dairy Rule,” New Mexico Environment Department Secretary David Martin said. “These agreed rule amendments will benefit dairy operators, the public and the State of New Mexico through the issuance of dairy discharge permits that will protect New Mexico’s ground water resources in an efficient and business-friendly manner.”

NMED’s Ground Water Quality Bureau and Office of General Counsel worked for six months with industry representatives and citizen groups to draft revisions to the existing Dairy Rule. A new agreement resolves DIGCE’s concerns over existing Dairy Rule regulations while still being protective of ground water. The amended Dairy Rule will continue to require all dairies to install monitoring wells. It also requires both new dairy facilities and dairies that have had leaking impoundments to install synthetic liners, while allowing greater flexibility for dairy owners in the day-to-day management of their farms.

“We were able to get the right people to sit down at the table to find a compromise,” NMED Ground Water Quality Bureau Chief Bill Olson said. “All sides have vested interests in the operation of dairies in New Mexico. We were able to find common ground and work outward from there.”

The existing Dairy Rule was adopted by the Water Quality Control Commission (WQCC) in December 2010 following a nearly three-week public hearing. However, DIGCE filed a Notice of Appeal to the Court of Appeals on January 21, 2011 seeking judicial review of the Rule.

“This agreement protects our environment and allows dairies to operate under practical regulations,” New Mexico Environment Department General Counsel Ryan Flynn said. “But, it also saves potentially millions of dollars in taxpayer money that would have otherwise been spent on long, expensive legal battles.”

The existing Dairy Rule was adopted in response to a 2009 amendment to the Water Quality Act, which required the WQCC to adopt regulations setting forth specific rules for the dairy industry to monitor ground water quality and to prevent ground water pollution. Past practices at some dairy facilities had resulted in extensive contamination of ground water.

"We are optimistic about the settlement," representatives of a Coalition of Amigos Bravos, Caballo Concerned Citizens, and the Sierra Club Rio Grande Chapter Concerned Citizens said. "We believe that, under the circumstances, it provides the best solution for protecting New Mexico's groundwater."

Along with the synthetic liner and monitoring well requirements, the amended Dairy Rule will allow existing dairies whose impoundments have not contaminated groundwater to continue to operate without installing new impoundments. The amended Dairy Rule also contains operational, monitoring, and contingency requirements that are designed to prevent contaminants from reaching ground water and provide for early detection if a release does occur.

"This has been a long and arduous process but in the end New Mexico is the winner," Chairman of DIGCE Alva Carter, Jr. said. "The Dairy Industry will continue its important place in the economic growth of New Mexico, while honoring its commitment to protect our most precious resource, ground water."

The agreement has already received praise from the New Mexico State Legislature. "I sponsored the legislation that caused this rulemaking and I am very pleased with the outcome," New Mexico State Senator Clinton Harden said. "The dairy industry is critical to our state, and now we need to let them get back to business."

Dairy Farmers of America (DFA), a nationwide farmer-owned milk marketing cooperative with a strong membership in New Mexico, also applauded the efforts of all involved in the amended Dairy Rule. "This has been a long beneficial process for all parties," DFA Representative and former New Mexico Lieutenant Governor Walter Bradley said. "With the advent of the new administration putting all their effort in a science with common sense valuation to protect our water, all of us benefited. Kudos to Secretary Martin and Governor Martinez."

The Dairy Producers of New Mexico played an active role in the negotiations. "We worked for consensus to achieve two critical goals: to preserve this State's vibrant dairy industry and protect groundwater in neighboring areas," Dairy Producers of New Mexico Executive Director Beverly Idsinga said. "We are pleased this agreement accomplished both."

The amended Dairy Rule will now go to the Water Quality Control Commission to consider the changes at a public hearing. If approved, the amended Dairy Rule would take effect 30 days after being filed with the State Records Center. It is expected that this process will be completed before the end of the year.

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